

of the agencies that we charge with protecting our food, our food supply, which is ultimately about the food, but it is about the safety of every man, woman and child in this country. That is all that we are asking about here.

Given the statistics, which are staggering, 5,000 deaths, 73 million people ill, 325,000 people hospitalized, it is unconscionable that we do not recognize this as a crisis and as an emergency.

We cannot allow this to continue. We can do something about it.

#### PARLIAMENTARY INQUIRY

Mr. BONILLA. Mr. Chairman, I have a parliamentary inquiry. Is the gentleman from Connecticut (Ms. DELAURO) withdrawing her amendment?

The CHAIRMAN pro tempore (Mr. WHITFIELD). Is the gentlewoman from Connecticut withdrawing her amendment, or does she continue to want to move forward on her amendment?

Ms. DELAURO. Mr. Chairman, I would like to continue to move forward with my amendment.

#### POINT OF ORDER

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

Mr. BONILLA. Mr. Chairman, I do.

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

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI. The rule states, in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law.

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and, as such, constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentlewoman from Connecticut want to be heard on the point of order?

Ms. DELAURO. No, Mr. Chairman.

The CHAIRMAN pro tempore. Then the Chair is prepared to rule on the gentleman's point of order.

The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, the amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The amendment is not in order.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The Committee will rise informally.

The SPEAKER pro tempore (Mr. LATHAM) assumed the Chair.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-

nicated to the House by Mr. Edwin Thomas, one of his secretaries.

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

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

The Committee resumed its seating.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

#### OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$611,000.

#### FARM SERVICE AGENCY SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$945,993,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

#### STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$2,993,000.

#### DAIRY INDEMNITY PROGRAM

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, \$100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-12).

#### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,128,000,000, of which \$1,000,000,000 shall be for guaranteed loans and \$128,000,000 shall be for direct loans; operating loans, \$2,600,000,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans, \$500,000,000 shall be for subsidized guaranteed loans, and \$600,000,000 shall be for direct loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,000,000; for

emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$7,866,000, of which \$4,500,000 shall be for guaranteed loans and \$3,366,000 shall be for direct loans; operating loans, \$174,030,000, of which \$52,650,000 shall be for unsubsidized guaranteed loans, \$67,800,000 shall be for subsidized guaranteed loans, and \$53,580,000 shall be for direct loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$118,000; and for emergency insured loans, \$3,363,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$282,769,000, of which \$274,769,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

#### RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$75,142,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

#### CORPORATIONS

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

#### FEDERAL CROP INSURANCE CORPORATION FUND

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

#### COMMODITY CREDIT CORPORATION FUND

##### REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2002, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11).

#### OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2002, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

## TITLE II

## CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR  
NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$736,000.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$782,762,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$7,137,000 is for snow survey and water forecasting, and of which not to exceed \$30,500,000 is for technical assistance activities in conjunction with the Conservation Reserve Program authorized by subchapter B, chapter 1, title XII of the Food Security Act of 1985, and of which not less than \$9,349,000 is for operation and establishment of the plant materials centers, and of which not less than \$20,000,000 shall be for the grazing lands conservation initiative: *Provided*, That \$8,500,000 of the funds authorized for allotments or transfers under 15 U.S.C. 714i shall be available for Conservation Reserve Program technical assistance: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

## WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection

and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1009), \$11,030,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION  
OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$105,743,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$10,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed \$45,514,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

## RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$48,361,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

## AGRICULTURAL CONSERVATION PROGRAM

## (RESCISSION OF FUNDS)

Of the funds appropriated for "Agricultural Conservation Program" under Public Law 104-37, \$45,000,000 is hereby rescinded.

## TITLE III

## RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL  
DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$628,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for

sections 381E-H, 381N, and 381O of the Consolidated Farm and Rural Development Act, \$767,465,000, to remain available until expended, of which \$34,503,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$658,994,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$73,968,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which \$4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and \$2,000,000 shall be for grants to Mississippi Delta Region counties: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed \$20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, of which one percent to administer the program and to improve inter-agency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed \$16,215,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act; and not to exceed \$11,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed \$37,624,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the

Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants" account.

RURAL DEVELOPMENT SALARIES AND EXPENSES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$134,733,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than \$10,000 may be expended to provide modest non-monetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE  
RURAL HOUSING INSURANCE FUND PROGRAM  
ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,202,618,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,064,650,000 shall be for direct loans, and of which \$3,137,968,000 shall be for unsubsidized guaranteed loans; \$32,324,000 for section 504 housing repair loans; \$114,068,000 for section 515 rental housing; \$99,770,000 for section 538 guaranteed multi-family housing loans; \$5,090,000 for section 524 site loans; \$11,778,000 for credit sales of acquired property, of which up to \$1,778,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$180,274,000 of which \$140,108,000 shall be for direct loans, and of which \$40,166,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,386,000; section 515 rental housing, \$48,274,000; section 538 multi-family housing guaranteed loans, \$3,921,000; section 524 site loans, \$28,000; multi-family credit sales of acquired property, \$750,000; and section 523 self-help housing land development loans, \$254,000: *Provided*, That of the total amount appropriated in this paragraph, \$11,656,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$422,910,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

AMENDMENT OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CLAYTON:

In title III, in the item relating to "Rural Housing Insurance Fund Program Account" add at the end the following:

Of the amounts made available under this heading in chapter 1 of title II of Public Law 106-246 (114 Stat. 540) for gross obligations for principal amount of direct loans authorized by title V of the Housing Act of 1949 for section 515 rental housing, the Secretary of Agriculture may use up to \$5,986,197 for rental assistance agreements described in the item relating to "Rental Assistance Program" in such chapter: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Control Act of 1985, as amended.

In making available for occupancy dwelling units in housing that is provided with funds made available under the heading referred to in the preceding paragraph, the Secretary of Agriculture may give preference to prospective tenants who are residing in temporary housing provided by the Federal Emergency Management Agency as a result of an emergency.

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

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

There was no objection.

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

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

Mrs. CLAYTON. Mr. Chairman, I ask unanimous consent to offer my amendment at a later time.

The CHAIRMAN pro tempore. Does the gentlewoman want to withdraw her amendment?

Mrs. CLAYTON. This is a housing amendment, and I thought it was appropriate at this point, but if there is a question about appropriateness of the government at this time.

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

Mrs. CLAYTON. I yield to the gentleman from Ohio.

Ms. KAPTUR. Mr. Chairman, just so we understand what is occurring here. I just want to make sure that the gentlewoman from North Carolina will have the opportunity to bring up her amendment at a later time, even if it might be out-of-page order, and it may not be able to come up later today, but maybe when we come back from the 4th of July.

Mr. Chairman, we just want to reserve her rights to bring this up and

work out whatever needs to be done with the majority.

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Mr. BONILLA. Mr. Chairman, if the gentlewoman will yield, we would have no objection to that, and she would be allowed to do that.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mr. WHITFIELD). Without objection, the gentlewoman from North Carolina (Mrs. CLAYTON) withdraws her amendment and, without prejudice, will be able to reoffer at an appropriate time.

There was no objection.

Mrs. CLAYTON. At a later time?

The CHAIRMAN pro tempore. At a later point in the reading, the gentlewoman from North Carolina will be able to reoffer her amendment.

Mrs. CLAYTON. Do I need further instruction from the Chair? I just want to make sure, have I reserved my right? Is my amendment protected? All right.

