

Mr. HASTINGS of Florida changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MCCARTHY OF MISSOURI. MR. SPEAKER, ON ROLL CALL NO. 187, I WAS UNAVOIDABLY DETAINED. HAD I BEEN PRESENT, I WOULD HAVE VOTED "NO."

AMENDMENT TO RULE ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998 CONFERENCE REPORT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, there is some concern over understanding the rule that we are about to take up. I just want to put the House on notice that at the end of my remarks, or during the debate on the rule, that I will be putting back into the bill an unfunded mandate that was removed. I personally oppose unfunded mandates and I will argue against it, but the House will have an opportunity to vote on it.

So at some point I would be offering a manager's amendment, that at the appropriate time I would offer an amendment to the rule ensuring that the offset for crop insurance and for food stamps for legal aliens is going to be in the bill. There would be a vote on whether or not to take that out.

DISPOSING OF CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 446 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 446

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes. All points of order against the conference report (except those arising under clause 3 of rule XXVIII and predicated on provisions in subtitle A of title V) and against its consideration (except those arising under section 425 of the Congressional Budget Act of 1974) are waived. If a point of order against the conference report for failure to comply with clause 3 of rule XXVIII is sustained, the conference report shall be considered as rejected and the pending question shall be, without intervention of any point of order, whether the House shall recede from its amendment and agree to an amendment to the Senate bill consisting of the text of the conference

report, modified by striking subtitle A of title V. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SOLOMON) is recognized for one hour.

□ 1000

Mr. SOLOMON. Mr. Speaker, for the purposes of the of debate only, I yield 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I might consume. All time yielded is for purposes of debate only.

This rule waives all points of order against the conference report, except for two. First, the rule will allow points of order for violations of the Unfunded Mandate Reform Act. The Congressional Budget Office has already determined that the conference report contains unfunded mandates to the tune of hundreds of millions of dollars; in my own State of New York, in this letter from Governor George Pataki, several hundred million dollars alone which will have to be passed on to local property taxpayers in the State of New York.

Now, before consideration of the conference report, any Member may make a point of order that it contains an unfunded mandate, and at some point in a few minutes I will move to put back in the unfunded mandate that was inadvertently removed from the bill, even though I oppose it and I will raise a point of order to strike out the unfunded mandate that we have just put back in. However, that would require a 20 minute debate and a vote, so that everybody understands they will have that opportunity to vote on whether to proceed with an unfunded mandate. That will be the pay-for for crop insurance and food stamps for legal aliens and other categories.

The second point of order against the conference report permitted by this rule is for the violation of scope of conference rule. This rule prohibits the conferees from adding material in the conference which was not considered in either the House or the Senate, and here we are talking about an \$800 million expenditure for food stamps for legal aliens, for refugees, for a group of Indians, for a group of people coming out of Laos and Cambodia, and a number of other people. In this case, the conference report contains several provisions which are beyond the scope of the conference.

Under the rule, the point of order is specifically allowed against the part of the conference report, again, which provides \$800 million for food stamps for certain noncitizens, in subtitle A of Title V.

Mr. Speaker, the conference report is available on both sides of the aisle, and if my colleagues want to know what they are voting on as far as the food stamps are concerned, they need to

look up subtitle A of Title V, and it is a very brief description of who is qualified in this bill.

If this point of order is sustained by the Chair, technically the conference report falls, and the rule then provides that the pending question will be whether to agree to an amendment consisting of everything that was in the conference report except the money for food stamps for certain noncitizens.

Mr. Speaker, this conference report contains numerous violations of House rules, and these are major issues that were put into this bill after it left both the House and the Senate. There are multiple points of order which would be available to the Members of the House if this agreement were to be brought up under the privileged status which conference reports theoretically enjoy in the House.

Now, Mr. Speaker, this conference report was filed on April 27 and it has languished on this calendar since. It was presented to the Committee on Rules yesterday, and the managers on the part of the House requested a rule waiving all points of order against the conference report and against its consideration.

Among the many points of order which could be made against this conference report are as follows:

Clause 3 of rule 28, prohibiting matters which extend beyond the scope of the conference.

Clause 4 of rule 28, prohibiting non-germane Senate material, an example of which is section 226(f), the redistribution of funds under the matching funds requirement for research and extension activities at 1890 institutions.

Clause 2 of rule 20, so we can see how complicated this is, which prohibits consideration of Senate amendments which would violate clause 2 of Rule XXI, which in turn prohibits appropriations on an authorizing measure, which includes many, many, many, many, many provisions. So we are breaking the rules of our House by going ahead today with this.

Now, some of these are: Section 252, which is the Fund for Rural America; Title IV, miscellaneous fees; various nutrition programs in the bill; and the National Organic Certification Fees, and it goes on and on and on. I am just trying to point out to my colleagues, all of these things were added to this bill after it left both houses, so none of us have any idea of what is in this bill, including me.

Section 303 of the Congressional Budget Act, which prohibits consideration of legislation creating new budgetary authority in a fiscal year before passage of the budget resolution. That is in here. This new budget authority is largely contained in the food stamps title.

The conference report also contains legislative provisions in the jurisdiction of other House committees, including the Committee on Resources and the Committee on Appropriations, and the Committee on Appropriations