mineral lease or agreement that affects individually owned Indian land on behalf of an Indian owner if—

(A) that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) PUBLIC AUCTION OR ADVERTISED SALE NOT REQUIRED.—It shall not be a requirement for the approval or execution of a lease or agreement under this subsection that the lease or agreement be offered for sale through a public auction or advertised sale.

(b) RULE OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 482 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4101.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 23, 1998, amendment No. 2 offered by the gentleman from New Hampshire (Mr. BASS) had been disposed of and section 738 had been read.

Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Florida:

Add after the final section the following new section:

SEC. ____. None of the funds made available in this Act may be used to make available or administer, or to pay the salaries of personnel of the Department of Agriculture who make available or administer, a loan to a processor of sugarcane or sugar beets during fiscal year 1999 under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) at a loan rate in excess of 17 cents per pound for raw cane sugar and 21.9 cents per pound for refined beet sugar.

The CHAIRMAN. Pursuant to the order of the Committee of Tuesday, June 23, 1998, the gentleman from Florida (Mr. MILLER) will control 30 minutes, and the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) or her designee each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume. This amendment is a modest change in the sugar program in this country, a one-cent change in sugar prices in this country.

Most of my colleagues do not realize that the sugar program is one of those old-fashioned programs where the Federal Government here in Washington has the bureaucracy that set a high price on sugar. This is not part of the free enterprise system that most people think we have. We have a price of sugar that the government sets that is over twice what the price is around the world. In Canada the price of sugar is about 9 cents a pound. In the United States it is about 22, 23 cents a pound. This makes zero economic sense.

In 1996 we passed Freedom to Farm, a very significant and historic piece of legislation for agriculture, because it really had a lot of reforms that were very important and good for this country and good for farmers. Our farmers are very effective and productive farmers and can compete with farmers around the world. We are huge exporters of agricultural products. But while we reformed lots of the grain programs and other programs, we did not reform sugar. Sugar was one product that basically escaped reform in the 1996 farm reform bill. The price of sugar back before we had reform was about 22, 23 cents a pound, and it is staying at that price because the government program continues to exist to force the price up high while world prices have dropped down to about 9 cents a pound.

One of the things I would point out, I remember reading right after the passage of the Freedom to Farm bill what the historic change was. In Time magazine there was an article not focusing on the good things in that bill but about the sugar sweet deal that the sugar farmers got by not reforming sugar and whether it was ABC News who did a story earlier this year about ''It's Your Money'', or Readers Digest had a story earlier this year, or the New York Times, they all referred to the fact that sugar was not reformed. So as much as my opponents might say, ''Oh, we reformed it,'' the bottom line is sugar prices are the same basically as they were before we reformed it.

Let me describe briefly how the program works. The program works, that we cannot grow enough sugar in this country so we must import sugar. So what the government does is it controls the amount of sugar allowed into this country and by basic supply and demand forces prices up high. So while the world price is about 9 cents right now, in fact, if you look at the Wall Street Journal, you look at commodity prices, you have two prices for sugar, the price we pay in the United States and the price around the world.

What is crazy about this, for example, Australia, one of the largest exporters of sugar in the world, and it is not a subsidized program in Australia, they will sell their sugar to anyone for 9 cents a pound, but the United States, what do they sell it to us for? Twenty-two cents a pound or so. It is crazy. That is foreign aid. That is corporate subsidy of Australian sugar farmers. Whether we import it from the Dominican Republic or Brazil or wherever, we are subsidizing foreign sugar growers in this program.

This program of sugar that we have in this country is bad for consumers, it is bad for jobs, and it is certainly bad for the environment. For the consumers, they pay a higher price for sugar, not just the sugar we buy off the shelves in the store but so many different items of food contain sugar, whether it is the candy, whether it is cough drops, whether it is ice cream or baked goods, sugar is part of that and it is part of the total cost of the production. We all know basic economics will tell you that cost and prices are related.

It is bad for the environment. I come from Florida. A great treasure of the State of Florida is the Florida Everglades. Sadly it has been damaged over the past 50 years for a variety of reasons, not just because of agriculture certainly. We are in the process now of trying to restore the Everglades. We have lost 50 percent of the Florida Everglades for a variety of reasons, for agriculture and development and more people in the State of Florida. But we found out this week that it is going to cost us $7.5 billion over the next 20 years to restore the Everglades as best as we can. A large part of the problem is the amount of acreage going for sugar production, 500,000 acres. And part of the solution is to buy a lot of that sugar land and also to build retention ponds to filter the water that flows off the sugar fields. How much is sugar paying in this plan? Less than 5 percent of the cost. They are not even carrying their full load. But in addition to that, because we have this crazy sugar program, we are having to pay inflated prices for the land we are buying from the sugar farmers. We create a program that makes the land more valuable and creates incentives to

produce more sugar in the Everglades, and then we are going to have to go out and buy it and pay this inflated price. That is the kind of screwy government program that this is.

And jobs. This is a job loser in this country. Because we restrict the amount of sugar imported, refineries are closing around this country. They have been closing for years because of this program. These are good jobs, union jobs by the way, because I have got letters of support from organized labor saying, ''We're losing union jobs.''

It is also bad for the users of sugar. For example, one of the classic cases is Bob's Candy down in Georgia that makes candy canes. They pay this high price for sugar. They have opened a facility down in the Caribbean. The same sugar is costing less than half the amount. Here is a company that has been in business for three generations and they are having a hard time to compete. Whether it is cereal, what have you, the jobs are not coming to this country. They are producing the cough drops in England and sending us cough drops rather than allowing us to manufacture them in this country. It is a job loser in this country.

The bottom line, Mr. Chairman, is that it is bad for the consumer, it is bad for jobs and economic growth in this country, and it is certainly bad for the environment. I think it is time that we get rid of this big government program that no longer belongs in the free enterprise country we live in today.

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

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. SMITH), the chairman of the Committee on Agriculture.

(Mr. SMITH of Oregon asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is not a minimal issue at all. I hope Members will listen, because again I want to reiterate, a contract was made with agriculture in 1996 that will be ending in the year 2002, that all subsidies on all crops will be eliminated.

In the face of that contract, why are we singling out sugar growers? This is not an attack on sugar companies. This is an attack on people who grow sugar, who work in the fields. Why should we distinguish them from soybeans or wheat or corn, if that happens to be your crop? ''Oh, no, we have to identify sugar. Let's take them out of the contract.''

I say, ''Wrong.'' We made a contract, let us stick with it.

Is this a minimal question? Well, the people from CoBank do not think so, because the senior Vice President, Mr. Cassidy, wrote a letter to the gentleman from Louisiana (Mr. LIVINGSTON) on June 18, 1998, at which time this senior Vice President said, ''Look, we finance about 2,000 customers. There are $1 billion worth of loans in jeopardy if this amendment passes.''

Banks do not operate on tomorrow. They operate on a year and two and three-year commitments. Therefore, we are jeopardizing many, many sugar growers. Why do that? Do not pass this amendment. Stay with the contract the Congress made with farmers and with agriculture until the year 2002.

Mr. Chairman, I include for the RECORD the letter from Mr. Jack Cassidy to Chairman LIVINGSTON.

The text of the letter is as follows:

COBANK,
Denver, CO, June 18, 1998.

Hon. ROBERT L. LIVINGSTON,
Chairman, House Appropriations Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I'm writing to express CoBank's opposition to an amendment to the pending Agricultural Appropriations bill that would effectively end the federal sugar policy.

With $19 billion in assets. CoBank is the largest bank in the Farm Credit System. We provide financing to about 2,000 customers, including agricultural cooperatives, rural utility systems, and to support the export of agricultural products. At present, CoBank has 25 farmer-owned cooperative customers involved in the sugar or sweetener industry, with loans from CoBank totaling nearly $1 billion. CoBank's customers, their farmer members, and CoBank itself have made numerous business decisions and financial commitments based on the seven-year farm bill passed by Congress in 1996. As you know, that legislation included provisions vital to the U.S. sugar industry at no cost to U.S. taxpayers. Great hardship would result to sugar farmers and their cooperatives if Congress fails to live up to the commitments made as part of the farm bill.

For these reasons, we urge you to support the existing farm bill provisions and oppose any proposals that would undermine the existing sugar policy.

Please call me at 1–800/542–8072, extension 4362, if you or your staff have any questions.

Sincerly.

JACK E. CASSIDY,
Senior Vice President.

Ms. KAPTUR. Mr. Chairman, I yield the 15 minutes under my control in this debate to the gentleman from Hawaii (Mr. ABERCROMBIE), a key leader in this House and truly one of the most knowledgeable and hardworking and influential leaders on U.S. sugar policy. I would have to say that no one could be a finer spokesman both for our producers as well as our farm workers than the gentleman from Hawaii.

The CHAIRMAN. Without objection, the gentleman from Hawaii (Mr. ABERCROMBIE) will control 15 minutes, and is recognized.

There was no objection.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

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

Mr. GEPHARDT. Mr. Chairman, I rise in strong opposition to the Miller amendment. I believe this amendment is nothing more than a proposal to transfer wealth from farmers to giant food corporations. I believe it would harm hardworking farm families in rural communities across this country. Throughout much of farm country, farmers today are struggling. I want to reiterate that. Farmers in the upper Midwest and in the Midwest are struggling and having a very hard time paying their bills. The Republican freedom to fail farm bill has sharply reduced prices for sugar beets, wheat and other commodities. In States like Minnesota, North Dakota, Montana and Idaho, many family farmers grow both wheat and sugar beets. Wheat prices are down by 50 percent in just 2 years. Fifty percent. Sugar beet prices are down by 12 percent. The sugar program is one of the few areas that these farmers can go to in order to get through very tough times. Now some want to cut this last lifeline for these farmers.

This proposal would also harm rural economic development. The gentleman from Hawaii (Mr. ABERCROMBIE), who strongly opposes this amendment, has told me this program sustains 6,000 good-paying union jobs in his area, his State alone.

The winners under this amendment are big food corporations, not consumers. Although sugar and corn sweetener prices have dropped, sweetened product prices continue to go up. Nothing in this amendment assures consumers that they are going to get lower prices.

☐ 1100

This is a bad effort. It will hurt farmers, it will hurt consumers, it will hurt our rural economy.

Democrats believe our farmers and rural communities deserve a fair return for their hard work.

Let us stand up for farmers and reject this amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SCHUMER) the cosponsor of this bill who has been leading this effort for years. Maybe this year we will have success.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Florida (Mr. MILLER) for his able and capable leadership on this issue and rise in support of the amendment.

Mr. Chairman, it is time to put an end to the Federal Government's deal with the sugar industry and finally reform one of the most invidious, inefficient, Byzantine, special-interest, Depression-era Federal programs.

What do Americans get from the sugar program? Well, they get an additional 1.4 billion a year in higher prices at the checkout line. They get 500,000 acres of precious Florida wetlands destroyed and another 5 acres of Everglade land destroyed every day. They get to lose thousands of well-paying refinery jobs that are lost and sent overseas, like jobs at Domino Sugar in my district because the price of sugar is twice the world price.

Here is a list. Every red line, a refinery; a good-paying union job, as the

gentleman from Florida (Mr. MILLER) mentioned, gone, and huge subsidies to a few wealthy sugar barons.

We heard a lot about the family farmer. Fifty-eight percent of this subsidy, more than half, goes to Florida's Fanjul family, 58 percent of this subsidy goes to one family who one would not characterize as hardworking family farmers. No matter how we refine it, the sugar program is a sour deal.

Opponents of Miller-Schumer warn that our amendment undermines reforms made to the sugar program and hurts family farmers. Well, let us hear the facts. Miller-Schumer begins the critical and long-overdue step toward reform. It simply reduces the amount of money by which the government will subsidize sugar prices. It does not eliminate the subsidies; I think it should, but this is just 1 cent a pound. That is it. The government reduces the loan rate for sugar cane and beets by 1 cent. That is not too much to ask in an industry where the subsidy is $472 an acre; $472 an acre, 1,000 percent more than the subsidies for wheat, corn and cotton.

My friend from Oregon said, ''Well, what about wheat, corn, cotton, all the others?'' The one group that escaped any reform was sugar. This is just catching them up to the rest. It is the only commodity that was not reformed during the 1996 farm bill. They are still receiving a welfare check.

We have a lot of feeling in this Chamber: Let us get rid of the welfare system. My colleagues tell a poor mother of 18 years old, ''Get rid of welfare.'' They do not tell Mr. Fanjul, ''Get rid of welfare.'' They do not tell the wealthy farmers, ''Get rid of welfare,'' or the big agribusinesses. They are the ones who get the loans.

Now I would like to make another point. We are talking about this issue as we debate campaign finance reform. If there was ever an issue that showed why we needed campaign finance reform, it is sugar.

There are many people of goodwill who disagree with me. Look at their districts and see why. I respect the gentleman from Hawaii and the gentlewoman from Hawaii. I respect the people from the upper Midwest who have lots of sugar beets in their district or some of the people from Florida who may disagree with Mr. MILLER. But we all know one thing in this Chamber. If a couple of wealthy contributors had not spread around the cash, this subsidy would have been gone a long time ago because people who have no interest in this program vote for it time and time and time again. Everyone knows, every single Member knows, that this program is kept alive because of campaign contributions, plain and simple, and the American people pay $1.4 billion for that reason.

So I say in conclusion, if my colleagues care about jobs, vote for Miller-Schumer. If my colleagues care about the environment, and, by the way, the League of Conservation Voters is going to make this a key vote, a key vote this year, then vote for Miller-Schumer. If my colleagues care about consumers and the extra dollars they are paying, vote for Miller-Schumer.

This proposal is long overdue, it is fair, it is transitory. We once and for all ought to do some real reform and not send 58 cents of every dollar our consumers pay to a couple of wealthy individuals who have a lot of clout around here.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

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

Mr. EWING. Mr. Chairman, opponents of this program claim that no changes were made in the 1996 farm bill, but that of course is not true. The fact is Congress has made major reforms to the sugar program in the 1996 farm bill, and this would be evident by looking at this chart, which my colleagues can see each of the sections with the red lines marked through it have been eliminated. That part of the program is gone. Over here we have new sugar policy, the reform policy.

Let me tell my colleagues that the sugar program is really protection at the border for the sugar industry in America. Without that protection we will have no sugar industry, and the world price of sugar is not what people say it is. That is the dump sugar price and should be called that.

The people who want to reduce the cost of sugar do not care if we have a sugar industry, they do not care if farmers in America continue to grow sugar. We have already reduced the cost of sugar with the 1996 program changes, and it will probably go down again, and we have said when other countries who subsidize their sugar quit subsidizing their sugar we will reduce the tariffs that protect the American sugar farmer. Protection at the border, that is what we have. There are no checks to the Fanjuls, there are no government checks to anyone. There is no government program subsidy; that is misleading, intentionally misleading. And there is, if my colleagues watched the last speaker's chart, not one refinery that has gone out of business since 1996.

Vote no on this amendment.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, the sponsors of this amendment are arguing that a 1-cent-per-pound reduction in the loan rate is minimal and insignificant. Nothing could be further from the truth.

Here is the truth, plain and simple:

The amendment is a $150 million heist from the pockets of thousands of struggling family farmers in 16 States. Unlike the sponsors and supporters of this amendment, I know many of those farmers, and they are fighting to survive.

The truth is the amendment would reduce the 1985 raw sugar price level by 5.6 percent. Are the sponsors of this amendment willing to return to their 1985 salary levels and take an additional 5.6 percent reduction? Now that is a reality check.

We have an economic crisis that is brewing in rural America. Farmers want and need more alternative crops to grow and add value locally. Sugar is an alternative crop that provides a flexible supply of sugar to consumers. We need to continue this program especially in the upper Midwest that is being hit by an agricultural recession.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I rise in strong support of the Miller-Schumer amendment.

The U.S. sugar market is almost entirely controlled by the Department of Agriculture and the owners who benefit from its subsidies. The USDA's commodity loan program provides recipients loans at below market rates making taxpayers bear all the risks while forcing sugar prices on American consumers at twice the cost of the world market.

The U.S. sugar program stifles competition by not allowing market forces to work. It costs taxpayers millions of dollars a year in higher prices for sugar and sugar-containing products, and it is a job killer in the sugar cane refining industry. Since the program was enacted, thousands have lost their jobs. According to the General Accounting Office, this command-and-control policy costs American consumers 1.4 billion annually.

Mr. Chairman, at a time when we are encouraging foreign countries to implement free-market reforms, American price controls and import quotas should be a thing of the past. The Miller-Schumer amendment will make a modest change by lowering the loan rate 1 cent. This will not end the sugar program nor devastate the sugar producers, but it is a step in the right direction toward ending the sugar subsidy.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. SKEEN. Mr. Chairman I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, it is no wonder, as my colleagues know, that people lose faith in government, politics. This government made a contract with American farmers in 1996, and American farmers across the board gave up parts of their farm support programs, and sugar was no different. Sugar gave up its non-recourse loan program. Sugar, in fact, assessed itself $288 million that is going to deficit reduction over the next 7 years. Sugar farmers relying upon that contract, tens of thousands of them in Louisiana, have made long-term commitments, and this little 1-cent reduction in the loan rate that people say will not devastate them translates to a 5.5 percent

reduction in the price of sugar for the farmer. For whom? For the big multinational sugar refining corporations.

On, yes, there is money and politics involved in this. America made a contract with its farmers. We ought to keep our word today. It is a 7-year contract. American farmers depend upon that contract, have made long-term commitments. Shame on this House if we break our word and violate that contract.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, today I rise to oppose in the strongest possible terms this amendment which would effectively kill off the United States sugar program.

As many of my colleagues know, I represent the second largest sugar producing district in the country. The gentleman from Florida (Mr. MARK FOLEY) my colleague, represents the largest.

Candidly, Mr. Chairman, I find it fascinating that we have Members in this body who know absolutely nothing about the U.S. sugar program. Not only do they not know about the program, they do not know the people that I know that will lose their jobs. It has already started to happen, not only in Florida but in California and in Hawaii where Mr. ABERCROMBIE comes from, and in Nebraska, Texas, Ohio, and Louisiana.

Do my colleagues know that the United States sugar industry creates more than 420,000 jobs in 42 States? Do my colleagues know that the United States sugar industry has a positive annual direct and indirect economic impact on the United States economy of more than $26.2 billion?

Defeat Miller-Shumer.

Mr. Chairman, today I rise to oppose in the strongest possible terms this amendment which would effectively kill off the U.S. sugar program. As many of my colleagues know, I represent the second largest sugar producing district in the country. Candidly, Mr. Chairman, I find it fascinating that we have Members of this body who truly know nothing about the U.S. sugar program. Let me tell my colleagues something. If the Miller-Schumer amendment passes, literally thousands of American workers will be put out of work.

It has already started to happen. Not only in Florida but in California, Hawaii, Nebraska, Texas, Ohio, and Louisiana.

Do my colleagues know that the U.S. sugar industry creates more than 420,000 jobs in 42 states?

Do my colleagues know that the U.S. sugar industry has a positive annual direct and indirect economic impact on the U.S. economy of more than $26.2 billion.