The CHAIRMAN pro tempore. The gentlewoman will be allowed to at a later point in the reading to offer her amendment notwithstanding having passed the appropriate point in the reading.

The Clerk will read.

The Clerk read as follows:

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$693,504,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 2002 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$33,925,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and

1490m, \$38,914,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$31,431,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE  
RURAL DEVELOPMENT LOAN FUND PROGRAM  
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$38,171,000.

For the cost of direct loans, \$16,494,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be for Federally Recognized Native American Tribes and of which \$3,449,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$38,171,000: *Provided further*, That of the total amount appropriated, \$2,730,000 shall be available through June 30, 2002, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,761,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS  
PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$14,966,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,616,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2002, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,616,000 shall not be obligated and \$3,616,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$7,500,000, of which \$2,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$1,497,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers.

RURAL EMPOWERMENT ZONES AND ENTERPRISE  
COMMUNITY GRANTS

For grants in connection with a second round of empowerment zones and enterprise

communities \$14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities as authorized in the Taxpayer Relief Act of 1997.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS  
LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans \$121,107,000; municipal rate rural electric loans, \$794,358,000; loans made pursuant to section 306 of that Act, rural electric, \$2,600,000,000; Treasury rate direct electric loans, \$500,000,000; and guaranteed electric loans, \$100,000,000; 5 percent rural telecommunications loans, \$74,827,000; cost of money rural telecommunications loans, \$300,000,000; and rural telecommunications loans, \$120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$3,689,000, and the cost of telecommunication loans, \$2,036,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$36,322,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2002 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$2,584,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, \$3,107,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE  
PROGRAM

For the principle amount of direct distance learning and telemedicine loans, \$300,000,000; and for the principle amount of broadband telecommunication loans, contingent upon the enactment of authorizing legislation, \$100,000,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$26,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That, contingent upon the enactment of authorizing legislation, \$1,996,000 may be available for a loan and grant program to finance broadband

transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD,  
NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$592,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$10,088,746,000, to remain available through September 30, 2003, of which \$4,748,038,000 is hereby appropriated and \$5,340,708,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to \$4,507,000 shall be available for independent verification of school food service claims: *Provided further*, That of the funds provided under this heading, \$2,000,000 shall be available for new activities to enhance integrity in the National School Lunch Program.

AMENDMENT OFFERED BY MRS. DAVIS OF  
CALIFORNIA

Mrs. DAVIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. DAVIS of California:

In title IV under the heading "CHILD NUTRITION PROGRAMS", insert before the period at the end the following: "*Provided further*, That the Secretary of Agriculture may not take into account the availability of a basic allowance for housing for members of the Armed Forces when determining the eligibility of persons for free or reduced-price lunch programs".

Mr. BONILLA. Mr. Chairman, I reserve a point of order. We have not seen this amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mrs. DAVIS of California. Mr. Chairman, I realize this amendment will most likely not be ruled in order, but I offer it to raise awareness to a critical problem.

In an effort to leverage its limited quality-of-life resources, the armed services are privatizing military family housing. I support this effort. In fact, we have some wonderful projects online in San Diego. But as you know, obviously there are unintended consequences of a good program. I would like to point out two in particular.

This is creating a loss of income to school districts, and it is affecting the eligibility for free and reduced school

lunch programs for the children of military families.

Let me give my colleagues some background. When a family lives in a military family housing community, they basically forfeit their basic housing allowance. But when that community housing becomes privatized, this basic allowance for housing is included on the servicemembers' pay statement. That is called an LES. Servicemembers do not actually receive this income, however. It is basically pass-through.

Unfortunately, under the Department of Agriculture rules, this amount is included as income in determining eligibility for free and reduced school lunches.

The Department of Defense adds the allowance to the pay statement to assist them in accounting, but the servicemember is not getting any additional pay for the family, and certainly not for food for their children.

This could happen. Perhaps, on a Sunday, the military housing community is owned and operated by the military. But on Monday, that housing community is operated by a private company, still on the Federal land, but the servicemember has never moved, but has less money really in his pocket if his child does not become eligible for free and reduced lunch. They had that eligibility before.

So families are losing some assistance, children are losing their free lunches, and school districts are losing Federal funds. It is the smaller school districts particularly that are especially affected by this. So we need to take a look at this issue, and I think we need to change the rules. This is no way, I believe, to treat the men and women who sacrifice so much in service to our country. So what my amendment would do would be to prevent the housing allowance from being used when determining eligibility for child nutrition programs.

There is another issue that we are going to face as well. I hope that we can increase the basic housing allowance for all servicemembers regardless of where they live. I know in my community of San Diego, people are paying far greater than they should out of pocket.

As we increase that need and keep pace with rising housing costs, we need to be certain that it is indexed at the end of the day so that there is still more money for the families to feed their children. We do not want to cause them to lose this valuable assistance that they receive, the children receive at school, if it looks as if their incomes have increased when, in fact, we know they really have not.

So I asked the assistance of my colleagues on this issue and the commitment of the chairman to work with me to resolve this issue.

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

Mr. BONILLA. Mr. Chairman, I would ask the Chair if the gentlewoman from California (Mrs. DAVIS) is going to withdraw her amendment.

The CHAIRMAN pro tempore. Does the gentlewoman from California intend to withdraw her amendment?

Mrs. DAVIS of California. Mr. Chairman, yes. I hope that we can work together on this, and I certainly will ask to withdraw my amendment.

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

Mr. Chairman, I would just like to say to the gentlewoman from California (Mrs. DAVIS) and to the chairman of the subcommittee that I do believe the gentlewoman has really brought up an issue that we never have considered, never were asked to consider during our regular hearings and so forth.

I think this does involve also the authorizing of the Committee on Education and the Workforce since they have jurisdiction over the school lunch program, the free and reduced lunch program, although we have jurisdiction over the expenditures for that.

Knowing that some of our military personnel are extremely pressed, even some eligible for food stamps when serving the Government of the United States at points around the world, it would seem to me that we should find a way to encourage the Department of Education, the Department of Agriculture to treat our military personnel with the respect that they deserve.

I want to compliment the gentlewoman for bringing this issue to the attention of our subcommittee and pledge my own cooperation with her in resolving this in the weeks and months ahead, and certainly also encourage her to testify before the Committee on Education and the Workforce as well as the authorizing Committee on Agriculture.

We here on the Committee on Appropriations will continue to work with the gentlewoman from California (Mrs. DAVIS) as we move to conference with the other body.

The CHAIRMAN pro tempore. Does the gentlewoman from California (Mrs. DAVIS) intend to withdraw her amendment?

Mrs. DAVIS of California. Yes, Mr. Chairman, I will do that. I know that there are colleagues on the other side of the aisle as well who have confronted this problem in their community, and I appreciate their help and support on this as well.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

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

Mr. Chairman, I would like to take this opportunity to speak on behalf of

this amendment that was introduced by the gentlewoman from California (Mrs. DAVIS). At a time when retention in the military is down, we need to find as many ways as possible to support our sailors, soldiers, airmen, marines and their families.

The Department of Agriculture's current policy of counting the basic allowance for housing as part of income is unfair to the young men and women of the military who have dedicated their lives in service to our country.

Many military families, many new military families are finding it difficult just to make ends meet. Many are living just above the poverty level. The long hours, the months away from loved ones and low-paying jobs for spouses is often the norm for these families. When military communities introduced privatized housing to help military bases save on operating costs, it, unfortunately, does not always save money for the servicemembers.

