

Tiaht	Walden	Wexler
Tierney	Walsh	Weygand
Toomey	Wamp	Whitfield
Towns	Waters	Wicker
Trafficant	Watkins	Wilson
Turner	Watt (NC)	Wise
Udall (CO)	Watts (OK)	Wolf
Udall (NM)	Waxman	Woolsey
Upton	Weiner	Wu
Velazquez	Weldon (FL)	Wynn
Visclosky	Weldon (PA)	Young (FL)
Vitter	Weller	

NOES—28

Archer	DeLay	Pease
Armey	Hergert	Pombo
Barr	Hilleary	Radanovich
Barton	Johnson, Sam	Sanford
Blunt	Kingston	Smith (MI)
Cannon	Knollenberg	Stump
Chabot	LaHood	Thomas
Coburn	Moran (KS)	Thornberry
Collins	Norwood	
Deal	Paul	

ANSWERED "PRESENT"—2

Ackerman	Frank (MA)
----------	------------

NOT VOTING—17

Becerra	Hutchinson	Payne
Campbell	McCollum	Smith (WA)
Chenoweth-Hage	McIntosh	Tauzin
Conyers	McKinney	Vento
Forbes	McNulty	Young (AK)
Hoyer	Owens	

□ 1242

Mr. MORAN of Kansas changed his vote from "aye" to "no."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, earlier today I attended a ceremony in Pennsylvania for the National Governor's Association. Maryland Governor Parris Glendening today became the Chairman of the National Governor's Association and because of my attendance, I was unable to vote on H. Con. Res. 253, H.R. 4442, and H. Res. 415. Had I been present, I would have voted "yes" on rollcall 379, 380, and 381.

□ 1245

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4461, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4461.

□ 1245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with Mr. NUSSLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 10, 2000, pending was amendment No. 39 by the gentleman from Oregon (Mr. DEFAZIO).

Pursuant to the order of the House of that day, no further amendments to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD numbered 9, 29, 32, 37, 48, 61, and 68, which may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Eight and one-half minutes of debate remain on amendment No. 39 by the gentleman from Oregon (Mr. DEFAZIO). The gentleman from Oregon (Mr. DEFAZIO) has 2½ minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 6 minutes remaining.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I would like to engage in a colloquy with the primary author of the amendment, the gentleman from Oregon (Mr. DEFAZIO).

I want to be clear, in light of my responsibilities on the Subcommittee on Interior Appropriations, that the recovery programs for threatened and endangered species conducted by the U.S. Fish and Wildlife Service will not be adversely affected.

It is my understanding that the gentleman does not intend to impede recovery programs directed by the U.S. Fish and Wildlife Service and sometimes performed in part by the Wildlife Services.

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

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, it is not my intent to impede recovery programs for threatened or endangered species administered by the Fish and Wildlife Service.

Mr. DICKS. Mr. Chairman, I thank the gentleman. I want to emphasize that when these rare killings of threatened or endangered species do occur, the U.S. Fish and Wildlife Service and the Wildlife Services should only use the most humane method of killing, such as shooting or foot snares with tranquilizer tabs.

Mr. DEFAZIO. Mr. Chairman, if the gentleman will again yield, I agree that the Fish and Wildlife Service and Wildlife Services should use the most humane methods in the conduct of their responsibilities under the Endangered Species Act.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman from New Mexico yielding.

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

Mr. SIMPSON. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time.

Mr. Chairman, this may be the most ill-conceived amendment that we have considered during debate on this bill.

Some have called this nothing more than corporate welfare. Well, I will tell my colleagues that in Idaho, Wyoming and Montana, what the Federal Government has done, at a cost of \$1 million apiece, is they have reintroduced wolves into the State of Idaho as "non-essential experimental populations." They are costing ranchers and farmers thousands and thousands of dollars. Not only are they costing ranchers and farmers money, they are decimating our elk and deer herds.

Ranchers would like to take care of this problem themselves. Unfortunately, there are substantial penalties and fines involved. It has been said that the Fish and Wildlife Service does not use other nonlethal means of trying to maintain control of these predators. The fact is that we capture them, we trap them, we have taken them to other parts of the State, as far away as 300 and 400 miles; and we find that within 2, 3, 4 days, a week, they are back in their original location, oftentimes.

In fact, last week I was in Idaho in the Saw Tooth Mountains, and I bought this book; and I would like to take just a moment to reintroduce my colleagues or introduce my colleagues to the Saw Tooth pack of wolves in the State of Idaho. Now, I have to admit, these are beautiful animals. In fact, if we look at this page here, this is their class picture in the nice, soft focus. This is Komoto, the alpha leader. He is regal, confident and benevolent. This here is Moto. He is of middle rank. He is bright, curious and energetic. He also initiates play. Unfortunately, let

me show my colleagues what play looks like to Bambi. This is what play looks like to Bambi.

Now, I will tell my colleagues, they are causing great problems in the State of Idaho. But we knew as part of the deal of reintroduction of these wolves as a nonessential experimental population is that we would have to manage some of them. We would have to kill some of the wolves that got out of control. That was part of the deal. Unfortunately, we have had to do that. Anyone that thought we were going to reintroduce wolves into Idaho, Montana, Wyoming, Minnesota, or New York had better be prepared to deal with the problem wolves that occur. It is not just in the wilderness. We have mothers that are standing by school buses in Salmon, Idaho, because wolves are on the borders of the communities.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time and for his support in opposition to this amendment. This is something that is vitally important to my congressional district where much of it is mountainous land where we have sheep herds; we have other livestock that are threatened by coyotes. It has become a very, very serious problem in the State of Virginia. This is not just a Western problem.

Unfortunately, Virginia only receives \$35,000 for the entire State for predator control, and we are losing the battle to preserve a valuable resource in our State. For the first time in history, the Virginia sheep flock has dipped below 100,000 animals. Conversely, the coyote population is growing at a rate of between 20 percent and 50 percent, according to the Virginia Department of Game and Inland Fisheries. The limited amount of money received from the Wildlife Services Program only funds one trapper who has to monitor the traps in 17 counties. The USDA agrees that our area is desperately understaffed. It is impossible for one staff member to monitor 17 counties under the Wildlife Services Program.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. Chairman, this amendment prohibits USDA Wildlife Service (WS) professionals from attempting to prevent wildlife damage. This Wildlife Service program is directed by professional wildlife biologists and is vital to managing wildlife in order to protect human health and safety, prevent environmental damage and to protect agricultural and rural economic interests.

Many perceive this as a strictly Western issue. Not so. Virginia has one of the largest sheep populations in the Eastern United States and Wildlife Services helps protect this valuable resource, valued at \$8.1 million. Unfortunately Virginia only receives \$35,000 for predator control and we are losing the battle. For the first time in history, the Virginia sheep

flock has dipped below 100,000 animals. Conversely, the coyote population is growing at a rate between 20% and 50% according to VA Department of Game and inland fisheries.

The limited amount of money received from the Wildlife Services Program only funds one trapper who has to monitor the traps in 17 counties. USDA agrees that our area is desperately understaffed. It is impossible for one staff member to monitor seventeen counties under the Wildlife Services Program. Because the trapper has responsibility over such a large area he was only able to trap 40 coyotes in Highland county last year. The coyote population is thought to be in the thousands.

I have asked the Department to reexamine their geographic allocation of resources within the Wildlife Services Program to see if more staff can be dedicated to our area but that would take existing resources from an existing program, destroying the investment already made in that area.

Supporters of this amendment will say that the program is bad for the environment. This is simply not true. Many Wildlife Services projects have benefited threatened and endangered species. Wildlife Services personnel work closely with officials from U.S. Fish and Wildlife or the appropriate state agency. Last year, Wildlife Services helped to protect 84 threatened or endangered species from predation. These projects were conducted across 26 states, Puerto Rico, the Virgin Islands and Guam.

What we need are additional resources for this vital program. We can't afford to cut this program. Cutting funds would only hurt those we are trying to help the most in this bill, citizens of rural America. Make no mistake, this amendment isn't about a budget or an economic issue, this is about animal rights. This amendment is about which animals are to be protected and which aren't. The sponsors of the amendment want to protect the noxious beasts that are driving family farms out of business. I want to protect the animals that farmers, ranchers and shepherds are counting on to provide for their own families well being.

Vote "no" on this amendment and "yes" for rural America.

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

Mr. DEFAZIO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, although we need to treat our farmers well, we need to treat our animals humanely, so I rise to support the DeFazio-Bass amendment as a humane effort to deal with our wildlife.

Mr. Chairman, the amendment which curtails the funding for what was formerly known as the Animal Damage Control program.

This amendment cuts \$7 million in funding for the Department of Agriculture's inappropriately named "Wildlife Services" program. I say that it is inappropriately named, because the program does nothing to serve in the best interests of wildlife. It is, instead, a program whose purpose is to help farmers cope with natural predators who may prey on their livestock. While I believe that helping farmers is a laudable goal, the problem is that the way

this program is administered, little help is provided and much damage caused.

Each year, this program indiscriminately kills 90,000 coyotes, foxes, bears and mountain lions. It is indiscriminate because there are few controls to ensure that the animals being slaughtered are tied to attacks on livestock. Oftentimes, young cubs are caught and killed, and on occasion, even a domesticated dog or cat will be mistakenly felled. This is simply not appropriate—and it should be stopped.

Wildlife Services is cruel because Wildlife Services still insists on using barbaric methods to handle these animals—including poisons, snares, leg-hold traps and even aerial hunting. Sometimes, these animals are simply clubbed to death. Harp Seals are not the only animals that need protection from this brutal practice. We can do better than this—humane animal control techniques exist in our modern world. We can relocate animals that have caused problems.

How is it that we can build an internationally-sponsored space station or clone animals, but yet we cannot find a way to treat our animals humanely? Do we need to spray poison in the face of animals that can contaminate other animals, or even humans, it comes in contact with afterwards? Must we kill not only the offending animal, but also every innocent scavenger that happens upon its corpse? In this scenario, must we curtail the hunting of our nation's beloved national bird, the Bald Eagle and instead subject him to this brutal and inhumane hunting method.

This program has been ineffective, and roundly criticized for decades. It was fully reviewed by advisory committees under the Kennedy, Johnson, Nixon and Carter Administrations—each of which suggested numerous reforms, but none have been adopted.

The General Accounting Office (GAO) similarly released a report in 1995 that found the program to be largely ineffective. Studies have shown the coyotes have adapted to our killing techniques much better than we have adapted towards more humane methods of predator control. Despite a 71% increase in funding for these programs between 1983 and 1993, coyotes have compensated for the culling of their species by simply having more pups. Surely, we have been out-foxed here!

In addition, unlike in the past the amendment will fund Wildlife Services at the level proposed in the President's budget for FY 2001 (about 28.7 million for operations). Simply cutting the excess \$7 million subsidy provided in the Committee bill over and above what the Administration considers necessary to carry out Wildlife Service operations nationwide.

We are smarter than this. This House is smarter than this. As a result, I urge my colleagues to support this sensible and humane amendment being offered by Congressmen DEFAZIO and BASS.

Mr. DEFAZIO. Mr. Chairman, I yield myself the remaining time.

There is one issue and one issue only before the House: shall the taxpayers provide a special subsidy to Western ranchers. Approximately \$7 million a year is spent on the wasteful, ineffective, indiscriminate killing of wildlife in the Western U.S. and, as we heard

from my colleague from Oregon last night, it is not working. Maybe we should try something else.

After more than a half century, there are more coyotes, more dispersed. They do not understand coyotes' biology. Kill the alphas and the rest of them go disperse and breed. They kill nontarget species. Here is a golden eagle. Well, here are some predators right here. We can see these little guys have definitely been feasting on sheep. No, they have not been, but they were killed too.

This program should end. There is no effect on public safety, despite what we hear from others. Bird strikes at airports, rabbit are dangerous to humans, brown tree snakes, dusky geese, endangered species, all of those could continue to be controlled by a nearly \$30 million-a-year budget for the animal damage control folks. Farmers and ranchers would be free to hire or themselves use any legal method of control for any threats to their flocks. Why send a Federal employee to take care of their private interests? I cannot call a Federal employee to take care of the possums, deer and raccoons who transgress on my property, probably from the nearby BLM. They will not come. But if I was a rancher, they would. Now, why is this exclusive subsidy made available?

Do not be cowed by the howls of protests from the privileged few who are enjoying this subsidy. Ignore the false sense of their red herring arguments and stop fleecing the taxpayers here today. Vote for this amendment.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. PETERSON) to close debate.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding me this time.

Today I rise as chairman of the Congressional Sportsmen's Caucus that strongly opposes this amendment. On behalf of myself and the other leaders of the caucus who try to speak for the sportsmen of this country, we hope that our colleagues will vote this amendment down.

As sportsmen we are concerned with reserving populations of wildlife for future generations, as well as preserving our right to hunt and fish. The hard reality is that this amendment would create unnecessary and increased wildlife losses.

Contrary to what my colleagues have been told, Wildlife Services reduces the overall amount of wildlife taken by selectively targeting only those animals that are causing damage. In Kansas where Wildlife Services does not conduct a program, the number of animals killed by others is dramatically higher, not less.

But more importantly, this amendment will not only target animals that are bothering ranchers, if part of the

budget is eliminated that is being talked about, many areas will be left with no service on protection at all. They will simply eliminate the position because there will not be enough to do. This means that other Wildlife Services functions like airport safety and human protection will not be performed.

Also, areas like northern Minnesota will be left unprotected because species such as the timber wolf can only be effectively taken by professional trappers who know what they are doing. Here we have a species that was protected by the Federal Government, whose population has exploded to double what it was and double the original range, has moved out of the timber area into the farming country, and has caused us a huge amount of problems. If this amendment passes, there will be no way to help those farmers with these livestock losses. It is not feasible for them to control these animals themselves because they are very difficult to hunt or trap.

Maybe, if we release some of these wolves in Eugene, Oregon, or Minneapolis or Boston or San Francisco or New York City, we would have a different attitude on the part of some Members of this House. This is an irresponsible amendment that will do more harm than good. Please join the Congressional Sportsmen's Caucus in opposing this amendment.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the DeFazio-Bass Amendment, which funds the Department of Agriculture Wildlife Services' program for fiscal year 2001 (FY 01) at the level requested by the President, and prohibits funds in the bill from being used for lethal predator control methods.

Put briefly, the Wildlife Services' methods of predator control are ineffective, wasteful and inhumane.

Despite increased spending and increased killing between 1983 and 1993, there was no decrease in the number of livestock lost to predators. Clearly, this is a program in need of serious re-evaluation.

Further, as a co-chair of the Congressional Friends of Animals Caucus, I would be remiss if I did not point out the killing methods currently employed by the Wildlife Services' program are excessively cruel and unselective—commonly capturing both wild and domestic non-target animals alike. These methods—including the use of indiscriminate aerial gunning, steel-jawed leghold traps, poisonous gas, gasoline, smoke and fire—are both inhumane and brutal.

The existence of alternative methods of predator control—including the use of guard dogs, sound and light devices, fencing, carcass removal and night penning—make these practices largely unnecessary. In those instances where lethal control practices are necessary, namely to protect threatened or endangered species, and to protect human health, the DeFazio-Bass amendment allows Wildlife Services to carry out lethal predator control.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this balanced,

common sense amendment which is endorsed by taxpayer, environmental and humane organizations around the country.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the DeFazio-Bass amendment.

This amendment eliminates the proposed increase in funding for the United States Department of Agriculture's (USDA) Wildlife Services' predator control programs. Regrettably, the USDA has participated in some needless and particularly harsh predator control methods. The DeFazio-Bass Amendment highlights this problem and ensures that the USDA is not rewarded for a program that is wasteful, ineffective and unnecessarily cruel to animals.

This cost saving and compassionate amendment reduces funding for the Wildlife Services program to the Administration's budget request. This amendment will not cripple our Wildlife Services predator program nor will it impede USDA efforts to protect public health and safety. The DeFazio-Amendment simply reduces the program in a way that will allow the USDA to place its operations in alignment with public values.

Mr. Chairman, I believe Americans would be outraged to learn that their hard earned tax dollars are being used to set out Steel-Jaw Leghold Traps on our public lands. These devices are banned in 89 countries and a number of states, including my state of New Jersey, because they are a cruel and unusual form of animal punishment that cannot discriminate.

Probably the most egregious predator control practice is "Denning." Federal Wildlife Service employees, who practice "Denning" smoke coyote pups from their dens and then kill the pups by clubbing them with shovels when they emerge.

Mr. Chairman, American's tax dollars should not be subsidizing these activities. It is unthinkable that we are spending so much money to kill so many animals by such cruel means. While our Wildlife Services predator program has been effective in some areas, such as controlling bird populations around airports, its lethal predator control activities in western states are unacceptable. Reducing funding for the Lethal Predator program by \$7 million will target its most wasteful and needless activities, allowing the USDA to concentrate on more effective compassionate measures.

Mr. Chairman, this amendment makes good fiscal sense and it is environmentally sound. Taxpayers should not subsidize the western livestock industry, and we should not subsidize killing animals in indiscriminate and cruel ways. I urge my colleagues to vote "Yes" on the DeFazio-Bass amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

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

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on

the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

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

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

Mr. SKEEN. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, I rise to engage in a colloquy with the distinguished subcommittee chairman regarding the use of the farm planning and analysis system known as FINPACK.

USDA, through the Farm Service Agency, has determined that this planning and analysis system that has proven to be a useful tool for Minnesota producers is to be terminated as of September 30 this year, the year 2000.

I am seeking to develop report language that directs the Farm Service Agency to develop an effective interface between FINPACK and the Farm and Home Plan presently used by the Farm Service Agency. It is my understanding that the generic interface that is presently developed is not capable of long-term and effective transfer of information.

□ 1300

It is necessary to take FINPACK data and reformat it into the Farm and Home Plan format.

The Farm Service Agency has indicated that they are seeking assistance from the University of Minnesota to accomplish this. The University of Minnesota has informed me that they are a long way today from accomplishing this task because currently there is not a contract in place between the university and the Farm Service Agency to develop this interface.

It is essential that Minnesota producers have an interface that effectively works at field level and is effective in the future, into the future, allowing producers to use the superior management tool that is FINPACK.

I would ask the subcommittee chairman to work with me in the conference committee or in the report language to allow for the time required to develop the interface that is necessary.

I would seek also to delay any implementation of the Farm and Home Plan until an effective and long-term interface is in place.

Is this something that the distinguished chairman would be in a position to assist us with?