It's just that simple, my friends. The proposed amendment puts hardworking people in the unemployment line. There is no getting around that fact. Since Congress ''reformed'' the sugar program in 1996, many sugarcane and sugarbeet farmers and many workers in cane and beet processing mills have lost their livelihood. We have lost 14 beet or cane processing mills since 1993. Two beet mills have closed just since Freedom to Farm went into effect. All these mill closures are permanent. As a result, no farmers in those regions can grow beets or cane.

Mr. Chairman, I wish I had more time to get into more of the details. But I don't. But let me be perfectly clear. This amendment is bad not just for sugar growers, but for anyone in one of the 42 states whose job directly or indirectly depends on the sugar industry.

Consider that when voting on this amendment.

I urge my colleagues to vote against this misguided and foolish amendment.

Mr. Chairman, today I rise to oppose in the strongest possible terms this amendment which would effectively kill off the U.S. sugar program. As many of my colleagues know, I represent the second largest sugar producing district in the country. And today we have heard many arguments both in support of, and in opposition to this valuable USDA program. But one of the arguments espoused by supporters of the Miller-Schumer amendment is so egregious that I cannot possibly sit back and listen while they toss around such falsehoods and misrepresentations of the hardworking people of my district.

You have heard that the current sugar program and sugar farmers are not good stewards of the environment and that the sugar companies are irresponsible when it comes to environmental protection—specifically regarding Florida's crown jewel, our Florida Everglades. Well, Mr. Chairman, these claims are patently untrue. As a supporter of the current sugar program and one of the most stalwart champions of environmental protection in this body, I think I am uniquely qualified to respond to some of the critics of this program.

American sugar farmers produce their sugar in a country with the highest environmental standards in the world. American sugar farmers comply with our government standards, at huge costs to their bottom line, and compete with farmers in countries whose governments impose little or no environmental compliance costs.

If there were no production or harvest of sugar in the U.S. we would have to import all of our domestic needs. And from where, Mr. chairman? Let me tell you. Foreign sugar is grown overwhelmingly in developing countries. Most foreign sugar is grown in countries which do not yet have the luxury of imposing environmental compliance costs on their farms and factories. Most foreign sugar is grown in countries that would have to clear rain forests or other fragile lands to increase their production to replace the sugar grown responsibly by American farmers.

Mr. Chairman, some will say that the sugar farmers are not cleaning up the Everglades. This too is false! The Everglades Forever Act of 1994 was developed cooperatively by the federal government, the State of Florida, environmental groups, and Florida farmers. Florida sugar farmers already have committed up to $322 million to this restoration project.

The bottom line is that if you support the amendment proposed today to cripple U.S. sugar policy, you will do double damage to this nation's and the world's environment: (1) The Florida sugar industry will not be around to provide the $322 million for Everglades restoration and preservation. And who knows what kind of development or industry would replace them? And, (2) American sugar production will be replaced with sugar from many of the nations that provide little or no protection for the environment.

I urge my colleagues to vote against this misguided and foolish amendment.

□ 1115

Mr. MILLER of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. WAMP).

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

Mr. WAMP. Mr. Chairman, yesterday as we were closing the debate on peanut subsidies, on that particular amendment my good friend, the gentleman from Washington (Mr. NETHERCUTT), said if I would have voted or if I did vote for the Freedom to Farm bill, that I should support these reforms. Well, I want the record to reflect that I did not vote for the Freedom to Farm bill in 1996, because I did not think that the reforms they called for went far enough, if at all, in some cases.

I want to say, too, that our agriculture friends here in this body are the nicest people in the entire House. It is incredible, from the gentleman from Hawaii (Mr. ABERCROMBIE) on this side, to the gentleman from New Mexico (Mr. SKEEN), to the gentleman from Oregon (Mr. SMITH), to the gentleman from Washington (Mr. NETHERCUTT), literally some of the most genuine wonderful people, close to the ground, and they truly represent the farmers' interest in their demeanor and in their civility.

But I really am frustrated that this new majority has reformed virtually everything in sight and come up so grossly short on reforming farm programs. Whether it is tobacco, whether it is peanuts, whether it is sugar, this is still an egregious violation of the free market and of the private sector in this country by the government.

I want to say that I will support the final agriculture appropriations bill, Mr. Chairman, but I want to support these amendments, particularly this amendment, and I want to rise today and speak for the thousands of employees in east Tennessee who love the companies they work for, are proud of their jobs, and they happen to be in the food business.

We hear about all the jobs on both sides, and I certainly would not take exception or make a dispute out of it. But let me tell you, Chattanooga Bakery makes Moon Pies. I have known those folks all my life. McKee Foods makes Little Debbie's, you probably have had one. They sell them all over this hemisphere. The first Coca-Cola bottling plant in the country, Chattanooga, Tennessee. One of the largest M&M Mars plants in the country is in my district. Planters and Life Savers are made in my district. Double Cola is made in my district, Brock & Brock Candy is made in my district.

That is thousands of good jobs, thousands of good jobs, and those people

want us to oppose these subsidies because they inflate the price and cut their own benefits in their company. As their employers can pay market price for these commodities, they get better benefits, they get higher wages, and they know it. These are good employers who treat their people well.

The fact is, as sincere as all these folks are, this is corporate welfare, pure and simple. The sugar daddies get away like bandits, and the consumers and the taxpayers pay the price. That is the truth. That is why Citizens Against Government Waste is scoring this vote, a very responsible group that takes a real fair approach to this process, they are scoring this, because they know that these farm price supports, quotas, subsidies, are costing the American taxpayer, costing the American consumer.

Good government says let us finish the job the Republicans have started and truly reform these farm programs. As these amendments come up, I want to stand in support of these amendments.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Chairman, here we go again. It seems like every year we have to rise and defend our American sugar producers. I think we need to realize that the sugar program is not corporate welfare. Beets and cane are grown in 17 different States in these United States. The sugar beet industry employs 23,000 people in my State alone, and generates about $525 million in economic activity in Nebraska as well. Nationally the industry will generate $288 million between 1996 and 2002 to help us reduce our Federal budget deficit.

I also rise once again, Mr. Chairman, to defend the House Committee on Agriculture. As the gentleman from Illinois so aptly stated, we did reform the sugar program. In 1996 the farm bill created a free domestic sugar market, it froze the support price at 1995 levels, it imposed a penalty on producers who forfeit their crops instead of repaying their marketing loans, and it increased imports, and these changes significantly impacted sugar growers. It certainly affected their bottom line.

Proponents of the amendment believe that the one cent reduction is not going to impact prices, that it would not hurt sugar producers in my particular State. The amendment would cost my producers an additional $60 per acre. At a time when farmers are certainly hurting across this country because of low prices, it is ridiculous to inflict these additional costs, especially when they would help only a few large corporations.

The farm bill in 1996 did reform our sugar policy. It also made a major commitment, a contract with our American farmers. Let us keep that commitment.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I rise in strong opposition to the Miller amendment, which abandons our commitment to provide a safety net for America's family farmers. Families who grow sugar need a safety net in case of a natural disaster such as drought or flooding, and that was the commitment that we made 7 years ago when we made the commitment in 1996 for a 7-year commitment to these farmers. Now the amendment would break that promise.

In my State alone, in Michigan, myself, the gentleman from Michigan (Mr. BARCIA) and others have about 23,000 jobs that are tied to the production of sugar; 2,800 families farm sugar beets, many in my district.

Our Nation's sugar farmers are the most efficient in the world. They should not go broke when the weather turns sour for them over one year. If this amendment passes, more American farm families will be vulnerable to the vagaries of the weather, sugar imports will rise, and the sugar will come from producers abroad who use, in many instances, child labor.

Most importantly, consumers will see no benefit. Giant multinational food and soft drink manufacturing companies will only increase their profit margins. They will not pass the savings along to the consumer. They will pocket it, and that is not fair.

Mr. Chairman, I want to thank my colleagues, particularly the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK), for their strong leadership on this issue. Let us keep our commitment to America's sugar farmers and their families.

I urge my colleagues, oppose this Miller amendment, save our family farms, and save our family farmers who grow sugar.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. GUTKNECHT. Mr. Chairman, I rise in opposition to the Miller-Schumer amendment. U.S. sugar policy is a win-win proposition. We win by reducing the debt and by protecting our farmers from unfair foreign trade.

As a member of the House Committee on the Budget, I want my colleagues to know that U.S. sugar policy has been run at no net cost since 1985. Since 1991, the U.S. sugar policy has actually been a revenue raiser for the Federal Treasury.

Former President and Member of this House John Adams said ''Facts are stubborn things,'' and here are some very stubborn facts. The Congressional Budget Office estimates that U.S. sugar policy will generate $288 million in revenue over the life of the farm bill. By law, every single cent of this is earmarked for debt reduction.

U.S. sugar farmers are among the most efficient in the world. Two-thirds of the world's sugar is produced at a higher cost than that in the United States. That is why U.S. sugar farmers endorse free trade. Unfortunately, the world is far from free trade. More than 100 countries produce sugar, and every single one of them intervenes in the market to protect their producers. That is why the world sugar market fails to reflect the real cost of producing sugar.

For the past 15 years, the price of sugar on the world market has averaged only one-half the cost of the average production. When most of our trading partners do not play fair, how can we expect U.S. sugar farmers or any American farmer to unilaterally disarm? Mr. Chairman, unilateral disarmament was a stupid idea during the Cold War, and it is a stupid idea for American farmers.

Mr. Chairman, I support a win-win sugar policy. Let us defeat the Miller-Schumer amendment.

Mr. ABERCROMBIE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR).

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Chairman, I rise in opposition to this cheap-sugar, put-the-farmers-out-of-business amendment.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Chairman, I have the privilege of representing some the best farmers in the world. They are the ones who give consumers value for their dollar, not like the food processors, who have historically failed to pass along savings while opposing the sugar program.

The proponents of the amendment will tell you that we can buy sugar more cheaply on the world market, but they ignore certain key points. First, every other sugar-producing country in the world has a sugar program that guarantees their growers more than our growers receive. Ninety percent of their sugar is under contract. They sell the remaining 10 percent at fire-sale prices for whatever it will bring, still earning a profit with total revenues. How else can one explain a world market price that for 10 years has been only one-half of the actual average cost of producing sugar?

Secondly, every time our program has been shut down, the world price has skyrocketed to a multiple of our support price.

Finally, our sugar producers are the first to say they will end their program as soon as other sugar producing nations end their program. No other country has yet stood up to that challenge.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I rise in support of this amendment because I

believe it makes common sense. Ultimately I think this debate is really not about sugar, it is not about the sugar subsidy program. What it is really about is 300 years of economic theory and economic practice.

If you think about the words of, whether it is Adam Smith or Milton Friedman, if you were to boil all of those thoughts down, 300 years, you would boil them down to this, and that is to do the most good for the most people, let markets work.

Unlike so many economic theories, if you look at the last 300 years of economic practice, it has validated that. I see that daily with tomato farmers and watermelon farmers and cucumber farmers in my district who live by the markets. In fact, if you were to look at the fall of the Soviet Union, what you would see is not nuclear arms or not armies that brought it down, but markets brought it down.

So the fundamental question in this debate is do we want to let markets work? Should there be a floor price for a product? If you say yes, you are saying the opposite of what economic theory said over 300 years. If you were to say no, if you were to say there should be a floor price, then why not a floor price with computers? Or, they are striking in Detroit, why not a floor price for cars? Or why not a floor price for homes?

We do not do that because it does not make common sense and it does not do the most good for the most people. This is a case where we have a sugar subsidy program that does a lot of good for one particular family. They get $60 million a year in personal benefit, the Fanjul family down in Palm Beach. But for the common farmer, it does not do good, and it does not do good for the consumer. Therefore, I rise in support of this amendment.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I come from Quincy, which is a city bordering the capital city of Massachusetts, Boston. We do not have farms. We are lucky that we have gardens.

My constituents are working people. Many of them are union members. They are Teamsters, they are carpenters. We cannot distinguish between beet sugar and sugar cane, but we do know something about commitments. We know something about fairness. And I understand that there was a commitment made to the small farmer here in America, to the sugar farmer. Many of them visited me during the course of the past 6 months. They have made production plans based upon that commitment. They have made family financial plans based upon that commitment.

□ 1130

They have made business plans based upon that commitment. I know my people respect commitment. They honor fairness. They also understand that the small farmer in America is under siege by large multinational agribusiness interests.

Let us support them. The small farmer is under siege. My constituents understand that. They respect the historic role of the small farmer here in America, its unique role in this country. We support the small farmer. Defeat Miller-Schumer.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of the Miller-Schumer amendment. By protecting sugar growers, the Federal Government sugar price support and quota system effectively doubles the price of sugar for U.S. consumers. The General Accounting Office estimates that the program costs America $1.4 billion a year in higher grocery expenses.

Aside from bilking American consumers, the program also favors large corporate interests over small farmers by focusing a large portion of program benefits on a few corporate farmers. As we have heard from previous speakers, approximately 1 percent of sugar farmers reaped 42 percent of all sugar program benefits in 1991. Within the narrower sugar cane industry, 17 farms accounted for 55 percent of the benefits.

Furthermore, the program does not limit the amount of benefits each sugar producer can receive, allowing a few large farms to accumulate enormous windfalls. In 1991, 33 of the largest sugar farmers in United States each received over $1 million in program benefits. In fact, one of these huge agribusinesses accrued $30 million in program benefits that same year.

The Federal Government sugar program provides a narrow subsidy to an industry that does not need it. Because the program primarily benefits a few large sugar growers at the expense of all American consumers, the sugar price support system and import quota should be repealed. I urge my colleagues to support the Miller-Schumer amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

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

Mr. FOLEY. Mr. Chairman, let us just set the facts straight. Since the 1996 farm bill, wholesale refined sugar prices have dropped 12.1 percent, while retail refined sugar prices have increased to 1.2, ice cream, 2.4; cereal, 6.6; candy, 3.7; cookies and cakes, 3.9.

Let us dispel the fact that this is an environmental vote. The Miami Herald: ''Dismantling the U.S. sugar program will not save the Everglades.''

Fact two, the working 200 richest in Forbes Magazine, none of them are sugar barons. In fact, the only people mentioned are candy maker Mars and Wrigley, the chewing gum.

Finally, to get a lecture on campaign finance reform from the gentleman from New York (Mr. SCHUMER), the sponsor of the bill, who has $10 million in his campaign account, I think is a little bit sanctimonious.

Please defeat this amendment. It will not solve the problems. In fact, to the contrary. If Members really want to help the consumer, I would ask of the sponsors of the amendment to start pursuing the very people who are charging the consumers more for products when their supplies are costing them less.

Mr. Chairman, I include for the RECORD the following chart and the article entitled ''Congress Weighs Sugar.''

The material referred to is as follows:

[From the Miami Herald, July 16, 1997]

CONGRESS WEIGHS SUGAR

Granted, Florida's sugar industry is hard to live with. It has a lot of political muscle, which it flexes.

But sugar cane, the plant, is still the most benign crop grown in the Everglades Agricultural Area, requiring less water than rice and releasing fewer polluting nutrients than vegetables or cattle pastures. That's something to consider when arguing—as the U.S. House apparently intends to do in the next few days—whether to dismantle the U.S. sugar program.

Florida Republican Rep. Dan Miller, of Bradenton, and Rep. Charles Schumer, D–N.Y., are offering the amendment, which almost passed last year, to an appropriations bill.

There is, in this free-trade era, a case to be made of abolishing U.S. supports for sugar and other agricultural commodities. The programs do distort the market. That's their purpose—to protect farmers from wildly fluctuating prices and to make sure that they stay in business. The latter is of more than passing interest of other businesses, too, including banks.

Be that as it may, the Miller-Schumer amendment is something of a litmus test among environmentalists who think that all the woes of the Everglades would disappear if Florida's sugar industry disappeared. They seem to assume that land stripped of sugar cane will sprout sawgrass. It won't, and Everglades restoration is not so simple.

Studies show that the crops that might supplant sugar cane would pose greater threats of pollution and that Everglades land once farmed but allowed to lie fallow is quickly overgrown with melaleuca, Brazilian pepper, or other noxious plants posing problems more serious than sugar cane does.

Whether dismantling the U.S. sugar program will put Florida sugar growers out of business is uncertain; they are among the world's most efficient. It is certain, however, that Congress can't save the Everglades merely by dismantling sugar's supports.

Mr. ABERCROMBIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. PETERSON).

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong opposition to the bill.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Chairman, I want my colleagues to focus on what this is really all about. It is not about Adam Smith and Milton Friedman. It is much more about Paul and Vanessa Kummer, family farmers near the Red River of North Dakota.

I heard the preceding speaker say this is about big corporate farming producing sugar. We do not even allow under State law corporate farming in North Dakota, but the sugar program is absolutely a vital part of our agriculture.

Our agriculture is under very severe stress, with the value of wheat dropping 33 percent, barley dropping 29 percent, and virtually all of our farmers losing money. The only thing that is lending a level of stability to North Dakota agriculture is the sugar program. If this amendment would pass, the average farmer having 100 acres of sugar beets would lose $6,000 in a single year.

We are on our backs with North Dakota agriculture. We need help. This would absolutely kick us when we are down. Please defeat this amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Miller-Schumer amendment, and compliment my colleague, the gentleman from Florida (Mr. MILLER) for his outstanding leadership on this issue.

The United States sugar program, as it is spelled out in this legislation, amounts to a sweet deal for the sugar producers. As was pointed out by the gentleman from New Hampshire (Mr. BASS) on the other side of the aisle, only a small percentage of American families benefit, family producers, benefit from this program. It is a raw one for refiners, consumers, and the environment.

I thought programs that we initiate here in Congress were supposed to help people. This one has managed to close 11 of 22 sugar refineries here in the United States. Three of the well-known Domino Sugar refineries have closed their doors, and I am afraid that the one that remains in my district is the next target. It employs hundreds of highly-paid industrial workers, many of them from New York's minority community. By providing price support loan programs to producers, this program is taking jobs away from the American worker at the same time it is driving up costs for the American consumer.

Domestic sugar prices are still twice as high as the world price of sugar. As long as this sugar program remains the same, so will the prices.

The Federal Reserve, the USDA, and the President's Council on Wage and Price Stability all agree on the obvious: Working families would benefit from lower sugar prices. We have a chance to repair the damage brought by this program. We have a chance to sweeten the deal for most Americans. American consumers deserve lower prices, and American workers deserve to keep their jobs. By voting for this amendment, it is a modest one and in the right direction. Vote for Miller-Schumer.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1¼ minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, when I came to Congress 20 years ago I had hundreds of sugar beet growers in the Sacramento Valley. Today we have far fewer. Acreage is down. We have lost a number of refineries. They are closing because there is not enough product grown anymore, because the growers cannot make a living on the current sugar price.

What we see every year when we have this debate is a fight between the processors, the candy and other sugar-consuming industries, like soft drinks, and those hardy farmers who continue to struggle to remain in businesses. This is a predatory battle, and regardless of what we do today, and I hope we defeat this amendment, it will continue to be a predatory effort to eliminate sugar growers of all types in all 17 States that grow beets or cane sugar.