When a member lives on base, they forfeit their basic allowance for housing. When a member lives in a privatized community, the Department of Defense adds the allowance to their pay statement, but this is money they never see.

When the Department of Agriculture includes this amount as income, it affects many families' eligibility for free or reduced school lunches. Schoolchildren lose their free lunches, families lose their assistance, and school districts lose Federal funds that receive this money to assist for free and reduced school lunch programs.

At the Naval Amphibious Base Little Creek in Virginia Beach, they were working with the Department of Housing Authority to plan for privatized housing in Virginia Beach and Norfolk, which I represent. I do not want to see what is happening in the district of the gentlewoman from California (Mrs. DAVIS) happen to the military families in our area.

I urge my colleagues to support this amendment. I thank the gentlewoman from California (Mrs. DAVIS) for introducing it.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,137,086,000, to remain available through September 30, 2003: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary may obligate up to \$25,000,000 for the farmers' market nutrition program and up to \$15,000,000 for senior farmers' market activities from any funds not needed to maintain current caseload levels: *Provided further*, That notwithstanding section 17(h)(10)(A) of

such Act, up to \$10,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than \$6,000,000 of which shall be used for the development of electronic benefit transfer systems: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

#### FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$21,991,986,000, of which \$1,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That funds provided under this heading may be used to procure food coupons necessary for program operations in this or subsequent fiscal years until electronic benefit transfer implementation is complete.

#### COMMODITY ASSISTANCE PROGRAM (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, \$152,813,000, to remain available through September 30, 2003: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That of the total amount available, the Secretary may obligate up to \$15,000,000 for senior farmers' market activities from any funds not needed to maintain current caseload levels: *Provided further*, That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note), \$21,820,000 of this amount shall be available for administrative expenses of the commodity supplemental food program.

#### FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, \$150,749,000, to remain available through September 30, 2003.

#### FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under

this Act, \$126,656,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$4,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

#### TITLE V

#### FOREIGN ASSISTANCE AND RELATED PROGRAMS

#### FOREIGN AGRICULTURAL SERVICE SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$122,631,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That none of the funds appropriated in this account may be used to pay the salaries and expenses of personnel to disburse funds to any rice trade association under the market access program or the foreign market development program at any time when the applicable international activity agreement for such program is not in effect.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

#### PUBLIC LAW 480 PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$122,600,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$2,013,000, of which \$1,033,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$980,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

#### PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS (INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest

thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$20,277,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

#### PUBLIC LAW 480 GRANTS—TITLES II AND III

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$835,159,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

#### COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$4,021,000, to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$797,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

#### TITLE VI

#### RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$1,342,339,000, of which not to exceed \$161,716,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379(h), including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with 21 U.S.C. 379h(g)(4), and shall be credited to this appropriation and remain available until expended: *Provided*, That of the total amount appropriated \$6,000,000 for costs related to occupancy of new facilities at White Oak, Maryland, shall remain available until September 30, 2003.

#### AMENDMENT OFFERED BY MR. BROWN OF OHIO

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

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio: In title VI, in the item relating to "DEPARTMENT OF HEALTH AND HUMAN SERVICES-FOOD AND DRUG ADMINISTRATION-SALARIES AND EXPENSES", insert before the

period at the end of the first paragraph the following:

*Provided further*, That of the total amount appropriated, \$2,500,000 is available for the purpose of carrying out the responsibilities of the Food and Drug Administration with respect to abbreviated applications for the approval of new drugs under section 505(j) of the Federal Food, Drug, and Cosmetic Act, and \$250,000 is available under section 903(d)(2)(D) of such Act for the purpose of carrying out public information programs regarding drugs with approved such applications, in addition to other allocations for such purposes made from such total amount

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

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

There was no objection.

□ 1630

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 20 minutes and that the time be equally divided.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The time equally divided between the proponent and an opponent?

Mr. BONILLA. Yes, Mr. Chairman.

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

There was no objection.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 minutes and 15 seconds.

Within the next 5 years, patents on brand-name drugs with combined U.S. sales approaching \$20 billion will expire. Given the tremendous cost savings with generic competition, it has never been more important to reduce unnecessary delays in FDA approval of generic drugs.

The amendment I am offering today, along with the gentleman from California (Mr. WAXMAN), the gentleman from Michigan (Mr. DINGELL), the gentleman from Arkansas (Mr. BERRY), and the gentleman from New Jersey (Mr. PALLONE), would increase funding for the Office of Generic Drugs by \$2.5 million. Our amendment builds on the \$1.5 million increase already allocated to this office under the leadership of the chairman, the gentleman from Texas (Mr. BONILLA), and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR).

I am pleased the gentlewoman from Ohio (Ms. KAPTUR) supports this amendment. While I understand how difficult it is to allocate limited FDA resources, this amendment will pay for itself many times over. Additional dollars committed to the Office of Generic Drugs will generate enormous returns for American consumers, for Federal

and State governments, and for employer-sponsored health plans.

Prescription drug spending increased by 18.8 percent last year, accounting for half the increase in national health spending and a third of the increase in employer-sponsored health coverage. Generic drugs cost on average 40 to 80 percent less than their brand name counterparts. Sometimes they are 90 percent cheaper.

To get a sense of the savings inherent in approving these drugs more rapidly: brand-name drug companies receive 6 additional months of market exclusivity when they conduct pediatric clinical trials. That 6 months, on the average, represents \$695 million in lost consumer savings each year. It takes 6 to 12 months, on average, to review a new drug application. It takes 18 months, on average, to review a generic drug application. Multiply that \$695 million, Mr. Chairman, times the full universe of generic drugs, and the 6-month difference means tens of billions of dollars in lost savings.

There are 300 scientists on staff today to review generic drug applications. There are more than 2,100 scientists on staff to review new drug applications. By giving the Office of Generic Drugs the resources it needs, we can make a tangible difference in easing the prescription drug spending burden. Opportunities to reduce both public and private spending on prescription drugs without sacrificing access or quality are very hard to come by.

Our amendment provides an additional \$250,000 to fully fund a national campaign to raise public awareness about generic drugs. Generic drugs are as safe and as effective as brand-name drugs; they are just cheaper. But there is clearly an information gap when it comes to generics. Eighty-three percent of Americans report no bias against generic drugs, but only 54 percent fill prescriptions with the generics. There is a misperception that as conditions become more serious, the use of generic drugs becomes more risky. The greatest bias against generic drugs exists when cost savings, unfortunately when cost savings are potentially the greatest for serious conditions requiring expensive long-term treatment.

If we can get generic drugs to market on a more timely basis and encourage more widespread use of these products, the public and private sector savings will quickly dwarf our investment. I ask the Members of this Congress to support the amendment.

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

Mr. Chairman, I rise in opposition to the amendment. The bill that the committee has presented to the House includes a very carefully balanced recommendation for funding for the Food and Drug Administration. The \$39 million provided in this bill for generic

drug activities includes a 17 percent increase for generic drug review, generous by any standard.

I should also note that the funding for generics includes the only FDA program increase above the President's budget, which certainly demonstrates our commitment to affordable, effective, and safe generic drugs. So, again, I rise in opposition to the amendment.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY), who has fought for low-cost prescription drugs for several years in this body.

Mr. BERRY. Mr. Chairman, I want to thank the distinguished gentleman from Ohio for his leadership in this effort.