Mr. SKEEN. Mr. Chairman, I thank the gentleman for his concern. I will work with him to assure that the FSA provides a smooth transition to a common computing environment for Minnesota FINPACK users. FSA has provided me with a copy of the contract

they are entering into with the University of Minnesota to facilitate that endeavor.

In addition, I wish to provide for the RECORD a letter from Mr. Keith Kelly, administrator for the Farm Service Agency, that outlines the agency's plan for using and integrating agency software with their financial software, including FINPACK, and the proprietary software mentioned in the gentleman's statement.

USDA,

Washington, DC, June 16, 2000.

JOE SKEEN,

Rayburn House Office Building, Washington, DC.

DEAR MR. SKEEN: This is in reference to the continued usage of the FINPACK software by the Farm Service Agency (FSA) offices in Minnesota. FSA field offices have been required to use the Agency's automated system called the Farm and Home Plan (FHP) system for many years to produce FHP's for our farm borrowers and to perform various farm planning and analysis functions. With the exception of Minnesota, the FHP system has been used successfully by FSA field offices in all other States. FSA has continued to fund the yearly maintenance and allow Minnesota to use FINPACK until the Agency had developed an interface that would allow for all of the historical FINPACK data to be loaded into the official FHP database housed at each of the FSA field offices.

FSA has developed a generic interface that will provide the capability for data from the FINPACK system to be loaded into the official FHP database. As a result, the FSA field offices in Minnesota will be required to use the Agency's official PC-FHP system beginning in Fiscal Year 2001. The farm borrower community, banks, other lending institutes, and farm management educational organizations will be able to continue their use of FINPACK to perform farm/financial planning and analysis functions as they have done in the past. The only difference will be in the format and layout of the data file(s) sent to the Minnesota FSA field offices for loading into the official FHP database. Once the data file(s) is received by the Minnesota FSA field office staffs, the generic interface will be used to load the data into official FHP database.

This generic interface can also be used to load data into the official FHP database from other farm/financial software packages that are being used by our farm loan borrowers, thereby not limiting its use to FINPACK only, but opening the door for other farm/financial software vendors to interface with FSA's FHP system. Additionally, this generic interface can be used to load data into the official FHP database from farm/financial software packages being used by banks and other lending institutes and farm management educational organizations that support FSA's farm loan borrowers. In regard to the historical FINPACK data, FSA will be contracting with the University of Minnesota for the software development of a data conversion routine that will provide for the one-time data conversion of 5 years of financial and production information from the FINPACK system into FSA's personal computer-FHP (PC-FHP) system. The cost for the software development for the data conversion routine is \$25,000. The estimated one-time benefit of implementing an automated solution for converting 5 years of financial and produc-

tion information into the Agency's PC-FHP system is \$300,383.

The Department of Agriculture (USDA) has invested millions of dollars in establishing a Common Computing Environment (CCE) in our field service centers. These service centers provide co-located offices for the three sister agencies: FSA, Rural Development (RD), and the Natural Resources and Conservation Service (NRCS). The establishment of the service centers provides for one-stop shopping for our customers. In order to provide this service for our customers, FSA, RD, and NRCS must have a common hardware and software platform in the field service center offices. Our CCE efforts have established the standard hardware and software platform in the field offices, and the FHP system is part of that standard. The information obtained from the FHP System is tied locally in each field office and is tied to other mission critical applications. The information is then fed to a central computer system enabling Senior Management to monitor the Agency's portfolio nationally using the same criteria.

In order for USDA's CCE efforts to continue successfully and improve customer service in the field service center offices, it is very important that the software platform on the new CCE equipment be uniform and controlled. Uniformity and control of our software applications help to ensure that all of our customers are being serviced in a like manner. This means that all of our field offices are using the same software applications, such as the FHP system, to service our customers and meet the Agency's business needs. To allow one State, such as Minnesota, to deviate from this common software platform, would impede the efforts of USDA to improve the Agency's computing environment and its ability to provide better service to our customers.

From the financial standpoint, the PC-FHP system was developed by FSA for approximately \$250,000. When the cost of the development is divided among the 2,500 field offices, the development per copy is less than \$100 per office. The PC-FHP software is currently loaded on more than 10,000 PC's. If the cost for development is divided by the number of PC's, the cost per PC is around \$25. The annual maintenance/enhancement cost for the PC-FHP system is \$120,000. When the cost for annual maintenance is divided by the number of PC's, the cost per PC is \$12. In regard to Minnesota, FSA is currently paying \$150 per site license for annual maintenance of the FINPACK software. The cost for a new site license for the FINPACK software is normally \$600. However, the Center for Farm Financial Management at the University of Minnesota recently quoted FSA a price of \$495 for a new FINPACK site license. Based on this information, if FSA were to buy FINPACK site licenses for our 2,500 field offices, the cost would be \$1,237,500 with an annual maintenance cost of \$375,000. If the cost for the FINPACK site licenses is divided by the number of PC's, the cost per PC is around \$123.73. When the cost for annual maintenance of FINPACK is divided by the number of PC's, the cost per PC is \$37.50. The software and maintenance costs of the PC-FHP are still lower than those of FINPACK, if not by a wide margin. However, there are other cost factors to consider. All of FSA's 2,500 field offices have been trained on the use of the PC-FHP system (this includes Minnesota).

As stated above, with the exception of Minnesota, the FHP system is being used successfully by FSA field offices in all other

States. If FSA were to implement FINPACK nationwide, we would have to retrain the staff in all field offices (except Minnesota), on how to use the FINPACK software. The costs associated with this type of training effort would be in the million plus range. Also, please note that FINPACK is a commercial Off-the-Shelf (COTS) software package. There are several COTS software packages out on the Market that perform farm planning an analysis functions, like FINPACK. If FSA were to consider replacing the PC-FHP with a COTS software package, it would have to be done as a competitive procurement effort. Considering these facts and cost information, FSA sees no benefit in replacing the PC-FHP system nationwide with the FINPACK software.

With the development of the interface, data conversion software, and the cost information and justification presented in the above paragraphs, FSA remains firm in its decision to stop support of FINPACK in the Minnesota field offices and require them to use the Agency's official PC-FHP system. We request your assistance in this effort.

Sincerely,

KEITH KELLY,
Acting Administrator.

Mr. MINGE. I thank the gentleman very much.

I should add that we have received a letter from the distinguished chairman, and have had an opportunity to analyze that and feel that there is some additional information we could provide the gentleman and perhaps include in the RECORD about the ongoing difficulties we have in trying to complete this task.

I really look forward to the opportunity to work with the gentleman on this.

Mr. SKEEN. I thank the gentleman. I think we can make a good deal working together. I am ready to do that.

Mr. MINGE. Mr. Chairman, I thank the gentleman very much and include the aforementioned letter.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 2000.

Hon. JOE SKEEN,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKEEN: I have received your written opposition to the proposed amendment to allow the usage of FINPACK by Minnesota FSA offices. We have researched this issue, and wish to respond to those points as follows:

1. "FSA is only terminating the use of 44 pieces of FINPACK software in FSA offices in Minnesota in order to facilitate a common computing environment for all FSA offices beginning October 1, 2000."

Minnesota FSA field staff who work with farm loans (MN Association of Credit Supervisors, NACS) have unanimously asked for the ability to continue to use FINPACK. The National Association of Credit Supervisors, NACS (the employee organization for FSA employees previously part of FmHA) have passed a resolution supporting the continued use of FINPACK by MN FSA. Several hundred lenders, educators and borrowers in MN have contacted congressional offices asking that MN FSA be allowed to continue to use FINPACK.

This decision reaches far beyond 44 MN FSA offices. Following is the resolution agreed to by the NACS National Convention

the week of June 19, 2000. Resolution 7. Concern: Procedure 1910-A [1910.4(b)(9)] indicates that projected production, income and expenses, and loan repayment plan, may be submitted on Form FmHA 431-2, "Farm and Home Plan", or other similar plans of operation acceptable to FSA. FSA has been using the Finpack or similar systems. For example the Finflo is a 12-month cash flow and takes into account the inventories. The Finan is a more accurate analysis of the Borrower's previous year's actual records. Farm Management Instructors, many FSA borrowers, and numerous lenders use the Finpack and similar systems. Proposed Solution: Continue to allow the use of Finpack or similar automated systems.

As the "lender of last resort" and provider of "supervised credit" FSA has a mandate to help producers improve their management capacity and ultimately their financial viability. FINPACK is used by tens of thousands of producers, educators, and lenders outside of FSA to make management decisions. At the same time it is used for credit analysis and applications. It is dual purpose in that it helps producers and at the same time provides information for lenders.

On the other hand, FSA's Farm and Home Plan is used exclusively for credit applications. The FHP is simply a computerized method to fill out government forms that have remained essentially unchanged for more than 50 years. It has not undergone continual development to help producers manage the vastly different agriculture of the 21st century versus the 1950's when the forms were developed. Congress and FSA need to decide whether FSA loan programs will simply be used as means to distribute government loans to financially stressed producers or if these funds will be leveraged by linking them to educational programs that help producers succeed in business. FSA initiated Borrower Training programs several years ago for the very purpose of linking loans to management training. In many states FINPACK is used as the primary training material for Borrower Training. It makes no sense to use an inferior program that does not help producers when a superior program is already being used. The goal should be to provide farmers with the financial tools to succeed.

More than 1,000 Extension Educators use FINPACK to help producers with farm management training. Allowing and encouraging FSA to use FINPACK improves agency efficiency and enhances the benefits producers receive from USDA. In Minnesota, educators, lenders, and FSA share FINPACK data files to save producers time and money and improve the efficiency of each organization. FINPACK allows educators and lenders to share financial data via email or on disks. Removing FINPACK from MN FSA offices is a step backward when considered in the context of how USDA should be serving U.S. producers. Many people think FSA should be trying to replicate the cooperation in MN rather than dismantling it. FSA has stated repeatedly that they plan to develop some of the management components within the FHP that are currently in FINPACK, such as monthly cash flows and historical trend analysis. These developments will be costly and will require significant time before FSA can make them available to producers, but they are already available in FINPACK.

2. "FSA is providing generic interface capabilities for borrowers, financial institutions and others using FINPACK and other farm and financial management software packages with FSA program files."

According to the University of Minnesota, FSA has not developed a generic interface. FSA's Farm and Home Plan (FHP) software stores data in a Microsoft Access database. This means that any other software program can export data in Access format and it can be loaded into the Access database. However, FSA has not addressed how lenders, educators and producers can transfer producer ID's so that the FHP knows where to store the data.

The development of a functioning interface would be a valuable development, however, FSA has previously stated that software will be available shortly but struggled to deliver on schedule. Currently FSA has two versions of the Farm and Home Plan software. One that runs on PC's and one that runs on their mainframe System 36 machines. These two versions of the FHP are not interfaced and cannot transfer data. If FSA can't transfer data internally between their offices and systems how optimistic can lenders, educators and producers that currently supply FINPACK data directly to FSA in MN be that their data will still be accepted by FSA after FINPACK use is terminated in MN FSA offices?

3. "FSA has contracted with the University of Minnesota to convert 5 years of historical FINPACK data to the FSA software program used in the other 49 states."

A contract is not in place, nor has one been initiated. The U of MN has verbally agreed to develop an interface that will allow FSA staff to transfer data from FINPACK to FSA's Farm and Home Plan. FSA can store the five years of data, but cannot do any analysis on it (FINPACK can store data indefinitely enabling lenders, educators, mediators, and producers themselves to undertake useful trend analysis).

4. "A survey of surrounding states to Minnesota shows that less than 5 percent of the farm loan borrowers use FINPACK. And in some instances, almost no borrowers use FINPACK."

According to surveys of FINPACK users, between 30,000 and 60,000 producers use FINPACK annually throughout the country. Most of these producers use the software with the assistance of educators, consultants and lenders. Most producers use FINPACK because they understand the value of financial information to the management of their businesses, not because they are required to use it. One question that must be asked is how FSA determined that 5 percent of their borrowers use FINPACK. Were borrowers actually surveyed or did FSA simply ask field staff to estimate the number of borrowers they think use FINPACK?

5. "And finally, delinquency rates for Minnesota and the surrounding states shows that Minnesota has a farm loan delinquency rate of 19 percent, almost twice the rate of the surrounding states that don't use FINPACK."

This statement illustrates the misinformation that continues to be used in discussions regarding FINPACK. The FSA loan delinquency rate in the two high volume north-west Minnesota districts are 19.5 and 23.0 percent. Across the border in North Dakota it is 21.0 percent. This Red River Valley area has experienced severe flooding and crop disease problems for at least five consecutive years. The south central district of Minnesota has a delinquency rate of 4.5 percent. Across the border in Iowa the delinquency rate is 9.6 percent. Additionally, a study conducted in North Dakota in December 1996 showed that producers who use FINPACK on average showed \$1,000 to \$3,500 improvement in net farm income per year.

"While I am not suggesting use of FINPACK alone is a reason for the poor loan delinquencies, I am only suggesting that FSA should have an opportunity to administer the farm loan program in a like manner across the nation without parochial interference. For these reasons, I oppose the Gentleman's amendment and ask that his amendment be defeated."

FINPACK conforms to the Farm Financial Guidelines established by the Farm Financial Council, a task force initiated in the early 1990's by the American Banker's Association. FSA has made no attempt to conform the Farm and Home Plan to these guidelines. FINPACK meets the FSA requirements to provide a monthly cash flow for FSA's Interest Assistance Program. The Farm and Home Plan can't generate a monthly cash flow and therefore can't meet the federal regulations for applications for the Interest Assistance. FSA has attempted to develop a viable Farm and Home Plan software program for more than 15 years with marginal success. In the mid 1990's they spent millions on the aborted attempts to develop farm accounting software. FSA is a farm credit agency, not a software developer. If Congress were to announce that it is spending millions of dollars to write its own software instead of utilizing better, more comprehensive, market tested products, there would be outright public revolt. FSA should be held to the same standard.

In conclusion, FINPACK is an extremely valuable tool that has offered an opportunity to Minnesota producers to compete in an extremely difficult economic crisis. It has also provided an opportunity for Minnesota FSA offices to work with these producers in an efficient manner.

It would be extremely unfortunate to lose this tool.

Sincerely,

DAVID MINGE,
Member of Congress.
GIL GUTKNECHT,
Member of Congress.

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

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

Mr. SKEEN. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from New Jersey (Mr. PALLONE). Perhaps we can proceed that way.

Mr. SKEEN. I believe we can do that.

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

Mr. SKEEN. I yield to the gentleman from New Jersey.

Mr. PALLONE. I thank the Chairman for yielding to me.

Mr. Chairman, I have an amendment, but I would like to enter into this colloquy in lieu of that at this time.

Each year over 660,000 people become ill and more than 300 die from a single contaminant in a single food. That is the bacterium Salmonella in eggs. More than 170 outbreaks of Salmonella illness from eggs have been documented in the past decade. Children, the elderly, and the immune-impaired are especially at risk.

In an effort to combat the threat to public safety posed by Salmonella eggs,

the administration proposed an egg safety action plan last December. The Food and Drug Administration is currently in the process of developing regulations to implement this plan.

It is extremely important that Congress join the administration in an effort to implement a strong science-based system to locate eggs contaminated by Salmonella before they reach the consumer.

During the committee process for the agricultural appropriations bill, my colleague, the gentleman from Georgia (Mr. KINGSTON), successfully offered an amendment that was of great concern to a number of food safety, public health and consumer groups, as well as a host of Members in this body who regularly work on food safety issues.

Accordingly, I drafted an amendment to strike the Kingston language from the bill that I intended to offer today.

Specifically, I was concerned about three issues. The first was that the Kingston amendment would have sharply limited environmental testing for Salmonella. Producers need to test the chickens' environment, not just the eggs, to find out if the flock is contaminated with Salmonella.

My concern on this front is that the Kingston amendment would have limited environmental testing until 2 or 3 weeks before the end of the life of the flock. If Salmonella is found at that time, it is far too late to recall or pasteurize most of the eggs produced by the contaminated flock, and the public will have been put at risk. Testing should occur at a much earlier time in order to ensure that if Salmonella is found, it is found early enough to prevent the contaminated eggs from reaching consumers.

Secondly, I was concerned that the Kingston language would have severely restricted the FDA's authority to require the egg industry to identify contaminated eggs and pasteurize them. Pasteurization eliminates Salmonella but reduces the value of the egg because it can no longer be sold as a table egg.

As I understood it, the Kingston amendment would have prevented FDA from requiring pasteurization on the basis of environmental testing. If an environment tests positive for Salmonella, the eggs that come from that environment must be properly tested to determine if they are contaminated.

While it is true that a positive environment does not automatically mean eggs from that environment are contaminated, it is also true there is a great chance there will be contaminated eggs from that environment. Accordingly, we must have a system that takes the condition of the environment into consideration during the process of determining which eggs need to be diverted to pasteurization.

Lastly, Mr. Chairman, I was concerned that the Kingston amendment

would have required the taxpayer to foot the bill for testing eggs for Salmonella, instead of the egg producers. Many in the Egg Industry Council contend that it is fair to have the government pick up the tab for the testing because the government pays for Salmonella testing of meat and poultry.

It is important to keep two points in mind, however. The first is that meet meat and poultry producers do not get a free ride. The government requires them to pay for E. Coli testing. The second is that although the government does pay for Salmonella testing in meat and poultry, it also owns the data and makes that data available to the public. So, in my view, it is very appropriate for egg producers to pay for the cost of Salmonella testing. It is also important to make sure that if the government pays for any testing, it owns the data from the testing.

Fortunately, over the last several weeks negotiations between those of us concerned about the Kingston amendment, including myself, the gentleman from Ohio (Mr. BROWN), the Center for Science in the Public Interest, the Food Animal Concerns Trust, and those supporting the Kingston amendment, including the United Egg Producers, continued.

It is my understanding that, as a result of those negotiations, the United Egg Producers have accepted a number of the recommendations the coalition of food safety, public health, and consumer groups were advocating be adopted to improve the Kingston amendment.

I would like to enter into a colloquy with the gentleman from Georgia and ask him to elaborate on the actions that United Egg Producers have taken in recent days.

Mr. KINGSTON. Mr. Chairman, if the gentleman from New Mexico will continue to yield, I thank the gentleman from New Jersey for his interest in working with us. I wanted to say also we will gladly do a colloquy with the gentleman on this.

First of all, it is important to keep the burden of the solution in proportion to the problem. According to the President's egg safety plan, only one in 20,000 eggs contain Salmonella enteritis, and the presence of this bacteria in a raw egg alone does not guarantee illness upon consumption.

Secondly, according to the Centers for Disease Control, the number of reported deaths from this type of Salmonella in eggs during 1999 was zero.