What we see, unfortunately, is an effort to appeal to consumers and environmentalists. Frankly, if we continue to see dumping from overseas sugar interests we will see the end of this domestic industry, and then we will be at the mercy of people who bring their product here. And sugar prices would certainly increase. If we continue to take land out of agricultural production, it will not help preserve open space. Environmentalists are wrong if they oppose this amendment.

Mr. Chairman, the bottom line here is, for environmentalists to take up this cause and use this as a way of determining how people should vote this fall by using this issue is wrong. We want to preserve agricultural land, we want to preserve open space. We want to take care not to push farmers who farm beets on marginal land out of this industry. This is not just about Florida sugar and the everglades.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I rise in support of the Miller amendment. I want to say this. We hear over and over again about the poor farmers. Forty-two percent of the sugar program's benefits go to just 1 percent of the sugar producers. Thirty-three of these people get more than $1 million. So much for poor farmers. Or how about this poor struggling farmer, he gets $65 million, $65 million, to one poor little farmer out there.

Mr. Chairman, this is a government-sanctioned cartel. We hear that it does not cost consumers. Listen very carefully when they say that, because the fine print says it costs you, it is just not a direct tax. It costs $1 billion more at the cash register when Americans go to buy products that have sugar in them.

The sugar program was to be reformed in the farm bill. I was here before the farm bill. I was here during the farm bill. I worked for sugar reform. I come from an area where there were reforms on cotton and on peanuts and other commodities, but I can say this, sugar was not reformed. I was there at the time. I served in Congress.

I can say this, since we are talking about a face. Savannah Foods and Industry 2 years ago invited me to their 80-year anniversary. It is a great company in Savannah, Georgia, that refines sugar. They invited me to their 80-year anniversary 2 years ago. Last year they did not.

Why? Because they went out of business. They had to sell because of this government-sanctioned cartel that kept sugar prices higher than what they could sell it for. Because of this government-sanctioned cartel, there are people like Robert JOHNSON, who worked for the refinery for 18 years, whose daddy worked for the sugar refinery, who is part of the Savannah great economy, and Mr. JOHNSON is not sure he is going to have a job. It is now owned by what was a competitor, but he does not know what tomorrow will bring, because of a government-sanctioned cartel. Vote for the Miller amendment.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me the time, and I appreciate the leadership of the gentleman from Hawaii (Mr. ABERCROMBIE) on seeing that we maintain a domestic sugar industry.

Mr. Chairman, I rise in opposition to this amendment which would further reduce the farm price for sugar. Proponents of this amendment continue to claim they are offering this in the name of "consumers".

Mr. Chairman, let us get the facts straight. There is no such thing as a world free market. No matter how many Members stand up and say it, there is not one. Right now the average world price we hear about is 9.46 cents. The average cost of producing sugar in the world is 18.04 cents. How can anyone in this country compete with the treasuries of governments in other countries?

A lot has been said about the big sugar growers. Let me speak on behalf of 300 sugar farmers in the Rio Grande valley of Texas that depend upon the sugar program. They are the most efficient in the world. If the Miller amendment should pass, they are out of business.

To those that say this concerns the consumer, how can it be in the consumer's best interest when you have wholesale refined sugar dropping by 12.1 cents since last year in the 1996 farm bill, while at the same time the retail price has gone up 1.2 percent; ice cream, 2.4 cents, cereal, 2.6 cents; candy, 3.7 cents, and cookies, 3.9? It is not the sugar growers' fault.

Since the 1996 farm bill reforms went into effect, American sugar farmers have experienced a price drop of 15%—double the drop this amendment intends.

As a result, how much have consumers benefited from this 12% drop in producer prices? To date, the answer is Zero, not a single bit. And the proponents of this amendment would have you believe a further drop in producer prices will help consumers?

What about the prices for products that contain sugar—like ice cream, cereal, candy or cookies? While sugar has been dropping, the prices for these products have been going up. The manufacturers of these products have been paying farmers 12% less for the sugar they buy, but charging retail consumers 2%–4% more for ice cream, cereal, candy and cookies.

Not even the price of sugar on the grocery store shelf has seen a similar reduction in price—in fact, the retail price in grocery stores has increased.

Vote against the Miller-Schumer amendment. It's a blatant grab of $150 million from the pockets of struggling American sugar growers to further fatten the bottom line of already profitable multinational food and beverage manufacturing and retailing corporations.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

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

Mr. Chairman, we have heard a lot about how these wealthy families are running these particular sugar operations. I happen to be the representative of the largest sugar producer in the world, but I cannot support the continued price-fixing by this government of sugar.

If Members have sugar farmers in their district living on the land, I can understand their opposing the Miller amendment. If Members have this as a prime industry within their own State, within their own area, I can fully understand that. We do that every day in this body.

□ 1145

But one thing I cannot understand is not taking into consideration the downstream effect of this price fixing by the Federal Government.

We have heard from the gentlewoman from New York about the closing of Domino Sugar. We have heard from various other Members about how it affects the working American.

The sugar industry today, as far as the farming, is highly mechanized, very highly mechanized. What we are talking about, and we have already Members saying that this is not a subsidy. Baloney, it is not a subsidy. It is a subsidy required and placed upon the consumers of this country. It is a hidden tax. It is an insidious price-fixing by the Federal Government that makes us less competitive on the goods that we produce from sugar itself.

We heard the gentleman from Texas (Mr. STENHOLM) talk about the cost of production was 18-point-some cents. What the Miller amendment does is not do away with the total price structure; it drops it one penny, still well above the cost of production. There is still plenty of profit there.

So let us get this vote straight. This vote and this amendment is pro-consumer. The Miller amendment is pro-environmental. This is a very important environmental vote. I can tell my colleagues, just go down to my Everglades and see the effect of runoff from the sugar industry. I urge my colleagues to vote ''yes'' on the Miller amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Chairman, I do represent a number of family farmers who are trying to make a living trying to produce sugar in Montana.

Mr. Chairman, we made a commitment to those producers in the agriculture reform measure. What we said to them was we wanted to increase the predictability and stability on the family farm, and we said that this program would increase trade and increase imports and increase competition.

That is what has happened as a consequence of the sugar program. We have done that with no cost to the Treasury. There is no corporate welfare and no subsidy. What this is really about is that the sugar consumers, who are large candy companies, what they want to do is get the benefit of the subsidy of foreign markets. There really is no free market. There is no market in sugar, at least no market that reflects the cost of production.

Our producers can compete with the producers anywhere in the world, but they cannot compete with subsidies that come from foreign markets. What this debate really is about, this debate is not about helping the average American consumer of sugar. This is about helping those large companies who want to enjoy the benefit of the subsidy of foreign governments.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK) who I think knows as much or more about the sugar industry and its implications than anyone in the Chamber.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for yielding to me this time.

Mr. Chairman, we have heard a lot today, but it is a mystery to me how we can reconcile the notion that when the sugar prices go down by 12 percent and the so-called consumers in the soft drink industry, candies, cakes, and cookies, their prices go up, that there is any relationship with what they are talking about in reality. Let us get real.

The 1996 farm act has caused major reform in the sugar industry. Our prices have gone down. And if someone can believe that if our prices go down, that the other sugar consumers' prices should also go down, just look at the record. It has not. It has gone up.

So support for this Miller-Schumer amendment would be catastrophic. We have done our job in our industry. Our workers are working hard. We talk about the sugar industry or the sugar growers or somehow the producers, we get into an idea that they are robots out there with some rich farmer sitting in the breakfast room and the commodities are getting grown by themselves. Let me tell my colleagues, farmers, producers in the sugar industry are workers.

So this amendment has to do with our belief that workers, sugar workers, farm workers, are the same and they deserve the same breaks insofar as their ability to survive.

My industry in Hawaii has been devastated. We have lost about a dozen major sugar producers in the State of Hawaii. We have about three left. If this amendment should pass, one small plantation on the island of Kauai working about 286 employees will suffer a million dollar loss. It will probably throw that company out of business and the island will be devastated.

For the whole State I am told it is going to cost about $17 million. So today the debate is about workers and about saving American jobs.

Mr. Chairman, I rise today in strong opposition to the Dan Miller-Schumer Amendment which is an attempt to break a commitment this Congress made to American Farmers just two years ago in the Farm Bill.

At that time we came to an agreement on how the commodity programs would be run for the next seven years. Reforms were made in the sugar and other programs, and in return farmers had assurances of what they could expect over the next seven years.

Now, once again just like last year, we face an amendment by Mr. DAN MILLER and Mr. SCHUMER that will undo the commitments made in the Farm bill and threaten the future of our domestic sugar industry.

This amendment which would reduce the domestic sugar price supports by $.01 per pound threatens the survival of U.S. sugar farmers and will mean an increase of cheaper foreign sugar into the U.S. marketplace.

Don't be fooled by the argument that if the sugar price support is reduced the consumer would see the savings. This is absolutely not true. Let's look at facts:

Since the Farm Bill passed in 1996 the wholesale price of sugar has dropped by 12%, but have the consumers seen a drop in the price of candy, sodas, or ice cream—No. In fact, the retail price of ice cream has gone up by 2.4%, cereal by 2.6%, candy by 3.7% and cookies/cakes by 3.9%. The price of retail refined sugar has even gone up by 1.2%.

The price of sugar does not drive the consumer cost of products made with sugar. It is the desire for higher profits by the big soft drink, candy and confectionery conglomerates that drives consumer costs.

The Dan Miller-Schumer proponents use consumer cost as an issue to mask the primary motive, which is allow more cheap foreign sugar into the U.S. market so that the

mega food-conglomerates can make more money.

They often point to a flawed study General Accounting Office (GAO) did in 1993 and subsequent report in 1997 to promote their idea that the sugar program results in higher cost to consumers. We've heard some of the figures from the GAO report used today, like a $1.4 billion cost to consumers.

I asked the U.S. Department of Agriculture to take a look at what GAO did in it's study. In a response to my inquiry dated October 24, 1995 from Under Secretary Eugene Moos, the USDA found that the GAO used incorrect data and ignored key components of the sugar program when making their conclusions. Furthermore, the GAO study assumes that grocers and food manufacturers would pass every cent of the lower prices right along to consumers.

The USDA further found that even using the GAO's flawed methods, it could still show hundreds of millions of dollars in benefits to the consumers depending upon which years were studied.

The USDA states that had the GAO looked at the time period from 1973–75, rather than 1989–91, the analysis would have showed an annual savings to domestic users and consumers of $350 million to $400 million.

The USDA analysis not only points out the flaws of the GAO study, but it also reinforces the fact that the U.S. sugar growers do not receive subsidies from the federal government and that the sugar program runs at no cost to the government. In fact, U.S. sugar growers pay into the U.S. Treasury $37 million annually through a marketing assessment.

Mr. Chair, U.S. consumers benefit from the U.S. sugar program. They benefit from the stability it ensures, and the access it provides to quality sugar produced by U.S. companies. A strong domestic sugar industry contributes to our economy by producing jobs. Currently the sugar industry accounts for over 400,000 jobs in the United States. Many of these jobs are concentrated in certain areas of the country, and account for a significant part of the economy in those regions.

In Hawaii, we have over 6,000 jobs dependent on the sugar industry. These are good jobs that pay a living wage, include health benefits, retirement and other benefits. U.S. sugar producers are providing these jobs while complying with U.S. labor and environmental law.

The demise of the U.S. sugar industry would mean the loss of these jobs to sugar producers overseas, that do not have labor or environmental protections and in documented cases use child labor to produce cheap sugar.

Are we willing to forsake our own sugar producers so that the international food cartels can buy cheap sugar produced by twelve year-olds in Brazil or Guatemala? I hope not.

A one cent reduction in the sugar price support will determine whether my sugar growers in Hawaii can make it. One company, Gay and Robinson, would lose $1 million in a year as a result of this Miller-Schumer Amendment. As a company that is just breaking even, a $1 million loss could mean the end of the company and the jobs that it supports on the island of Kauai which already has a 10% unemployment rate. Our industry in Hawaii could lose $17 million.

Many of you have read recent reports of the dire state of Hawaii's economy. We are not benefiting from the economic boom like the rest of the country. Unemployment rates are high, our tourism industry is lagging because of the downturn in the Asian markets. We have to depend on other segments of our economy such as agriculture to maintain and increase jobs.

Over the last decade Hawaii has seen the loss of many sugar companies. We now have only three companies left. They need to be able to rely on the sugar program as enacted in the 1996 Farm Bill. To amend the program will seriously undercut our economy.

Gay and Robinson has made plans, they've made improvements, they are planning for the future, hopefully to expand and add more jobs to an island that desperately needs employment opportunities. They did these things based on seven years of stability within the sugar program as promised in the Farm Bill.

We cannot go back on our word. Businesses have made decisions based on our commitment, families are depending upon employment based on the commitment we made. This is not a esoteric fight about the simple price of sugar—it is about the lives of working Americans who depend upon a domestic sugar industry for their jobs.

I urge my colleagues to reject the false consumer cost argument based on the GAO report, and vote today for a strong U.S. sugar industry that will continue to provide jobs here in America. Defeat the Dan Miller-Schumer Amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Miller-Schumer amendment to reform the Federal sugar program. As my colleague from Florida just said, the sugar program is costing jobs in New York and around the country.

In Yonkers, New York, the Refined Sugar Inc. sugar refinery is hanging on by a thread because of this program. There are over 300 of my constituents' jobs at stake at Refined Sugar. And just down the road from Refined Sugar is the Domino Sugar plant in Brooklyn, which is facing the same dire consequences as a result of this program. At Domino 450 jobs are at stake.

Mr. Chairman, it is clear that this grossly outdated program should be eliminated. Our Federal agriculture policy was never intended to benefit a few privileged growers at the expense of 250 million American consumers.

It is time for each Member of Congress to decide who deserves our support, a few wealthy sugar barons or 250 million American consumers. The answer is clear, Mr. Chairman. It is time to end the sugar program.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CAMP).

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

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

Only 2 years ago we enacted major reforms to our sugar policy and they have been tough reforms. Our 1996 farm bill created a free domestic sugar market. We froze the support price at 1995 levels. We required the USDA to impose a penalty on producers who forfeit their crops instead of repaying marketing loans, and sugar is the only commodity with such a penalty.

We even raised by 25 percent the amount that sugar growers pay in a special assessment for debt reduction. And we increased imports to allow the Secretary of Agriculture to bring more sugar into the United States if we do not produce enough.

These reforms have had a significant impact on our growers. Prices have gone down. Twenty-three thousand industry jobs in Michigan, and nearly 3,000 family farmers in Michigan and farm families all across the country have accepted our reforms, and they are doing the best they can under a new program.

Our sugar program works. It is at no cost to the taxpayers and puts money into the Treasury for debt reduction.

It is not fair to our growers. Let us keep our 7-year commitment, Mr. Chairman. I urge my colleagues to reject the Miller-Schumer amendment.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, I rise to ask Members to vote no on this amendment, and that we keep our promises.

Mr. ABERCROMBIE. Mr. Chairman, may I inquire as to the remaining time for each of us?

The CHAIRMAN. The gentleman from Hawaii (Mr. ABERCROMBIE) has 2 minutes remaining, the gentleman from Florida (Mr. MILLER) has 4 minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 3 minutes remaining.

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

Mr. Chairman, for our colleagues who may not be on the floor with us right now but listening to the exchange, I hope it has been informative. Over the past 25 years in elective office, I have followed a rule: Where we make a contract, a legislative agreement, that we follow it.

Mr. Chairman, we made an agreement for 7 years and we compromised. I did not want to have some of the provisions that we voted for with the sugar bill previously. It has been mentioned by other speakers, and it bears repeating as we close this debate, we had an overwhelming vote on this bill. An overwhelming majority decided that we were coming to an honorable compromise.

To jeopardize it now by raising the issue once again on this one-cent change makes a devastating impact on those who depended on us keeping our word. A 7-year commitment is not very long when it comes to agriculture,

when it comes to making banking decisions.

When we talk about special interests, Mr. Speaker, I can tell my colleagues I do represent a special interest, the special interest of people living in Hawaii, in housing that they could not afford if they were not able to keep the jobs they have right now. We are standing up for those who are the field workers, for the farmers and producers. If we keep our word to them, then I think we can hold our heads high as legislators.

Mr. Chairman, we are fighting against wage slavery in the rest of the world. How is it possible for us to say that we can compete in a market in which we have child labor producing sugar, when we have oligarchs in other countries producing sugar and dumping sugar in our market? That is not the kind of thing we would be very proud of as a legacy to the children of our country, to say that we violated labor standards, health standards, environmental standards, all because we wanted to have cheap manufacture of sugar.

Mr. Chairman, I ask in conclusion, please, let us keep our word as legislators. Let us stick to the contract that we wrote with one another. It is working and it is working for America.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for yielding me this time.

Mr. Chairman, on the family farm a man's word has sealed many a deal. Among working people, a handshake has led to an agreement. In corporate America, they sign on the bottom line and that leads to an understanding. In our judicial system, signing on the bottom line with witnesses is an enforceable contract.

Only in the United States Congress, where we vote in the light of day, in front of the witnesses of the press, before our constituents, where we promulgate the action of this body into the law of the land and print it officially for all to read, is a deal not a deal.

The working men and women who struggle in the heat back home trying to raise a crop to feed their families, I can tell my colleagues, do not look at this as corporate welfare. If any of my colleagues have a doubt, I invite them down. We will put them on a nice tractor with a big comfortable seat. We will let them sit there for 12 hours in the 98-degree heat of summer in south Louisiana. And at the end of the day when they get off that tractor, I hope without help, we will talk about welfare reform. They may have discovered a new concept. If it looks like this, we want it.

Mr. MILLER of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my amendment is a modest change in the sugar program. A one-penny change in the sugar program. Less than 5 percent in the cost of sugar. In 1996, when we passed the historic Freedom to Farm bill, I offered an amendment to phase out the program. I think we should get rid of the program. But some of the Members, my colleagues, said, ''Dan, we do not want to get too dramatic and do too much.''

That is why I have come back with a very modest change of one penny on the price of sugar, and we are still over twice the world price even with the penny.

Some Members have talked about a dump price, that we do not have fair competition in the world. I believe we should have fair competition. I think it is wrong when countries subsidize their products. And there are countries, for example France, they subsidize sugar. But there are laws on the books. The Secretary of Agriculture has the power to keep that sugar out of this country. That is right and I fully support that.

But there are many countries that have a free market of sugar. The two largest exporters of sugar, Australia and Brazil, they have increased sugar production by 60 percent, selling on the world market. There is a free market for sugar and our farmers can compete for sugar, just like they do in wheat and corn, and we export the product.

Why are we protecting one industry? Sugar is a relatively small part of the total agricultural production of this country. It is less than 2 percent for sugar and peanuts alone.

□ 1200

Now, why should my colleagues support this amendment? First of all, this is the sugar daddy of corporate welfare. So for conservatives, it is a big government program that no longer makes any sense. In our free enterprise system, it should go.