The American people, Mr. Chairman, are continuing to be robbed by the brand-name prescription drug manufacturers in this country. The reason that happens is because they have patent protection, they have trade barriers to protect them, and they have limited access to generic medicine. It is time that we do something about that. It is time that we make reasonably priced prescription medicine available to the American people. We know that they could be saving \$20 billion a year today if they had access to generic medicine that is not available to them today.

What we are asking in this amendment is that we provide \$2.5 million to the FDA so they can have the ability to approve more generic medicine to the American people that would be offered at a much more reasonable price and create competition in the prescription medicine market that we have to deal with today. Generic drugs cost, on the average, 75 percent less than brand names.

As I said, we know that we can save the American people \$20 billion a year if we do this. It takes 6 to 12 months to review a new drug application, but it takes 18 months today, because of FDA's limited ability, to approve a generic drug application. This does not make any sense that this would be the case.

So I urge the Members of this House to vote for this amendment and support the effort of the gentleman from Ohio to provide the American people with reasonably priced prescription medicine.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE), who has been very involved in health care issues, especially prescription drug and managed care issues.

Mr. PALLONE. Mr. Chairman, I rise in support of the Brown amendment. There is a need for statutory or legislative initiatives that allow timely access and availability of generic drugs once the patent on a brand-name drug

expires. Brand-name companies have become proficient in manipulating Hatch-Waxman law and aggressive campaigns to block or delay generic alternatives from reaching the market.

One way of alleviating this problem is to provide more funding to the FDA's Office of Generic Drugs. Currently, the agricultural appropriation bill includes a \$1.75 million increase in funding for this office, and I would like to see an additional \$2.5 million for the Office of Generic Drugs. In addition, I would like to see an investment of an additional \$250,000 on top of the \$250,000 already in the bill for a national campaign to raise public awareness about the safety and cost effectiveness of generics.

The tactics used by the brand-name industry to delay generic drugs from coming on the market are widespread and well known. By giving the FDA Office of Generic Drugs the appropriate levels of funding, it will have the resources to help move generic drugs to the market more quickly, to run an education campaign, and to overall significantly bring down the cost of prescription drugs.

We need more money for this office so we can reduce the cost of prescription drugs, which is so important to our seniors and to so many Americans. I commend the gentleman from Ohio (Mr. BROWN) for bringing this up, and I urge all my colleagues to support the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I would like to speak in favor of this amendment. This is a very critical allocation of funds, primarily because we are having such a difficult time in getting generic drugs to the market.

Let me just point out that I am the sole person who is responsible for my mother-in-law. I just wrote a check to Bill's Pharmacy in Cape Girardeau, Missouri, \$636 for four different medicines last month. The month before that I wrote a check for \$572. The month before that I wrote a check for \$835. And these are for brand-name drugs because it is very difficult to get a generic equivalent to market. It is atrocious.

Now, my mother-in-law has a supplemental Blue Cross/Blue Shield policy. It only goes up to \$1,500, so my colleagues can imagine how quickly she uses that, because of the money that I have had to spend on her behalf.

So, Mr. Chairman, I think this is an absolutely important and critical amendment, and I hope that the chairman will allow it to be considered.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentlewoman from Missouri.

Mr. Chairman, I yield 30 seconds to my friend, the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I am proud to stand in support the bill.

I want to thank both the chairman of the subcommittee and also the ranking member because this amendment actually builds on the \$1.5 million increase they have in the bill. This would help move generic drugs to the market quicker. We are talking about \$2.5 million. It typically takes 6 to 12 months to review a new drug application, but 18 months for the generic drugs.

This will help all our people, but particularly our seniors, who take more prescription drugs and spend billions every year on prescription drugs. Let us see if we can get generics there to save our seniors some dollars.

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

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

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him so very much for bringing up this important amendment.

I think it is important for the membership to know this does not involve any new money but merely a reallocation of funds within the Food and Drug Administration itself. So this is a very, very worthy amendment.

We have had to try to fight in this bill and the bill last year to try to get more attention to the approval of generic drugs, which so many Americans obviously need. They are a lot less expensive. I can remember when Claude Pepper used to stand on this floor trying to get generic drug incentives put into the law.

So I want to thank the gentleman from Ohio, as always, taking the leadership on health questions and certainly trying to get medicine to people who need it. In my neighborhood, there are many citizens who make a choice between food and medicine every weekend when they shop at the local supermarket. This will help families like them.

We need to get FDA working more quickly. And I am so happy that the gentleman from the Committee on Energy and Commerce has brought this to our attention and has given us additional drive to get additional generic drugs approved. So I fully support his amendment. It is within the budget resolution and within our allocation, and I would urge the membership to support him.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlewoman from Toledo.

In summary, Mr. Chairman, this amendment increases funding for the Office of Generic Drugs, to speed the approval process for generic drugs, to get them on the market more quickly, because generic drugs save money; al-

ways 40 to 60 to 80 percent over the price of a name-brand drug, sometimes as much as 90 percent. Consumers deserve access to generic drugs as quickly as possible. It will save money for America's consumers; it will save money for all levels of government that provide prescription drugs to employees and to citizens of this country; it will save money for employer health care plans.

Mr. Chairman, I ask for support of the Brown amendment on generics.

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

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

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

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

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

AMENDMENT OFFERED BY MR. BROWN OF OHIO

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

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio:

In title VI, in the item relating to "DEPARTMENT OF HEALTH AND HUMAN SERVICES—FOOD AND DRUG ADMINISTRATION—SALARIES AND EXPENSES", insert before the period at the end of the first paragraph the following:

: *Provided further*, That of the total amount appropriated, \$5,000,000 is available for the purpose of carrying out the responsibilities of the Food and Drug Administration with respect to antibiotic drugs, in addition to other allocations for such purpose made from such total amount

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

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

There was no objection.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 20 minutes and that the time be equally divided.

The CHAIRMAN. The Chair would seek clarification. The time divided is between the gentleman from Ohio (Mr. BROWN) and the gentleman from Texas (Mr. BONILLA)?

Mr. BONILLA. The Chair is correct.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. BROWN) and the gentleman from Texas (Mr. BONILLA) each will control 10 minutes.

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

□ 1645

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

Mr. Chairman, this amendment allocates funds to carry out the FDA's antibiotic resistance plan. On January 18, 2001, the FDA, the Centers for Disease Control and Prevention, and the National Institutes of Health unveiled an action plan developed by an interdepartmental task force that provides the United States with a comprehensive approach to combat the emerging threat of antimicrobial resistance. The plan designated 13 near-term priorities to deal with the problem of antibiotic resistance.

The introduction of antibiotics in the 1940s gave the medical community an overwhelming advantage in its fight against infectious diseases, against TB and pneumonia, against cholera and typhoid, against many other long-time killers. But as bacteria have been exposed to antibiotics, resistant strains have emerged as a real threat to the efficacy of antibiotic drugs and to human health. The recent experience of the global medical community with tuberculosis is an excellent example of what can happen when an infectious disease develops antibiotic-resistant strains, and the threat that this poses to public health in the United States and around the world.

Mr. Chairman, multidrug-resistant TB is as a result of antibiotic overuse, incorrect or interrupted treatment, and an inadequate supply of effective drugs. While outpatient treatment for standard TB costs a few thousand dollars, treatment of multidrug-resistant TB, MDRTB, costs as much as \$250,000, and it may not be successful.