Third, if we cook the egg, the risk is zero.

As the gentleman can imagine, I disagree with some of his interpretations of our amendment. For example, the Kingston amendment does not prohibit environmental testing, nor does it require that such testing be limited to 2 or 3 weeks before the end of the life of the flock. The language is not that specific.

In addition, in responding to the gentleman's comments on SE testing, I simply note that the Federal government not only pays SE testing costs, it also pays the cost of mandatory inspections for meat, for poultry, and for processed eggs.

The CHAIRMAN. The time of the gentleman from New Mexico (Mr. SKEEN) has expired.

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

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

Mr. SKEEN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for continuing to yield to me.

Mr. Chairman, the Federal government not only pays SE testing costs, it also pays the cost of mandatory inspection for meat, poultry, and for processed egg products. Moreover, in the frequently-cited Pennsylvania Egg Quality Assurance Program, the State government pays testing costs. Some have mentioned E coli testing, but that is not a problem in eggs.

In short, almost all the relevant precedents support public funding.

There are several other points on which I cannot agree with the gentleman's characterization of the amendment, but it will be more productive to describe the informal discussions to which he has also referred.

Egg producers continue to support the Kingston amendment. However, they also have been reassured during these informal discussions by statements from the FDA about the agency's current thinking on egg safety regulation. The egg producers feel that FDA's current intentions are considerably more reasonable than was implied in the egg safety action plan when it was released in December.

I am prepared to negotiate during the conference, and the egg producers are prepared to support, a compromise package. We cannot know the outcome of conference negotiations for certain because we cannot control the Senate. However, both the producers and I promise our best efforts towards a compromise.

Our position will be as follows: Producers would conduct an environmental test when flocks are 40 to 45 weeks of age. They would pay for this test. If additional environmental tests were required, that could only be on the basis of sound science, and then the costs would be publicly funded.

In addition, the FDA would need to consider the amount of testing required in current national and State quality assurance programs in establishing testing requirements.

Secondly, eggs will only be required to be diverted into processing based on positive egg tests, which would be required if an environmental test was positive. Producers would pay for the egg tests.

Although this would not be part of the statutory language, we expect that the egg labeling proposal from last July will be substantially modified to take into account comments received. In addition, we expect that the FDA will consider adding such important steps as vaccination into its protocols for quality assurance programs.

We have discussed other important issues such as trace-backs, the safety aspects of grading programs, and consistent enforcement of the rules, and expect that these can be dealt with also.

I believe this is an accurate and complete description of the concepts that we have discussed with the FDA, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Ohio (Mr. BROWN), consumer advocates, and others.

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

Mr. SKEEN. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, in light of the developments and what the gentleman from Georgia (Mr. KINGSTON) said, I would ask the gentleman if he would be willing to work with myself, the gentleman from Ohio (Mr. BROWN) and the gentlewoman from Ohio (Ms. KAPTUR) to develop report language that we can all agree to that would detail how we all envision this amendment will be implemented.

If my colleague, the gentleman from Georgia (Mr. KINGSTON) will be working with us to accurately reflect the agreement we have reached, I will withdraw my amendment.

Mr. KINGSTON. Mr. Chairman, if the gentleman will continue to yield, I will work with the gentleman and want to make sure that everybody is on board. We will move towards that. There are obviously no guarantees, but I am confident that we can come up with a good solution for all parties.

Mr. PALLONE. I thank the gentleman and I thank the chairman.

Mr. SKEEN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, I would say to the chairman, as he knows, due to this year's budget numbers, funding was not appropriated for two additional projects I had requested for the State of Oklahoma. I believe these projects are vital not only for Oklahoma but also for several States in the surrounding area.

The first request called for something that the gentleman is familiar with, the concern for research funding for shipping fever, a severe respiratory disease to cattle often contracted during the transportation to market.

Shipping fever is the major cause of clinical disease and death loss of stock and feed lot cattle in Oklahoma and the southwestern States, including

New Mexico. Nationwide, this disease results in economic losses to producers of an estimated \$1 billion.

The Shipping Fever Research Project is a multidisciplinary, multi-institutional, multistate project that complements ongoing research in several universities.

The second request, this was from last week when I went down to research a USDA project in my area, the second is funding of a USDA special grant for OSU to conduct research focusing on developing vegetable production systems for the market areas in the Dallas, Oklahoma City, Kansas City, and St. Louis regions.

Recent changes in Federal price support programs allow producers the flexibility to shift into more profitable vegetable production while retaining basic support.

This grant that enhances the potential for producers to shift into fresh market vegetable production is great. I think it would be helpful to the farmers in all the area.

Mr. Chairman, I know the Senate has agreed to fund the vegetable market project at last year's level, but I would ask for the chairman's efforts and work to increase the funds in the conference.

I hope that within the budget numbers the gentleman has to work with that he can find the funds for both of these very, very worthwhile programs and projects to help our farmers and reference. I commend the chairman for his efforts, and I respectfully ask the chairman's consideration and help concerning these requests in the upcoming conference.

Mr. SKEEN. I always appreciate the gentleman's earnest efforts on behalf of his constituents. Accordingly, and with the full knowledge of our funding constraints, I will attempt to address the gentleman's concerns in the conference.

Mr. WATKINS. I appreciate the chairman's help very, very much.

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

□ 1315

Mr. OSE. Mr. Chairman, yesterday, on Monday, July 10, a farmer cooperative with many producer members in my district filed for bankruptcy protection. Hopefully, they will be able to overcome the financial challenges that lie ahead of them. But with the prices of farm commodities so low, they face an incredibly difficult financial obstacle course.

I want to personally thank the gentleman from New Mexico (Mr. SKEEN) for his work on this important bill. It will help many farmers and ranchers in my district and in the State of California. Many of the provisions allow our producers to market their products overseas and to successfully compete against heavily subsidized agricultural producers from the European Union.

In spite of all of these things that Congress is doing, such as passing this bill and passing the Agricultural Risk Protection Act to help the producers of America's food to stay on the farm, many of our farmers and some co-ops remain in financial trouble.

Our farmers and ranchers cannot stay on the farm unless they make a profit. Mr. Chairman, I know of the strong commitment of the gentleman from New Mexico (Mr. SKEEN) to our agricultural producers. They need to know that when times are bad, this Congress will do what is necessary with tools already at hand to assure that they can continue growing the commodities our Nation wants and needs.

Mr. Chairman, I am seeking the assistance of the gentleman from New Mexico (Mr. SKEEN) to convince the Secretary of Agriculture to use whatever appropriate means he has at his disposal to relieve this situation.

Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for his consideration in this matter. I look forward to working with the gentleman.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from California (Mr. OSE) for working so hard on behalf of the agriculture in his district. The family farmer and ranchers face many difficult challenges, and it is my belief that the provisions in this bill will help them.

I am committed to working with the gentleman from California (Mr. OSE) to ensure that the producers in his district have the necessary support to overcome the financial challenges facing them.

Mr. OSE. Mr. Chairman, I thank the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, this is one of the most challenging periods of time in the last 10 years for apple growers. Low prices, labor issues and regulatory actions are posing significant barriers to success in this important sector for agriculture.

For example, Mr. Chairman, according to USDA, U.S. apple growers have suffered losses of \$760 million over the last 3 years. Also, in the past several years, apple prices have been at the lowest levels in over a decade.

These extreme, unprecedented, economic losses are due to a variety of factors, including the loss of markets, unknown fair competition from below-market imports from China, and lastly, weather-related disasters which have reduced yields, as well as quality and prices.

The cumulative losses have resulted in dire financial conditions. Mr. Chairman, many financial institutions are no longer willing to provide new loans to apple growers who are now seen as

high risks. As a result, many growers will be forced out of business without aid.

In the last 2 years, Mr. Chairman, Congress has provided \$22 billion in emergency farm relief to address low commodity prices in natural disasters. An additional \$7 billion has recently been advanced as part of the crop insurance reforms. Despite all of this, apple growers have received none of the assistance, even though they have suffered losses just as severely as any other ag sector.

This is why I am so pleased that \$115 million has been provided in the ag appropriations bill to assist apple and potato growers and I thank the gentleman from New Mexico (Chairman SKEEN) for his good work and support in this effort.

While this funding is enormously helpful, Mr. Chairman, and long overdue, there are even greater challenges facing a significant group of farmers in my district and throughout New York State.

Just last month, massive hailstorms struck the Hudson Valley region of New York, bringing widespread and extensive crop damage to Columbia, Dutchess, Orange and Ulster Counties, some of which I viewed firsthand and it was truly devastating.

Mr. Chairman, allow me to quantify that damage. Apple production losses are estimated at over 2 million bushels on approximately 7,450 affected acres. As a result, growers intend to completely abandon over 2,100 acres of fruit this season, further resulting in losses such as \$19.8 billion in lost production revenue, \$13.1 million in lost farm worker wages.

Area growers are working closely with local and State farm service agency offices to document losses. In New York, Governor Pataki has requested disaster designations from the Secretary of Agriculture for these counties. We are currently awaiting those designations.

Let me point out, Mr. Chairman, there are problems with disaster programs at USDA. Although New York apple growers have suffered \$41 million in weather-related losses prior to this year, they received only \$1.8 million in Federal crop-loss disaster assistance from USDA.

Area farmers have experienced losses needing at a minimum three action items taken in order to rectify them. The first being a disaster designation as soon as possible to make affected growers eligible for short-term disaster relief aid. Secondly, implementation of reforms to crop insurance to ensure that fruit growers have cost-effective insurance coverage for catastrophic losses; and, finally, direct grant aid to offset the catastrophic losses based on actual crop losses.

I would like to ask the gentleman from New Mexico (Chairman SKEEN) for

the opportunity to work with him and his subcommittee through conference in ensuring that USDA is devoting the appropriate resources to the growers in need in New York State.

Mr. SKEEN. Mr. Chairman, reclaiming my time, as is evident in the bill now, I will be pleased to work with the gentleman from New York (Mr. SWEENEY) as the bill advances. I thank the gentleman for bringing this to our attention, and it has been good working with the gentleman.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from New Mexico. At this point, these types of issues affect practically all regions and sectors of agriculture over the course of time. We are also at this time seeing significant rains negatively affect many sectors of agriculture in the Northeast.

As we have worked together on other issues affecting New York agriculture, I look forward to continuing to work with the gentleman on these issues affecting New York apple growers.

AMENDMENT NO. 32 OFFERED BY MR. ALLEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. ALLEN:
Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, by stage of drug development, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

The CHAIRMAN. Pursuant to the order of the House for Monday, July 10, 2000, the gentleman from Maine (Mr. ALLEN) will be recognized for 5 minutes, and the gentleman from New Mexico (Mr. SKEEN) will be recognized for 5 minutes.

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

The CHAIRMAN. The gentleman from New Mexico reserves a point of order.

The Chair recognizes the gentleman from Maine (Mr. ALLEN) for 5 minutes.

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

Mr. Chairman, during the debate on this legislation yesterday, there was a great deal of bipartisan concern about the high prices that our seniors pay for their prescription drugs.

In fact, we did pass the Crowley-Coburn amendment which would provide for those seniors who are healthy enough and able enough to go to another country to buy their prescription

drugs relief for those few. But it is worth remembering that only 2 weeks ago the majority in this House passed by three votes a piece of legislation preferred by the pharmaceutical industry that would rely on private insurance companies for seniors to get prescription drug coverage.

At the same time, a Democratic alternative that would have provided a Medicare prescription drug benefit was not allowed even to have a vote in full debate. Today, I rise to offer an amendment that would give taxpayers full disclosure of their investment in the research and development of prescription drugs. In the debate over extending a prescription drug benefit to Medicare beneficiaries, the pharmaceutical industry has repeatedly raised concerns that efforts to make drugs affordable could impact their ability to conduct research and development of new drugs.

Mr. Chairman, we all support the industry's breakthroughs that have improved and extended the lives of people with serious illnesses and chronic disabilities, but the explosion in prescription drugs' prices, increased utilization, the widespread lack of prescription drug coverage has left millions of Americans unable to afford the drugs that their doctors tell them they have to take.

When Medicare was created 35 years ago, there was no provision for prescription drug insurance, because the pharmaceuticals played a smaller role in health care and that was not a significant cost. But today seniors, who represent 12 percent of the population, consume one-third of all prescription drugs.

The lack of adequate coverage, combined with a high price of prescription drugs means that seniors are left to make choices that no American should make. Do they pay the rent or take their high blood pressure medication? Do they buy groceries this week or fill their prescription for an osteoporosis drug?

Now, the pharmaceutical industry has been working to stop our efforts to provide a benefit under Medicare or a discount for seniors who need a discount, and it is also true they always make the point that they need these huge profits in order to conduct research and development, but after they spend in 1999, \$24 billion in research and development, they still had \$27.3 billion in profits. These dozen or more companies.

The April issue of Fortune magazine reports that once again, Fortune pharmaceuticals are the most profitable industry in the country by every measure; number one in return on revenues, number one in return on assets, number one in return on shareholder equity.

Now, the historical evidence suggests to us that continued R&D will increase

despite what the industry says. In 1984, when the Waxman-Hatch Act was passed, the industry predicted that it would lead to cutbacks in R&D; but, in fact, the pharmaceutical companies more than doubled their investment in research and development from \$4.1 billion to \$8.4 billion over the 5 years following the enactment of that legislation.

Finally, I would note that what is going on here is that the pharmaceutical industry is developing new drugs in partnership with the public. Though we do not have exact figures, an estimate by the National Institutes of Health is that taxpayer-funded research, combined with private foundation-funded research, accounts for almost 50 percent of all the medical research in this country related to pharmaceuticals.

It is time for the industry to disclose just how much is spent by private industry and just how much is spent by the taxpayers essentially in the development of new drugs. We need real figures from the industry.

Our amendment is simple. We are simply asking for disclosure. We should not expend any money for the FDA to approve a new drug application unless the total cost of research and development of the drug is revealed.

Mr. Chairman, we are particularly interested in knowing how much taxpayers have contributed to the development of these new drugs.

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

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

Mr. Chairman, I claim the 5 minutes in opposition, and I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN), the chairman, for yielding me the time, and I rise in opposition to this amendment.

Mr. Chairman, all of us here are supportive of providing better access to prescription drugs to those that need them. Just 2 weeks ago, we fought all day to provide greater coverage for older Americans.

We all agree that no person, particularly the older people, the elderly, should ever have to choose between food and medicine. But as we work to provide greater coverage and access, we do not want to undermine today's private scientific research and medical innovation that will continue to find tomorrow's cures, which I believe this amendment does.

Mr. Chairman, in our collective excitement to do more here, some today appear to be determined to do just that with a number of seemingly attractive amendments to this agricultural appropriations bill. They seek to do so by promoting poorly disguised price con-

trols, by throwing out Food and Drug Administration protections for consumers, by suggesting that all imported drugs are safe, reliable and fresh, and we know they are not; by holding up Canada as a model of health care delivery and inexpensive medicines, which it is not; by requiring price disclosures that no other American industry has to comply with; and by demanding research and development information and denying their product approvals if not forthcoming and by ignoring the fact that about 25 cents on the R&D dollar actually results in an approved FDA product or new medicine.

And they seek to do so, Mr. Chairman, by suggesting that it is only the National Institutes of Health that does basic research and that the taxpayers are being ripped off by the pharmaceutical companies. While the rhetoric fits the times, the facts deserve some weight.

With specific regard to the Allen amendment, I believe we are better served by promoting research partnerships between government and the private sector that yield new medicines and cures, not by discouraging them. This amendment deserves to be soundly defeated.

The CHAIRMAN. The gentleman from Maine (Mr. ALLEN) has 15 seconds remaining and the gentleman from New Mexico (Mr. SKEEN) has 2¾ minutes remaining.

Mr. ALLEN. Mr. Chairman, I yield the balance of our time to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Maine (Mr. ALLEN) for his good work on this. We need to know what is behind the \$500 million claim from the drug industry. We need to know if marketing costs are factored in, if executive salaries are factored in, if administrative costs are factored in. If the drug company wants American consumers to buy into the premise that outrageous prices are essential for research and development, they need to show us the numbers.

□ 1330

The CHAIRMAN. The gentleman from New Mexico has 2¾ minutes remaining.

Mr. SKEEN. Mr. Chairman, I continue to reserve the point of order.

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

Mr. SKEEN. Mr. Chairman, does the gentleman from Maine (Mr. ALLEN) withdraw his amendment?

Mr. ALLEN. Mr. Chairman, I understand the point of the point made by the gentleman from New Mexico (Mr. SKEEN), chairman of the committee, and consequently I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 37 OFFERED BY MR. BROWN OF OHIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. BROWN of Ohio:

Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not agree to publicly disclose, on a quarterly basis during the patent life of the drug, the average price charged by the manufacturer for the most common dosage of the drug (expressed as total revenues divided by total units sold) in each country that is a member of the Organisation for Economic Co-operation and Development.

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New Mexico reserves a point of order.

Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased to offer this amendment with the gentleman from Maine (Mr. ALLEN) and the gentleman from Vermont (Mr. SANDERS) and the gentleman from Arkansas (Mr. BERRY) and the gentleman from Illinois (Mr. JACKSON) and the gentleman from California (Mr. WAXMAN).

This amendment fulfills a simple objective. It helps consumers decide for themselves whether prescription drug prices are fair. As it stands now, consumers know what they pay to a pharmacy for a drug, but they do not know what the manufacturer charges for that drug, what the manufacturer charges other consumers for it, what the manufacturer charges other countries for it, what similar drugs cost. My colleagues get the idea.

This amendment would require manufacturers to disclose to American consumers the prices they charge here versus what they charge in other industrialized nations.

The pharmaceutical industries question the accuracy of studies comparing prescription drug prices in the U.S. to those in other industrialized countries. They have questioned the accuracy of studies comparing the price seniors pay to those paid by HMOs. Drug makers could put these disputes to rest simply by disclosing their prices.

Two weeks ago, I took a dozen seniors from Ohio to a Canadian pharmacy where they paid one-half, one-third, one-sixth of what it would have cost to purchase those same drugs in northeast Ohio.

When confronted about price differentials like this, the industry typically tried to deflect the blame by talking about Canada's universal health care system. They imply that the only way to achieve lower prices in this country is to adopt the Canadian health care system. They imply that Canada pays less for prescription drugs because Canadians have a government-run health care program, not because of lower prices.

The drug industry conveniently confuses two different issues. Seniors in my district bought prescription drugs in Canada and paid lower prices. They did not step into Canada and suddenly become eligible under that nation's universal health care system.