That is the reason organizations like Citizens for a Sound Economy, Citizens Against Government Waste, they are going to rate this vote. This is going to be rated by many organizations. Taxpayers for Common Sense, Americans for Tax Reform, are all supporting this amendment.

With respect to the environment, this is a major environmental vote because of the impact sugar has had, and they are not willing to step up to the plate and pay their fair share of the cost of restoration of the Everglades. That is the reason it is going to be a rated vote. The Everglades Trust, the National Audubon Society, the World Wildlife Fund, the Florida Audubon Society, the League of Conservation Voters, are all rating this vote and saying vote for the Miller-Schumer amendment.

We talk about jobs. Organized labor is even supporting this amendment because it is union jobs that are disappearing from the refineries around this country. Whether it is in Baltimore or New York City, we are losing jobs, whether it is the manufacturing jobs down in Georgia where they cannot make candy canes compete because sugar is so expensive.

And ultimately it is the American consumer who is the American taxpayer. We are saying this is a no net cost. In fact, the Federal Government makes a little bit of money on the program, but not really. Because the government is a major purchaser of food products, whether it is the VA hospitals or the military or programs, CBO says it is a $90-million-a-year cost to the Federal Government just in their operations because of the sugar program.

But it is the American consumer who is the one that pays the most. CBO, other economic studies, all show the cost is over a billion dollars a year. In fact, it is $1.4 billion by CBO.

If we want to help the American consumers, if we want to help the environment, if we want to help jobs in this country and if Members believe the government is too big and we need to get rid of these big government programs that try to run everything out of Washington, this is an amendment to support.

I urge my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

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

Mr. Chairman, here they come again, the Members who hate production agriculture, who do not believe that farmers out in the country doing the real work, trying to provide for their families, deserve a chance. Anything to get cheap food. Do not worry about where it comes from or who has to lose their farm, their lifelong occupation, because of the will of the Members who want to put them out of business and think that food only comes from the grocery store.

Members might wonder why a guy from Iowa cares about the sugar program. I will tell my colleagues. It has a dramatic impact on what happens in the Midwest with the price of corn.

We have an example here. The price of corn sweetener, which is in competition with sugar, has been down over 50 percent. Has it had any effect as far as consumer prices? Yes. The carbonated soft drink cost has actually gone up, almost a percent. Anyone who thinks that there is going to be a benefit to the consumer simply is not looking at what are the facts of the situation.

What a lot of these folks would like to see happen is to have the price of sugar go down, put American production out, the sugar producer, the farmer, put him out of business, import a bunch of cheap sugar substitute for corn fructose in the soft drinks. That will cost an already depressed Midwest corn producer at least 25 cents a bushel. And at the low level of corn prices today, that would be devastating.

So Members can listen to the crowd that does not care about agriculture, does not care about families out there working. Members can listen to them

and they can listen to reason and we can keep our promise that we made to agriculture in 1996.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MILLER).

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

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

The CHAIRMAN. Pursuant to House Resolution 482, further proceedings on the amendment offered by the gentleman from Florida (Mr. MILLER) will be postponed.

The point of order of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. ROYCE

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

The Clerk read as follows:

Amendment offered by Mr. ROYCE:

Add before the short title the following new section:

SEC. ___. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market access program under such section.

Mr. ROYCE. Mr. Chairman, I would first like to commend my colleagues on the Committee on Agriculture and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations. They have done excellent work over the past few years in reducing harmful government interference in American agriculture and putting it on the road back to the market system that works so well.

American farmers are now unshackled and free to produce as they see fit, and American consumers are benefiting from increased production. And American consumers are benefiting from lower prices. That has been one of the most significant achievements of Congress.

However, more work needs to be done. This amendment will prevent money in this bill from being spent on the Market Access Program known as MAP. This program provides $90 million in taxpayer subsidies per year to agribusinesses to support their international advertising. This is a relic from our former government-heavy agriculture system.

I have offered this amendment to eliminate one of what I consider the more egregious corporate welfare programs, with the hope that a trend will develop which would further rid the private sector of an intrusive government.

The Federal Government first began financing corporate advertising in 1985 with the Targeted Export Assistance or TEA. It was established to encourage commercial export markets for U.S. farm products at the time, and then, after a critical audit of the General Accounting Office, it was changed to the Market Promotion Program or MPP. Then after another critical audit, it was changed to the Market Access Program or MAP in 1996.

The names may have changed after every critical audit, but the program has not. Not unlike most good-intentioned Federal programs, Federal funding of advertising turned out to be just another government handout. I do not believe that working men and women should continue to foot the bill for advertising subsidies to multinational corporations. Promotional advertising for products is simply not the role of government. It is the role of those private concerns that benefit from the sale of those products.

In the past we have heard that agriculture is one of the most important businesses in America and that is true. No doubt we will hear this again as we debate this amendment. But the question is not whether agriculture and American farmers are important. Without question, they are. The question is whether MAP is a proper use of taxpayer money. It is not proper, and it is not effective.

The future and continued performance of American agriculture is not contingent upon handing out taxpayers' money for advertising. The success of American agriculture results from the energy and ingenuity of American farmers.

Department of Agriculture studies will no doubt be cited which seem to show that MAP creates jobs and expands the economy by generating several dollars in revenue for each subsidy dollar handed out. These studies are based on inherently flawed methodology. They attribute employment created and exports generated in agriculture to MAP's existence, and this is too good to be true, frankly. What is not taken into consideration is that our economy is strong. It is near full employment. These jobs and exports would have been created anyway. In other words, the rooster is taking credit for the sunrise.

The USDA studies also assume that MAP-funded advertising works. Well, the department has no way to verify either assumption. In fact, a General Accounting Office report found there is no clear relationship, says the GAO, between the amounts spent on government export promotion and changes in the level of U.S. exports.

In a separate report, the GAO questioned whether funds are actually supporting additional promotional activities or if they are simply replacing private industry funds for advertising.

What is obvious on its face is that money handed out by government bureaucrats does not magically multiply through some system of multiplicity. Sure, recipients of MAP will sing its praises; most people that receive free money always will.

I urge support of this amendment.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided.

I yield 5 minutes of my time to the gentlewoman from Ohio (Ms. KAPTUR), and I ask unanimous consent that she control the time.

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

Mr. SANDERS. Reserving the right to object, Mr. Chairman, is that just on this amendment?

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

Mr. SKEEN. Mr. Chairman, just on this amendment.

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

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California (Mr. ROYCE) will control 10 minutes, and the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

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

Mr. EWING. Mr. Chairman, the amendment to eliminate the MAP program, I think many of us would like to see these programs eliminated. But the problem is for American agriculture that we have to compete worldwide. U.S. agriculture exported exports in excess of $55 billion in 1998, resulting in a trade surplus of $25 billion which generated over $100 billion in related economic activity.

One thing that helps us achieve this laudable goal is MAP, the Market Access Program. I just returned from the ministerial meeting of the WTO in Geneva, and I can tell my colleagues, we have problems with the EU, the European Union, who heavily subsidizes their exports. And probably our biggest trade problem in agriculture is with the European Economic Union.

The one thing that they really recognize and are concerned about is our program like MAP, something that helps us get the attention of customers around the world for agricultural products. If we eliminate it at this time, it is like disarming while your adversaries continue to arm. This is minuscule compared to what is spent by the European Community to promote their exports. We need to keep this program until the European Community, until the negotiators of the World Trade Organization can bring other countries to the table and eliminate their subsidies.

I suggest that this is a good no vote for agriculture.

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

I rise in opposition to this amendment. If we think back to the reforms we have made in our farm programs, trade is at the center, international trade is at the center of trying to prepare and improve our programs for the 21st century.

If we look at the trade ledger for our country today, the only positive parts of the account exist in the areas of agriculture largely. Over a third of our domestic production is exported and, in fact, we have been experiencing a record trade surplus just in agriculture of over $30 billion annually while the rest of the budget and trade ledger is in serious deficit at historic levels.

So something in what we are doing is working, and the Market Access Program is an important piece of this puzzle.

If Members look at who we are in competition with, it is U.S. farmers, individual farm families, individual producers against the European Union, against Asian production.

□ 1215

It is very important that we help these farmers move their product into the international marketplace. This program is targeted to smaller producers and to farmers' cooperatives. It is not helping the big companies.

In fact, if you look at the amount of money in the program, $90 million, it does not even come close to what the European Union is currently spending, over $500 million, half a billion dollars, in trying to promote their products in the international marketplace.

These exports just in agriculture represent well over a million jobs in our country. Quite frankly, unless you have dealt in the international market, you really do not understand how subsidized a lot of our competitors' production actually is. Certainly their advertising programs are. So I would rise in strong opposition to this amendment.

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

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for the time. It never ceases to amaze me around here. Everybody seems to want to put the farmers out of business, especially small farmers. The Market Access Program is so vital to, just take one part of the agriculture industry, the apple growers in America, particularly in the Hudson Valley.

We are up there, and the temperatures drop down to 30 or 40 below zero. It is tough enough to make a living as it is. But this Market Access Program has provided vital, vital help to these small farmers, to export our apples into Europe, into Israel and different places.

The European Union does everything they can to stop everything from going in there. This at least gives us a little bit of an advantage. It is like promoting tourism in America. It is necessary. Promoting this kind of a program is so vital to the small dairy farmers in America.

Please defeat this probably well-intentioned amendment by a well-intentioned Member, but it is a bad amendment. Vote no.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, let us summarize why this amendment should be strongly opposed. Why MAP? Why a Market Access Program? It is to help meet foreign competition.

The European Union and other foreign competitors continue to enjoy a 10-to-1 advantage over the U.S. in terms of export subsidies. The European Union and other foreign competitors are moving aggressively in providing other forms of assistance to maintain and expand their share of the world market at the expense of U.S. farmers and ranchers.

The naivete of Members of this body who believe that somehow, some way, unilaterally disarming our farmers is going to allow them to compete in an international marketplace that is controlled by other governments continues to amaze me. Member after Member has stood this morning and offered just that kind of amendment.

Without U.S. policies and programs to help counter such subsidized competition, American farmers and ranchers will continue to be at a substantial disadvantage. In contrast to the high subsidies in Europe, the 1996 farm bill reduced income support to producers in this country over 7 years, making farm income and the economic well-being of American agriculture even more dependent on continued access to foreign markets. Now we hear again an effort to take away the remaining tools.

The MAP represents a successful public-private partnership. MAP is specifically targeted to help small businesses, farm cooperatives, and trade associations meet subsidized competition.

Market Access Program is administered on a cost-share basis by the U.S. Department of Agriculture with farmers, ranchers, and other participants required to contribute up to 50 percent toward the programs cost.

Every $1 invested by United States taxpayers has resulted in $16 in additional U.S. agricultural exports, according to the United States Department of Agriculture.

MAP helps boost U.S. agriculture exports and meet foreign competition. Also, let me say, we have reform. We have listened to the valid criticisms of the MAP program. We are now providing for cost share, direct assistance to small businesses, farm cooperatives, and trade associations. This is what this body has told us to do. This is what the Committee on Agriculture has striven to do.

Funds are to be used only to promote American-grown and produced agriculture commodities and related products. There is a prohibition on assistance to foreign firms and products. There is ongoing review and certification of use of funds and program graduation.

When you have a successful program working we stop subsidizing, and we say go forward in the marketplace, but we continue to attempt to meet foreign competition.

In conclusion, I strongly urge that this amendment be rejected. I hope that the committee, and when we get to conference, will find additional monies in this particular area. As a Nation, we can work to export our products or we can export our jobs.

This amendment, if it passed, will be an export of United States jobs, make no mistake about it. USDA's export programs are a key part of an overall trade strategy that is pro-growth, pro-trade and pro-job. This amendment is anti- all of the above.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I thank the gentleman very much for the opportunity to speak against this very ill-advised amendment, which would have a tremendous detrimental effect, not only on the farm family in Iowa, but across this country, but also on our balance of trade situation.

Agriculture exports about $55 billion. For each $1 billion, there are about 20,000 American jobs. It is extremely important to maintain this program so that we can compete in the world market. We have got to also understand that this program is on a 50/50 basis with the producer out there who is paying half of the cost. The corn growers, the Soybean Association, the pork producers, the beef folks, the cattlemen pay their share to make sure that they have the opportunity to promote their American product overseas and to make sure that the jobs stay here in the United States rather than have our foreign competitors take away our jobs.

This is extremely important to continue this very, very valuable program. I would certainly urge a strong no vote to this ill-advised amendment.

The CHAIRMAN. The gentleman from California (Mr. ROYCE) has 10 minutes remaining. The gentleman from New Mexico (Mr. SKEEN) has 1 minute remaining. The gentleman from New Mexico has the right to close.

Mr. ROYCE. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in strong support of the pending amendment. Corporate welfare. Everyone hates corporate welfare. We all talk about it in our districts. Irate taxpayers bristle at the thought of their hard-earned wages being given to large and profitable companies, and justifiably so.

It is one thing to provide temporary welfare assistance to help poor people, the people in need, get back on their feet, but to give billions of dollars in subsidies to large cooperations is absolutely absurd.

Of all the corporate subsidy programs maintained by the Federal Government, the Market Access Program is one of the most notorious.

Since its creation back in 1985, the Market Access Program has provided almost $1.5 billion to some of the biggest and wealthiest corporations in this country. For example, in 1997, fiscal year 1997, they doled out $2.6 million to Sunkist, $1.4 million to Blue Diamond, $700,000 to Welch's Foods, and $600,000 to Ernest and Julio Gallo.

Other companies that have received market access funds include McDonald's to sell Chicken McNuggets, Joseph Seagram and Sons to promote Four Roses Whiskey.

Mr. Chairman, the bottom line that many of the firms that have received Market Access Program funds, including Burger King, CAMPBELL Soup, General Mills, Hershey Foods, Ocean Spray Cranberries, Quaker Oats, Tyson Foods, can afford to pay for their own advertising. They do not need the U.S. Government acting as their ad agency.

I urge my colleagues to support this great amendment.

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

An argument has been made that we were being out-subsidized by the European Union and other countries throughout the world. I might point out that our economy is outperforming those countries by every measure.

Our per capita gross national product dwarfs most every other country in the world. We have the most productive workers. Our per capita income is highest. Unemployment is almost nonexistent.

I for one do not wish to follow the European model. We should continue striving to shed those vestiges of central planning instead of defending those that had crept into our economy in the past.

Government has no business deciding which companies are worthy of advertising funds. It is the government that must make this decision; in this case, which company gets the funds. That is, frankly, precisely what the free market is there to do, to allocate resources in the most efficient way possible.

The government ought not to be taking tax monies from companies to finance the advertising of their competition, which is the direct result of redistribution.

The main point is really whether private companies should pay for the promotion of their own products or whether the American taxpayer should be forced to pay. We do not force the American taxpayer to pay for other corporate expenses. We do not force them to pay for furniture or office supplies. In this case, we are having them pay for the advertising budget. Why should they be forced to pay for this cost of doing business?

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

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

Mr. Chairman, I regret that this amendment was presented to us just a few minutes ago because there are a lot of Members whose constituents strongly support this program but who may not be able to speak because of the lack of notice.

Mr. Chairman, this amendment is as bad in its purpose as it is in its timing, and I strongly urge my colleagues to vote no.

Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. SMITH) to close.

Mr. SMITH of Oregon. Mr. Chairman, let us get back to reality here and directness. The numbers used by these people who attempt to overnight the Market Access Program are 10 years old.

I have just returned from the European Union, Germany, France, Belgium; and let me tell you that if you do not think we are out-subsidized, you should have been with me. There was $45 billion by the European Union, by the way, for agriculture products, $8 billion for export subsidies to European farmers. We are asking here for a very small Market Access Program that helps us advertise our products in foreign countries where we are being outbid every day by the governments.

This idea that these are large corporations is ridiculous. That is in the past. These are small corporations. They are cooperatives such as Sunkist, but these are made up of small operators and small farmers.

Let us not reduce ourselves to the argument that this is a big government payoff. It is a 16-to-1 return of dollars. One dollar for every $16 we receive; $1 invested, we receive $16 back.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oregon. I yield to the gentleman from California.

Mr. FAZIO of California. I want to associate myself with the gentleman's remarks and point out that 417 of the 564 companies participating in this program are small businesses by SBA definition.

Mr. Chairman, there is probably no more important tool for export promotion than MAP throughout the U.S. and particularly in California.

MAP was funded at $200 million as recently as 5 years ago, and was authorized at one time for $350 million.

I believe those levels of support were recognition of the importance of market promotion to the American economy.

Now MAP is down to a bare-bones $90 million.

MAP funds go to small companies—FAS says that 417 of the 564 companies participating in MAP qualify as "small" by the SBA definition.

MAP has completely eliminated any branded product promotion by large companies.

MAP funds don't just substitute for marketing efforts the company would have undertaken anyway—in fact, it is a requirement of the program that every dollar has to be matched by the company's own funds as well.

MAP is important to the economy:

Agriculture exports are at approximately $60 billion (FY '96)—an increase of some $19 billion or close to 50 percent since 1990.

In an average week this past year, U.S. producers, processors and exporters shipped more than $1.1 billion worth of food and farm products to foreign markets, compared with about $775 million per week at the start of this decade.

The most recent agricultural trade surplus (FY '96) indicates a new record of $27.4 billion.

In the most recent comparisons among 11 major industries, agriculture ranked No. 1 as the leading positive contributor to the U.S. merchandise trade balance.

As domestic farm supports are reduced, export markets become even more critical for the economic well-being of our farmers and rural communities, let alone the suburban and urban areas that depend upon the employment generated from increased trade.

Agriculture exports strengthen farm income.

Agriculture exports provide jobs for nearly a million Americans.

Agriculture exports generate nearly $100 billion in related economic activity.

MAP is critical to U.S. agriculture's ability to develop, maintain and expand export markets in the new post-GATT environment, and MAP is a proven success.

In California, MAP has been tremendously successful in helping promote exports of California citrus, raisins, walnuts, prunes, almonds, peaches and other specialty crops.

We have to remember that an increase in agriculture exports means jobs: a 10% increase in agricultural exports creates over 13,000 new jobs in agriculture and related industries like manufacturing, processing, marketing and distribution.

Where do those increased ag exports come from?

For every $1 we invest in MAP, we reap a $16 return in additional agriculture exports.

In short, the Market Promotion Program is a program that performs for American taxpayers.

Mr. SMITH of Oregon. Mr. Chairman, I urge Members to vote no on this amendment.

Mr. HERGER. Mr. Chairman, the market access program, or MAP, provides a valuable service, not only to American farmers, but to the entire American economy.

Currently, MAP yields returns of $2 to $7 to the American economy for every dollar of MAP funds spent overseas. The program is aimed at increasing American exports and jobs by helping maintain, develop, and expand U.S. agriculture export markets. In doing this, MAP requires all funds to be used to promote only American grown and produced commodities and related products.

MAP does not fund large multinational corporations, such as McDonalds. Instead, this program, by law, excludes foreign, for-profit companies and focuses on American small businesses. The only for-profit companies allowed to receive MAP funds are small businesses, nonprofit industry organizations, and private firms not represented by an industry group.