Mr. Chairman, we do not want to see this scenario of increased costs and increased mortality repeated with other infectious diseases. The first step in addressing the problem of antibiotic resistance is to identify the true scope of the problem. We know that AR infections are seen more often in emergency rooms. We know that antibiotic resistance occurs wherever antibiotics are used, and we know that overuse and misuse of antibiotics exacerbates the problems of antibiotic resistance.

But we need to know which drugs are being affected most, and when, how and why antibiotic drugs are being prescribed. We must educate the American public on the proper use of antibiotics, and we must encourage the development of new antimicrobial therapies.

The amendment I am proposing today does not seek to ban the use of any antibiotics, it would simply appropriate the funds necessary to implement those near-term priorities of the government's action plan that would take place at FDA. These priorities were not set by me. They were not set by my colleagues. They were not set by any special interest groups. They were established by doctors and scientists

and public health officials from FDA, CDC, NIH and other Federal agencies.

The Committee on Appropriations has recommended a \$126 million budget increase for FDA over last year. This \$5 million set aside would allow FDA to begin to execute the portions of the antibiotic resistance action plan within its responsibility and would leave the decision on the sources of the offset to the Agency.

Mr. Chairman, I ask for Members to support the Brown amendment on antibiotic resistance.

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

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

Mr. Chairman, I rise in opposition to the amendment. The bill that the committee has presented to the House includes a very carefully balanced recommendation for funding for the Food and Drug Administration, including \$27 million for antimicrobial resistance activities. This is an increase of over 70 percent from just 2 years ago, which clearly demonstrates our commitment in this area.

The gentleman's amendment proposes to increase funding for certain purposes, but it makes no proposal on where the money should come from. I would like to say that I am very happy that we were able to provide significant increases for the FDA. It is vitally important for that agency to have the resources to perform its public health mission. We were able to provide them the following increases above last year's level: \$15 million to prevent BSE, or bovine spongiform encephalopathy, which is commonly known as mad cow disease; \$10 million to increase the number of domestic and foreign inspections, and to expand import coverage in all product areas; \$10 million to reduce adverse events related to medical products; \$10 million to better protect volunteers who participate in clinical research studies; \$9 million to provide a safer food supply; \$1.75 million to improve the timeliness of generic drug application review and to provide generic drug education; and full funding of increased payroll costs for existing employees.

I want to stress how important this is. In the past, FDA and all other agencies in this bill were forced to reduce the level of services provided to the public in order to absorb payroll increases. This year we want to be sure that does not happen. I am sure that we all want to see that there is no slippage of activities at FDA involving research, application review, inspections, and all of the other payroll-intensive operations that are financed through our bill. We worked hard to find these resources. I am glad we were able to do it, and I am sure FDA will put them to good use.

Now here is my point. In the real world, when we go to conference with

the other body, the increase that the gentleman's amendment proposes would have to come out of other increases that the committee provided. So where should it come from? Should we reduce FDA's food safety activities? We have heard a number of speeches today that told us not to do that. Should we reduce protection for people participating in clinical trials, or reduce resources for blood safety or BSE prevention?

Mr. Chairman, I ask all Members to support the committee's recommended increases in FDA. I oppose the gentleman's amendment, and I ask for its defeat.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Brown-Slaughter amendment. This amendment would set aside \$5 million in the FDA's budget for the purpose of implementing FDA's portion of the public health action plan to combat antimicrobial resistance. As a former microbiologist with a master's degree in public health, I am profoundly concerned over the rising number of infections that do not respond to the majority of antibiotics in our medical arsenal.

In my judgment, the resistance of bacterial infections to antibiotics represents a major public health crisis in the Nation today. According to the Centers for Disease Control and Prevention, in some parts of the country more than 40 percent of streptococcus pneumoniae infections are highly resistant to penicillin. Moreover, approximately 70 percent of the bacterial infections acquired in a hospital setting are resistant to at least one antimicrobial drug. As long ago as 1997, at least one strain of staphylococcus developed resistance against the last and strongest antibiotic available: vancomycin.

These facts have a real impact on patients. According to the WHO, 1 American dies every 38 minutes because of a drug-resistant infection. When first-line drugs against these infections are not effective, patients are sicker for longer periods of time. In the case of patients with suppressed immune systems, or those recovering from surgery or injury, a delay in effective treatment of infection can be fatal. Children are particularly susceptible. In 1999, the CDC reported that four otherwise healthy children had died of drug-resistant staphylococcus aureus infections.

If we fail to slow the rise of resistance to these infections, we could find ourselves returning to a day when common infections like tuberculosis and salmonella could become untreatable, and potentially fatal.

A wide range of factors are contributing to the rise of resistance of antimicrobial agents. They include the overprescription of antibiotics, viral infections which do not respond to antibiotics; the misuse of antibiotics, such as the use of a newer, broad-range antibiotic when a less recent version would be equally effective; and the decline in simple sanitation measures, like effective hand-washing.

The various agencies responsible for the many aspects of the antimicrobial resistance issue have come together and issued a comprehensive plan of attack against this problem. "A Public Health Action Plan to Combat Antimicrobial Resistance" was developed in partnership by the FDA, the CDC, and the National Institutes of Health, with input and assistance from the Agency for Health Care Research and Quality, the Department of Agriculture, Department of Defense, Department of Veterans Affairs, the Environmental Protection Agency, the Health Care Financing Administration, and the Health Resources and Services Administration.

This was an exhaustive and overarching effort to show the advance of antimicrobial resistance. As one of the lead agencies in developing this plan, the FDA has a crucial role to play in its implementation. The Brown-Slaughter amendment would set aside \$5 million for the FDA to begin to stem the rising tide of antimicrobial resistance. This modest investment has the potential to save untold numbers of lives.

I urge my colleagues in the strongest possible terms to support the Brown-Slaughter amendment. Antimicrobial resistance is a quiet crisis growing in the United States, and we ignore it at our own risk.

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

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me this time, and thank him for his leadership on this issue.

Mr. Chairman, how many times have Americans gone to a doctor, been prescribed an antibiotic only to find out it did not work, that it was not effective for them? This vignette of a patient taking medication, hoping it is going to be of value to fight infection is something that is repeated many times around the world. Yet we know for some reason antibiotics are not effective because of certain resistance. What the gentleman from Ohio (Mr. BROWN) is doing is trying to get an additional \$5 million to fund components of the action plan to combat antimicrobial resistance.

Mr. Chairman, this money will be money well spent because this is not only a health problem in this country, this is a world health problem. I thank the gentleman for his dedication.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), who is the ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, I want to compliment the gentleman from Ohio (Mr. BROWN) for taking leadership on this important issue of antimicrobial research.

Mr. Chairman, it has been amazing to me among families and friends, staff members and their families back home, how many individuals go into a hospital and are the victims of an infection. In spite of some of the best knowledge we have with modern medicine, yet we find that there is this antimicrobial resistance that in some ways is as a result of the technologies that we brought on board in the 20th century.

As we now embark on the 21st century, this research to add funding to help to expedite the action plan to combat antimicrobial resistance is essential. We know that life transforms and that every action has an equal and opposite reaction. I am sure that is the case, that scientists note every day, whether we are talking about HIV-AIDS or whether we are talking about some type of staphylococcus infection which becomes resistant to antibiotics which have been brought on board in years past.

We need to know which drugs are being affected most; how, when and why antibiotic drugs are being prescribed. We must educate physicians and the public on the proper use of antibiotics. I have been amazed at people who have taken antibiotics and find their systems having to readjust anywhere from 6 months to a year.