Canada negotiates reasonable drug prices. Its 13 provinces also provide universal health care coverage. That means Canadians receive assistance towards the purchase of prescription drugs.

American consumers, in spite of what people here say, in spite of the drug industry, American consumers are smart enough to know the difference.

Although the drug industry tends to focus on Canada based on what we can glean from retail pricing studies, Canada is not the only nation that pays lower prices for drugs. The United States pays the highest prices in the world for prescription drugs.

This amendment says to the drug industry, if those studies are wrong or misleading, just show us your prices. Prescription drug companies may argue that this is proprietary information or raise the issue of price collusion. Of course, they do provide this information to a private organization called IMS, and this company makes the information available to other companies for a price. So drug companies already know each other's prices, so price information is no secret unless one is a consumer.

Americans cannot afford to purchase prescription drugs, and they cannot afford not to.

Under our amendment, consumers would have the power to compare prices and quality and value to make smart purchases.

Mr. SKEEN. Mr. Chairman, I continue my reservation, and I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) is recognized for 5 minutes in opposition to the amendment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment as well. First, I think Members need to think long and hard about whether or not we want the Federal Government in the business of keeping the books on private industry, any private industry. I believe that it is entirely inappropriate for the Federal Government to have such a role.

Second, looking at the specific language of this amendment, it would require every company seeking approval for every new medicine to, and I quote, "agree to a quarterly disclosure during the patent life of the drug of the average price charged by the manufacturer in each company that is a member of the OECD, which is the Organization for Economic Cooperation Development."

What does this exactly mean? Many of these OECD countries have price controls, and just about all of them do. Are we asking the sponsors, asking the companies to provide us with a list of other countries' price controls?

As we know, even in these countries, largely Europe and in the United States and Canada, and specifically in countries with price controls which we do not have, there is no single price for medicines. Whether here at home or abroad, prices vary everywhere. That happens to be the marketplace at work.

All of us here, as I said a few minutes ago, are supportive of providing better access to prescription drugs to those who need them. Price controls are not the answer. Canada certainly does not have all the answers. But as we work to provide greater coverage and access, we do not want to undermine today's American private scientific research and medical innovation that will continue to find tomorrow's cures for the ills of the world and within our own country.

This type of amendment will do just that. Like its predecessor, it needs to be soundly defeated.

Mr. BROWN of Ohio. Mr. Chairman, I yield 30 seconds to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

Mr. Chairman, this is a simple amendment, and it would require prescription drug companies to disclose the prices they charge here in the United States and in other countries.

We know from studies in my district and elsewhere that Mainers, for example, pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drugs and the same quantities from the same manufacturers.

We have the most profitable industry in the country charging the highest prices in the world to people who can least afford it. In a free enterprise system, we ought to get some more information about what those prices are.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

Mr. Chairman, what we are talking about is one of the great health care crises facing this country, and that is that millions of Americans cannot afford the outrageously high cost of prescription drugs in this country.

They know that an absurd situation exists by which, when an American spends \$1 for a prescription drug manufactured in the United States, a German spends 71 cents, somebody in Sweden spends 68 cents, the United Kingdom spends 65 cents, and in Italy 51 cents for the same exact drug.

So what this amendment says very simply is we want to know the price that the pharmaceutical industry is selling that product abroad for. We want to know, in fact, how come a Canadian pharmacist can buy Tamoxifen, a widely prescribed breast cancer drug, for one-tenth the price that an American pharmacist can buy that same product. Meanwhile we know that the pharmaceutical industry makes a profit in Canada, selling the product at one-tenth the price that our people have to pay for it.

All over this country today, elderly people and many other people are making terrible decisions about whether they can afford the prescription drugs they need to ease their pain and to keep them alive. The more knowledge that we have about the pricing situation in the pharmaceutical industry, the better we will be in being able to address this crisis.

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

Mr. SKEEN. Mr. Chairman, does the gentleman from Ohio (Mr. BROWN) withdraw his amendment?

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 48 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. SANFORD: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to pay the salaries and expenses of personnel who make payments to producers of wool

and mohair under section 204(d) of the Agricultural Risk Protection Act of 2000.

The CHAIRMAN. Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I would say just prefacing my remarks that I have the utmost respect for the gentleman from New Mexico (Chairman SKEEN) and the way he has consistently watched out for the interest of farmers and ranchers across the West. For that matter, I would say that I have got the utmost respect for the gentleman from Texas (Mr. STENHOLM) and how he watches out for the ranchers in his district, and the same of the gentleman from Texas (Mr. BONILLA), who is not here right now but I suspect who will be walking down toward the floor.

That having been said, I think what needs to be remembered is, in as good of a job as the gentleman from Texas (Mr. STENHOLM) will do in watching out for ranchers in his district, the larger question always needs to be is, that may be good and he is doing the right job of a Congressman in protecting folk in his district, but is it the best in terms of national policy?

When I look at wool and mohair subsidies over a long and fairly tortured past, I think the answer has to be no. In fact, if anything, I see this as more of a horror show, those horror shows where Freddie hops up out of the coffin with the chainsaw running; one thought he was dead, one thought he was in the coffin to stay, but he is back up and at it. That is how these wool and mohair subsidies have gone basically over 50 years.

Because what is interesting is to look back, it was in World War II that the United States military recognized that they needed wool and mohair as basically a strategic material in the building of uniforms to keep troops warm and dry.

So in 1954 Congress responded to that, and they passed the National Wool Act. Yet by the 1960s, the Pentagon had moved on to synthetic fibers. So here we are 46 years after the passage of the act, basically 50 years after the time that Congress moved, the Pentagon moved on to something else, still helping to subsidize an industry that was no longer strategic in nature. In fact, some of the years, as one goes forward in time, wool and mohair would get as much as \$200 million indirect subsidy.

Now, in 1993, that all came to an end. It was interesting, AL GORE's report, this is Vice President GORE's National Performance Review, 1993, said that the top 1 percent of sheep raisers capture a core of the money, nearly

\$100,000 each. The national interest does not require this program. It provides an unnecessary subsidy for the wealthy.

It was stopped in 1993 to be phased out in 1995, and yet it is back. Freddie has climbed outside of that coffin, he has got the chainsaw running, and we are looking at basically \$10 million or \$11 million in subsidy back to wool and mohair.

The question that I think that needs to be asked is, is this in the best interest of the overall taxpayer? I think no, one, because of what was pointed out in GORE's review; two, what would be pointed out in programs like the fact that Sam Donaldson, not exactly a New Mexico sheep farmer, had gotten \$97,000 in direct wool payments a couple years back, in fact back just prior to 1995 in the phase-out of law.

The more than important question, though, because that part has ended, is what we are talking about here are the acts of the market versus the acts of God. If the local pizzeria goes out of business or the local hardware store goes out of business or the local video store goes out of business as a result of acts of the market, we do not subsidize that pizzeria. Should we do any differently with this wool and mohair?

The third point that I would make would be we are talking about a program. If we do not keep this out, it will become more permanent in nature.

It is interesting to me, this is in the June 24, 2000, issue of National Journal, Jewel Richardson, the first vice president of the Texas Sheep and Goat Raisers Association, hopes to put in a permanent program, their own words according to National Journal.

So I think we have got something that, a, could become a permanent program and is not a temporary help in time of need; and, b, is something that costs the taxpayers a whole lot of money to the benefit of a very few congressional districts.

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

The CHAIRMAN. The gentleman from South Carolina (Mr. SANFORD) has 30 seconds remaining.

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

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

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. SKEEN) for 5 minutes.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. STENHOLM).

□ 1345

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the amendment. I understand where my friend is coming from, but he keeps talking about the Wool and Mohair Act. That is gone. The Congress took it away, voted it out, in 1994.

Now, the money in question in the supplemental is a little bit different question, because from 1995 to 1998, domestic mohair production has declined 60 percent in the United States from 12 million pounds down to 5. In the wool area, the lamb industry, the market depression has driven over 25,000 sheep producers out of business in the 1990s. Now, the gentleman might say this is fine. If this is the market doing this and making this happen, this is in the spirit of voting out the wool and mohair program. But that is not what the facts bear out.

When we look at the European Union this year, I say to the gentleman from South Carolina (Mr. SANFORD), the European Union will spend \$2 billion subsidizing their wool producers. Subsidizing their wool producers. The answer of the gentleman from South Carolina is to take away the help that was put into the supplemental from our industry that is struggling to survive in the international marketplace.

What we are trying to do is get some support from the Congress, and there was some support given, in recognition that the wool and mohair industry is now in fact trying to pull themselves back up by their bootstraps and compete. And it seems to me that an amendment that strikes \$11 million out of a \$7.1 billion total appropriation for recognizing the depressed prices that are occurring in all of agriculture is a little bit mean spirited, and it is not certainly up to the character of my friend from South Carolina.

The gentleman's amendment, and I say to my colleagues, the Sanford amendment is misguided. It is based on some old historical facts that are no longer prevalent. The Sanford amendment sends a signal to domestic producers that their government does not stand behind them in the face of unfair trade.

I would also point out to my colleagues that the industry has won a section 201. The International Trade Commission has found in favor of the domestic industry; that they have been experiencing unfair trade practices by other countries and, therefore, were entitled to \$100 million in compensation as a result of what the ITC has found.

It seems to me that this amendment should be defeated today. It is well-intentioned but very misguided. These two industries are doing everything they can to pull themselves up by their bootstraps to survive in this marketplace. They need a little assistance from the Congress to do it.

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

The President just recently signed into law legislation that reauthorizes the issuance of wool and mohair payments. Rural America and American farmers are facing an economic crisis, and disaster assistance has been provided to almost every segment of agri-

culture in the last few years. I believe it is unfair to single out wool and mohair producers and to prohibit them from receiving financial assistance.

I urge my colleagues to defeat the gentleman's amendment as it is punitive and targets a small industry facing extraordinarily difficult times.

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

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

Mr. Chairman, I would just put this on the scorecard of two wrongs do not make a right. EU absolutely does subsidize its wool and mohair producers. But when we look at New Zealand and Australia, we do not see that being the case. I think we should look more at the New Zealand and the Australian model than the EU example.

Secondly, we are talking about a small industry here, but nobody goes out to help and subsidize the local pizzeria when they go out of business, the local video store, or the local hardware store. And I think we should be moving toward free markets. Because if we really want to reinvigorate this society of ours, I think it rests on free markets and the competitive forces that should take place.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. BONILLA).

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

I am so grateful for the strong bipartisan support that we have had for this provision in this bill for some time now. The gentleman from New Mexico (Mr. SKEEN), the gentleman from Texas (Mr. COMBEST), and the gentleman from Texas (Mr. STENHOLM) should be thanked for recognizing the tremendous need out there for wool and mohair producers.

For anyone to try to draw a parallel between difficulties faced with small businesses in this country, like pizzerias and bakeries, for goodness sakes, is ridiculous. Foreign nations do not subsidize their own pizzerias, their hardware stores, and their auto parts stores. We are talking about foreign nations that unfairly subsidize their areas in agriculture. This is an area where wool and mohair producers have been subsidized to a great unfair advantage. As the gentleman from Texas (Mr. STENHOLM) pointed out, that gives competitors a tremendous advantage over a lot of our producers in this country who are suffering tremendously.

Falling commodity prices over the years and other factors, drought and so forth, have affected agriculture across the board in this country. This bill that makes up the whole of this aid covers peanut farmers and tobacco farmers. There are more AMTA payments in this bill. Why for goodness sake are we singling out one small por-

tion of this bill in agriculture that has suffered equally as other areas in agriculture have over the last few years?

I cannot figure out why this amendment is singling out one small group of all of American agriculture to try to pick on them and leave them out in the cold. If my colleague could only see the hardships that many of them have faced throughout the last several years, I think he would change his mind.

Mr. Chairman, I rise in strong opposition to this amendment and urge my colleagues to oppose the amendment.

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

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT NO. 68 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 68 offered by Mr. BURTON of Indiana:

Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be expended for a vaccine-related Federal advisory committee (Vaccines and Related Biological Products Advisory Committee) that grants a waiver on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

The CHAIRMAN. Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON) for 5 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the health of every American child is affected by decisions made at the Department of Health and Human Services about vaccines. Those decisions have to be made free of conflicts of interest, and right now that just is not the case.

Health and Human Services relies on two advisory committees to give scientific advice on vaccine policy. Unfortunately, those advisory committees are dominated by the pharmaceutical industry. HHS routinely gives doctors with serious conflicts of interest waivers to vote on vaccine policies.

My amendment stands for a simple proposition. We should be getting the best scientific advice possible and it should not be tainted by possible conflicts of interest. We are going to hear from the other side that if my amendment passes they will not be able to find anyone to serve on these committees. That is just not so.

The Committee on Government Reform has done an extensive investigation into these advisory committees. We took a close look at their votes to approve the rotavirus vaccine. That vote has had disastrous results. Children developed serious bowel obstructions. They needed emergency surgery. And one child died. The vaccine had to be pulled from the market 3 months after the official recommendation.

Did this problem come up out of the blue? No. There was evidence of this problem in the clinical trials. This and other problems were discussed during the advisory committee meetings. Several Members had concerns. One doctor had serious reservations and expressed them. Yet every doctor on the committee voted to recommend approval of the vaccine. Why? Well, three out of the five FDA advisory committee members had financial ties to the drug companies that were developing the rotavirus vaccine.

One of those doctors received \$255,000 a year from the maker of the vaccine, Wyeth Lederle. Another worked at a university that received \$75,000 from Lederle's parent company. Yet they got waivers so they could vote on the vaccine.

The CDC routinely grants waivers from conflict of interest to every member of the advisory committee. The chairman of the CDC's advisory committee owned 600 shares of stock in a drug company that is developing a competing rotavirus vaccine.

Now, I am not saying these doctors are corrupt or had any malicious intent. What I am saying is that when someone gets money from a company, especially large sums of money, it affects that individual's judgment. And I am not alone in my concern about conflicts of interest. Last year, the *New England Journal of Medicine* had a scandal on their hands. They found that 18 doctors who wrote articles about drugs for their *Journal* had financial ties to the companies that made the drugs.

The *Journal* was seriously concerned and wrote an editorial about it, and here is what they had to say. "What is at issue is not whether researchers can be bought in the sense of a quid pro

quo, it is that close and remunerative collaboration with a company naturally creates goodwill on the part of researchers and the hope that the largess will continue. This attitude can subtly influence scientific judgment."

They were right. Conflicts of interest are a problem and we need to do something about it. My amendment would prohibit HHS from granting waivers to members of vaccine-related committees who have serious conflicts of interest. If the *New England Journal of Medicine* can do it, HHS can do it, and there should not be anything controversial about saying we want the best advice possible without conflicts of interest. Our children's health and well-being depend on fair and impartial judgment.

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

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) rise in opposition?

Mr. SKEEN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) is recognized for 5 minutes.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

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

I think the Burton amendment is a well-meaning amendment that will do little to help ethics, but it will do irreparable harm to vaccine development. The amendment blows up a carefully balanced process proposed in 1989 by President Bush which allows narrow and necessary conflict of interest waivers to enhance the government's ability to support the development of crucial vaccines.

The amendment is opposed by the Office of Government Ethics itself, and that agency says, "The government would be depriving itself of much of the best and most relevant outside expertise in many areas. The amendment would prohibit waivers for financial interests that are so insubstantial, remote, or inconsequential that they are typically permitted even for regular full-time government employees." They go on to say, "Existing law strikes the correct balance between protecting the government from inappropriate conflicts of interest and recognizing the need for temporary experts who may have unavoidable conflicts in relevant fields of inquiry."

In short, even the agency that enforces government ethics says this is a bad idea. It may be well meaning, but it certainly, in the way it would be implemented, would wreck our vaccine development program.

Mr. SKEEN. Mr. Chairman, I reserve the balance of my time to close debate.

The CHAIRMAN. The gentleman from Indiana (Mr. BURTON) controls 1½ minutes.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I understand the concerns of those who are saying, well, there are just no experts around who could then be able to safely review these vaccines. However, the conflict of interest issue cannot go away that easily.

I am concerned as to how we protect the integrity of scientific review and the integrity of the vaccine approval process if we do not make sure that there is an attempt to separate the interests of the vaccine makers from those who are doing the oversight.

This is a quandary, but I think that the amendment at least creates the opportunity to debate this issue, to bring it out in the open, and to ask Members of Congress to reflect as to the condition that we have here, which is that there are patent conflicts of interest here. And in that sense, I support this amendment.

□ 1400

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

Let me just say that we have held numerous hearings on this issue. We have found through the hearings that many of the people on these advisory committees have financial ties to the pharmaceutical industry. They have financial ties directly to the companies that are producing the drugs that they are voting on, the vaccinations they are voting on. We have just expressed clearly that children who took the rotavirus vaccine after there had been reservations about it, one died, and several hundred got sick and had to go to the emergency room. There were conflicts of interest. That needs to be eliminated.

There are a lot of doctors and scientists we could get who did not have those conflicts of interest, those ties to the pharmaceutical industry, that could give an impartial judgment. That is what we need to do to protect the health of these children.

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

I rise in opposition to the amendment. Let me explain what this extreme restriction on the Food and Drug Administration would do. The amendment would not allow funding for an advisory committee that grants conflict of interest waivers. The effect would be that the top experts in the field of vaccine research would not be able to advise the Federal Government about vaccines and biological products.

The conflict of interest waivers exist so that the top experts, the ones you would want to consult if your family member were ill, can advise government agencies. These top scientists are few in number and very specialized. Most of them have worked in research

sponsored by industry at some point in their careers. Congress devised the waiver system so that such experts could serve the Government when the need for their services outweighed the potential of conflict of interest due to financial ties to industry.

Since the field of biological vaccine research is specialized and unique, the conflict of interest waivers are necessary. The granting of a waiver is not pro forma but a measured decision by an impartial party. In some cases, waivers are granted only for participation in the advisory group discussion, and the individual is not permitted to vote on the advisory committee recommendation.

I would also like to draw your attention to the term "advisory." Advisory committees make recommendations to FDA but do not vote on product approvals. Product approval decisions are made by federally employed scientists.

I would ask my colleagues not to cripple the vaccine advisory committee system by making it impossible to recruit the appropriate level of scientific expertise. Please vote "no" on this amendment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Is the gentleman aware that these advisory committee members testified before our committee and very clearly had conflicts of interest and yet they still voted on this? If we grant waivers to those people, we are going to continue the process which endangers kids in this country.