Even then, MAP is not a straight handout, but is a valuable cost-share program, where participants are required to contribute toward total program costs from 10 percent for generic products to up to 50 percent or more for brand name products.

MAP was established under the 1990 Farm Act to target primarily value-added products. With traditional commodity support programs being phased out through 2002, MAP will be used as an important tool to increase export markets and help stabilize commodity prices.

MAP is a proven success. Since 1986, when MAP's predecessor, the targeted Export Assistance Program, was first authorized, U.S. agricultural exports have doubled. In 1997 exports amounted to $57.3 billion, resulting in a $22 million agricultural trade surplus, and providing jobs for approximately 1 million Americans.

MAP's success has occurred in spite of increased international competition. Other organizations, such as the European Union, or EU, have aggressively outspent the United States in promoting agricultural commodities. In 1997, the EU budgeted $7.2 billion for export subsidies. The EU and other foreign competitors also spent nearly $500 million on market promotion. However, through promotional campaigns funded in part by MAP, American agriculture can be immensely successful in foreign markets.

Mr. Chairman, this program works and it works well. It is targeted at assisting American small businesses to gain fair access to foreign markets.

Mr. Chairman, I encourage my colleagues to vote for American jobs, to vote for American small businesses, and to vote for support of the Market Access Program.

Mr. FARR of California. Mr. Speaker, MAP HELPS BOOST U.S. AGRICULTURE EXPORTS. U.S. agriculture exports expected to exceed $60 billion. Last year exports amounted to $57.3 billion, resulting in a positive $22 billion agricultural trade surplus, result in a record trade surplus of $30 billion, and generate over $100 billion in related economic activity.

MAP HELPS PROVIDE NEEDED JOBS THROUGHOUT THE U.S. ECONOMY. Over one million Americans have jobs which depend on U.S. agriculture exports. Every billion dollars in U.S. agriculture exports creates as many as 20,000 new jobs.

MAP HELPS MEET SUBSIDIZED FOREIGN COMPETITION. The EU spends more on wine promotion than U.S. spends for all commodities combined. European Union (EU) and other foreign competitors continue to enjoy a 10 to 1 advantage over the U.S. in terms of export subsidies. EU and other foreign competitors are moving aggressively in providing other forms of assistance to maintain and expand their share of the world market at the expense of U.S. farmers and ranchers. Without U.S. policies and programs to help counter such subsidized competition, American farmers and ranchers will be at a substantial disadvantage.

MAP REPRESENTS A SUCCESSFUL PUBLIC-PRIVATE PARTNERSHIP. MAP is specifically targeted to help small businesses, farmer cooperatives and trade associations meet subsidized foreign competition. MAP is administered on a cost-share basis by the U.S. Department of Agriculture with farmers, ranchers and other participants required to contribute up to 50% toward the program's cost. Every $1 invested has resulted in $16 in additional U.S. agricultural exports, according to USDA. MAP helps boost U.S. agriculture exports, meet foreign competition, improve U.S. balance of trade, strengthen farm income, and protect American jobs.

The U.S. must continue to have in place policies and programs which help maintain the ability of American agriculture to compete effectively in a global marketplace still characterized by subsidized foreign competition.

This is especially true under the new Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act), which resulted in the most sweeping reforms in farm policy in over 60 years. While achieving significant budget savings, it reduces income support to producers over 7 years; eliminates acreage reduction programs; and provides increased planting flexibility. More than ever, farm income and the economic well-being of American agriculture are now dependent on continued access to foreign markets and maintaining and strengthening U.S. agricultural exports.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

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

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

The CHAIRMAN. Pursuant to House Resolution 482, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

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

Mr. Chairman, the distinguished subcommittee chairman and another Member of Congress has circulated an e-mail warning to Members that the Bass-DeFazio amendment which passed by a 229 to 193 vote majority may have cut more than we, the authors, stated.

The e-mail message claims the Bass-DeFazio amendment cut nearly $21 million from the Wildlife Services funding which would, as the e-mail declares, put at risk ''safe transportation, safe drinking water, and an abundant supply of safe and wholesome food, and, most importantly, the safety of children.''

I assure my colleagues that that is not our intent. We worked with the Legislative Counsel over the past couple weeks to draft an amendment that cut only $10 million in Wildlife Services funding for livestock protection, and we did not intend to cut health and safety funding or research funding.

□ 1230

However, because of a drafting error by Legislative Counsel, the amendment may result in an additional cut of $10 million. It may. Not necessarily will, but it may. To clarify the amendment and reassure Members that it will only eliminate livestock protection funding, we need only to insert one word that indicates the funding should be taken from the Wildlife Services operating budget.

In a measure of good faith, I would hope that the gentleman from New Mexico would accept our unanimous-consent request, which I have not made yet, to clarify the amendment. The House has clearly spoken on this issue. By a 36-vote margin, the House is on record as opposing animal control subsidies for ranchers. I hope the chairman would not use a typographical error by Legislative Counsel to stymie the will of the House.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I ask unanimous consent to accept an additional word ''operations'' to the amendment that passed the House yesterday by a vote of 229–193.

The CHAIRMAN pro tempore (Mr. BLUNT). Is there objection to the request of the gentleman from New Hampshire?

Mr. SKEEN. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

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

Mr. Chairman, I think it is unfortunate that the gentleman from New Mexico objected. What we see here is a last-ditch attempt to preserve a $10 million subsidy to western cattle and sheep ranchers. Half a million dollars of this money flows to my own State, so I am not just out there cutting in other people's States.

Seventeen western States receive $10 million to conduct activities on predator control to protect livestock on private property at no expense to the landowner. Clearly a large majority of the House supported that amendment and that intent. As the gentleman from New Hampshire stated, due to a drafting error by Legislative Counsel, we may have cut more and may have extended the impact beyond that subsidy in the 17 western States to private livestock and ranching interests. So we have a number of opportunities here.

The gentleman from New Hampshire attempted to insert one word, the word ''operations,'' to make absolutely clear what the 36-vote majority of the House intended at that time. I shortly will offer another opportunity to the chairman and would urge the chairman to take it, because I have got to inform Members at this point in time, despite the potential error, the groups that had vital interest in the original vote are no longer interested in the original vote. The scoring will be on the revote. Because even if the chairman objects, the inadvertent language problem can certainly be fixed in the conference committee.

It was the clear intent of the House and a majority of this House to end this subsidy to private ranching interests while fully protecting public health and safety over a range of other issues that are conducted by APHIS out of its $500 million budget. I am going to in a moment give the chairman one more chance, because I know the chairman believes he will prevail

and will be able to preserve the $10 million subsidy to the private ranching interests for one more year.

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

Mr. DEFAZIO. I yield to the gentleman from New Hampshire.

Mr. BASS. Is it not true that either of these two suggested changes can easily be corrected in the committee of conference under technical corrections? There is no need to worry if under the unfortunate circumstance we have a revote that these corrections will not obviously be made, because it is the intent of Congress to make this change.

Mr. DEFAZIO. Mr. Chairman, I reclaim my time and thank the gentleman. There are a plethora of ways that this could be fixed. The simplest way is by the insertion of the word ''operations'' which the chairman objected to. I am going to propose changing a number. That is one change in one number. That would fix the problem or any potential problem. If the chairman objects there, it could still be fixed in conference or with a technical correction later. That is correct. So clearly the revote, if it occurs, will be on whether or not the Members want to provide a $10 million subsidy to western cattle and ranching interests which I believe a clear majority stated yesterday they do not. That will be the vote that will be rated.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I ask unanimous consent that the language of the original amendment be changed on line 2 to not more than $28,097,000.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

In the matter inserted in the Bass amendment providing for ''Limitation on Use of Funds'' strike ''$18,800,000'' and insert ''$28,000,000''.

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

Mr. SKEEN. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are going to begin a colloquy talking about the tobacco issue. First of all I would like to say that every year since I have been in Congress, I have introduced an amendment, or cosponsored an amendment, to get rid of subsidy for the Risk Management Agency, the crop insurance section, and the net cost of this, of this program. Each year we have lost by a scratch. This year as we went into working on the agriculture bill, we also have another bill which is the tobacco bill coming up. As we have worked on that, none of the objections that I have had have lessened. But it appears that the leadership now has agreed that there will be no cost to taxpayers. They will eliminate all cost to taxpayers of this particular program in the tobacco bill which the Speaker of the House will be introducing in just a few weeks. I would like to have confirmation of that.

Ms. PRYCE of Ohio. Mr. Chairman, will the gentlewoman yield?

Mrs. LINDA SMITH of Washington. I yield to the gentlewoman from Ohio.

Ms. PRYCE of Ohio. I thank the gentlewoman from Washington for yielding for the purpose of this colloquy. I recognize the gentlewoman's longstanding role in trying to solve this program funding issue which we debate each year. I would like to take this opportunity to confirm that we on the Tobacco Task Force and in leadership share her concerns and are committed to correcting this problem as part of our efforts to craft tobacco legislation later next month in a more comprehensive way.

I have to say that I myself personally feel very strongly. I have consistently voted against the subsidy as she has. I would like to see it eliminated. I will confirm that this will be a part of the tobacco legislation.

Mrs. LINDA SMITH of Washington. I thank the gentlewoman for her comments. I want to ask one question to clarify what she just said. She is saying that the tobacco legislation will eliminate any taxpayer support for this program.

Ms. PRYCE of Ohio. That is correct.

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

Mrs. LINDA SMITH of Washington. I yield to the gentleman from Utah.

Mr. HANSEN. I appreciate the gentlewoman yielding. As I understand it, the designee for the leadership is the gentlewoman from Ohio (Ms. PRYCE), and we appreciate the great work that we expect her to do which I am sure she will. She is very aware that myself, the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from California (Mr. WAXMAN) have a piece of legislation that we think is an excellent piece of legislation. We are not solidly in cement, but we would like some assurance from the leadership's designee that the language that we are talking about which would give protection as I see it to the small farmer who we are very concerned about would be included in any piece of legislation, whether it be an abbreviation or change of ours, or it be one that the Speaker and the task force comes up with, that we could have that assurance. I think it would make those of us on a bipartisan nature who are working on this feel much better about that if we could have that assurance at this time.

Ms. PRYCE of Ohio. If the gentlewoman will yield, the assurance that the gentleman is asking for is that this subsidy will not any longer be in existence as a result of the tobacco legislation, he has that assurance.

Mr. HANSEN. We do appreciate that. I would hope that the task force would work with us closely on many of the things that are in our legislation which I notice the Speaker of the House on television the other night, I thought he was repeating our bill as he gave his rendition on television, if I may respectfully say that.

Mr. FAZIO of California. Mr. Chairman, will the gentlewoman yield?

Mrs. LINDA SMITH of Washington. I yield to the gentleman from California.

Mr. FAZIO of California. If I could ask the gentlewoman from Ohio to comment further, it has been the assumption that a number of us who have been working on tobacco legislation have had that somehow this would be paid out of the settlement, so that the individual tobacco farmer would not be eliminated from a program that all other farmers could participate in, but that we would relieve the burden that I know a number of Members have had of public support through the general fund of the Government.

Is it contemplated that somehow the companies through the settlement would make available funds to ensure that these growers can participate in this program?

Ms. PRYCE of Ohio. That still is a very viable possibility. We will be working through the next 2 weeks of recess to further that goal. I cannot say exactly that that is how it will happen, but I can say with great assurance that it will no longer be a burden on the American taxpayer.

Mr. FAZIO of California. There may be another approach taken, if the gentlewoman will yield further, that I have not mentioned but still a way in which these growers would not be discriminated against vis-a-vis other agricultural producers?

Ms. PRYCE of Ohio. That is being explored. There are several different proposals on the table. I am sure the gentleman is aware that there are many Members on our side of the aisle that are very interested in this as well. I have been trying to work with them so that these small farmers are not cast out overnight. But it does not belong on the taxpayers' shoulders. I feel the same as the gentlewoman from Washington in that respect.

Mr. FAZIO of California. Mr. Chairman, we look forward to seeing the legislation. Obviously I hope it is a comprehensive approach to the solution to this problem but one that does not leave out the needs of legitimate tobacco farmers in this country.

Mrs. LINDA SMITH of Washington. Mr. Chairman, in conclusion I want to thank the gentlewoman from Ohio for her leadership and the assurance that the taxpayers will no longer pay this, and I will pull my amendment.

AMENDMENT OFFERED BY MR. COBURN

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

The Clerk read as follows:

Amendment offered by Mr. COBURN:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 739. None of the funds made available in this Act may be used by the Food and

Drug Administration for the testing, development, or approval (including approval of production, manufacturing, or distribution) of any drug for the chemical inducement of abortion.

Mrs. LOWEY. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentlewoman from New York reserves a point of order.

Mr. COBURN. Mr. Chairman, this is a bill that is intended to do a very discrete function. Number one, we should look at what the definition of the charge to the Food and Drug Administration is. Let me quote from page 96 of this bill:

''The programs of the Food and Drug Administration are designed to achieve a single overall objective, consumer protection.''

Mr. Chairman, it is my contention that there is nothing associated with consumer protection in the development and securing of abortifacient drugs, that in fact this is an area far outside the charge of the Food and Drug Administration.

What does this bill not do? This bill has no effect on the development of any drug which has a purpose other than abortifacient of an implanted blastocyst. This amendment will not prohibit the FDA from conducting its legitimate oversight function, and following its guidelines to in fact follow the charge of consumer protection.

Part of the point of order that I am sure will be raised is that this is far reaching and goes outside the scope, which it does not, because it is not intended to completely block research on efficacious drugs.

The other point that I would make, that the charge of the FDA is, is to maintain surveillance over food, drugs, medical devices and electronic products to ensure that they are safe, effective and honestly labeled. The use of abortifacients supported by our tax dollars, researched by our tax dollars, approved by our tax dollars, has nothing to do with the charge of the FDA. It would seem to me that if we wanted to be honest, that this is something that totally should be ignored, is not an area of safe and effective oversight of the FDA, and, in fact, raises several other troubling questions:

Number one is we should be seeking, regardless of our position on pro-life or pro-choice, alternatives to abortion rather than making abortion easier.

Number two, we markedly oversimplify the concept of abortifacient drugs by saying that we can have a pill that will solve this problem.

☐ 1245

Number 3, there is significant scientific evidence today that abortion is associated with a marked increase in the incidence of breast cancer.

Number 4, abortion drugs are often dispensed without a doctor's approval and oftentimes endanger a woman's health rather than protect her health. Twelve States already give pharmacists the authority to dispense these drugs without the aid of a physician.

Finally, if we talk about the research that has been done on the abortifacient drugs that are presently available or used in that manner, what we find is they are extremely ineffective. If my colleagues look at the studies that have been done in Brazil or in Europe on the multitude of drugs that are followed by this concept, what they will find is that 8 to 10 percent failure rate to accomplish what they were intended to do. What we find also is what has happened to the children that have been exposed to these drugs, and again let me bring this back.

What is the charge of the FDA? The charge of the Food and Drug Administration is safety, is consumer protection. Having Federal dollars spent to perfect and introduce and license and hold up a drug that takes away life goes completely opposite of the charge of the Food and Drug Administration.

Finally I would like to describe for my colleagues what happens to children who have been exposed to this. About 12 percent of the women who are exposed to the abortifacients that are out there now end up having to have an instrumented procedure. So, first of all, it fails for those 12 percent. Another 12 percent of the women do not abort. Of those 12 percent of women who do not abort, 9 percent, 8 to 9 percent, of the children are born.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(By unanimous consent, Mr. COBURN was allowed to proceed for 1 additional minute.)

Mr. COBURN. Mr. Chairman, of the 8 to 9 percent of the children that are born, 50 percent of those children, a large number, have microcephaly, which is a smaller-than-normal brain which leads to severe retardation, a large number have hydrocephaly, which means they have an inability to circulate the fluid around the brain.

So if, in fact, we want the Food and Drug Administration to be about consumer protection, then we in fact ought to ask them not to have anything to do in their charge with abortifacient drugs.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield for the purpose of a question?

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has again expired.

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

Mr. COBURN. Mr. Chairman, I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, does the gentleman's amendment mean that if the application is submitted to FDA without the term, without the term ''chemical inducement of abortion'' as its stated purpose, would the amendment apply?

Mr. COBURN. The amendment would not apply to any drug that is applied to the FDA that the primary purpose is not intended to be an abortifacient. For example, there is a drug that is presently on the market called Cytotec. The gentlewoman is familiar with that drug. If that drug were being applied for now, its primary intended use is for ulcer prevention and treatment. This amendment would not preclude the application of that NDA for that drug.

Mrs. LOWEY. So, if the gentleman would clarify once more for me, if the application does not include the specific term ''chemical inducement of abortion,'' what would the gentleman expect the department to do?

Mr. COBURN. First of all, the department is much more knowledgeable than my colleague might give them credit for. They understand what drugs are used for, and they are scientists and very good at what they do. And if, in fact, some company is making application for a drug that the primary purpose is for something that fits the charge of the FDA, consumer safety, not death, not killing, but consumer safety, then I think they have very well the ability to figure out what the purpose of that application is. And they also have to very clearly state in their NDA what the purpose is for the drug.

Mrs. LOWEY. But then, if I can further ask for clarification again, if the application is submitted to the FDA without the specific term ''chemical inducement of abortion'' as its stated purpose, would the amendment apply?

Mr. COBURN. Again, I would give the gentlewoman the same answer:

If somebody applies for a drug that is intended to do chemical induced abortion, and that is what they are asking for an NDA for, then it would apply. If it is not intended for that, it would not apply. And so therefore any drug that has any other use that might be beneficial and under consumer protection, the charge of the FDA, would be recognized as a legitimate NDA application.

POINT OF ORDER

Mrs. LOWEY. May I proceed, Mr. Chairman, with my point of order?

The CHAIRMAN. The gentlewoman from New York will state her point of order.

Mrs. LOWEY. Mr. Chairman, the Coburn amendment violates clause 2 of rule XXI of the Rules of the House prohibiting authorization on an appropriations bill.

Under clause 2 of rule XXI a provision is authorizing in nature if it imposes a new duty on a Federal employee.

The Coburn amendment does just this by prohibiting the Food and Drug Administration from expending any funds on an activity for which it does not have a definition. Quote: ''Drug for the chemical inducement of abortion,'' as the Coburn amendment is written, is not a term of art that is legally recognized by the FDA.

I have a memo from the Department of Health and Human Services, and will

ask that it appear in the RECORD, stating that the term is one that is not recognized by the agency and would require interpretation. Requiring the agency to define this term unto the Coburn amendment means imposing a new duty on a Federal official.

This is clearly authorizing language.

Mr. Chairman, the memo goes on to say, and I quote: Under the statute's drug-approval scheme, sponsors propose to the Food and Drug Administration particular medical indications for which they seek to conduct research. Sponsors then seek FDA approval to market the drug for those proposed indications that the research demonstrates that the drug is safe and effective for these indication.

Since sponsors are free to propose any medical indication for their drugs and are unlikely to propose this precise language under this amendment, FDA would need to interpret each of these terms in the amendment in this context, chemical inducement and abortion, none of which are defined in the Federal Food, Drug and Cosmetic Act, and evaluate whether the proposed indication was subjected to the restriction.