Mr. Chairman, I want to compliment the gentleman. The amendment would simply authorize funding for priorities already set by the health agencies of this government. I urge my colleagues for a "yes" vote on this important amendment on antimicrobial research. It provides \$5 million to the FDA to expedite the carrying out of priority action items designated under an adopted action plan.

□ 1700

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

I ask my colleagues to speak to a physician or to a nurse or to a hospital administrator or to a medical researcher about this problem of antibiotic resistance. Every one of them will tell you that they know of cases, they have seen cases, they have seen the damage done by cases where antibiotic resistance is very real. Antibiotics are not as effective as they were a year ago or 5 years ago or 10 years ago. They also will tell you that we need action, we need to begin to recognize the problem, we need to anticipate the problem of growing resistance to antibiotics, and we need to do something about the problem.

This amendment does not ban any antibiotics. It simply carries out the action plan that our government has suggested. I ask for support for the Brown-Slaughter amendment.

The CHAIRMAN pro tempore (Mr. BASS). The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BROWN) will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

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

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

In title VI, in the item relating to "DEPARTMENT OF HEALTH AND HUMAN SERVICES—FOOD AND DRUG ADMINISTRATION—SALARIES AND EXPENSES", insert before the period at the end of the first paragraph the following:

: *Provided further*, That of the total amount appropriated, \$250,000 is available for the purpose of carrying out the responsibilities of the Food and Drug Administration with respect to food labeling within the meaning of section 403 of the Federal Food, Drug, and Cosmetic Act, in addition to other allocations for such purpose made from such total amount

Mr. LATHAM. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 30 minutes and that the time be equally divided between the proponent and an opponent.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York (Mr. ENGEL) will be recognized for 15 minutes and the gentleman from Iowa (Mr. LATHAM) will be recognized for 15 minutes.

There was no objection.

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

Mr. Chairman, my amendment sets aside \$250,000, which in the totality of this budget is very, very small, for the FDA to develop labeling requirements indicating that no child slave labor was used in the growing and harvesting of cocoa.

Forty-three percent of the world's cocoa beans come from small scattered farms in the Ivory Coast. The beans are prized for their quality and abundance. In the first 3 months of 2001, more than 47,300 tons of them were shipped to the United States to be processed by U.S. cocoa processors.

There are more than 600,000 small farms and no corporate or government agency in the Ivory Coast is monitoring them for slave trade. The United Nations estimates that approximately 200,000 slaves are working in various trades in West Africa and the State Department has estimated that about

15,000 children between the ages of 9 and 12 have been sold into forced labor in northern Ivory Coast in recent years. Let me repeat that. The State Department has estimated that about 15,000 children between the ages of 9 and 12 have been sold into forced labor in northern Ivory Coast in recent years.

On many of the farms, the fields are cleared and the crops are harvested by boys between the ages of 12 and 16 who were sold or tricked into slavery. Some are even as young as 9. These boys come from neighboring countries, including Mali, Burkina Faso, Benin, and Togo and do not speak the most common language used in the Ivory Coast, French. They are children, who, out of respect, will do anything to help their parents. The boys are uneducated, come from poor countries and are wooed by offers of money, bicycles, and trade jobs. "Locateurs" offer them work as welders or carpenters, and they are told falsely that they will be paid \$170 a year. As soon as they accept the offer, they are sold into slavery and are forced to clear the fields and harvest the cocoa crop. They live on corn paste and bananas, work 12 to 14 hours a day for no pay, suffer from whippings, are locked up at night in small, windowless rooms, and are given cans to urinate in.

One of these boys, Aly Diabate, was sold into slavery when he was barely 4 feet tall. He said, "Some of the bags were taller than me. It took two people to put the bag on my head. And when you didn't hurry, you were beaten. The beatings were a part of my life. Anytime they loaded you with bags and you fell while carrying them, nobody helped you. Instead, they beat you and beat you until you picked it up again."

Mr. Chairman, this must be stopped. Just like we cannot accept slave labor in factories in Asia, we must not accept products being sold in this country that are made by enslaved child labor. In 1999, former President Clinton issued an executive order prohibiting Federal agencies from purchasing products made by enslaved children. However, cocoa products were not included on this list.

Americans spend \$13 billion a year on chocolate. I love chocolate. But most of them are ignorant of where the cocoa beans come from. And a lot of the cocoa beans come from the Ivory Coast. We must change that. This amendment provides funding for the FDA to develop a label indicating that enslaved child labor was not used to harvest the cocoa beans. That is all this does. We want to ensure that when people of this country eat chocolate, they are not eating chocolate that was processed by child slavery.

I urge my colleagues to support this amendment.

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

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

I rise in opposition to the amendment. As with the prior two amendments, we have fully funded FDA's budget request for this activity. Additional money for food labeling will come from other vital areas.

I ask rhetorically, from which priority would the gentleman prefer to delete the \$250,000? From blood safety, from developing methods to detect food pathogens, or even generic drug review?

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

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

Mr. ENGEL. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I hope that the Members will take this amendment seriously, because it is in fact a very serious matter. It is, in some measure, a result of this global trading pattern that we have engaged in without really examining closely and understanding fully the consequences of this system.

A recent report by our own State Department estimated that there are currently some 15,000 children working on cocoa and similar plantations in the Ivory Coast alone. That is the source of about 43 percent of the cocoa that is imported into this country. I think that if people in this country knew that they were buying products that were the result of slave labor, particularly the labor of children as young as 8 or 9 years old, they would not buy it. And I think that this amendment which proposes a simple labeling mechanism to indicate where this cocoa is coming from and the slave conditions under which it is being farmed and harvested is a good amendment and it ought to be adopted.

Mr. ENGEL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the agriculture subcommittee.

Ms. KAPTUR. Mr. Chairman, I thank my esteemed colleague the gentleman from New York for yielding me this time and rise in support of his amendment which is a very straightforward and simple amendment to ask FDA to engage itself in the proper labeling of goods that come into this country. In the area of cocoa beans and chocolate, I think we do not often think of where a product's ingredients come from.

Mr. Chairman, I include for the RECORD an article that was published in the St. Paul Pioneer Press on June 24 of this year that talks about the cocoa beans that come here to America blended into our product from places like the Ivory Coast.

[From the St. Paul Pioneer Press, June 24, 2001]

DALOA, IVORY COAST

There may be a hidden ingredient in the chocolate cake you baked, the candy bars

your children sold for their school fund-raiser or that fudge ripple ice cream cone you enjoyed on Saturday afternoon. Slave labor. Forty-three percent of the world's cocoa beans, the raw material in chocolate, come from small, scattered farms in the poor West African country of Ivory Coast. And on some of the farms, the hot, hard work of clearing the fields and harvesting the crop is done by boys who were sold or tricked into slavery. Most of them are 12 to 16 years old. Some are as young as 9. The slaves live on corn paste and bananas. Some are whipped, beaten and broken like horses to harvest the almond-size beans.

The State Department's human rights report last year concluded that some 15,000 children ages 9 to 12 have been sold into forced labor on cotton, coffee and cocoa plantations in northern Ivory Coast in recent years.

Aly Diabate was almost 12 when a slave trader promised him a bicycle and \$150 a year to help support his poor parents in Mali. He worked for a year and a half for a cocoa farmer who is known as "Le Gros" ("The Big Man") but he said his only rewards were the rare days when Le Gros' overseers or older slaves didn't flog him with a bicycle chain or branches from a cacao tree.