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

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

Mr. WAXMAN. I thank the gentleman for yielding. I want to point out the existing law was proposed by President Bush and was enacted with broad bipartisan support. We have got to have the people who have the knowledge and expertise to be on these advisory committees. If the Burton amendment is agreed to, those people will not be serving, and that will be a disservice to the children of this country that want to be sure, for parents, that the vaccines have been reviewed by those who can give us the best information. The conflicts of interest that the gentleman from Indiana referred to, and I sat through those hearings as well, were quite remote, had nothing to do with the vaccine approval. In some cases they involved people who because of their knowledge and expertise in this area had worked for pharmaceutical companies because they were the best experts in the country to advise on these vaccines.

I would hope that Members will oppose the Burton amendment and not disregard a law that is so important for

the best experts in virology, biology, statistics, pediatrics, and other scientific disciplines to serve as volunteers in the public interest.

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

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

Mr. OBEY. I thank the gentleman for yielding. I would simply emphasize again the Office of Government Ethics itself opposes this amendment, saying that the Government would be deprived of much of the best and most relevant outside expertise in many areas.

This amendment is well meaning, but its principal victim if it passes will be children who will get sick and die because of the lack of adequate vaccines.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MR. KUCINICH
Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KUCINICH:
Page 96, after line 7, insert the following new title:

**TITLE IX—GENETICALLY ENGINEERED
FOOD RIGHT TO KNOW ACT**

SEC. 901. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Genetically Engineered Food Right to Know Act".

SEC. 902. FINDINGS.

The Congress finds as follows:

(1) The process of genetically engineering foods results in the material change of such foods.

(2) The Congress has previously required that all foods bear labels that reveal material facts to consumers.

(3) Federal agencies have failed to uphold Congressional intent by allowing genetically engineered foods to be marketed, sold and otherwise used without labeling that reveals material facts to the public.

(4) Consumers wish to know whether the food they purchase and consume contains or is produced with a genetically engineered material for a variety of reasons, including the potential transfer of allergens into food and other health risks, concerns about potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions.

(5) Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material.

(6) Reasonably available technology permits the detection in food of genetically engineered material, generally acknowledged to be as low as 0.1 percent.

SEC. 903. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following paragraph:

"(t)(1) If it contains a genetically engineered material, or was produced with a genetically engineered material, unless it bears a label (or labeling, in the case of a raw agricultural commodity, other than the sale of such a commodity at retail) that provides notices in accordance with the following:

"(A) A notice as follows: 'GENETICALLY ENGINEERED'.

"(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

"(C) The notice required in clause (A) immediately precedes the notice required in clause (B) and is not less than twice the size of the notice required in clause (B).

"(D) The notice required in clause (B) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

"(E) The notices required in clauses (A) and (B) are clearly legible and conspicuous.

"(2) For purposes of subparagraph (1):

"(A) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material.

"(B) The term 'genetically engineered organism' means—

"(i) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture, and

"(ii) an organism made through sexual or asexual reproduction (or both) involving an organism described in subclause (i), if possessing any of the altered molecular or cellular characteristics of the organism so described.

"(3) For purposes of subparagraph (1), a food shall be considered to have been produced with a genetically engineered material if—

"(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for raw agricultural commodities may not be construed to mean that such commodities are produced with a genetically engineered material);

"(B) the animal from which the food is derived has been fed genetically engineered material, or

"(C) the food contains an ingredient that is a food to which clause (A) or (B) applies.

"(4) This paragraph does not apply to food that—

“(A) is served in restaurants or other establishments in which food is served for immediate human consumption,

“(B) is processed and prepared primarily in a retail establishment, is ready for human consumption, which is of the type described in clause (A), and is offered for sale to consumers but not for immediate human consumption in such establishment and is not offered for sale outside such establishment, or

“(C) is a medical food as defined in section 5(b) of the Orphan Drug Act.”.

(b) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

“(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed \$100,000 for each such violation.

“(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).”.

(c) GUARANTY.—

(1) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(A) by striking “(d)” and inserting “(d)(1)”;

and

(B) by adding at the end the following paragraph:

“(2)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if such person (referred to in this paragraph as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food (including the receipt of seeds to grow raw agricultural commodities), to the effect that (within the meaning of section 403(t)) the food does not contain a genetically engineered material or was not produced with a genetically engineered material.

“(B) In the case of a recipient who with respect to a food establishes a guaranty or undertaking in accordance with subparagraph (A), the exclusion under such subparagraph from being subject to penalties applies to the recipient without regard to the use of the food by the recipient, including—

“(i) processing the food,

“(ii) using the food as an ingredient in a food product,

“(iii) repacking the food, or

“(iv) growing, raising, or otherwise producing the food.”.

(2) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting “or 303(d)(2)” after “303(c)(2)”.

(d) UNINTENDED CONTAMINATION.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (c)(1) of this section, is amended by adding at the end the following paragraph:

“(3)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if—

“(i) such person is an agricultural producer and the violation occurs because food that is

grown, raised, or otherwise produced by such producer, which food does not contain a genetically engineered material and was not produced with a genetically engineered material, is contaminated with a food that contains a genetically engineered material or was produced with a genetically engineered material (including contamination by mingling the two), and

“(ii) such contamination is not intended by the agricultural producer.

“(B) Subparagraph (A) does not apply to an agricultural producer to the extent that the contamination occurs as a result of the negligence of the producer.”.

SEC. 904. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL MEAT INSPECTION ACT.

(a) REQUIREMENTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following section:

“**SEC. 7A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.**

“(a) DEFINITIONS.—In this section:

“(1) The term ‘meat food’ means a carcass, part of a carcass, meat, or meat food product that is derived from cattle, sheep, swine, goats, horses, mules, or other equines and is capable of use as human food.

“(2) The term ‘genetically engineered material’ means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

“(3) The term ‘genetically engineered organism’ means—

“(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

“(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

“(b) LABELING REQUIREMENT.—

“(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 1(n) and 10, a meat food is misbranded if—

“(A) contains a genetically engineered material or was produced with a genetically engineered material; and

“(B) does not bear a label (or include labeling, in the case of a meat food that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

“(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a meat food shall be considered to have been produced with a genetically engineered material if—

“(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material;

“(B) the animal from which the food is derived has been fed genetically engineered material; or

“(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

“(c) SPECIFICS OF LABEL NOTICES.—

“(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

“(A) A notice as follows: ‘GENETICALLY ENGINEERED’.

“(B) A notice as follows: ‘UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL’.

“(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

“(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

“(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any meat food that—

“(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

“(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

“(e) GUARANTY.—

“(1) IN GENERAL.—A packer, processor, or other person shall not be considered to have violated the requirements of this section with respect to the labeling of meat food if the packer, processor, or other person (referred to in this subsection as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food or the animal from which the meat food was derived, or received in good faith food intended to be fed to such animal, to the effect that the meat food, or such animal, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

“(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the meat food by the recipient (or the use by the recipient of the animal from which the meat food was derived, or of food intended to be fed to such animal), including—

“(A) processing the meat food;

“(B) using the meat food as an ingredient in another food product;

“(C) packing or repacking the meat food; or

“(D) raising the animal from which the meat food was derived.

“(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

“(f) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed \$100,000 for each such violation.

“(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity

for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

“(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

“(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

“(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

“(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

“(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

“(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.”

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (12) and inserting “; or”; and

(3) by adding at the end the following paragraph:

“(13) if it fails to bear a label or labeling as required by section 7A.”

SEC. 905. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT.

The Poultry Products Inspection Act is amended by inserting after section 8 (21 U.S.C. 457) the following section:

“SEC. 8A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

“(a) DEFINITIONS.—In this section:

“(1) The term ‘genetically engineered material’ means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

“(2) The term ‘genetically engineered organism’ means—

“(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

“(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

“(b) LABELING REQUIREMENT.—

“(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 4(h) and 9(a), a poultry product is misbranded if it—

“(A) contains a genetically engineered material or was produced with a genetically engineered material; and

“(B) does not bear a label (or include labeling, in the case of a poultry product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

“(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a poultry product shall be considered to have been produced with a genetically engineered material if—

“(A) the poultry from which the food is derived has been injected or otherwise treated with a genetically engineered material;

“(B) the poultry from which the food is derived has been fed genetically engineered material; or

“(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

“(c) SPECIFICS OF LABEL NOTICES.—

“(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

“(A) A notice as follows: ‘GENETICALLY ENGINEERED’.

“(B) A notice as follows: ‘UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL’.

“(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

“(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

“(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any poultry product that—

“(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

“(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

“(e) GUARANTY.—

“(1) IN GENERAL.—An official establishment or other person shall not be considered to have violated the requirements of this section with respect to the labeling of a poultry product if the official establishment or other person (referred to in this subsection as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the poultry product or the poultry from which the poultry product was derived, or received in good faith food intended to be fed to poultry, to the effect that the poultry product, poultry, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

“(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the poultry product by the recipient (or the use by the recipient of the poultry from which the poultry product was derived, or of food intended to be fed to such poultry), including—

“(A) processing the poultry;

“(B) using the poultry product as an ingredient in another food product;

“(C) packing or repacking the poultry product; or

“(D) raising the poultry from which the poultry product was derived.

“(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

“(f) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed \$100,000 for each such violation.

“(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

“(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

“(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

“(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

“(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

“(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

“(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.”

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) is amended—

(1) by striking “or” at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting “; or”; and

(3) by adding at the end the following paragraph:

“(13) if it fails to bear a label or labeling as required by section 8A.”

SEC. 906. EFFECTIVE DATE.

This title and the amendments made by this title take effect upon the expiration of the 180-day period beginning on the date of the enactment of this title.

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

The CHAIRMAN. The gentleman from New Mexico reserves a point of order.

Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from New Mexico (Mr. SKEEN) each will control 5 minutes.

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

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

Mr. Chairman, last year 100 million acres of genetically engineered crops were planted in the United States. Last year the American people consumed dozens of products made of genetically engineered materials without any knowledge or understanding of some of the issues which are sweeping this world concerning genetically engineered food. The countries of the Euro-

pean Union, Australia, New Zealand and Japan are now discussing labeling regimes which would give people the right to know what they are eating, which would give people the right to know if food they are eating is genetically engineered, because concerns have been expressed all over the world about the possible allergenicity of genetically engineered food, possible toxicity, transfer of antibiotic resistance, and unintended side effects that come with this technology.

When the Food and Drug Administration approved genetically engineered food, they said that such food was substantially equivalent to conventional foods. But the fact of the matter is that when you are using a gene gun to shoot a gene from a different species into a target to be genetically engineered, you are hardly relying on nature. You are relying on a process, the safety of which has not been proven and the safety of which should have been checked out 10 years before these products were introduced into our food supply.

We know some of the stories, what happened with the monarch butterfly in one study where pollen which migrated from genetically engineered corn went to the milkweed plants on which monarch butterflies fed and in this study of Cornell University half of the monarch butterflies in this population were killed.

Now, there are some serious questions raised about what happens when genetic material moves across a distance, settles on other crops and can create unintended side effects. People have a right to know if their food has been altered in any way. That is one of the reasons why and it is almost a fundamental thing that is so uniquely American because years ago this Congress fought successfully for bills which forced the FDA to have manufacturers disclose all the contents of the food that we eat.

Imagine if you had a problem with your diet where you had to be concerned about the fat content of your food, but you did not have fat content listed on a product that you consumed. Or if you had a problem with too much sugar, and you could not have any labeling of what the sugar content was. Americans know how important these issues are with their diet. Today, the issues have changed with technology. Genetically engineered food poses new risks that have not yet been adequately researched, and the FDA has a responsibility to tell this to the American people. The least we can do is to label genetically engineered food. The least we can do is to give people the right to know what is in the food they eat. The least we can do is follow the example that is set by all of the nations of the European Union in saying that genetically engineered foods have to be labeled.

Why are the people of the United States, who in polls that have been taken, have been demonstrated to favor labeling by close to 90 percent, being denied this chance to have their food labeled if it is genetically modified? Think about it. People have a right to know. That is what this bill is about, giving people the opportunity to know what is in the food they eat.

There is one product which has been talked about, a flavor saver tomato which takes a gene from a flounder and shoots it into a tomato to make the tomato more weather resistant. Now, in God's green acres, tomatoes and flounders do not mate. Nature has certain separations which makes it possible for species to grow without trying to have transspecies communication. What is happening is that genetic engineering is creating new possibilities which defy the laws of nature and God.

And so we need to take a stand and to say we ought to be testing this food, we ought to test it for toxicity, we ought to test it for allergenicity, we ought to test it for all kinds of safety problems, but before we get to that we certainly must label it.

That is why I brought this bill to the Congress. I am not going to ask for a vote on it today, but this issue is going to be brought back over and over until we have a labeling bill.

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

Mr. SKEEN. Mr. Chairman, I continue my reservation.

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

Mr. SMITH of Michigan. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio which would mandate labeling of foods derived from biotechnology. The amendment which purports to strengthen consumer choice is not only out of order but actually limits consumer choice. I say that based on a couple of realities. One, that the labeling in Europe has resulted in stores taking these foods off the shelf and off the counter because of the potential fear that something must be wrong with these foods if they do label. It establishes an unnecessary warning, I think of little relevance to the public, about food products that three U.S. regulatory agencies, dozens of scientific societies, and literally thousands of researchers have found just as safe and maybe safer than essentially all the food we eat.

Except for a couple of fish products, everything in that grocery store has been genetically modified, genetically modified by crossbreeding, hybrid breeding. Sometimes that kind of breeding has resulted in greater danger to the public than a more sophisticated high-tech ability to separate out one or two genes, knowing the characteristics

of those genes, and then transplanting those genes. Rather than the average agricultural plant that has up to 25,000 genes, when you crossbreed them, you do not know what genes are going to dominate, you do not know what kind of genes are going to be mutated. So the new technology in the minds of many scientists is much safer.

I think it is important that we do not inhibit the sale and production of these foods. We already have 1,000 products genetically modified, approved, that are on the market. We have three regulatory agencies overseeing it.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio, which would mandate labeling of foods derived from biotechnology. The amendment, which purports to strengthen consumer choice, not only is out of order but in reality it limits consumer choice. It is an attack on food products produced with the new technology. It establishes an unnecessary warning of little relevance to the public about food products that three U.S. regulatory agencies, dozens of scientific societies, and literally thousands of researchers have found just as safe—and maybe safer—than essentially all foods we eat. Most everything in the grocery store has been produced using gene transfer by traditional crossbreeding methods. It is therefore crucial that we not reduce efforts in our regulatory agencies to assure that all foods are safe which is compromised when we pay special attention to a particular category of food.

On April 13, 2000, I issued a Chairman's report on plant genomics and agricultural biotechnology. This report was the culmination of three hearings I held on the issue as Chairman of the Subcommittee on Basic Research, at which some of the Nation's leading scientists testified. One of the issues I dealt with in some detail in the report was mandatory labeling.

What I found is that there is no scientific justification for labeling foods based on the method by which they are produced. Labeling of agricultural biotechnology products would confuse, not inform, consumers and send a misleading message on safety.

The Food and Drug Administration has more than 15 years of experience in evaluating the food-based products of biotechnology and more than 20 years of experience with medical products of biotechnology. FDA's decision not to require labeling is consistent both with the law and with its "Statement of Policy: Foods Derived from New Plant Varieties." More to the point, consumers have a lifetime of direct personal experience with foods genetically modified through hybridization and other means that are indistinguishable from those produced using biotechnology.

FDA bases labeling decisions on whether there are material differences between the new plant-based food and its traditional counterpart. These material differences include changes in the new plant that are significant enough that the common or usual name of the plant no longer applies, or if a safety or usage issue exists that warrants consumer notification.

Despite this sensible policy, biotechnology's critics continue to argue that foods created

using recombinant DNA techniques should bear a label revealing that fact. This view is based on large part on the faulty supposition that the potential for unintended and undetected differences between these foods and those produced through conventional means is cause for a label based solely on the method of production of the plant.

The risks for potentially unintended effects of agricultural biotechnology on the safety of new plant-based foods are conceptually no different than the risks for those plants derived from conventional breeding. As described in FDA's Statement of Policy, "The agency is not aware of any information showing that foods derived by these new methods differ from other food in any meaningful or uniform way, or that, as a class, foods developed by the new techniques present any different or greater safety concern than foods developed by traditional plant breeding." This view was echoed by the research scientists who testified before the Subcommittee on the subject.

Indeed, there is a genuine fear that labeling biotech foods based on their method of production would be the equivalent of a "skull and crossbones"—that the very presence of a label would indicate to the average consumer that safety risks exist, when the scientific evidence shows that they do not. Labeling advocates who argue otherwise are being disingenuous. The United Kingdom's new mandatory labeling law, for example, was put forward ostensibly to enhance consumer choice. Instead, it has prompted British food producers and retailers to remove all recombinant DNA constituents from the products they sell to avoid labeling.

Mr. Chairman, mandatory labels indicating the method of genetic manipulation clearly would be extremely confusing, and of little relevance, to consumers. FDA's current policy on labeling is scientifically and legally sound and should be maintained. I urge my colleagues to oppose this amendment.

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

Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this time.

I wanted to commend the gentleman from Ohio (Mr. KUCINICH) for his leadership and moving the Congress to assure that consumers have quality foods and they do not have to worry about reactions, allergic reactions or dietary reactions to what are in foods. Even though at this point the gentleman has chosen to withdraw this amendment, his leadership has encouraged the subcommittee to include in the report directive language to get the U.S. Department of Agriculture to work more closely with the Food and Drug Administration to make sure that decisions are based on sound, verifiable science.

□ 1415

We expect the Department to provide sufficient information to consumers about bioengineered foods, and we have included language explaining that we want the Food and Drug Administra-

tion and the U.S. Department of Agriculture to work across agency lines to provide a unified approach to this type of consumer safety and consumer information.

Mr. Chairman, I want to thank the gentleman for his active leadership on this issue.

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman and the gentleman; and we will be back with this another time.

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

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Ohio (Mr. KUCINICH) is withdrawn.

There was no objection.

Ms. WATERS. Mr. Chairman, I have several amendments at the desk. I would like to proceed at this time.

The CHAIRMAN. The gentlewoman's amendments are not in order under the order of the House.

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

Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. WATERS), for whom I have the highest respect, who has been such a leader on civil rights matters, certainly those before the U.S. Department of Agriculture, to discuss the first of several amendments the gentlewoman wishes offer.

Ms. WATERS. Mr. Chairman, the first amendment is a \$1 million set-aside from the Commodity Credit Corporation that would pay 20 percent monthly interest rates to those farmers whose claims are in arrears for more than 60 days.