I have a letter from the gentleman from California (Mr. WAXMAN) the former chairman and the ranking member of the Committee on Commerce Subcommittee on Health and the Environment, agreeing with the assessment that the Coburn amendment is authorizing in nature, and I will ask that this letter be included in the RECORD as well.

Mr. Chairman, I ask the Chair to sustain a point of order against this amendment. It is a clear violation of rule XXI, clause 2 of the Rules of the House.

One more point. The duty is they have to make a determination even if the exact words of the application are different from those in the gentleman's amendment. The FDA needs to determine the meaning of the applicant's words, and I would suggest that the gentleman from Oklahoma (Mr. COBURN) has conceded this point, and I thank the Chair, and again I ask the Chair to sustain a point of order against this amendment. It is a clear violation of rule XXI, clause 2 of the Rules of the House.

Mr. COBURN. Mr. Chairman, I would like to respond to the gentlewoman's point of order.

The CHAIRMAN. The Chair will hear the gentleman's response on the point of order.

Mr. COBURN. Mr. Chairman, this is an amendment based first on a limitation of funds. Number two, there is nothing in this amendment that requires anything additional by the FDA because every NDA that comes before the FDA today has to state the purpose for which the drug application is made. And then finally is that we would not agree to a stipulation, as the gentlewoman from New York pointed out, that would limit anybody's application for any drug and to apply this Rule of the House, we will happily concede, if we want to use the definition as she stated initially, in terms of abortifacient, if that is what she desires.

But the point is the actual functioning of the FDA, having brought drugs to the FDA, having filed NDAs, her statement is inaccurate, it does not follow the rules of the FDA, it is not a true statement to say that this will require any additional burden on the FDA.

Mr. Chairman, the FDA already requires every drug that has applied for it to state very specifically what its purpose is. If the purpose for the drug is not abortifacient, then there is no problem. If the purpose for the drug is it is, then the FDA would be limited.

This is a medical term under which the FDA already knows the definition. There is no question about what the definition is. There is no question in Federal law about what the definition is. So to confuse the issue under this rule is wrong.

Mrs. LOWEY. Mr. Chairman, may I ask the gentleman for further clarification?

The CHAIRMAN. The gentlewoman may proceed on her point of order.

Mrs. LOWEY. Mr. Chairman, I would like to ask the gentleman from Oklahoma if the application for RU–486 did not include the terms in the gentleman's amendment, how would the gentleman require the FDA to rule?

Mr. COBURN. What the gentlewoman from New York will have to tell me first to answer that is how was the RU–486 applied for.

Mrs. LOWEY. Mr. Chairman, I am asking the gentleman a question.

Mr. COBURN. The question is that the RU–486 was not applied for under that rule initially and is now.

Mrs. LOWEY. Yes, correct; or I am asking the gentleman, let us say if RU–486 did not apply for the application, would those terms expressed in the gentleman's amendment, how would the gentleman expect under his amendment the FDA to rule?

Mr. COBURN. Very easily. RU–486 is used for other things besides that. So, if they did not specify it, then that RU–486 would be approved for whatever it is specified for.

Very straightforward. Any drug that follows the guidelines of the FDA's NDA application process must state its intent. If RU–486 were applied for and it was not stated intent to accomplish what it in fact did, then it would be eligible for consideration under this rule.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

Mr. WELDON of Florida. Mr. Chairman, I rise to speak in opposition to the gentlewoman's point of order, and I would just like to say that the point she is trying to make, I think, runs contrary to the whole tradition of what we do here in the House in these appropriations bills. It is the right and the prerogative of any Member to rise and put limitations or specifications on how money is going to be spent, and this man's amendment, the gentleman from Oklahoma, is very simple and straightforward.

We all know that abortion is a very controversial issue, it is controversial in this body, it is controversial with the American people, and the House of Representatives has repeatedly voted, for example, that no Federal dollars will be used for performing abortions. The so-called Hyde amendment language easily passes the House with overwhelming majorities, and I think the reason for this is obvious. Even though many Members may feel that they are personally pro-choice, they think it is totally appropriate not to be spending Federal dollars for performing abortions, and to ask that the Food and Drug Administration not use its funds for putting abortion drugs on the market I think is a very reasonable proposal.

Mr. Chairman, I would strongly recommend the Chair rule against the gentlewoman's point of order and that the gentleman's amendment be allowed to be debated and voted on according to the proceedings of the House.

☐ 1300

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

Mr. WAXMAN. Mr. Chairman, I am a little confused, and I want some clarification. As I understand what the gentleman from Oklahoma (Mr. COBURN) told us, he expects the FDA to make some kind of interpretation of the primary intent of the drug.

Mr. COBURN. Mr. Chairman, if the gentleman will yield, every application made to the FDA has to have the primary intent of a drug, as the gentleman well knows. My objection to the point of order is we presented this just like every other limitation that has been placed in this Congress on the dispensing of funds, and we have followed that guidelines and made no new requirements on the part of the FDA.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, I am not asking the gentleman's conclusions on the point. I was trying to find out what he would ask FDA to do if a manufacturer came in and said the primary purpose of the drug was to be abortifacient. The gentleman would argue then that his amendment would apply, is that correct?

Mr. COBURN. Yes.

Mr. WAXMAN. If the manufacturer came in and asked for approval of a drug and it did not state that it was for that purpose, then the amendment would not apply?

Mr. COBURN. That is true.

Mr. WAXMAN. Now, my point, Mr. Chairman, is that FDA has to look at these words which are not words within the context of the FDA law. The chemical inducement of abortion is a new phrase. It has no precedent in FDA's statutory authority, it has no legal definition, no statutory reference, no

regulatory guidance and no legislative history.

In other words, if this amendment were adopted, the head of the FDA would have to look at the application from a drug manufacturer. If the application said that the drug was being requested for approval for the purpose of a chemical inducement of abortion, then I would say this amendment would apply and there is no question about it.

But if the gentleman, as he stated earlier, would ask the FDA administrator to in some way make some judgment that really that is what they intend, even though they do not say it, then we are doing something beyond a limitation on the use of the funds.

Mr. COBURN. If the gentleman would yield further, the FDA makes a judgment on every drug application made to it.

The CHAIRMAN. The gentleman from California (Mr. WAXMAN) may speak on his point of order. When he is finished, the Chair will recognize other Members. There is no yielding back and forth. Is the gentleman finished?

Mr. WAXMAN. I did not realize there is no yielding back and forth.

The CHAIRMAN. There is not. If the gentleman wants to continue, he may.

Mr. WAXMAN. Mr. Chairman, if I may conclude, my point is if the FDA Commissioner has to make a judgment, then this amendment should not be permitted in order.

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

Mrs. LOWEY. Mr. Chairman, based on the gentleman's interpretation that unless the application for RU–486 contains the worlds ''chemical induced abortion,'' the prohibition would not apply, I would withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Are there any Members who wish to speak on the amendment offered by the gentleman from Oklahoma (Mr. COBURN)?

Mrs. LINDA SMITH of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to speak in favor of this amendment. I think we need to go back to what the role of the Food and Drug Administration is, and that is the role of ensuring public safety and health, and that is by approving medically necessary drugs and devices, as well as ensuring food safety.

The amendment offered by the gentleman from Oklahoma (Mr. COBURN) is consistent with the mission of the FDA and simply bans funding for the testing, development or approval of any drug which causes a chemical abortion.

You see, women's health is really at stake. New evidence has indicated that abortions increase the chances of breast cancer. Presently breast cancer is the leading cause of cancer among middle-aged women. If protecting all members of society is the goal of the FDA, certainly we need to study this link exhaustively before we approve any drug that causes a chemical abortion. Make no mistake, the morning after pill which the FDA approved is not a contraceptive. It is an abortifacient, meaning it causes a chemical abortion.

In my home state of Washington, for example, pharmacists are permitted to dispense the ''morning after'' pill without a doctor's prescription. A doctor gives the general prescription to the pharmacist, the pharmacist interviews the woman, and then he decides or she decides whether or not the woman is eligible for this abortion. The protection of the doctor is then removed and the ramifications of the woman's health, whether physical or emotional, are not even discussed.

Additionally, our taxpayer dollars should not be used for the FDA to implement the abortion drug RU–486. The long-term effects of this abortive are still unknown. In U.S. clinical trials, four women nearly bled to death and required blood transfusions. Many women bled profusely and required hospitalization, and 68 percent of the women experienced such severe pain that medication was required.

It is unacceptable for the Federal Government through the vehicle of the FDA to promote a drug whose sole purpose is to destroy the life of another human being.

I think the goal of most lawmakers, whether Republican or Democrat, is to find alternatives to abortion. But with the increased accessibility of these abortion pills, unwanted pregnancies become the medical equivalent of a simple headache. Just pop a pill, and your problems all will go away. In our State it is as easy as calling the hot line number which appeared in my State paper, 1–888–NOT–2–LATE.

Mr. Chairman, in an age of increased personal responsibility, this is not a signal to be advertising to American women. It is not a signal to be advertising to American youth.

The job of the FDA is to protect and promote the health of all citizens. That includes the health of unborn children of America. The funds in the agriculture appropriation bill should not be used by the FDA to test, develop or approve any drug which substitutes abortives for self-discipline, causing abortions.

Mr. Chairman, I urge my colleagues to support the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. The Coburn amendment would stop the drug approval process in its tracks by placing unprecedented roadblocks in front of the FDA. It puts ideology ahead of science and compromises women's health.

This amendment would block final approval of a drug, RU–486, that the FDA has already declared to be safe and effective. I repeat, this amendment would block final approval of a drug that the FDA has already declared safe and effective when it is issued on approval letter for the drug.

This amendment would make FDA drug approval contingent not on science, but on politics. The FDA is charged with protecting the public's health, and they should not be subject to congressional interference.

Mr. Chairman, let us allow the FDA to do its job free from right wing intimidation. The American people do not want the Christian Coalition in charge of our Nation's drug approval process.

The amendment specifically bars the FDA from approving any drug for the chemical inducement of abortion. But what does that term mean? The FDA does not know. I have a letter here from their chief counsel that says they have no idea what it means. Doctors and scientists do not know what that phrase means either.

So in addition to stopping RU–486, this broad, vague amendment may also prohibit the development of new contraceptive methods, if you believe, as some do, that any form of hormonal contraception, like the pill, is tantamount to abortion.

What about other drugs that as a side effect may induce abortion, like many chemotherapy drugs and anti-ulcer medication? Will research be halted on these lifesaving drugs as well? This amendment may also prevent the FDA from preventing unsafe and unsupervised clinical trials.

So, Mr. Chairman, this amendment is about much more than RU–486; it is about whether the FDA will be free to test, develop and improve important medications without Congressional interference. It is about whether politics or science will govern our Nation's drug approval process. This amendment would tie the FDA's hands, rendering it absolutely helpless in its primary task to evaluate scientific data consistent with its mandate to protect the public health.

Since Roe v. Wade, unfortunately, the anti-choice minority has attempted to stymie contraceptive research and suppress advances in reproductive health. For example, there used to be 13 pharmaceutical companies engaged in contraceptive research. There are now four. Thankfully, despite the right wing's pressure tactics, scientists have made some important progress. Among the most significant is the development of RU–486.

RU–486 would make a dramatic difference in the options available to women facing unwanted pregnancies. It could make abortion, already one of the safest medical procedures performed in the United States, even safer. The drug would eliminate the need for surgery for women choosing to use it. This would present tremendous health benefits for some women.

RU–486 is also effective early in pregnancy. Women in France have been

using RU–486 for a decade, and it is also available in Sweden and Great Britain. Over 400,000 women have had abortions using RU–486. The New England Medical Journal recently published clinical trials on RU–486 confirming its acceptability and effectiveness. RU–486 is safe and effective.

Mr. Chairman, RU–486 has another significant advantage over current abortion procedures. RU–486 can be given in the privacy of a physician's office, away from clinics blockaded by protestors, away from violence, harassment and intimidation. This change would give women greater freedom and security. This is a fact that terrifies so many.

What will the radical right do when RU–486 is approved? Will it picket every doctor's office in America? Will it harass every woman in the Nation? Thankfully, it cannot, and that is why it is fighting so hard to block the approval of this drug.

The gentleman from Oklahoma (Mr. COBURN) wants to turn the clock back, back on scientific advances, back all the way to the back-alley in the days of the wire hanger, back to the days when thousands of women died every year from unsafe, illegal abortions.

Well, we have news for the gentleman from Oklahoma (Mr. COBURN). We will not go back.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 1 additional minute.)

Mrs. LOWEY. Mr. Chairman, I would say to the gentleman from Oklahoma (Mr. COBURN) that I am a mother of three and a grandmother of two, and, frankly, I am sick and tired of debating abortion on this floor in the House of Representatives. Restriction after restriction, ban after ban, amendment after amendment. Enough.

If one really wants to reduce the number of abortions, work with us to increase funds for family planning, work with us to ensure that women have access to prescription contraceptives. I have been working to prevent unwanted pregnancies, to reduce the number of abortions. We need to make abortions less necessary, not more dangerous.

Mr. Chairman, I am very sorry that this amendment is being offered to an otherwise outstanding bill. Congress should not be ordering the FDA to suppress a drug that is safe and effective. This amendment flies in the face of sound science. It puts women's health in jeopardy, it sets a dangerous precedent, and it should be defeated.

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

Mr. Chairman, I rise in strong support of the Coburn amendment. I encourage all my colleagues on both sides of the aisle to vote in support of the Coburn amendment.

As the gentlewoman from New York alluded to, the issue of abortion is very controversial. The American people are very divided on this issue, and there are many people who feel, as I do, very strongly on the sanctity of human life.

The House of Representatives and the Senate have repeatedly voted to restrict the use of Federal dollars when it comes to this issue. The best example is the Hyde amendment, which prohibits the use of Federal dollars for performing abortions.

□ 1315

We have a very simple amendment here. We ask the Food and Drug Administration not to get involved in this issue and not to get involved in administering or testing or approving drugs for the chemical inducement of abortion.

As to this issue that is being brought up that some of these drugs are safe and effective, I really want to speak to that point. As a physician, I took the Hippocratic oath. In the Hippocratic oath you do no harm. To say that these drugs are safe and effective, when in effect they are lethal for the unborn child growing in the womb of the woman, is a very deceptive and distorted use of the English language.

I would encourage all of my colleagues to seriously, those who are prolife, obviously, those who take a prolife position, but in particular those who may be personally pro-choice but may feel that it is appropriate to not be using Federal dollars for these kinds of purposes, consider that millions of Americans object to Federal dollars being used for these kinds of purposes.

I think it is a perfectly reasonable amendment. I think it is a well-thought-out amendment. I do not think there should be any confusion over there at the FDA as to what this is about, despite the claims by some that these words are somehow mysterious.

As to the claims of why there are so few pharmaceutical companies doing contraceptive research, that has nothing to do with these claims that it has some implication with those who oppose abortion. It is the trial attorneys and all the litigation. That is why there are a limited number of pharmaceutical companies doing research. It is very expensive. Then when you do put a product on the market, if anything goes wrong with those products, you get every lawyer in this country looking to draw up a lawsuit in the case.

I think this is a very good amendment. I would encourage all of my colleagues to vote yes.

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

Mr. Chairman, I rise in opposition to the amendment. The gentleman from Florida acted as if this were a government subsidy for some abortion procedure. We are not talking about a government subsidy, we are talking about the Food and Drug Administration reviewing an application by a manufacturer who proposes to make a drug for a specific purpose that he wants to go out and sell, which is legal.

Whether Members like abortion or not, it is legal to have abortions in this country. Why should we stop the FDA from being able to consider a drug that might be used for an abortion that would be safer than other abortion procedures? Abortion is not going to stop. It is legal. Why should we now impose our judgment, saying that the FDA cannot even look at the science of what a manufacturer presents to it?

This amendment says we cannot test the substance, we cannot learn how it works, or judge if it has benefits over other procedures. Even if it became an approved drug, we could not manufacture it. This is the kind of an amendment that bars private actions in the free market. What the FDA does is not a subsidy. The FDA scrutinizes the science. They do not make judgments as to what products are brought before them, nor should they.

This amendment is wrong. It is certainly wrong to include it in an appropriation bill, where no one has examined the implication of this language for other FDA activities.

It is going to have a chill on manufacturers who want to deal with anything that may be considered unpopular. Today it may be unpopular to have an abortifacient, but a lot of manufacturers feel it might become unpopular to develop new contraceptive drugs. The FDA may be stopped from reviewing those drugs. This is a very wrong and offensive precedent. I would strongly urge my colleagues to oppose this amendment.

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

Mr. Chairman, today I rise in support of the Coburn amendment. Last month myself and 14 of my colleagues sent a letter to the editor of the New England Journal of Medicine. We did that because we wanted to take issue with a report that they publicized.

In that report, they described the abortion drug RU–486 as ''safe.'' This report is being cited as a landmark study by the advocates of RU–486 as proof of the safety and the effectiveness of the drug. Nothing could be further from the truth. As a matter of fact, that is a bizarre conclusion, given the facts.

The authors reported that RU–486 ''. . . has been reported to be a teratogenic in humans.'' What does that mean? In plain English, it means the drug causes developmental malformations, or birth defects. Unfortunately, the authors mention this almost as an afterthought.

Given the possibility that this two-drug hit in RU–486 may cause birth defects unless drug-induced abortion occurs, the authors secured a commitment, they secured a commitment from all the participants to submit to a surgical abortion in the event the drugs fail.

The authors apparently sought to preempt the possibility of a participant having second thoughts after the administration of the drug, and their unborn child eventually being born with a skull deformity or some other birth defect.

There were 106 women who were administered the drugs, but they were not included in the final assessment phase of the study. The authors do not know, they do not know, whether any of these women who were administered the drug changed their minds and decided to carry their child to full term. The authors do not know whether a child or a number of children were born with a developmental malformation due to the administration of the drug, even though they stated that such a possibility may exist.

The authors claim that the two-drug regimen is effective in terminating pregnancies. This is a very selective choice of words, because what these drugs do is they are designed to kill human life. We are disappointed with the authors' insensitivity to the drug's full impact. At least 2,121 unborn children died because of the drugs administered during this study. The fact that this two-drug regimen was able to kill innocent human lives is nothing to celebrate.

We recognize the authors' intent in maintaining a narrow focus in their study, but when at least 4,242 people are involved in an experiment involving life or death, it would seem only appropriate that those executing the experiment assess the impact of the drugs on all of the study's participants, both the born and the unborn.

For these reasons, it is entirely inappropriate for the FDA to grant final approval for RU–486. For those reasons, it is also totally appropriate for my colleagues to support the Coburn amendment.

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

Mr. Chairman, I rise in strong opposition to the Coburn amendment. Make no mistake about it, this amendment is one more unwarranted intrusion to tell the Food and Drug Administration how to do its job. It is also one more time when Members of Congress step up here and act like they know more than the scientists and the experts, and they are going to tell scientists what their conclusions are before they even get there. And it is one more step in the far right's campaign against a woman's right for reproductive choice.

