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Possible Amendments to the FY 2005 Agriculture Appropriations, Part I

The following are potential amendments (in alphabetical order) that were printed in the Congressional Record, which have been shared with the RSC, or which may be offered according to the Republican Conference.

Under an open rule, new amendments may be offered without notice.

Reps. Bono/Hooley. The amendment would implement mandatory Country of Origin labeling on September 30, 2004.

Reps. Blumenauer/Tancredo. The amendment would provide $1.2 million to the Office of Inspector General to focus on animal fighting cases. According to the sponsor's description, it will help deter illegal cockfighting and dogfighting activities across state lines since there will be some threat of federal prosecution. While the amendment, technically has no budgetary effect, this type of amendment is often used for a Member to indicate an earmark in the Committee Report or to take time on the House floor to make some point. The amendment reads: Page 8, line 6, after the first dollar amount insert the following: "(reduced by $1,200,000)(increased by $1,200,000)".

Reps. Chabot/Royce. The amendment would eliminate the Market Access Program (MAP), a subsidy designed to help corporations expand markets oversees. According to the sponsor's description, MAP gives away tens of millions of taxpayer dollars to industry associations to market their products overseas annually.

Rep. Flake. The amendment prohibits the funding of salaries of those Department employees who would administer a taxpayer-funded tobacco buyout, such as the $9.6 billion buyout recently authorized in the FSC/ETI bill. The amendment reads:

> SEC. 7__. None of the funds made available by this Act may be used to pay the salaries and expenses of employees of the Department of Agriculture who make payments from any appropriated funds to tobacco quota holders or producers of quota tobacco pursuant to any law enacted after July 1, 2004, terminating tobacco marketing quotas under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 and related price support under sections 106, 106A, and 106B of the Agricultural Act of 1949.

Rep. Hefley. The amendment reduces Agriculture Appropriations bill by 1%.

Rep. Kaptur. The amendment provides $6 million for the Farmers Market Promotion Program. This program was authorized by the 2002 but has never been funded. The amendment reduces funding for the "Common Computing Environment" (an initiative to modernize the Department's computer system funded at $120.957 million in the bill) by $6 million.

Rep. Tiahrt. According to the sponsor, the amendment would restrict all travel funds of USDA employees who work in Washington, DC, until the Agriculture Secretary implements a voluntary program for beef slaughtering establishments to test for Bovine Spongiform Encephalopathy (Mad Cow Disease). **(This amendment should be subject to a point of order.)**

Rep. Wu. The amendment reduces by $500,000 the funding for the rental payments of agriculture buildings and facilities (which is funded in the bill at $165.885 million), and increases funding for the Animal and Plant Health Inspection Services Salaries and Expenses (which is funded in the bill at $808.823 million).

Reps. Maloney/Waxman. (This amendment is still being studied, as additional information becomes available, it will be provided to RSC offices.) Inserts at the end of the bill the following:

> SEC. 759. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive **that is determined to be safe and effective for use without the supervision of a practitioner** licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act (emphasis added).

The Maloney Amendment appears to have no effect on current law and merely restates current FDA law and policy regarding prescription drugs and over-the-counter drugs. Oral contraceptives as a class of drugs are only available by prescription. In the US, currently there are no oral contraceptives approved to be sold over-the-counter. Among other things, in order to qualify for over the counter status a drug must:

1) be proven safe and effective for use without a doctor's supervision and
2) must have an easily understood label.

On May 7, 2004, the FDA rejected an over-the-counter application for the morning-after pill because "…we have concluded that you have **not provided** adequate data **to support a conclusion that Plan B can be used safely by young adolescent women for emergency contraception without the professional supervision** of a practitioner licensed by law to administer the drug" (emphasis added). In other words, the petitioners for OTC status could not prove #1 above, that the drug was safe and effective without a doctor's supervision, and the FDA rejected their petition.

Source: FDA Non-Approvable Letter, http://www.fda.gov/cder/drug/infopage/planB/planB_NALetter.pdf

The Maloney amendment says no funds may be used to keep a contraception drug as prescription-only **if** it has been determined to be safe and effective without a doctor's supervision. **There is not an oral contraceptive that has been determined to be safe and effective without a doctor's supervision.**

Therefore, the Maloney amendment would not change the current status of any contraceptive drug. If, in the future and during FY05, a contraceptive drug was found to be safe and effective without a doctor's supervision, then the Maloney amendment would prevent FDA personnel from restricting such a drug to prescription only. But since no drug has been deemed to fit this status, the Maloney amendment only prohibits a hypothetical situation and thus has no current effect on the FDA.

Note: The sponsor is claiming this amendment deals with the morning-after pill (what she likely will call "emergency contraception"). The FDA recently rejected an application to switch the morning-after pill to over-the-counter status because it could not be proven safe and effective for teen use without a doctor's supervision. The FDA followed the law on the decision and the law is in accordance with the Maloney amendment. This drug was specifically rejected as over-the-counter because it was deemed unsafe, or could not be proven safe.

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