Cocoa beans come from pods on the cacao tree. To get the 400 or so beans it takes to make a pound of chocolate, the boys who work on Ivory Coast's cocoa farms cut pods from the trees, slice them open, scoop out the beans, spread them in baskets or on mats and cover them to ferment. They uncover the beans, put them in the sun to dry, bag them and load them onto trucks to begin the long journey to America or Europe.

Aly said he doesn't know what the beans from the cacao tree taste like after they've been processed and blended with sugar, milk and other ingredients. That happens far away from the farm where he worked, in places such as Hershey, Pa., Milwaukee and San Francisco.

"I don't know what chocolate is," said Aly. The chocolate chain Americans spend \$13 billion a year on chocolate, but most of them are as ignorant of where it comes from as the boys who harvest cocoa beans are about where their beans go.

More cocoa beans come from Ivory Coast than from anyplace else in the world. The country's beans are prized for their quality and abundance, and in the first three months of this year, more than 47,300 tons of them were shipped to the United States through Philadelphia and Brooklyn, N.Y., according to the Port Import Export Reporting Service. At other times of the year, Ivory Coast cocoa beans are delivered to Camden, N.J., Norfolk, Va., and San Francisco.

From the ports, the beans are shipped to cocoa processors. America's biggest are ADM Cocoa in Milwaukee, a subsidiary of Decatur, Ill.-based Archer Daniels Midland; Barry Callebaut, which has its headquarters in Zurich, Switzerland; Minneapolis-based Cargill; and Nestle USA of Glendale, Calif., a subsidiary of the Swiss food giant.

But by the time the beans reach the processors, those picked by slaves and those harvested by free field hands have been jumbled together in warehouses, ships, trucks and rail cars. By the time they reach consumers in America or Europe, free beans and slave beans are so thoroughly blended that there is no way to know which chocolate products taste of slavery and which do not.

Even the Chocolate Manufacturers Association, a trade group for American chocolate makers, acknowledges that slaves are harvesting cocoa on some Ivory Coast farms.

And a 1998 report from UNICEF, the United Nations Children's Fund, concluded that some Ivory Coast farmers use enslaved children, many of them from the poorer neighboring countries of Mali, Burkina Faso, Benin and Togo. A report by the Geneva, Switzerland-based International Labor Organization, released June 15, found that trafficking in children is widespread in West Africa.

#### SOME OF THE BAGS WERE TALLER THAN ME

Aly Diabate and 18 other boys labored on a 494-acre farm, very large by Ivory Coast standards, in the southwestern part of the country. Their days began when the sun rose, which at this time of year in Ivory Coast is a few minutes after 6 a.m. They finished work about 6:30 in the evening, just before nightfall, trudging home to a dinner of burned bananas. A treat would be yams seasoned with saltwater "gravy."

After dinner, the boys were ordered into a 24-by-20-foot room, where they slept on wooden planks. The window was covered with hardened mud except for a baseball-size hole to let some air in. "Once we entered the room, nobody was allowed to go out," said Mamadou Traore, a thin, frail youth with serious brown eyes who is 19 now. "Le Gros gave us cans to urinate. He locked the door and kept the key."

"We didn't cry, we didn't scream," said Aly. "We though we had been sold, but we weren't sure." The boys became sure one day when Le Gros walked up to Mamadou and ordered him to work harder. "I bought each of you for 25,000 francs" (about \$35), the farmer said, according to Mamadou. "So you have to work harder to reimburse me."

Aly was barely 4 feet tall when he was sold into slavery, and he had a hard time carrying the heavy bags of cocoa beans. "Some of the bags were taller than me," he said. "It took two people to put the bag on my head. And when you didn't hurry, you were beaten." You can still see the faint scars on his back, right shoulder and left arm. "They said he wasn't working very hard," said Mamadou.

"The beatings were a part of my life," Aly said. "Anytime they loaded you with bags and you fell while carrying them, nobody helped you. Instead, they beat you and beat you until you picked it up again."

Le Gros, whose name is Lenikpo Yeo, denied that he paid for the boys who worked for him, although Ivory Coast farmers often pay a "finder's fee" to someone who delivers workers to them. He also denied that the boys were underfed, locked up at night or forced to work more than 12 hours a day without breaks. He said they were treated well, and that he paid for their medical treatment. "When I go hunting, when I get a kill, I divide it in half—one for my family and the other for them. Even if I kill a gazelle, the workers come and share it."

He denied beating any of the boys. "I've never, ever laid hands on any one of my workers," Le Gros said. "Maybe I called them bad words if I was angry. That's the worst I did." Le Gros said a Malian overseer beat one boy who had run away, but he said he himself did not order any beatings.

#### A BOY ESCAPES

One day early last year, a boy named Oumar Kone was caught trying to escape. One of Le Gros' overseers beat him, said the other boys and local authorities. A few days later, Oumar ran away again, and this time he escaped. He told elders in the local Malian immigrant community what was happening on Le Gros' farm. They called Abdoulaye

Macko, who was then the Malian consul general in Bouake, a town north of Daloa, in the heart of Ivory Coast's cocoa- and coffee-growing region. Macko went to the farm with several police officers, and he found the 19 boys and young men there. Aly, the youngest, was 13. The oldest was 21.

"They were tired, slim, they were not smiling," Macko said. "Except one child was not there. This one, his face showed what was happening. He was sick; he had (excrement) in his pants. He was lying on the ground, covered with cacao leaves because they were sure he was dying. He was almost dead. . . . He had been severely beaten."

According to medical records, other boys had healed scars as well as open, infected wounds all over their bodies. Police freed the boys, and a few days later the Malian consulate in Bouake sent them all home to their villages in Mali. The sick boy was treated at a local hospital, and then he was sent home, too.

Le Gros was charged with assault against children and suppressing the liberty of people. The latter crime carries a five- to 10-year prison sentence and a hefty fine, said Daleba Rouba, attorney general for the region. "In Ivorian law, and adult who orders a minor to hit and hurt somebody is automatically responsible as if he has committed the act," said Rouba. "Whether or not Le Gros did the beatings himself or ordered somebody, he is liable." Le Gros spent 24 days in jail, and today he is a free man pending a court hearing that is scheduled for Thursday.

He said the case against Le Gros is weak because the witnesses against him have all been sent back to Mali. "If the Malian authorities are willing to cooperate, if they can bring two or three of the children back as witnesses, my case will be stronger," Rouba said. Mamadou Diarra, the Malian consul general in Bouake, said he would look into the matter.

#### OFFICIAL RESPONSES

Child trafficking experts say inadequate legislation, ignorance of the law, poor law enforcement, porous borders, police corruption and a shortage of resources help perpetuate the problem of child slavery in Ivory Coast. Only 12 convicted slave traders are serving time in Ivorian prisons. Another eight, convicted in absentia, are on the lam.

Ivorian officials have found scores of enslaved children from Mali and Burkina Faso and sent them home, and they have asked the International Labor Organization, a global workers' rights agency, to help them conduct a child-labor survey that's expected to be completed this year. But they continue to blame the problem on immigrant farmers from Mali and on world cocoa prices that have fallen almost 24 percent since 1996, from 67 cents a pound to 51 cents, forcing impoverished farmers to use the cheapest labor they can find.

Ivory Coast Agriculture Minister Alfonse Douaty calls child slavery a marginal "clandestine phenomenon" that exists on only a handful of the country's more than 600,000 cocoa and coffee farms. "Those who do this are hidden, well hidden," said Douaty. He said his government is clamping down on child traffickers by beefing up border patrols and law enforcement, and running education campaigns to boost awareness of anti-slavery laws and efforts.