In 1993, following my election in 1992, I led the effort to bring RU–486 under FDA. I did that so that RU–486 would be tested here in the United States to ensure its safety and its effectiveness. My action and my concern was that women in the United States have access to a safe and effective method regarding unwanted pregnancies. I only wanted them to have access when it was deemed safe by the FDA.

Mr. Chairman, this amendment would set an alarming precedent by allowing the unwarranted interference in the FDA's decision-making process. It would prevent the FDA from testing, developing, or approving any drug such as RU–486 for the chemical inducement of abortion, no matter the wishes of the women in this country.

Let us get the FDA out of politics, let us get Members of Congress out of the rights of women in their reproductive choice, and let us let the FDA determine which drugs are safe, which drugs are effective, and which drugs are good public health.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. I thank the gentlewoman for yielding to me, Mr. Chairman.

I would like to make a point to the gentleman. The New England Journal of Medicine and the FDA has declared this safe and effective. Again, a Member of Congress should not be making this determination.

I just wanted to make one additional point. It seems to me many of us reluctantly have been debating on this floor over and over again for the past few years about late-term abortions, and how dangerous and how inappropriate late-term abortions are.

RU–486 is effective and can be a choice of women early on in pregnancy. Again, it is the choice of a woman. It is up to the FDA to determine if it is safe. The FDA has said that it is safe and effective, as has the New England Journal of Medicine.

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

Mr. Chairman, this amendment will bring us back to the original purpose of the Food and Drug Administration. I rise to support the Coburn amendment.

As originally intended, the FDA should make their priority ensuring the safety of food and developing medically necessary drugs. We simply must provide America with a system where life-saving drugs are made available to patients in a timely and effective manner.

Mr. Chairman, when was the FDA given the task of making abortion on demand easier and more accessible? How does this action correspond with the assertion of the liberals that abortion should be a rare occurrence? Does not the FDA's current role in expediting the approval of abortifacients, which destroy lives, stand in direct contradiction to its responsibility to save them?

Mr. Chairman, abortion pills make unwanted pregnancy the medical equivalent of a headache: pop a pill and it will go away. But there are serious consequences for women. New scientific evidence has indicated that abortion may increase the risk of breast cancer. This link should be carefully examined before any new forms of abortion are approved. But we cannot ensure the safety of women if the FDA is speeding abortion pills through the approval process.

For the sake of women, we need to adopt the Coburn amendment. Just consider these facts. Ten out of the 11 studies on American women report an increased risk of breast cancer after having an induced abortion. A metaanalysis in which all worldwide data were combined, published by Dr. Joel Brind and fellow researchers, reported that an induced abortion elevates a woman's risk of developing breast cancer by 30 percent. Currently, breast cancer is the leading form of cancer among middle-aged American women.

Mr. Chairman, it is time to send a message to the FDA: Return to the business of saving lives. If they truly care about the health of our Nation's women, Members will vote for the Coburn amendment and fight to keep women alive and well.

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

Mr. Chairman, I rise to speak against the amendment. We are constrained to come to the floor once again to send out an alert to American women that once again, one of the perennial attempts to get around Roe versus Wade and to stop abortions when they are most safe is at hand.

The Coburn amendment has grave constitutional implications. Roe versus Wade says we may not regulate abortion in the first trimester. There is a reason for that, because that is when it is safest. If anything, we want to encourage whatever abortions are to be done to be done then or not at all. RU–486 is only for early abortions, and it perhaps may be used for emergency contraception up to 72 hours after intercourse; again, at the very earliest period when abortions are performed.

□ 1330

Moreover, this method may be the only method or the safest method that some women should use. And that clearly comes under Roe vs. Wade's concern with the health of the mother. Surgical abortion obviously poses more risk, the most risk, at least as far as we know. And at least given the kind of approval that RU–486 has thus far received, we do know this, that for most of us a nonsurgical procedure is in fact preferable.

We want to say to women who need abortions, while the rest of us for other procedures will use nonsurgical procedures, we want them to repair to surgical procedures, to invasive procedures only. For abortion we make a distinction between women and men that we do not otherwise make.

Mr. Chairman, if nonsurgical abortion is available, if it is the safest method, it must be allowed. Most of us would choose nonsurgical methods if they were available. Indeed, managed care requirements today in health care often require us to use nonsurgical methods because they are the least costly.

Why would we want to deny safe, nonsurgical approaches here? Why would the government want to turn toward the most invasive form of abortion? Why should the government not

step back and say whatever method women use is something that the government is in no position to prescribe in the particular case?

Why is it not an absolute insult to women to deny them the right to choose the safest method, if any method at all must be chosen? Why is it not a risk to the health of women for whom more invasive methods would simply not be prescribed? Should we not welcome the fact that there is a choice for those women?

And why would this body want to engage in the know-nothing, nonscientific practice of, for the first time in this Chamber, saying what the FDA should approve and what it should not approve? That takes us back to the kind of ignorance I would hope this body had escaped long ago.

If this drug is safe, by denying the right to go through the approved channels we are welcoming back-channel, black market approaches to getting this drug. Surgical and invasive procedures are not preferable. Once again, we are invading the territory of a physician and his patient. Whenever we do that, we lose our way.

Let us stand back, even if we regard this as not the right way to go, and leave it to those who are in the best position to make this most personal of decisions, and that is the physician and the woman who has to decide what is safest for her.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me make it very clear, and I think we all more and more of us realize this, abortion is violence against children. Abortion is violence against children. It is not some benign act that benefits or nurtures. It kills babies.

Now that can be done by the hideous method that we have described called partial-birth abortion where the brains are literally sucked out of the body of a child. Or it can be done by dismemberment, by hooking up a powerful loop-shaped knife, a curette, to a suction machine 20 to 30 times more powerful than the average vacuum cleaner. Or it could be done by a myriad of chemical potions, salt solution that burns the baby to death.

The other side on this issue will defend that as choice. That is violence against children. Saline abortion is violence against children. RU–486, Mr. Chairman, is just the newest form of baby pesticide. A chemical that has no intention of nurturing, providing any benefit to the baby, just kill the baby. Make the child a deceased member of the human race.

Mr. Chairman, the FDA should be all about testing and helping to bring to market those drugs that save and nurture and heal. RU–486 does not heal, unless Members think that a baby is a disease or a wart or some other disposable appendage that has to be done away with.

The ''choice'' rhetoric is cheap. It denigrates human life. Unborn children are no different than my colleagues or I, except by reason of their immaturity and their developmental status in life. That is all. Nothing is added from the moment of fertilization until natural death.

When will we wake up and see that birth is an event that happens to each and every one of us. It is not the beginning of life. And an unborn child deserves at least the minimum respect of not having new drugs, new devices developed that kill them.

It is a new mouse trap. How can we better kill those kids? These are boys and girls that are being killed. Chemical abortions, RU–486, as we all know, usually has its operative effect at around the seventh week. Other chemical potions have it at other times during the pregnancy. But all of them do the same thing. They kill the baby.

Mr. Chairman, I ask my colleagues, support this very important amendment offered by the gentleman from Oklahoma (Mr. COBURN). I urge everyone to support it.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would like to address a couple of points that have been made. When discussing 486, the words ''safe'' and ''effective'' have been used. I want us to think about what those words mean.

Safe and effective for whom? They are not safe for women. They cause tremendous pain, tremendous discomfort, tremendous risk for blood transfusion, tremendous risk for instrumentation, and tremendous risk to the remaining fetuses and children who will be born outside of that complication.

The other thing that was said, and words tell us a whole lot, what was said is if we cannot use this medical form of abortion, it is a limitation on contraception. That was made in an earlier statement, which tells us exactly what people mean.

Abortion is a method of contraception in this country. The taking of innocent human life is used as a method of contraception. I would make two points. The Supreme Court said they did not know when life began. But we know when life ends in this country, when there is not a heartbeat and there is not a brain wave.

Well, there is a brain wave at 41 days post-conception, and there is a heartbeat at 26 days post-conception, before most women know they are pregnant. There is no question, life is present when RU–486 will be applied. Should the government be in the business be of killing unborn babies? I think not.

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

Mr. Chairman, I stand before my colleagues as a cancer survivor to strongly oppose this amendment. This amendment would not just block access and research to reproductive health drugs, although that in itself is enough reason to vote against it.

In an attempt to promote an anti-choice agenda, proponents of this amendment are risking the lives of millions of Americans, because this amendment would block the development of drugs that cure cancer and other kinds of medical treatment because some of those drugs can cause miscarriage, also known as spontaneous abortion.

Mr. Chairman, I am an ovarian cancer survivor. Millions of Americans suffer from cancer every year. Anyone who has undergone chemotherapy sessions in a desperate attempt to kill the cancer cells before they kill them knows the warnings given by the doctor. If a woman is pregnant, chemotherapy could endanger the pregnancy and induce miscarriage. I was fortunate that those circumstances did not apply to me. But if we pass this amendment, the development of new lifesaving drugs would be blocked.

If cancer patients wait while researchers draw closer and closer to a cure for cancer, this amendment would close the door in their faces. No more hope. No chance of developing a drug that could save their lives.

When I received my cancer diagnosis, it felt as if the world had stopped. The mind just cannot comprehend what is happening. And once it does sink in, all one thinks about is how am I going to beat this? What can I do to get my life back?

Let us make sure that patients who are faced with this difficult moment have access to the best science that is available; not science that is compromised by politics.

This amendment is a slap in the face to the women of America. It is a slap in the face to anyone who has survived a cancer diagnosis. It is a slap in the face to anyone who is fighting now to beat this deadly disease.

Mr. Chairman, I urge everyone in this House who cares about improving the health of Americans and the life of Americans to vote against this very dangerous amendment.

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

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

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

Mr. HOSTETTLER. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, first of all let me say to the gentlewoman from Connecticut (Ms. DELAURO), I am very thankful that she is a cancer survivor. This amendment in no way whatsoever will limit any drug research.

The other reason why I know that that is the case is because I too am a cancer survivor. I am 23 years out. I would never put forth an amendment on the floor of this House that would limit that. What this amendment does is have the FDA work on drugs that save life rather than take life.

Mr. HOSTETTLER. Mr. Chairman, reclaiming my time, I rise in strong

support of this amendment from the gentleman from Oklahoma (Mr. COBURN). The Supreme Court has told us that we have to allow the killing of unborn children on demand. It has not, however, told us that government has an obligation to facilitate this service.

This amendment would help ensure that American taxpayers do not end up funding the approval of drugs that are designed to kill our unborn children. FDA's mission as it was created by this Congress should be to approve drugs that save lives, not end lives.

With all the illnesses we have to deal with, cancer, AIDS, heart disease, diabetes, the examples go on and on, why would we want to spend our hard-earned dollars on drugs designed to exterminate our most valued resource, our children?

There is a core principle at issue today: Whether the government is obligated to provide the people's money to research and test new and innovative ways to kill our children for a right pulled out of thin air by a majority of the Supreme Court.

□ 1345

Congress has the responsibility under our Constitution to ensure that the money we collect from hardworking and productive Americans is spent wisely.

Mr. Chairman, let us ensure the FDA uses America's resources to help us and not kill us.

I would simply add, Mr. Chairman, that today I have heard a lot of discussion with regard to the elevation of the science of the efficient extermination of human life almost to the extent of a virtue. I think we must be very careful in our rhetoric when we talk about that efficient extermination of human life, that we do not go to a very troubling time in our world's history, a time when Nazi Germany carried on the efficient extermination of human life. Where do we go from here with that argument? Do we go to the efficient extermination of life that cannot sustain itself, to the aged and to the infirm?

Mr. Chairman, in order that we do not start down that slippery slope or that we do not go further down that slippery slope, I urge a yes vote on this amendment.

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

Mr. HOSTETTLER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to respond to the gentleman that as a Jewish woman and one who knows many survivors of the Holocaust, I personally resent the comparison of this amendment to the Holocaust and the evils of the extermination that took place during that tragic time that we have to learn from and not make comparisons that perhaps are very inappropriate.

Mr. HOSTETTLER. Mr. Chairman, I go back to the words of Jeremiah the profit, who said that he knew me in my mother's womb, and simply say that there are those of us that do believe that life does begin at conception and that we are indeed involved in the extermination of human life in this very day.

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

Mr. Chairman, I am sure that many who may be viewing these proceedings would be surprised to discover we are debating the agriculture appropriations bill. It has always been one of those bills that passes here with great support on a bipartisan basis. I regret very much that it today has been taken over by those who are, for want of a better term, pursuing what we call a wedge issue.

I would not be surprised that despite all the work that has been done by the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) to bring a very popular and broadly supported bill to the floor, it could well be vetoed if this language were adopted by the House today and remain in the bill through conference.

If it were somehow to become law, I believe it would be ultimately considered unconstitutional because it clearly flies in the face of the current Supreme Court view of a woman's right to choose in this country, and clearly Roe v. Wade remains the law of the land.

But I am most troubled by the fact that for the first time since the Food, Drug and Cosmetic Act was placed on the books, since 1962, in fact, we are attempting to legislate what we have until now wisely left up to a regulatory authority to decide, and that is whether a safe and effective drug should be brought to market.

Now, the gentleman from Oklahoma (Mr. COBURN) and others have said that this is an unsafe and ineffective drug. That is to be determined by the FDA. That is their charge. We would be, I think, in terrible error if we got in front of that decision and attempted to legislate it. It would be unprecedented and I think totally inappropriate.

It is a fact, however, that in France and Great Britain and Sweden, extensive clinical trials have demonstrated that it is safe and effective. But this FDA, known to the rest of the world as perhaps the bottom line gold standard for drug review systems, is being more cautious, and they should be. That is correct. It is right that they slow down this process of bringing RU–486 to the public because, in fact, they want to determine a number of things about it before it is made available to the general public.

The irony is, of course, as the gentleman from Oklahoma (Mr. COBURN) indicated in his colloquy with the gentleman from California (Mr. WAXMAN) and the gentlewoman from New York (Mrs. LOWEY) earlier on the point of order, it would be possible to bring RU–486 to the market for some other purpose. And I think it is important to point out that there are at least publicly reported uses for RU–486 that are unrelated to termination of pregnancy.

So under the interpretation we heard today and the one in which we are currently debating, we could have it on the market for other purposes and the public, should they be interested in taking it for termination of pregnancy, could well be exposed to an unsafe and ineffective product because the FDA, under this amendment, has not been allowed to make that determination to their satisfaction.

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

Mr. FAZIO of California. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would just say that we would not want any drug, no matter what its ill-use might be, if it has a positive use to ever be denied by the FDA. We know lots of drugs today that are approved by the FDA that have tremendously, terrible side effects. Thalidomide has a terrible side effect profile, but yet it has some tremendous positive benefits.

Mr. FAZIO of California. Reclaiming my time, the point I was making is that there are purposes for which RU–486 might be approved under the gentleman's interpretation that would make the public vulnerable, when it uses them to terminate a pregnancy, to the potential for the very unsafe and ineffective purposes that the gentleman ascribes to them. So I think the gentleman is being somewhat duplicitous when he indicates that he wants drugs to be made available for other purposes when in fact he may be knowingly exposing the public to problems.

I would underscore ''may'' because I think it is very likely that the FDA would determine otherwise and bring this to the market for a variety of purposes.

The public should have their regulatory agency, the one we all look to as the benchmark for drugs around the world, in a position to make this without a political decision made by this Congress. I would say to my colleagues that if this amendment is adopted we have opened unfortunately a new avenue to be involved in an area that we should best leave to science, to research.

We, as politicians with a variety of causes and beliefs, should not be getting in the way of what this agency has done very effectively since its founding and that is to bring scientific research to bear so that drugs can be taken when appropriate for the most safe and effective purposes.

There is no question, in my view, that for us to break the bounds that we have imposed on ourselves since 1962, to politicize this agency is to take a slippery slope we do not want to go down, even under the wedge issue arguments that we are hearing today about abortion.

I would hope that my colleagues, even those who consider themselves to be ''pro-life'' or ''antiabortion,'' will

think twice about using still one more mechanism to inject this abortion debate into the deliberations of this Congress. Vote no on the Coburn amendment.

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

I rise in strong opposition to this amendment. It is sobering that Saint Thomas Aquinas defined life as beginning at conception. I mention that only to remind us that this difficult issue of when life begins is an issue on which great religious leaders of the world have differed, and so it is an issue on which a Nation that believes in freedom, that enshrines freedom of religion in our Constitution, must have the courage to allow our own people individually to decide.

I am a Republican in part because I take so seriously the issue of personal responsibility. I believe each of us has the responsibility to make wise choices, to support themselves, to contribute to their fellow citizens and their communities. And I believe family planning represents personal responsibility that is indeed one's obligation as a mature, free adult, to plan the number of children they have, the spacing between them. And so I believe contraceptives in general are very important to freedom in our Nation and to the health of women and the strength of families.

The issue before us today is whether we in a free Nation will have the knowledge to use our freedom wisely and to take personal responsibility for our lives. We cannot pass this amendment and not do damage to the concept of freedom and the belief in the power of knowledge as the essential foundation for a free society.

Many drugs, including chemotherapy and anti-ulcer medications, have the side effect of inducing abortion. Under this amendment, you could not do research on something, even if that was not its primary goal, because it might have the side effect of inducing abortion.

I would remind this body that we spent months talking about fetal tissue research because people did not want to use fetal tissue for critical research that could cure critical and terribly important diseases in America, and the goal was not to ultimately use fetal tissue, the goal was to learn enough about it from the research to be able to create the artificial substances or the substitute substances that would allow us to create, to produce the drugs en masse that we learned were necessary from fetal tissue research. And the issue here is to learn enough from some of the rather crude, in the sense of their mechanism, drugs like that that is the subject of this amendment so that we can in time develop something that you take right away that does not interfere with, that is not an abortifacient in your definition because it has its effect before there is even fertilization.

But we cannot get to that point if we do not allow science to move forward and we do not get better experience. Why should I, as an American woman, be told or my daughters be told that they must take contraceptive pills months and months and months, years of their life, when I believe, if we allow the research to go forward, we can provide something that will give them a much more direct control over whether or not conception takes place at implantation and the development of a fetus.

I do want to conclude my comments by saying that wherever you block the path of science, you block the development of knowledge and you compromise the opportunity that only a free society can give you. In freedom, we depend on knowledge to empower us to make the right decisions.

I trust the women of America and the men to whom they are married to make good decisions about whether or not to use one type of contraception over another. I do not believe that it is the government's responsibility to tell our citizens how or what mechanism they should use. We do not want HMOs to do that, and I do not want the government to do that.

So I would urge defeat of this amendment because I think it cuts off essential research.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

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

Mrs. MALONEY of New York. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would just again reemphasize, nothing in this amendment limits any drug whose primary purpose is not an abortifacient. There is no limitation on any research of any other drug if its primary purpose is not that of an abortifacient.

I thank the gentlewoman for yielding to me.