Let me say what has prompted this. Many Members, from both sides of the aisle, have worked very, very hard to correct some of the injustices perpetrated by the Department of Agriculture years past. A lot of good work went into waiving the statute of limitations so that claims could be refilled and that we could have an administrative process by which to take care of those farmers who had been denied years past.

In addition to that, many Members from both sides of the aisle supported the class action lawsuit. The class action lawsuit was successful, and there was a consent decree, and there was a whole process put in place, with a monitor, with facilitators and with adjudicators to process these claims.

Well, many of the farmers who have filed claims in good faith are now waiting for months to try and get those claims adjudicated, and it is quite unfortunate that those people who have the responsibility for processing these claims either have not been able to get their act together so that they could process them in a timely manner, or they are just negligent in what they are supposed to be doing.

One of the things I discovered some time ago is when you are dealing with

small business people, such as these small farmers, you can literally drive them out of business by not processing their claims where they have expectations to be reimbursed for the past discrimination that they have experienced, whether it is in the agricultural community or just in the small business community. If you then assess those who have the responsibility and force them to have to pay interest rates to facilitate these claims, we find we get things done a lot faster.

If in fact we have farmers out there who are filing claims and if those claims cannot be processed in 60 days, this amendment would simply say you have to pay them interest rates and get it done. This will move up the process. This will take care of the small family farmers, the small business persons, who are sitting there waiting month in and month out to have these claims adjudicated.

I would ask for support on this amendment.

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

Ms. KAPTUR. May I inquire of the Chair how much time is remaining, Mr. Chairman?

The CHAIRMAN. The gentlewoman from Ohio has 2 minutes remaining.

Ms. KAPTUR. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS) to discuss her second amendment.

Ms. WATERS. Mr. Chairman, the second amendment is a \$500,000 request from the Commodity Credit Corporation to procure additional contractors for the Judge Adjudication Mediation Service for the resolution of outstanding claims under the Pigford v. Glickman consent decree. I might add that there should be a correction in the way "Pigford" has been spelled in the amendment that we submitted.

Let me just say that this amendment is consistent with what we are trying to do to facilitate these claims. Again, you have these farmers who filed these claims in good faith, and we have supported them in good faith from both sides of the aisle with the class action lawsuit. The judge put together this process by which to get it done.

We have the appropriate amount of dollars by which to get it done. We have the process that has been signed off on. We have so-called monitors. We have the facilitators and the adjudicators, but it is not getting done. This would satisfy some of the complaints that I am hearing, that there are not enough people involved in this contractor relationship that we have to get the job done.

So this \$500,000 from the Commodity Credit Corporation would simply procure additional contractors, speed it up, get it done. The money is there in the system by which to do it. This would just supply \$500,000 to get addi-

tional contractors to make sure it gets done.

If we take this action, and we take the action for assessing 20 percent monthly interest rates for those farmers who have not had their claims done, I think we will be able to move this process. Many of the farmers who are out there do not know what is going on. They do not understand the complications of the system. They do not understand all that has been done in the consent decree.

Mr. Chairman, I would ask for support so that we could move this process.

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

The CHAIRMAN. The gentlewoman from Ohio is recognized for 5 minutes.

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

Mr. Chairman, I want to say to the gentlewoman that in traveling the country and seeing that at least 70 percent of these civil rights cases are in the State of Mississippi, and in following a bit about how the cases are being adjudicated, I think the gentlewoman brings a very important set of issues to the floor today, and that is the difficulty with processing these cases, some of the bureaucratic, not just inertia, but, for example, when a case is settled, a claim is settled, then, for some reason, even after injury has been found, then that family's case is turned over to the FBI. Why? What is going on out there?

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS) on such a critical question that the Department should be moving on expeditiously, and there should be justice in this system and justice should be swift and sure.

Ms. WATERS. Mr. Chairman, I certainly appreciate all of the work the gentlewoman has put in, to not only waive the statute of limitations, that took tremendous work to get done, but the support that the gentlewoman has given with the class action lawsuit, the support that the gentlewoman has given to the Members of the Congressional Black Caucus and others who have been involved in all of this.

Additionally, along with the two ideas of trying to get interest when there has been a delay and trying to get more money to have more contractors, the last amendment that I had would be a transfer of funds from the position of Special Assistant to the Secretary for Civil Rights to a newly created position of Assistant Secretary of Civil Rights.

Now, this is very simple. What we have actually in the Department of Agriculture is a violation of the EEOC law, because what you have is you have a position, and in that position they not only are trying to supposedly do the work of the Civil Rights Division of the Department of Agriculture, they

handle personnel for Agriculture and some other kinds of things that put them in direct conflict.

This idea would simply have a position of Assistant Secretary of Civil Rights that we would request so that we will have a way by which the complaints and the bottlenecks can be addressed at the highest levels so that we can get this behind us once and for all.

I do not know of anybody who is opposed to getting this done. As a matter of fact, these farmers are part of the great agricultural community of this Nation, who work hard, day in and day out, to supply the food stuffs that we need as citizens. These are the farmers that continue and persist in an attempt to do farming, no matter how difficult it is.

We have seen many of these farmers who have lost farms and come back and start all over again. Many of them have witnessed their ancestors, who have died trying to farm the land without money, without money to even buy the seed that they need to get planted. Many of them are sitting there now, not knowing if they are going to be foreclosed on. Many of them were born farmers, and they want to die farmers. They love what they do. They love the time and effort that many of their family members have put into farming, and I think we deserve to give them some support. I think they deserve to have these claims adjudicated. They deserve to have them processed in a timely manner.

As it has been said, they have been found to be eligible, their claims have been received, they have been investigated, and they are owed the money. Why are they being held up?

Well, one question has been raised, there are some folks who are maybe incompetent. Others are playing games. But I think it defies the direction of this House.

I would simply ask that we receive the kind of support that is necessary to process these claims and get it done.

Ms. KAPTUR. Mr. Chairman, again I want to thank the gentlewoman for her national leadership on this issue, and to say as we move towards conference, believe me, I will take these amendments into consideration and see if there is not some way that we can get additional momentum within the Department. There is absolutely no reason that a farmer against whom injury has been found should have to go bankrupt simply because the agency has not delivered the assistance in a timely manner and the award in a timely manner.

So I think the gentlewoman has some excellent suggestions here. I am sure the farmers who are listening and those who are facing this litigation are very grateful for her leadership.

I was listening to our former colleague, Congressman Kweisi Mufume, yesterday at the National Association

for the Advancement of Colored Persons discuss the agricultural issue, and I do not know that I have ever heard that from the President of the NAACP before, but it is great to hear. It is a priority for them as well.

We look forward to working for the gentlewoman. I thank her for her leadership on behalf of civil rights for farmers, regardless of color or region. I would say to the gentlewoman from California (Ms. WATERS), we appreciate her great, great heart and her sense of justice.

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

Mr. Chairman, the gentlewoman's amendments are directed at a serious problem at USDA that has taken far too long to fix. After 5 years of the subcommittee's reviews of the civil rights situation, both for USDA employees and users of the programs, I am convinced that the problem is one of management, not money. We have consistently increased the Departmental Administration budget over the past 5 years, and that is where the Office of Civil Rights is housed.

Two years ago, at the administration's request, we put language in our bill that increased the scope of the statute of limitations so that minority farmers could press their claims, and that cost \$15 million. This year's supplemental legislation, again at the request of the Department of Agriculture, includes \$26.2 million for additional personnel at Farm Service Agency offices and \$13 million specifically for expenses related to implement the minority farmers' consent decree and the Pigford decision. In addition, we have supplied millions of dollars in outreach education and research programs for minority farmers.

Mr. Chairman, what is clear from several reports by the Inspector General and by the General Accounting Office, USDA's own civil rights action team and the farmers themselves, is that only a commitment at the most senior level of the Department will resolve whatever problems remain. I do not believe that any kind of legislation can create that commitment. It must originate with the Secretary himself.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word, and I yield 5 minutes to the distinguished gentleman from the State of Georgia (Mr. BISHOP), regarding concern related to the draft that is before us.

Mr. BISHOP. Mr. Chairman, let me thank the gentlewoman for yielding me time for the purposes of a colloquy with the gentleman from Georgia (Mr. KINGSTON) regarding an amendment.

Before I address that, let me commend the gentlewoman from California for her effort on behalf of black farmers. I think that the colloquy that was held between the gentlewoman from California (Ms. WATERS), the gentlewoman from Ohio (Ms. KAPTUR), along

with the gentleman from New Mexico (Mr. SKEEN), the subcommittee chair, is very appropriate, it is on target, and it is something we need to move forward on with dispatch.

□ 1430

With that said, I would like to engage the gentleman from Georgia (Mr. KINGSTON) in a colloquy regarding the Committee on Appropriation's bill.

On March 21 of this year, I requested of the Committee on Appropriations' Subcommittee on Agriculture that two important projects be included in the agriculture appropriations bill for the year 2001. The requests under the USDA Agricultural Research Service included an ARS project to develop, evaluate, and transfer technology to improve the efficiency and quality of peanuts in Dawson, Georgia; and an ARS project on peanut quality research to develop technology and methodology for peanut quality management during production and postharvest processing, which is also in Dawson, Georgia.

The request was that the two projects be funded at the fiscal year 2000 levels, including reinstatement of funding for the 15 percent rescission. The total appropriation agreed to in subcommittee for the two projects and the rescission was \$1.15 million.

During the markup of the full Committee on Appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation Bill for 2001, it is my understanding that the gentleman offered an amendment which would strike the provision of \$1.15 million for the two projects that I just referred to, and the rescission, and would insert in lieu of that, ARS funds totaling \$1.15 million for several other projects, including \$250,000 for category 1 nematology research, \$350,000 for an agricultural water use management project, \$300,000 for an increase in funds provided for the chicken genome mapping project, and \$250,000 to increase funds provided for research on the Avian Leukosis-J virus and the Avian disease and oncology lab.

Could the gentleman clarify for me the circumstances under which the two Dawson peanut projects were dropped, I assume inadvertently, pursuant to our conversations from the final committee report; and, if the gentleman would engage in some discussion with me with regard to the added four additional projects, which are very worthy projects and which I support and I join with the gentleman in requesting that they be funded. But because I support funding for the two projects that were eliminated as well as the projects that were substituted in lieu thereof, I would like to ask the gentleman to work with us, since they are all important to Georgia producers; they are important to the Southeast in agriculture

and to agriculture across the country, and particularly the quality research at the peanut lab in Dawson.

Would the gentleman be willing to work with us in conference to make sure that we are able to not only restore the two projects that were funded, but to ask the conference committee if they would also continue the four projects that the gentleman inserted in there, which we think are worthy and which were also proposed by us?

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

Mr. BISHOP. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, if I could respond, what we would like to do is continue working with the gentleman on these important projects because we know the gentleman's interest in them; and the gentleman is correct, there are a number of worthy projects here. The gentleman as an advocate of agriculture, the gentleman as an advocate of peanuts, the gentleman has worked hard for research, because it does not just have impact in Georgia; but it does nationally and not just for farmers who are in need of help right now, but for consumers who want to make sure that they have an abundant and safe food supply.

So we will continue working with the gentleman in the conference arena. It is also my understanding that the gentleman has secured some funding from another body which we will endeavor to match on the House side. I will be on the conference committee, and I will work with the gentleman on this.

Mr. BISHOP. Mr. Chairman, reclaiming my time, these two projects, as the gentleman is correct in saying, are included in the report language of the Senate Committee on Appropriations Report, report 106-288 at page 34.

We certainly appreciate the gentleman's pledge of cooperation, and we would appreciate that very much; and we think it will be in the best interests of not just Georgia peanut farmers but the southeastern farmers and peanut farmers all across the country and agriculture as a whole.

So I thank the gentleman very much, and I thank the gentlewoman for yielding.

Ms. KAPTUR. Mr. Chairman, I offer an amendment, Amendment No. 15.

The CHAIRMAN. Amendment No. 15 was not made in order under the order of the House of yesterday.

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

Mr. Chairman, we have an amendment that would essentially attempt to address the farm crisis affecting so many regions across this country by providing \$80 million under emergency designation out of funds from the Commodity Credit Corporation for equity capital and grants to small and medium-sized producers for feasibility

studies, business development strategies, restructuring small and medium-sized enterprises, and the processing and marketing of agricultural commodities organized through cooperatives.

Ever since the passage of the Freedom to Farm Act, billions and billions of dollars have been spent by the people of the United States in trying to prop up rural America in emergency payments to our producers. From the numbers that I have been able to obtain, that emergency assistance has amounted to over \$24.5 billion, and that is with a "B." In order to qualify for those programs, one does not even have to have a crop in the ground.

A recent GAO study that came out indicated that, in fact, in 1999, almost a third of the \$4.5 billion in payments went to farms that would not have received it had we been using a traditional production measurement system that had existed prior to Freedom to Farm. So what we have is a situation where we have people going bankrupt in rural America, we have an AMTA payment, or an Agricultural Market Transition Assistance payment, that really does not go to people who desperately need it in many, many cases; and we need to find other measures to help farmers weather and adjust in this economy.

The amendment that I am proposing would help farmers meet the market, and it is tough. Whether one is a sugar beet producer, whether one is a beef producer, whether one is in feed grains, it really does not matter what, unless one can economically restructure in this economy, find higher value-added products and bring those to market more directly with prices being what they are, one cannot afford to have a farm business that provides the majority of one's income.

We know that while farmers want to depend on the market, we have not provided the economic tools for them to do that, and there is not any farm family in this country that wants to exist on subsidy.

This amendment would actually spend far fewer dollars than current programs, and it would offer the opportunity of establishing co-op development ventures that would have permanence, would have a lasting impact in many places across this country.

If we think about it, the amendment that we have drafted establishes a cap. No particular enterprise could get more than \$500,000, excuse me, I should say \$10 million out of the \$80 million; and we would be looking at ways of helping farmers group together in order to use their combined assets to meet the market. It is real dollars that can help them not just bounce along in this economy, but perhaps survive long term.

The amendment provides for grants that can be targeted toward feasibility

studies and business development plans. We know many farmers do not know how to organize into a marketing co-op for milk, for sugar products, for honey products, whatever it might be. This would give them another mechanism.

I know I was shocked to meet with sugar beet growers from Michigan who were just up against it, and not able to make it in the economy; and they said, Congresswoman, if we could just figure out how to reorganize ourselves as a business unit, we really want to remain in business. What amazed me about that conversation, in spite of the devastation that they are facing and even bankruptcy in some cases, they were struggling to find the means to meet the market. I was so impressed with their optimism; and, therefore, I would hope that as we move toward conference, that this kind of cooperative development mechanism might be able to be embedded into the base bill.

Mr. Chairman, I yield any remaining time that I might have to the gentleman from Iowa (Mr. BOSWELL).

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

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

Mr. Chairman, I yield the time to the gentleman from Iowa (Mr. BOSWELL), who has been such a leader in crafting this bill as well as the agriculture authorization bill and the crop insurance measure that was before us a few weeks ago, and we thank him for his leadership on behalf of rural America in every aspect.

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time.

To the gentleman from New Mexico (Mr. SKEEN), if I could just take a personal moment, a mutual friend of ours down there in New Mexico said it right, I say to the gentleman. He said, you are a good man. I have watched the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for the last 4 years, and they have their hearts in what they are doing, and I appreciate it.

I would like to associate myself with the remarks that have been made by the gentlewoman from Ohio. I think that we do, in fact, have an emergency; and I understand that this amendment is not going to be dealt with today, because it would fall in that category. So I understand that. I know that the Chairman will carry forth in that rule and so on.

But I do think we have an emergency. We could make a case for it. The reason I say that is because in my area and the chairman's area and the gentlewoman from Ohio's area and all of those across rural America, we see the family farm, which is hard to define, but we see it going by the wayside. Bigger and bigger, much more corporate

farming going on, and so on. So we do have an emergency, I believe. Here are some of the reasons I feel that way.

Mr. Chairman, we have a safe, plentiful, affordable food supply compared cost-wise to any other modern country in the world, as the percentage of disposable income is so much less. We are privileged to have that. I see that in danger of escaping from us. We should think of it. How many of us here, myself included, pick up the newspaper and we turn over to the stock market and we see what is going on. We are concerned and we ought to be, and we want to see whatever we have invested in to have some profitability; and if it does not, we are concerned. If it goes through a quarter and it is down, why, we want something done about it; and that is just the way it is. There is nothing wrong with profitability; it is good, the way it should be. But when the prices are down, the CEOs are under a lot of pressure, and we see things change.

When it comes to food and fiber, I think that is a different category. What we feed this Nation and around the world with is something different. Every one of us in this country, all of us, should be very much tuned into this because the amount of one's disposable income that one will pay for one's safe, plentiful food is going to change if we do not get a grip on this. It is just simply going to happen.

So this idea that the gentlewoman brings forth, I think, needs consideration. The only tool that I see out there right now that is effectively working, and I have been in part of that system for a long time; I chaired a board for a long time, I am an active member in my local district and I live on the farm, is to allow those communities to have those co-ops and to have the opportunity to purchase, and the advantage of their shareholders and also to market and to be part of the value added to the system, to be part of the value added; and we are not doing that now.

So I applaud the gentlewoman for her efforts to try to create some resources to do that. We have seen a little of that done in some isolated places, and it works. For the producer to have a part of the action for the value added, it just makes sense.

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

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

Ms. KAPTUR. Mr. Chairman, coming from Iowa, I am sure that the gentleman has noted the greater and greater concentration in the agriculture industry, and it is much harder for producers to be company-equal partners in any kind of negotiation related to farm product and to actually bring that product to market. So I wanted to emphasize what the gentleman has been saying about how

farms have had to get bigger and bigger and bigger, and even to try to meet market of today, it is almost impossible for many of these producers to do that.

So I was interested in the gentleman's co-op experience and why that is relevant as we try to finance.

□ 1445

Mr. BOSWELL. When they can co-operate together they still have the ownership of it, and it is going right back to that family farm. Whatever is gained there is a good thing for not only them but for the community, for the State, for the country.

I think we have to look for opportunities to enhance that. That is what the gentlewoman is trying to do. I would ask the chairman if he would help, and if we get a chance to do things for these people, that we pull together to do it. I have confidence that the gentleman will.

I am delighted that I can come here this afternoon and participate in this dialogue. We are doing the right thing. Everybody is interested to have safe, plentiful, and affordable food. We ought to do everything we can to be sure that happens. I say our chances are much better if we have it spread over the land, over a number of family farms, rather than in the collective hands of a few.