Douaty said child labor in Ivory Coast should not be called slavery, because the word conjures up images of chains and whips. He prefers the term "indentured labor."

Ivory Coast authorities ordered Le Gros to pay Aly and the other boys a total of 4.3 mil-

lion African Financial Community francs (about \$6,150) for their time as indentured laborers. Aly got 125,000 francs (about \$180) for the 18 months he worked on the cocoa farm.

Aly bought himself the very thing the trader who enslaved him promised: a bicycle. It has a light, a yellow horn and colorful bottle caps in the spokes. he rides it everywhere.

I cannot read the entire article, but I will just read a few sentences, where it indicates 43 percent of the world's cocoa beans come from small scattered farms in poor West African countries like Ivory Coast where harvesting of the crop is done by boys who were sold or tricked into slavery. They talk about 15,000 children ages 9 to 12 sold into forced labor and that it takes 400 or so beans to make one pound of chocolate. The boys who pick these beans do not know what chocolate tastes like because they never have a chance to eat the final product.

The beans that they harvest go to places like Hershey, Pennsylvania; Milwaukee, Wisconsin; and San Francisco. America's biggest users of these beans are ADM Cocoa in Milwaukee, a subsidiary of Illinois-based Archer Daniels Midland; Barry Callebaut, which has its headquarters in Zurich, Switzerland; Minneapolis-based Cargill; and Nestle USA of Glendale, California, a subsidiary of the Swiss food giant.

It talks about these boys being beaten and held, being tired, slim with no smiles, and many boys having healed scars as well as open infected wounds all over their bodies. It talks about the reasons that there is no law enforcement in the countries which are the suppliers. And it talks about the amount of money being made by the firms that use this kind of indentured servitude.

I think \$250,000 out of a multibillion-dollar budget is almost nothing to ask to have proper labeling of a product. If we can have happy faces on carpets that come from the Indian subcontinent, we can certainly have proper labeling of chocolate products that come into this country from places like Ivory Coast. I really want to thank the gentleman from New York (Mr. ENGEL), who is a member of the Committee on International Relations, for bringing this issue to us.

It is always difficult for us to get labeling legislation passed by this subcommittee and full committee, but, my goodness, do we not have a moral responsibility to do this? It is within budget, what he is asking to do. It is asking FDA to meet not only its scientific responsibilities to this country but its moral responsibilities.

Mr. Chairman, I rise in strong support of the Engel amendment and commend the gentleman for bringing this again to the House floor so the American people can understand what is going on.

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

I think that the gentlewoman from Ohio made two very, very good points at the end. Throughout her speech she made good points, but I want to raise two that she made at the end. This is only \$250,000. It is a very, very small amount, and such a small amount to ensure that the cocoa and the chocolate in this country has not come to be by slave labor of children. I think that is a very, very small price to pay.

There is a moral responsibility as the gentlewoman points out, a moral responsibility for us not to allow slavery, child slavery, in the 21st century. This is a small amount of money, it is in the budget, it will not do any harm whatsoever; and I think that it will certainly bring us to the point that this Congress can look with pride and say that we are making an attempt to stop something that we thought did not exist anymore and only now are we being made aware of the fact that slavery is continuing to rear its ugly head in the year 2001.

I want to just again urge my colleagues to support this. This should have bipartisan support because again we are talking about children and we are talking about slavery. I do not think the American people would want to knowingly eat chocolate or cocoa that was harvested by children who have been tricked into slavery.

□ 1715

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

The CHAIRMAN pro tempore (Mr. BASS). The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ENGEL) will be postponed.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. BASS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2330 in the Committee of the Whole pursuant to House Resolution 183, no further amendment to the bill may be offered except the following amendments, each of which shall be debatable for 10 minutes:

An amendment offered by Mrs. CLAYTON related to rental assistance, which may be offered at any time during consideration; an amendment offered by Mr. TRAFICANT related to Buy American; an amendment offered by Mr. ALLEN related to total cost of research and development and approvals of new drugs; an amendment offered by Ms. KAPTUR related to the biofuels; an amendment offered by Ms. KAPTUR related to BSE; an amendment offered by Ms. KAPTUR related to 4-H Program Centennial; an amendment offered by Mr. LUCAS of Oklahoma related to watershed and flood operations; an amendment offered by Mrs. MINK of Hawaii related to the Hawaii Agriculture Research Center; an amendment offered by Mrs. MINK of Hawaii related to the Oceanic Institute of Hawaii; an amendment offered by Mr. BLUMENAUER related to price supports; an amendment offered by Mr. ROYCE related to allocations under the market access program; an amendment offered by Mr. SMITH of Michigan related to the Food Security Act; an amendment offered by Mr. SMITH of Michigan related to the Agriculture Market Transition Act; an amendment offered by Mr. SMITH of Michigan related to the nitrogen-fixing ability of plants; an amendment offered by Mr. BACA related to Hispanic-serving institutions; an amendment offered by Ms. PELOSI related to HIV.

Two, the following additional amendments, each of which shall be debatable for 20 minutes:

An amendment offered by Mr. BROWN related to abbreviated applications for the approval of new drugs under section 505(j) of the Food, Drug and Cosmetic Act; an amendment offered by Mr. STUPAK or Mr. BOEHLERT related to elderly nutrition; an amendment offered by Mrs. CLAYTON related to socially disadvantaged farmers.

Three, the following additional amendments, each of which shall be debatable for 30 minutes:

An amendment offered by Mr. HINCHEY related to American Rivers Heritage; an amendment offered by Mr. KUCINICH related to transgenic fish; an amendment offered by Mr. GUTKNECHT related to drug importation.

Four, the following additional amendments, each of which shall be debatable for 40 minutes:

An amendment offered by Mr. SANDERS related to drug importation; an amendment offered by Mr. WEINER related to mohair.

Five, the following additional amendment, which shall be debatable for 60 minutes, and which may be brought up at any time during consideration:

An amendment offered by Mr. OLVER or Mr. GILCHREST related to Kyoto.

Each additional amendment may be offered only by the Member designated in this request, or a designee; shall be considered as read; shall be debatable for the time specified equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

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

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, I only do so to advise the House what we are doing.

After the approval of this unanimous consent request, we will go back to the Committee of the Whole and we will have the votes that were rolled to this time. At the conclusion of that time, I believe we are to deal with the amendment of the gentlewoman from North Carolina (Mrs. CLAYTON) briefly. At that point then, the subcommittee chairman will move to rise; and we will have concluded the business for the day. We will return to this bill the day after we return from our July 4, Independence Day recess.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would just like to clarify what that means is that after the disposition of the Clayton amendment, we will have the three votes, that will be it for the evening. And then when we return after the July 4 recess, this bill will be the first order of business. We will take it up on Wednesday, and we will debate it to its conclusion?

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

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

Mr. YOUNG of Florida. Mr. Speaker, this bill would be considered on the day after we return from the recess.

Mr. OBEY. We mean Wednesday by that; do we not?

Mr. YOUNG of Florida. Yes.

Mr. OBEY. That will be the first bill up, and it will be debated to its conclusion?

Mr. YOUNG of Florida. I would expect that it would be first, and I know of no reason why it will not be first.

Mr. OBEY. If I could also clarify the language of the unanimous consent request, the last paragraph reads, "Each