Mrs. MALONEY of New York. Mr. Chairman, I yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, that may be the gentleman's impression now or what his intent is, but we all know how these things work in government. Frankly, it will have such a dampening effect on research that it will affect research on things that have a dual purpose or that could be perceived as having a dual purpose. That is my concern about it.

Mrs. MALONEY of New York. Reclaiming my time, Mr. Chairman, I rise in opposition to the Coburn amendment, which will prohibit the FDA from testing, developing or approving any drug that has the chemical inducement of abortion connected to it.

Last time I looked, the Supreme Court ruled that abortion was legal. However, this Congress continues to attack a woman's right to choose. This is the 85th vote against reproductive rights since the beginning of the 104th Congress or maybe I should say since the beginning of the antiwoman Congress.

□ 1400

What might surprise some people is the fact that this vote is about much more than reproductive rights. As my colleague on the other side of the aisle, the gentlewoman from Connecticut (Mrs. JOHNSON) was pointing out. It is about biomedical research.

One of the drugs targeted by this amendment is used to treat a number of conditions, among them, uterine fibroids, certain breast cancers, and endometriosis. To my gentleman friends on the other side of the aisle, it is even used to treat conditions affecting men, like glaucoma, arthritis, AIDS, lupus, and some types of burns.

Blocking research and development of safe and effective drugs in the name of abortion politics is just plain wrong. My opponents called their position on reproductive rights pro-life and their position on this bill pro-life, but this amendment and their position is anything but. I urge a ''no'' vote on this amendment. Science should not be compromised by politics. It would be a dampening affect on research. I urge all of my colleagues to vote ''no''.

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

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Oklahoma (Mr. COBURN), an amendment that could literally save the lives of countless children throughout the United States.

Abortion creates several risks for women, it is well-known. Also, abortion drugs are often dispensed without a doctor's approval. Because of the numerous possible side effects associated with abortions, these drugs should not be administered without consultation and medical follow-up with the doctor.

The Food and Drug Administration has an ethical duty not to approve a drug that will be harmful to mothers taking the drug. The research on RU–486 is insufficient in regards to long-term effects, the linkage with breast cancer and medical complications.

I commend my colleague, the gentleman from Oklahoma, for taking steps to save children and to save their mothers from these life-endangering drugs. I would encourage my colleagues to support this amendment.

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

Mr. Chairman, this is a pretty amazing debate. I was sitting over in my office listening to it, and I could not help but think that this is yet another assault on women.

I am a physician also. In 1963, before there was abortion reform, before the Rowe v. Wade was decided in the Supreme Court, I was an intern in a hospital in New York State and stood next to the bed while two women died from back-alley abortions.

We have come a long way since 1963. One of those women left six children orphaned, and the other one left eight. We said as a society, our Supreme Court said, women have a right to choose.

Yet, this Congress, I understand, the Republican Party has a problem with women voters in this country. It is very clear. They assault them over and over again. As the last speaker, the gentlewoman from New York (Mrs. MALONEY) talked about, 85 times in this session this issue has come up.

It comes up on everything. It comes up on IMF funding. We will not fund the International Monetary Fund if somebody, somewhere, somehow is doing anything related to women's rights to choose. Military women cannot use their own money to take care of this problem in a military facility when they are assigned by this government to serve overseas.

We say, if you want an abortion, I do not care what the Supreme Court says, we the Congress say you cannot have one in a military hospital, even if you pay with your own money. That is the kind of assault we have.

Here today we have a new twist on it. I think the slippery slope of where we are going is really one to consider, because when we start standing out here and saying what is good science and what is bad science, and we choose this drug over that drug, what will be next in that list?

Here we have the Food and Drug Administration says that this drug is safe. They have done the tests. They are waiting for a pharmaceutical manufacturer to step up and say we want to produce it in this country. That is the only thing that stands between this particular pharmaceutical being on the counter and not.

What this bill does is put a threat out to the pharmaceutical industry, do not step up to produce this pharmaceutical, because if you do, you are going to get the wrath of a certain segment of this society.

My view is that when we start to threaten people and do not want to listen to the science, we are going down a long slippery slope. I feel like I am in Tennessee in the middle of the Scopes trial where it is religion versus science.

We have the FDA. We asked them to look at this, and they looked at it; and we say, well, we do not like the conclusion you came up with, so we will use a little technical way of preventing it ever being put on the counter.

I heard the gentlewoman from Washington come out here and mix this whole thing up more with the drug overall, which is in the State of Washington in the State legislature. They evaluated this, and it is not pro-life. They looked at the issue and said ''We will give the pharmacy board the right to deal with that issue,'' and they do it.

Anybody who wants, they can go to a pharmacy. If they follow a protocol and they fit the protocol under the supervision of a doctor, they can get the drug. They do not just hand it out to anybody that comes into the drug store. I went and called the pharmacy board in the State of Washington to find out what goes on.

The fact is that what we are saying here is that we want women to use whatever antiquated way we have, not to have the best that science can produce.

One of the fascinating things about the last 3½ years around here, the bigger part of the assault on women is that we put on welfare reform. We said we are going to throw people off welfare. What that has done, in at least three States there has been an increase in abortions. The very people who say they do not want abortion buy the mechanism of driving people off welfare and giving women no way to feed their kids; we are then leading to more abortions.

They do not want to do it with a pill. They want to put them through surgery. I can understand why an obstetrician might want to do that if he was in the business of doing this. But I do not hear obstetricians who are in support of a woman's right to choose coming to this House and saying ''Do not give them a pill because I want to make money doing abortions.'' What I hear is that the pharmaceutical that is there will do it just as effectively.

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

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, the first point I would make is there are two obstetricians in this House, and neither of us would terminate a baby and take that life unless it depended on the life of the mother. There is no question. We know a lot about life. We get to see it. We get to see a lot of death. So to answer the gentleman, there are two obstetricians in this House, and we would not take the life of the baby any time unless there is a cause in the life of the mother at risk.

Number two, let us not confuse what this issue is about. This is about whether the Federal Government is going to spend money to figure out how to kill babies. That is what it is. It is not anything else. Should we be in the business of spending Federal tax dollars to facilitate the death of children? It is not any other than that. We can say it is, we can skirt around all the other issues, but this is about whether or not we are going to have an institution of this government which is charged with protecting life spend its resources to take life.

Mr. DICKEY. Mr. Chairman, I would like to say I am on this subcommittee of the Committee on Appropriations, and this issue did not come up for discussion.

We have in our laws the provision that no Federal funding will be made available for abortions, time and time again, both domestically and in foreign relations and in our appropriations for foreign countries. This is because people differ on this issue, but we mainly prohibit any Federal funding.

In this case we would have Federal funding because of an agency's decision and not because of a vote of this body. I am against that. I think abortion is wrong. That is my opinion. I think abortion is wrong. I do not think for sure that we ought to have Federal funding.

This is a way that we can avoid having this attempt for Federal funding for abortion when it is against the women of the people of America.

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

Mr. Chairman, I just want to point out, first of all, while I am very much in favor of this amendment, I would like to say to the physicians who choose not to do abortions, that is their choice. But when I was a young woman, prior to Rowe v. Wade, I did not get that choice. I was not allowed to make that choice. Neither was my physician husband allowed to make the choice of whether he would provide safe and legal abortions.

I do not think we should talk so broadly about choice. It is a woman's choice and her family's choice and her physician's choice we are talking about.

This has been, in my view, the most antichoice Congress that I have ever had the sadness to witness. It is also the most antiscience amendment that I have ever witnessed. But over and above that, it is an antiwoman amendment.

Why should American women not have the right to access to the same level of science as European women or British women? Why is this Congress, a few people who have certain ideas, why are they preventing American women access to good science?

I am asking the people of this body to understand that it is time for us to step forward, to vote ''no'' on antichoice legislation, to vote ''no'' on antiscience legislation, and above all, to vote ''no'' on antiwoman legislation.

We are 55 percent of the population of this country. We have a right to make those choices. We do not have to give up that right that the Supreme Court has stood for, that we have fought for. We are not going back to back-room abortions. We will not do that. The women of this country will not. If there is access to good science, let American women have that access. So I ask my colleagues to vote ''no''. Vote for women.

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

Mr. Chairman, I urge my colleagues to vote for the amendment of the gentleman from Oklahoma (Mr. COBURN). As he spoke very eloquently just a few moments ago, this is not about a choice for an unborn baby.

The Federal Government or those within this administration, whether it is the FDA, they have their marching

orders, no matter what their personal view is, from the administration to facilitate abortion on demand under any circumstance. That is not what the American people support. I certainly do not support that.

The gentleman from Oklahoma (Mr. COBURN) spoke a few minutes ago about how he, as a physician, would only in the case of the endangerment of the life of the mother take an unborn baby's life. If we recall what so many people throughout the history of this country have said, that we here in this body, I believe, are here to protect the vulnerable; and certainly the unborn baby in the mother's womb is among the most vulnerable that could ever exist.

I enthusiastically support the amendment of the gentleman from Oklahoma (Mr. COBURN) and certainly urge my colleagues to do the same.

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

Mr. Chairman, I rise today in strong opposition to the Coburn amendment. Women in America have a right to choose. I believe it is the goal of all of us in this body to reduce the number of abortions and to make abortions safe, legal, and rare. It is on the subject of safe that I would like to address my remarks.

This amendment offered by the gentleman from Oklahoma (Mr. COBURN) would prohibit the expenditure by the Food and Drug Administration of funds for testing, development or approval, including approval of production, manufacturing or distribution, of any drug for the chemical inducement of abortion.

The RU–486, the chemical, the product in question, is a nonsurgical abortion, and it is one that is also medically safe.

□ 1415

Such a ban, as the gentleman from Oklahoma is proposing, would unconstitutionally restrict the right to choose. For some women for whom surgical abortion poses risks or is otherwise inappropriate, the Coburn amendment would unconstitutionally again restrict the right to choose. For others who live far from clinics, it would preclude the possibility of receiving RU–486 in their physician's office, thus burdening again the right to choose.

This option is an effective and nonsurgical method of early abortion that has been in use since 1981. The drug was approved for use in France, Great Britain and Sweden following extensive clinical trials that determined its effectiveness and its safety.

In September 1996, the FDA issued an approval letter for early abortion, but the agency is waiting for more information about its manufacturing and labeling before giving Mifepristone final approval and allow it to be prescribed to American women outside of clinical trials.

I know this is a very difficult issue for our colleagues to deal with. We have deep commitments in our point of view as to whether a woman has a right to choose, and I certainly respect my colleagues' views on the question of abortion. But the fact is that women do have a right to choose that option, in consultation with their family, their doctors, their God, and we should not make that decision a more dangerous one for them.

Again, in the interest of making abortions in our country rare, legal but safe when necessary, I urge my colleagues to vote against the Coburn amendment. It always interests me to see over and over again in this body how many times we vote against scientific research. By going forward with this, we can learn a lot about making these processes even safer for women. As Members of Congress who represent the people of our country, we have a responsibility to do that. For that reason, I urge my colleagues once again to vote ''no'' on the Coburn amendment.

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

Ms. PELOSI. I yield to the gentleman from Oklahoma.

Mr. COBURN. I would just say, to do research to take life, to do research to take life somehow does not smell right in this body; to spend our dollars. I agree, nobody wins in abortion.

Ms. PELOSI. Reclaiming my time, I appreciate the gentleman's point. As a Catholic and a mother of five children myself and one who comes from a family that is not always sympathetic to my point of view on this subject, I understand and respect the gentleman's beliefs. But I will say as a Catholic that I have done some of my own research on this and the gentleman's statement implies that he knows when life begins. I think that is really a mystery to all of us. St. Augustine himself when he was asked would a fetus before 3 months, would that entity go to the judgment day and be resurrected into heaven as a person, he said, ''No, because before 3 months, it isn't a person.'' They made him a saint. He is a saint of the church. He has a different view from some of my colleagues on when life begins. We do not know. It is a mystery. So I do not know how my colleagues on the other side of the aisle can determine that this is taking a life. I do not view it that way, and I urge my colleagues to vote ''no.''

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

Mr. Chairman, I wanted to say with all due respect to the gentleman from Oklahoma who is offering this amendment, I respect his sincerity and the ferver with which he approaches this. As someone who does not support Federal funding of abortion myself, I have studied his proposal carefully. I am opposing him for three reasons, and I ask my colleagues to give me forbearance on this.

The first is, as ranking member of this particular committee, number one, this issue never came before us. We have not had one hearing, certainly not at the subcommittee level. The FDA never referenced it in its testimony. Then when we went to the full committee, this was never considered. There have been absolutely no hearings on this matter, which is a very serious scientific and medical as well as moral issue, and I think it is inappropriate to try to attach it to this agriculture bill. We have never been faced with this on this subcommittee before.

Secondly, I really do not think that at this point in the deliberations in this Committee of the Whole that we are going to make the proper, objective scientific judgment. Congress has never, and I underline, never previously legislated the approval or disapproval of any particular drug over which the FDA has responsibility for review. These decisions on the appropriateness of medical devices and medications are based in the agency solely on the scientific evidence available. None of that has been presented to any single Member here, with perhaps the exception of the author of the amendment. I do not know. But we certainly have not had the benefit of that.

Thirdly, let me say that though the laws of our country say that abortion under certain circumstances is legal, certainly when the life of the mother is at stake, if this particular pill or medication or drug would somehow alleviate pain and suffering, there is no reason that we should in those circumstances disallow the FDA, with as little testimony as we have had on this and as little experience as we have had as a subcommittee and a full committee to deal with this, which actually should be in the authorizing committee, there is no reason that we should for any single life in this country deny that family the ability to have access to that medication if they would need it. But I really do not think that that should be the debate here today.

Based on the lack of hearings in our own committee, and with respect for the chairman of our committee with a desire to try to have decent scientific evidence, full hearings on the matter, and finally not to deny any family that might find this necessary as a way to alleviate pain and suffering of the mother, I think voting for the amendment would be ill-advised at this time.

Mrs. LOWEY. Mr. Chairman, if the gentlewoman will yield, the ranking member of this committee was so eloquent and she has done such a fine job on this bill.

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

Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. COBURN. I thank the gentleman from California for yielding.

Mr. Chairman, I would like to make three points. Number one, we can deny medical scientific fact. We have heard that argument a lot.

Scientific fact: Life is present at least at 26 days. We will recognize that

in this country as a consequence of the logical recognition of when death is. Death is the absence of brain waves, death is the absence of a heartbeat, in all 50 States, also associated with the Federal code. We know at least life is present at 26 days. We are talking about using medicines to take life. We can deny it. But scientific fact has already proven that the heart is beating in a fetus at 26 days. Scientific fact, it has already been proven that the brain waves are functioning in a fetus at 41 days. Most women in this country have barely recognized conception by the time those two scientific facts have been made available.

Number two. This was offered to the committee. The committee chose not to put it in its mark. So it is not that we did not approach the committee, we did in good faith, attempting to put this in the committee's mark.

The gentlewoman makes a good point that there were not hearings on it. There do not need to be hearings on this issue in this country. We do not need to have a hearing, because the hearing is going to go back to the same issue, is it right to take an unborn life or not. Is it right? I mean, that is what it will all filter down to. My opinion, and that of a large number of this country and the majority of this body, is it is not right to take an unborn life. Scientific evidence now shows, without a doubt, that life is present at least at 41 days.

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

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

Ms. KAPTUR. Mr. Chairman, I just want to say for purposes of the record, this Member believes that life begins at conception. St. Augustine may not agree with me. The author of the amendment may not agree with me. We each make those decisions on our own. However, I would say to the gentleman that as far as the procedures we follow on committee, no one came to our staff, I as ranking member, and our legislative people, regarding this particular amendment. It is extremely complicated. Had I known, we would have asked for special hearings on this amendment. But I would say with all due respect to the gentleman, we were never afforded the opportunity to consider this. We did not know this was going to come up until just yesterday.

Mr. GALLEGLY. Reclaiming my time, Mr. Chairman, I would yield again to the gentleman from Oklahoma.

Mr. COBURN. To the gentlewoman from Ohio, I appreciate and I am sorry that she was not made aware of that. This was given to the committee, majority committee staff.

Finally, I too believe that life begins at conception. But I know what the Supreme Court said, is they do not know when life begins. But we know life is present at 26 days. We know it. There is no doubt about it. Science has proven that by our very definition of death in this country. We say that you are dead when you do not have brain waves and you do not have a heartbeat. If you are dead, then if you have those two things, you have got to be alive. Otherwise, the definition of death is out the window in this country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important issue. As an advocate for women's choice, I must strongly oppose this amendment. Mr. COBURN's amendment will prohibit the FDA from testing, developing, or approving any drug that induces an abortion. However, Mr. Chairman, this debate is not about Mifepristone or abortion. It is about the FDA's ability to test, research, and approve any drug based on sound scientific evidence. Reproductive health drugs should be subject to the FDA's strict science based requirements that any drug must meet before approval can be granted. These drugs should not be singled out simply because they are reproductive health drugs. Mifepristone, a drug which has been available to women in Europe for 20 years was found safe and effective for early medical abortion by the FDA in 1986. The search, however for an appropriate American manufacturer and distributor is being stymied by anti choice extremists whose opposition to abortion has led to a climate of intimidation and harassment. This amendment would not only prohibit development and testing of drugs to be used to provide women another safe and private reproductive choice, it also would target new contraceptive development. Mr. Chairman, I strongly oppose this amendment and I urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

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

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

The CHAIRMAN. Pursuant to House Resolution 482, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

Mr. SKEEN. 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. TIAHRT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 2676, INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998

Mr. ARCHER submitted the following conference report and statement on the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–599)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; WAIVER OF ESTIMATED TAX PENALTIES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Internal Revenue Service Restructuring and Reform Act of 1998''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) WAIVER OF ESTIMATED TAX PENALTIES.—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 with respect to any underpayment of an installment required to be paid on or before the 30th day after the date of the enactment of this Act to the extent such underpayment was created or increased by any provision of this Act.

(d) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; waiver of estimated tax penalties; table of contents.

TITLE I—REORGANIZATION OF STRUCTURE AND MANAGEMENT OF THE INTERNAL REVENUE SERVICE

Subtitle A—Reorganization of the Internal Revenue Service

Sec. 1001. Reorganization of the internal revenue service.
Sec. 1002. IRS mission to focus on taxpayers' needs.

Subtitle B—Executive Branch Governance and Senior Management

Sec. 1101. Internal Revenue Service Oversight Board.
Sec. 1102. Commissioner of Internal Revenue; other officials.
Sec. 1103. Treasury Inspector General for Tax Administration.
Sec. 1104. Other personnel.
Sec. 1105. Prohibition on executive branch influence over taxpayer audits and other investigations.

Subtitle C—Personnel Flexibilities

Sec. 1201. Improvements in personnel flexibilities.
Sec. 1202. Voluntary separation incentive payments.
Sec. 1203. Termination of employment for misconduct.
Sec. 1204. Basis for evaluation of Internal Revenue Service employees.
Sec. 1205. Employee training program.

TITLE II—ELECTRONIC FILING

Sec. 2001. Electronic filing of tax and information returns.
Sec. 2002. Due date for certain information returns.
Sec. 2003. Paperless electronic filing.