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

Mr. Chairman, as we draw to the conclusion of this bill, I just want to remind Members of the shortcomings which will still lead people like me to vote against it on final passage, even though I fully recognize that the gentleman from New Mexico (Mr. SKEEN) has done everything he could within the totally inadequate allocation provided to him to produce a bill that would be worthy of the House's support.

I would point out that in a letter from the Executive Office of the President it is made clear that "Given the severe underfunding of critical programs and highly objectionable language provisions in the bill, the President's senior advisers would recommend that he veto the bill if it were presented to him in its current form."

I think it is useful to underline what a few of those reasons are. First of all, with respect to food safety, this bill underfunds the budget request for USDA's Food Safety and Inspection Service, which inspects meat and poultry, by over \$14 million.

This bill severely underfunds Department efforts to deal with market concentration and abusive practices within the industry. It falls some \$53 million short of the budget request in dealing with problems such as citrus canker in Florida, the Asian longhorn beetle infestation that is killing hardwood trees in New York and Illinois,

the plum pox outbreak in Pennsylvania, bovine TB in Michigan, Pierce's disease in California's grape industry, Mediterranean fruitflies, and similar problems.

Those may seem like small problems if one does not farm. If one farms, they are huge obstructions to making a living. This bill does not sufficiently respond to those problems.

In the area of conservation programs, it falls \$70 million short of the budget request for conservation operations at the Natural Resources Conservation Service, and we are told that will require the elimination of about 260 staff who help farmers and ranchers design and implement measures to reduce soil erosion, protect water supplies, and the like.

It also is \$180 million below the administration's request for rural development. It is short on P.L. 480, overseas food donation programs. The agricultural research and extension program would be \$63 million below the request.

The bill contains the dangerous rider which restricts FDA and USDA actions to reduce Salmonella contamination in eggs.

Most importantly, in my view, there is a huge hole in this bill because it contains nothing to deal with the problem of collapsing prices on the farm, and whether we are talking about dairy, where I come from, or other commodities, the fact is that farmers are in dire straits because of the collapse of market prices.

The collapse of market prices in my view has been brought on by the ill-advised Freedom to Farm Act, which creates a very weird situation.

I know of no other field, no other economic field in this country in which, if we had an oversupply of product, we would not cut back on production in order to bring ourselves into some equilibrium between supply and demand. Only in agriculture do farmers face the practical reality that if they individually want to try to beat the problem, they have to increase rather than decrease production.

That produces a national farm policy which makes no sense. In the process it drives down the price paid to individual farms and farmers.

For all of those reasons, while I respect greatly the gentleman from New Mexico and I believe that he has done the best job he can given the allocation made available to him, that allocation is woefully inadequate. It does not meet the needs of the next 5 years in agriculture, and until it comes back from conference with what I would hope would be some rational compromises on some of these items, I personally will not be in a position to support the bill.

I regret that, but I think that this bill has a long way to go before it is going to receive a presidential signature.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 538, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 39 offered by the gentleman from Oregon (Mr. DEFAZIO); amendment No. 48 offered by the gentleman from South Carolina (Mr. SANFORD); amendment No. 68 offered by the gentleman from Indiana (Mr. BURTON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 39 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. DEFAZIO: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, not more than \$28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "Animal and Plant Health Inspection Service", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting stock.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote, followed by two 5-minute votes.

The vote was taken by electronic device, and there were—ayes 190, noes 228, not voting 16, as follows:

[Roll No. 382]

AYES—190

Ackerman	Castle	Duncan
Allen	Chabot	Engel
Andrews	Clay	English
Baird	Clement	Eshoo
Baldwin	Clyburn	Etheridge
Barcia	Conyers	Evans
Barrett (WI)	Costello	Farr
Bass	Cox	Fattah
Berkley	Coyne	Filmer
Berman	Crane	Ford
Biggert	Crowley	Fossella
Bilbray	Cummings	Frank (MA)
Blagojevich	Davis (IL)	Franks (NJ)
Blumenauer	Davis (VA)	Frelinghuysen
Boehert	DeFazio	Gallely
Bonior	DeGette	Gejdenson
Borski	DeLaunt	Gephardt
Brady (PA)	DeLauro	Gilman
Brown (OH)	Deutsch	Gonzalez
Capuano	Dixon	Green (TX)
Cardin	Doggett	Green (WI)
Carson	Doyle	Greenwood

Gutierrez Lofgren Rohrabacher
 Hall (OH) Luther Rothman
 Hastings (FL) Maloney (CT) Roukema
 Hefley Maloney (NY) Roybal-Allard
 Hill (IN) Markey Portman
 Hinchey Matsui Pryce (OH)
 Hoeffel McCarthy (MO) Quinn
 Holt McCarthy (NY) Sabo
 Hooley McDermott Sanders
 Horn McGovern Sanford
 Houghton McKinney Sawyer
 Hoyer Meehan Schakowsky
 Hulshof Meeks (NY) Scott
 Hyde Menendez Sensenbrenner
 Insole Metcalf Serrano
 Jackson (IL) Mica Shays
 Jackson-Lee Millender-Sherman
 (TX) McDonald Smith (NJ)
 Jefferson Miller, George Snyder
 Johnson (CT) Moakley Spratt
 Johnson, E. B. Moore Stark
 Jones (NC) Moran (VA) Sununu
 Jones (OH) Morella Tancredo
 Kelly Nadler Tauscher
 Kennedy Napolitano Tauzin
 Kildee Neal Taylor (MS)
 Kilpatrick Northrup Tierney
 Kind (WI) Obey Toomey
 King (NY) Olver Udall (CO)
 Kleczka Pallone Velazquez
 Kucinich Pascrell Wamp
 Kuykendall Paul Waters
 LaFalce Pease Waxman
 Lantos Pelosi Weiner
 Larson Petri Weldon (PA)
 Lazio Phelps Weller
 Leach Porter Wexler
 Lee Price (NC) Weygand
 Levin Ramstad Whitfield
 Lewis (GA) Rangel Woolsey
 Lipinski Rivers Wu
 LoBiondo Roemer Wynn

NOES—228

Abercrombie Deal Istook
 Aderholt DeLay Jenkins
 Archer DeMint John
 Armye Diaz-Balart Johnson, Sam
 Baca Dickey Kanjorski
 Bachus Dicks Kaptur
 Baker Dingell Kasich
 Baldacci Dooley Kingston
 Ballenger Doolittle Klink
 Barr Dreier Knollenberg
 Barrett (NE) Dunn Kolbe
 Bartlett Edwards LaHood
 Barton Ehlers Lampson
 Bateman Ehrlich Largent
 Bentsen Emerson Latham
 Bereuter Everett LaTourette
 Berry Ewing Lewis (CA)
 Billirakis Fletcher Lewis (KY)
 Bishop Foley Linder
 Bliley Fowler Lowey
 Blunt Frost Lucas (KY)
 Boehner Ganske Lucas (OK)
 Bonilla Gekas Manzullo
 Bono Gibbons Martinez
 Boswell Gilchrest Mascara
 Boucher Gillmor McCreery
 Boyd Goode McHugh
 Brady (TX) Goodlatte McInnis
 Brown (FL) Goodling McIntyre
 Bryant Gordon McKeon
 Burr Goss Meek (FL)
 Burton Graham Miller (FL)
 Buyer Granger Miller, Gary
 Calvert Gutknecht Minge
 Camp Hall (TX) Mink
 Canady Hansen Moran (KS)
 Cannon Hastings (WA) Murtha
 Capps Hayes Myrick
 Chambliss Hayworth Nethercutt
 Clayton Herger Ney
 Coble Hill (MT) Norwood
 Coburn Hilleary Nussle
 Collins Hilliard Oberstar
 Combest Hinojosa Ortiz
 Condit Hobson Ose
 Cook Hoekstra Oxley
 Cooksey Holden Packard
 Cramer Hostettler Pastor
 Cubin Hunter Peterson (MN)
 Cunningham Hutchinson Peterson (PA)
 Danner Isakson Pickering

Pickett Shaw Thompson (CA)
 Pitts Sherwood Thompson (MS)
 Pombo Shimkus Thornberry
 Pomeroy Shows Thune
 Portman Shuster Thurman
 Pryce (OH) Simpson Tiahrt
 Quinn Sisisky Towns
 Radanovich Skeen Traficant
 Rahall Skelton Turner
 Regula Smith (MI) Udall (NM)
 Reyes Smith (TX) Upton
 Reynolds Souder Visclosky
 Riley Spence Vitter
 Rodriguez Stabenow Walden
 Rogan Stearns Walsh
 Rogers Stenholm Watkins
 Ricks-Lehtinen Strickland Watt (NC)
 Ryun (KS) Stump Watts (OK)
 Salmon Stupak Weldon (FL)
 Sanchez Sweeney Wicker
 Sandlin Talent Wilson
 Saxton Tanner Wise
 Schaffer Taylor (NC) Wolf
 Sessions Terry Young (AK)
 Shadegg Thomas Young (FL)

NOT VOTING—16

Becerra McCollum Scarborough
 Callahan McIntosh Slaughter
 Campbell McNulty Smith (WA)
 Chenoweth-Hage Mollohan Vento
 Davis (FL) Owens
 Forbes Payne

□ 1511

Messrs. HUNTER, VITTER, STUPAK, DEMINT, OBERSTAR, ROGAN, RYUN of Kansas, and Ms. SANCHEZ changed their vote from “aye” to “no.”
 Mr. TIERNEY, Mr. HEFLEY and Ms. CARSON changed their vote from “no” to “aye.”

So the amendment was rejected.
 The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 538, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 48 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 48 offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.
 The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 255, not voting 13, as follows:

[Roll No. 383]

AYES—166

Ackerman Baldwin Barrett (WI)
 Andrews Barcia Bartlett
 Archer Barr Bass
 Baker Barrett (NE) Bereuter

Berkley Hastings (FL) Northrup
 Biggart Hayworth Oliver
 Bilbray Hefley Oxley
 Bliley Herger Paul
 Blumenauer Hilleary Pease
 Boehner Hoeffel Petri
 Bono Hoekstra Pitts
 Brown (OH) Holt Porter
 Bryant Hostettler Portman
 Camp Houghton Pryce (OH)
 Capps Hulshof Ramstad
 Capuano Hutchinson Rivers
 Castle Inslee Roemer
 Chabot Istook Rogan
 Clyburn Johnson (CT) Rohrabacher
 Coble Jones (NC) Roukema
 Coburn Kasich Royce
 Collins Kelly Ryan (WI)
 Conyers Kildee Salmon
 Cox Kind (WI) Sanford
 Crane King (NY) Saxton
 Crowley Knollenberg Schaffer
 Cunningham Kolbe Schakowsky
 Davis (FL) LaFalce Sensenbrenner
 Davis (VA) LaTourette Shadegg
 Deal Lewis (GA) Shaw
 DeFazio Linder Shays
 DeGette Lipinski Shuster
 Delahunt LoBiondo Smith (NJ)
 DeLay Lofgren Souder
 DeMint Lowey Spence
 Deutsch Luther Maloney (CT)
 Doggett Manzullo Spratt
 Duncan Manullo Stabenow
 Dunn Markey Stark
 Ehlers McCreery Stearns
 Ehrlich McDermott Strickland
 English McGovern Sununu
 Eshoo McKinney Tancredo
 Fossella Meehan Taylor (MS)
 Fowler Menendez Terry
 Frank (MA) Metcalf Tierney
 Franks (NJ) Mica Toomey
 Frelinghuysen Miller (FL) Upton
 Ganske Miller, Gary Velazquez
 Gejdenson Miller, George Wamp
 Goodling Moakley Weiner
 Goss Moran (VA) Weldon (FL)
 Graham Morella Wexler
 Green (WI) Myrick Wolf
 Greenwood Nadler Wolf
 Gutknecht Neal Wu

NOES—255

Abercrombie Combest Gilman
 Aderholt Condit Gonzalez
 Allen Cook Goode
 Armye Cooksey Goodlatte
 Baca Costello Gordon
 Bachus Coyne Granger
 Baird Cramer Green (TX)
 Baldacci Cubin Gutierrez
 Ballenger Cummings Hall (OH)
 Barton Danner Hall (TX)
 Bateman Davis (IL) Hansen
 Bentsen DeLauro Hastings (WA)
 Berman Diaz-Balart Hayes
 Berry Dickey Hill (IN)
 Billirakis Dicks Hill (MT)
 Bishop Dingell Hilliard
 Blagojevich Dixon Hinchey
 Blunt Dooley Hinojosa
 Boehlert Doolittle Hobson
 Bonilla Doyle Holden
 Bonior Dreier Hooley
 Borski Edwards Horn
 Boswell Emerson Hoyer
 Boucher Engel Hunter
 Boyd Etheridge Hyde
 Brady (PA) Evans Isakson
 Brady (TX) Everett Jackson (IL)
 Brown (FL) Ewing Jackson-Lee
 Burr Farr (TX)
 Burton Fattah Jefferson
 Buyer Filner Jenkins
 Callahan Fletcher John
 Calvert Foley Johnson, E. B.
 Canady Ford Johnson, Sam
 Cannon Frost Jones (OH)
 Cardin Gallegly Kanjorski
 Carson Gekas Kaptur
 Chambliss Gephardt Kennedy
 Clay Gibbons Kilpatrick
 Clayton Gilchrest Kingston
 Clement Gillmor Kleczka

Klink
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Millender-
McDonald
Minge
Mink
Mollohan
Moore
Moran (KS)
Murtha
Napolitano
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz

NOT VOTING—13

Becerra
Campbell
Chenoweth-Hage
Forbes
McCollum

□ 1518

Mr. SIMPSON changed his vote from “aye” to “no”.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 68 OFFERED BY MR. BURTON OF INDIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BURTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 13, as follows:

[Roll No. 384]

AYES—168

Aderholt
Archer
Armey

Bachus
Baker
Baldacci

Ballenger
Barr
Barrett (NE)

Smith (MI)
Smith (TX)
Snyder
Stenholm
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tausin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Becerra
Campbell
Chenoweth-Hage
Forbes
McCollum

□ 1518

Mr. SIMPSON changed his vote from “aye” to “no”.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 68 OFFERED BY MR. BURTON OF INDIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BURTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 13, as follows:

[Roll No. 384]

AYES—168

Aderholt
Archer
Armey

Bachus
Baker
Baldacci

Ballenger
Barr
Barrett (NE)

Bartlett
Barton
Bateman
Biggert
Bilbray
Blunt
Bryant
Burr
Burton
Callahan
Camp
Cannon
Chabot
Coburn
Collins
Cook
Costello
Cox
Crane
Cubin
Davis (VA)
Dealey
DeFazio
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Evans
Everett
Filner
Foley
Fowler
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hayes
Hayworth
Hefley

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehler
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Buyer
Calvert
Canady
Capps
Capuano
Cardin
Carson

Hill (MT)
Hilleary
Hoekstra
Holden
Horn
Hostettler
Hushof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kleczka
Kucinich
Kuykendall
LaHood
Largent
Lazio
Leach
Linder
Lipinski
LoBiondo
Manzullo
McHugh
McInnis
McKinney
Metcalfe
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moran (KS)
Merrick
Morthup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Peterson (MN)
Phelps
Pickering
Pitts
Pombo

Pryce (OH)
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Strickland
Stump
Sununu
Tancredo
Tausin
Taylor (MS)
Terry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Minge
Moakley

NOT VOTING—13

Becerra
Campbell
Chenoweth-Hage
Forbes
Herger

□ 1526

Messrs. SAXTON, DELAY and ROYCE and Mrs. NORTHPUR changed their vote from “no” to “aye”.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to come before the Committee?

If not, the Clerk will read the final three lines of the bill.

The Clerk read as follows:

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001”.

Mr. GUTKNECHT. Mr. Chairman, I would like to associate myself with the comments expressed today by my colleague from Minnesota, Mr. MINGE, regarding the Farm Planning and Analysis System presented in use by the Minnesota Farm Service Agency. This software has served as an extremely valuable financial management tool for thousands of Minnesota farmers and saved thousands of man hours for our FSA employees in Minnesota. While I appreciate the Department of Agriculture's move toward a common computing environment, I strongly encourage the Committee to consider the superior capabilities of FINPACK and help ensure an appropriate resolution that allows our producers to continue using this popular tool.

Mr. PETRI. Mr. Chairman, I rise to make a few important comments about the inequities of continuing to exclude the U.S. mink industry from the U.S. Department of Agriculture's (USDA's) Market Access Program (MAP). This is an important issue for the mink industry and its many small ranchers and allied industries that reside in some 28 U.S. states where mink is produced.

Since 1996, U.S. mink has been unfairly excluded from the MAP program. This exclusion is primarily the result of political pressure brought to bear by animal rights groups. The exclusion has nothing whatsoever to do with the mink industry's eligibility for the program or the success of the mink industry's MAP program prior to 1996. Importantly, the mink industry's prior export promotion program was considered a model program by USDA. The industry's MAP activities, which were used to promote the superior quality of U.S. rancher-raised mink in Europe and Asia, successfully increased U.S. mink exports by 25% between 1992 and 1995. In the last year of participation, exports of U.S. mink skins exceeded \$100 million.

Today, almost all sectors of American agriculture, except mink, participate in the MAP program. The mink industry is no different from the beef, pork, chicken and sheep industries in the United States, all of which receive substantial MAP funding. Moreover, most U.S. mink ranchers are small, second- and third-generation family-owned operations. The mink auction houses are cooperatives and small businesses, all eligible for the MAP program.

This is a U.S. industry that sells nearly 95% of its annual production abroad. All foreign producers, particularly those in Europe, are heavily subsidized. MAP money is needed for U.S. mink ranchers to effectively promote the superior quality of U.S. ranch-raised mink and compete successfully against this heavily subsidized foreign production. Thus, the exclusion only ensures that our foreign competitors dominate the global mink market.

I am deeply disappointed that it was not possible to restore MAP funding for mink through the 2001 Agriculture Appropriations bill. This inequity, however, can and should be corrected. Accordingly, I strongly urge Mr. COMBEST and other members of the Agriculture Committee to exert their best efforts to restore MAP funding in the next possible authorizing vehicle that comes before the Agriculture Committee.

Mr. BENTSEN. Mr. Chairman, I rise today in support of the Fiscal Year 2001 Agriculture Appropriations bill (H.R. 4461). This bill provides \$75.4 billion for agriculture programs. While this is a significant amount of funding, it is \$524 million or 1 percent less than this year's budget and it is \$1.9 billion less than the amount requested by the Administration. Farmers and ranchers in Texas and throughout our Nation are facing financial hardships because of the low cost of commodities. This legislation will help many of these family farmers to keep their land and to provide supplemental payments for their farm products.

Eighty percent of this bill is dedicated to mandatory spending programs such as food stamps and the Women, Infants and Children (WIC) Program. I strongly support these programs and believe that many children and

low-income families benefit from these programs. For many working families, these nutritional programs are vitally necessary to ensure that they have sufficient food to eat and each day.

I am particularly supportive of the human nutrition research programs through the Agriculture Research Service of the United States Department of Agriculture. I am disappointed that the House Appropriations Committee provided level funding for the six human nutrition centers nationwide, including the Children's Nutrition Research Center (CNRC) at Baylor College of Medicine in cooperation with Texas Children's Hospital, located in Houston, Texas. I am committed to working with the House Appropriations Committee to provide additional funding for the CNRC as this bill moves forward. The CNRC is dedicated to defining the nutrient needs of healthy children from conception through adolescence, and pregnancy and nursing women.

Since its inception in November 1978, the CNRC has focused on critical questions relating to women and nutrition. These include determining how the diet of a pregnant woman affects her health and the health of her child and how a mother's nutrition affects lactation and the nutrient contents of her milk. The center also has researched the relationship between nutrition and the physical and mental development of children. In addition, CNRC has conducted amazing research which has identified the genes contributing to nutrient intakes and determined the factors that regulate these genes. This research will lead to valuable discoveries in the field of genetics.

I would like to highlight two recent discoveries made at the CNRC that will help children live healthier, longer lives. The CNRC has helped to develop a software dietary assessment program that enables children to record what they eat. By recording their intake, children are able to interact with a multi-media game which encourages them to increase their fruit, juice, and vegetables among fourth grade children.

Another important study provided a reference data for energy (calorie) requirement for infants from birth to two years of age. These data will form the basis of new infant caloric intake recommendations currently under review by the Food and Nutrition Board of the National Academy of Science. With proper nutrition, children will live healthier lives and be receptive to learning.

I urge my colleagues to support this bill and all of its agricultural programs.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the Hinchey-Walsh language included in H.R. 4461, the FY 2001 Department of Agriculture and Related Agencies Appropriations Bill. This emergency language is vital for the apple growers in central Massachusetts and throughout New England, and I thank both Mr. HINCHEY and Chairman WALSH for their leadership on this issue.

Mr. Chairman, the apple growers in my district were hurt by Hurricane Floyd and by adverse weather conditions in 1999. The weather caused what are usually sweet and delicious apples to become mealy and unsuitable for normal eating. Instead of selling their products to stores and markets for sale to the public, my growers were forced to sell these lower

quality apples to juicers. The problem, financially, is that apples sold to make juice are sold at a price considerably lower than apples sold for consumption. As a result, these growers suffered significant financial loss and hardship from Hurricane Floyd.

This language is important because it will provide necessary emergency relief for these growers. The \$15 million in quality loss is important for the growers in New England. It responds to what was a true emergency—a hurricane that caused the loss of what is normally a profitable crop. The \$100 million for market loss is also vital for my growers. Together, this emergency funding will provide the needed relief for growers in New England who suffered through an extreme weather situation that could have caused many growers to go out of business.

Mr. Chairman, I received many calls from the apple growers in my district asking for help because of Hurricane Floyd. I want to thank all the apple growers in Worcester County who first brought this tragic issue to my attention. In particular, I want to thank Mo Tougas of the Tougas Family Farm in Northboro, Massachusetts; Sterling, Massachusetts apple growers Robert Smiley and Anthony Melone; Ed O'Neil of JP Sullivan and Company in Ayer, Massachusetts; and Ken Nicewicz from Bolton, Massachusetts. I am pleased to be able to tell them that, finally, help is on the way.

Mr. Chairman, this effort might have been lost if not for the diligent work of the U.S. Department of Agriculture. Secretary Dan Glickman and Undersecretary Gus Schumacher deserve credit for recognizing the need of these apple growers. As the former Massachusetts State Commissioner of Agriculture, Undersecretary Schumacher is a valuable resource and he deserves special recognition for his work on behalf of apple growers. Locally, Charlie Costa, Kip Graham and Paul Fischer of the Farm Service Agency in Massachusetts were essential in the efforts to educate people in Congress about the need of the apple growers in Massachusetts and across the country. Their work locally was significant and helpful. Without the support and technical assistance from these people, our apple growers may not have received the emergency relief they so desperately need.

Mr. CHAMBLISS. Mr. Chairman, I fully support H.R. 4461, because it provides funding for programs that will help assure the vitality of agriculture in Georgia. This bill allocates funding for essential programs, which allow further development and progress in food production. In addition, H.R. 4461 provides financial support for agricultural research that is crucial for finding solutions that will allow and promote more cost-effective production methods and higher quality results.

By allocating funding for research, this bill will help resolve problems inhibiting productivity and development. More specifically, research in pest and disease control, such as nematode and tomato spotted wilt disease research, will enhance strategies used to combat crop yield losses. Funding is also included for the development of more efficient agricultural water usage that is critical to locations in south Georgia where agricultural water usage comprises 50% of all water consumed. Furthermore, the bill includes funding for the National Center for Peanut Competitiveness for

research directed toward guaranteeing competitiveness for U.S. peanuts in the world market. Funding for poultry disease research is also important to explore diseases that limit and inhibit poultry production.

Support for these research efforts, coupled with funding for promotional and marketing efforts, will help enable farmers to practice more efficient methods and minimize the devastating losses with which they have become all too familiar. I urge my colleagues to vote for this bill and support America's farmers.

Mr. MINGE. Mr. Chairman, for the past 23 years, Minnesota Farm Service Agency borrowers have had access to a farm planning and analysis system known as FINPACK. The software is a comprehensive system that is of great benefit to producers, their lenders, and to the Farm Service Agency that administers their loans. FINPACK, initially developed by the University of Minnesota in 1972, became a Farmers Home Administration (FmHA) initiated pilot project that began in six Minnesota FmHA offices in 1977. Due to its effectiveness, additional Minnesota FmHA offices began to use the system. Today FINPACK provides monthly cash flows, enterprise analyses, budgeting and balance sheets to nearly 10,000–15,000 producers in Minnesota.

By their nature, FSA borrowers are borrowers at risk. As the "lender of last resort" and provider of "supervised credit," FSA has a mandate to help producers improve their management capacity and ultimately their financial viability. Not only has FINPACK provided an efficient system to help Minnesota producers in their strategic planning, it has allowed a system of cooperation among educators, extension agents, consultants, farm advocates, and bankers. As producers develop their farm plan, they are able to provide the computer file that contains all of the information to those who assist them in their farm planning. Editing changes may be made immediately and without return visits.

However, as valuable as FINPACK is to producers and their advisors, it is equally valuable to Minnesota's FSA office employees. Minnesota FSA estimates that FINPACK saves them \$40,000 to \$180,000 annually in reduced contractor fees due to cooperation with educators and lenders. With FSA's current staff resource shortages, the interagency and public and private cooperative is invaluable to FSA county staff. The Minnesota FSA field staff has unanimously asked for the ability to continue to use FINPACK.

Unfortunately, the USDA recently announced that FSA must use the Farm and Home Plan (FHP) and will not allow Minnesota FSA offices to use FINPACK as part of USDA's attempt to comply with the "Common Computing Environment" mandated by Congress. This issue has received national attention. The National Association of Credit Supervisors, the FSA employee organization for credit specialists, has passed a resolution supporting continued use of FINPACK. While FINPACK is used by FSA only in Minnesota, it is used by Risk Management Education programs in more than 40 states.

The Farm and Home Plan (FHP) is used by FSA for credit applications. The FHP meets minimum requirements for credit applications, but does not provide the documentation re-

quired by FSA for Interest Assistance applications. FSA requires a monthly cash flow plan for Interest Assistance, but FHP does not have this capability. The FHP provides a simple cash analysis not an accrual analysis as required by FSA for Borrower Training. Furthermore, the FHP makes no attempt to comply with ABA Farm Financial Standards.

FSA has represented that they have developed a generic interface, allowing for usage of FINPACK by producers to be coordinated with FSA's use of FHP. Essentially, FSA's FHP software stores data in a Microsoft Access database. This means that any software program can export data in Access format and it can be loaded into the Access database. However FSA has not addressed how lenders, educators and producers can transfer producer ID's so that the FHP knows where to store the data. Technology appears to be a challenge for FSA. Currently FSA has two versions of FHP software—one that runs on PCs and one that runs on their mainframe System 36 machine. These two versions of the FHP are not interfaced and cannot transfer data. This problem illustrates FSA's inability to deal with this technology.

However, Farm Service Agency has refused to allow the continued use of FINPACK based on the Common Computing Environment mandated by Congress. While the need to streamline and have uniform systems is important, it is not logical to insist that a superior system be abandoned. FSA has determined that as of September 30, 2000 FINPACK is not to be used any longer in FSA offices in Minnesota.

Over the six months, it has been difficult and frustrating to deal with the USDA on this issue. While I am generally hesitant to introduce legislation to address this administrative decision, I urge the committee to work with the Minnesota delegation to develop a positive resolution that allows producers to continue to use this valuable financial tool.

□ 1530

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NUSSLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 538, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 339, nays 82, not voting 13, as follows:

[Roll No. 385]

YEAS—339

Abercrombie	Dingell	Jefferson
Ackerman	Dixon	Jenkins
Aderholt	Dooley	John
Allen	Doolittle	Johnson (CT)
Archer	Doyle	Johnson, E. B.
Armey	Dreier	Johnson, Sam
Baca	Duncan	Jones (NC)
Bachus	Dunn	Jones (OH)
Baird	Edwards	Kanjorski
Baker	Ehlers	Kaptur
Baldacci	Ehrlich	Kasich
Ballenger	Emerson	Kelly
Barcia	Engel	Kildee
Barr	English	Kilpatrick
Barrett (NE)	Etheridge	King (NY)
Bartlett	Evans	Kingston
Bass	Everett	Klink
Bateman	Ewing	Knollenberg
Bentsen	Farr	Kolbe
Bereuter	Fletcher	Kuykendall
Berry	Foley	LaFalce
Biggert	Ford	LaHood
Bilbray	Fossella	Lampson
Bilirakis	Fowler	Largent
Bishop	Franks (NJ)	Larson
Blagojevich	Frelinghuysen	Latham
Biley	Frost	LaTourette
Blunt	Gallegly	Lazio
Boehkert	Ganske	Leach
Boehner	Gejdenson	Levin
Bonilla	Gekas	Lewis (CA)
Bonior	Gibbons	Lewis (KY)
Bono	Gilchrest	Linder
Borski	Gillmor	Lipinski
Boswell	Gilman	LoBiondo
Boucher	Gonzalez	Lowe
Boyd	Goode	Lucas (KY)
Brady (TX)	Goodlatte	Lucas (OK)
Brown (FL)	Goodling	Manzullo
Bryant	Gordon	Martinez
Burr	Goss	Mascara
Burton	Graham	Matsui
Buyer	Granger	McCarthy (MO)
Callahan	Green (TX)	McCarthy (NY)
Calvert	Green (WI)	McCrery
Camp	Greenwood	McHugh
Canady	Gutknecht	McIntyre
Cannon	Hall (OH)	McKeon
Capps	Hall (TX)	Meeke (FL)
Cardin	Hansen	Meeks (NY)
Castle	Hastings (FL)	Menendez
Chabot	Hastings (WA)	Metcalf
Chambliss	Hayes	Miller-
Clayton	Hayworth	McDonald
Clement	Herger	Miller (FL)
Clyburn	Hill (IN)	Miller, Gary
Coble	Hill (MT)	Mink
Collins	Hillery	Moakley
Combest	Hilliard	Mollohan
Condit	Hinche	Moore
Cook	Hinojosa	Moran (KS)
Cooksey	Hobson	Morella
Costello	Hoefel	Murtha
Cox	Hoekstra	Myrick
Cramer	Holden	Nadler
Crowley	Holt	Napolitano
Cubin	Hooley	Nethercutt
Cunningham	Horn	Ney
Danner	Hostettler	Northup
Davis (FL)	Houghton	Nussle
Davis (VA)	Hoyer	Olver
Deal	Hulshof	Ortiz
DeFazio	Hunter	Ose
DeLauro	Hutchinson	Oxley
DeLay	Hyde	Packard
DeMint	Isakson	Pallone
Diaz-Balart	Istook	Pascarell
Dickey	Jackson-Lee	Pastor
Dicks	(TX)	Pease

Peterson (PA)	Schaffer	Thomas
Phelps	Scott	Thompson (CA)
Pickering	Serrano	Thompson (MS)
Pickett	Sessions	Thornberry
Pitts	Shadegg	Thune
Pombo	Shaw	Thurman
Pomeroy	Sherman	Tiahrt
Porter	Sherwood	Toomey
Portman	Shimkus	Traficant
Price (NC)	Shows	Turner
Pryce (OH)	Shuster	Udall (NM)
Quinn	Simpson	Upton
Radanovich	Sisisky	Visclosky
Ramstad	Skeen	Vitter
Rangel	Skelton	Walden
Regula	Smith (MI)	Walsh
Reyes	Smith (NJ)	Wamp
Reynolds	Smith (TX)	Watkins
Riley	Snyder	Watt (NC)
Rodriguez	Souder	Watts (OK)
Roemer	Spence	Weiner
Rogan	Spratt	Weldon (FL)
Rogers	Stabenow	Weldon (PA)
Ros-Lehtinen	Stearns	Weller
Rothman	Stenholm	Wexler
Roukema	Strickland	Whitfield
Roybal-Allard	Stump	Wicker
Ryan (WI)	Stupak	Wilson
Ryun (KS)	Sweeney	Wise
Sanchez	Talent	Wolf
Sanders	Tanner	Woolsey
Sandlin	Tauzin	Wynn
Sawyer	Taylor (MS)	Young (AK)
Saxton	Taylor (NC)	Young (FL)
Scarborough	Terry	

NAYS—82

Andrews	Hefley	Payne
Baldwin	Inslee	Pelosi
Barrett (WI)	Jackson (IL)	Peterson (MN)
Barton	Kennedy	Petri
Berkley	Kind (WI)	Rivers
Berman	Kleczka	Rohrabacher
Blumenauer	Kucinich	Royce
Brady (PA)	Lantos	Rush
Brown (OH)	Lee	Sabo
Capuano	Lewis (GA)	Salmon
Carson	Lofgren	Sanford
Clay	Luther	Schakowsky
Coburn	Maloney (CT)	Sensenbrenner
Conyers	Maloney (NY)	Shays
Coyne	Markey	Stark
Crane	McDermott	Sununu
Cummings	McGovern	Tancredo
Davis (IL)	McInnis	Tauscher
DeGette	McKinney	Tierney
Delahunt	Meehan	Towns
Deutsch	Mica	Udall (CO)
Doggett	Miller, George	Velazquez
Eshoo	Minge	Waters
Fattah	Moran (VA)	Waxman
Filner	Neal	Weygand
Frank (MA)	Oberstar	Wu
Gephardt	Obey	
Gutierrez	Paul	

NOT VOTING—13

Becerra	McIntosh	Slaughter
Campbell	McNulty	Smith (WA)
Chenoweth-Hage	Norwood	Vento
Forbes	Owens	
McCollum	Rahall	

□ 1545

Mr. KLECZKA changed his vote from “yea” to “nay.”

Mr. ARCHER changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RAHALL. Mr. Speaker, I ask that my position in support of final passage of the vote that just occurred be expressed in the RECORD. I was unavoidably detained in my office meeting with the CEO of U.S. Airways and missed the vote.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 382, 383, 384, and 385.

Had I been present, I would have voted “yes” or “aye” on rollcall votes 382, 383 and 385 and “no” or “nay” on rollcall vote 384.

EXTENDING APPRECIATION TO CHAIRMAN OF SUBCOMMITTEE ON AGRICULTURE APPROPRIATIONS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute)

Ms. KAPTUR. Mr. Speaker, I wish to use this moment with all of our colleagues to extend deepest appreciation to our fine chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, the gentleman from New Mexico (Mr. SKEEN), for his leadership and great victory on this bill. It has been a joy to work with him, and I know that under the rules of the House because of rotation, he may not be able to serve in this capacity in the next year, although I hope we can change those rules. But I want to say he has been a true gentleman, a real scholar, someone who understands farming and ranching from the get-go. He truly is an advocate for our farmers and ranchers and a real friend to every single Member of this House. It has been a joy to work with him on this bill in this first year of the new century.

Mr. SKEEN. If the gentlewoman will yield, I thank all my colleagues. I would like to say I am very humbled about this, but I do not let it show. I thank her for being the great lady that she is because she has been a real joy to work with and so for the rest of our committee. Just as with most of the people that sit in this Chamber day after day, I appreciate what wonderful people they are and what a wonderful job they are doing for the public that we represent. I thank them very much from the bottom of my heart.

Ms. KAPTUR. I am sure the gentleman would agree with me that the gentleman from Iowa (Mr. NUSSLE) did an excellent, very fair-handed job with dispatch in the chair throughout these deliberations which lasted many, many hours, 16, 17, 18, 19, 20 hours on this bill alone. To Hank Moore, Martin Delgado, John Ziolkowski, Joanne Orndorf; and our detailees, Anne DuBey and Maureen Holohan; and certainly Jim Richards from your staff and Roger Szmraj from my own and David Reich from the minority staff, I think they did an outstanding job on this very complicated bill.

Mr. SKEEN. They are the real movers and shakers. We just do not let them know it too often because they get a little bit large in the head. But they are wonderful folks. I thank all

the staff folks who have done so much for all of us. They make us look good every day.

Ms. KAPTUR. In closing, Mr. Speaker, I just want to say that the judge of every Member in this House really is the character of that individual in the end. The gentleman from New Mexico truly is a gentleman of his word. There is not a Member of this House on either side of the aisle that cannot go up to him and get a fair hearing. In the end, that is the measure of ourselves as an institution. It is just a joy to work with him and to serve with him.

Mr. SKEEN. I thank the gentlewoman for those kind words. After listening to all the work that we have done, particularly on one of these programs, I am going to mail a coyote to everybody who is left because we do not need them at the ranch anymore.

Mrs. CLAYTON. Mr. Speaker, if the gentlewoman will yield, I just wanted to ditto what the gentlewoman from Ohio has said, thanking the gentleman who is a gentleman in the truest sense, not the political sense.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that the RECORD show that I intended to vote “yes” on rollcall 378, the Sanford amendment to H.R. 4461, that was taken yesterday, July 10. I was recorded as a “no,” but my vote was intended to be approval.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK ESTABLISHMENT ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4063) to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000”.