



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, MONDAY, MARCH 31, 2003

No. 51

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 31, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

COCKFIGHTING

Mr. BLUMENAUER. Mr. Speaker, I rise today on an issue that I have addressed in this Chamber on a number of occasions, cockfighting. But today I am here not to reiterate the case against this despicable and barbaric practice but to draw attention to a gross misuse of tax dollars of hardworking Americans whose funds are being quietly handed off by the Department of Agriculture to illegal cockfighters.

In October, the Federal Government learned of an outbreak in southern

California of Exotic Newcastle Disease which does not appear to threaten people but which is deadly to birds. Though not yet identified for certain, it appears that illegal cockfighters are responsible. Fighting roosters from Mexico, where there has been an outbreak of Exotic Newcastle, have moved illegally into California. The imprint of the disease in Mexico is nearly identical to the imprint of the disease now spreading throughout the American Southwest.

Since the outbreak occurred 6 months ago in the United States, the disease has spread rapidly. First discovered in Los Angeles County, it has spread throughout southern California and into Arizona and Nevada. There are now eight affected counties in California, and experts predict that more counties will soon be hit as the disease marches north. All movements of live birds have been halted in the quarantine area and all poultry shows have been canceled throughout the entire State. In an effort to contain the disease, the U.S. Department of Agriculture and State agriculture departments have ordered many bird flocks depopulated if any bird in a flock has been diagnosed with the infection. State and Federal authorities have killed more than 3.2 million birds, including pet birds, poultry and egg-laying hens from commercial flocks, fighting roosters and other birds. Thus far, Federal authorities have spent \$65 million and cost estimates may climb to \$250 to \$500 million before the disease runs its course. The last time there was a major outbreak of Exotic Newcastle Disease in California, it cost taxpayers and agriculture an immense impact.

During the course of the containment exercise, agricultural officials have been staggered by the scope of the illegal cockfighting operations they have stumbled upon. There are some observers who say that there are 50,000 game-

cock operations in southern California alone. USDA officials, according to news sources, have said that fully one-third of the flocks that they have depopulated are gamecock operations. Under California law, it is illegal to possess birds for fighting purposes. But the USDA is providing millions in compensation to illegal cockfighters whose birds have been ordered killed. According to the Bakersfield Californian and other newspapers, some individuals are being paid up to \$1,800 per fighting rooster.

Mr. Speaker, this is a scandal, a gross and irresponsible use of tax dollars. Our Federal Government is paying top-dollar black-market prices for live contraband. If there was an outbreak of plant disease, would we be compensating marijuana growers for the destruction of their crops? Let me repeat, under State law it is illegal to possess birds for fighting. Under the provisions of an amendment I sponsored last year with the gentleman from Colorado (Mr. TANCREDO), it will soon be illegal under Federal law to move any fighting birds to or from any State or territory in the United States. In short, there is no legitimate reason for individuals to possess birds for fighting purposes. But they are being remunerated. These people are organized criminals and we should not be squandering the tax dollars of hardworking Americans by making compensation payments to them. These people should not be paid off. They should be prosecuted under State and Federal law.

It is indeed ironic that the Federal Government is paying cockfighters more than it is paying pet owners, poultry growers, and other individuals who legitimately possess birds in southern California. At a time when we are making so many difficult choices with Federal expenditures, when we have a war to pay for, when we have a soaring deficit, when we are not funding critical environmental programs in

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H2475

agriculture, the farmland protection bill, wetland reserves program, wildlife habitat incentives program, the conservation security program, the environmental quality investment program, these critical programs to protect the environment and American agriculture, we do not have money to fund them adequately, but we are paying out millions to illegal cockfighters. This should not happen, and I want this body to join me for an accounting by the Department of Agriculture of what is happening on the ground in California, Arizona, Nevada, and throughout the Southwest.

Mr. Speaker, soon several colleagues and I will be introducing legislation to strengthen penalties for violations of Federal anti-animal fighting law. These are the same provisions that were passed by both the House and the Senate last year in the ag bill but were inexplicably stripped away in the conference committee. Now is the time to restore the penalties already approved by both Chambers. I hope that the Secretary of Agriculture will actively support this change in law. Adequate enforcement of Federal anti-animal fighting provisions is not only needed to stop the cruelty associated with animal fighting, but it is needed to prevent future outbreaks of Exotic Newcastle Disease. I hope that even those who are unmoved by the cruelty of animal fighting will recognize the threat that this industry poses to mainstream agriculture and to the American taxpayer.

SMALLPOX VACCINE BILL OPPOSED BY FIRST RESPONDERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, today we will vote on H.R. 1463, legislation to establish a smallpox vaccination compensation program. Today's vote should not be partisan. This bill is supposed to respond to concerns raised by nurses, firefighters, police officers, EMTs and other first responders; but nurses, firefighters, and other first responders oppose this bill. The bill is supposed to increase the number of first responders who voluntarily receive a smallpox vaccine.

The bioterrorism experts who helped put together the smallpox vaccine program say H.R. 1463 simply will not work. It will not improve participation rates. So the choice that both Republicans and Democratic Members of Congress face is whether to dismiss the concerns of first responders, ignore the advice of bioterrorism experts and vote for this bill anyway because the Republican leadership wants us to. In other words, do as we are told, don't do what is right.

There have been no hearings on this legislation and no opportunities for Members on either side to offer amend-

ments intended to improve the legislation. This bill was introduced on Friday and it is on the floor today. Only a handful of Members had a say on this bill. No one else. No firefighters, no police officers, no teachers, no EMTs, no nurses. We are being told to take it or leave it.

The fundamental question is, have Members of Congress become so far removed from the people we represent that we would pass a bill opposed by the very men and women it is supposed to protect? Do we in Congress think we know better than bioterrorism experts when it comes to bioterrorism preparedness?

Protecting first responders and their families in the event of a vaccine injury and increasing vaccine participation rates are important objectives. They are time-sensitive objectives. The national smallpox vaccination program is already underway and participation is lagging far, far behind the goal set by the administration. Twenty-five thousand people have been vaccinated, less than 5 percent of the March 1 benchmark. The experts tell us the bill will not jump-start the smallpox vaccine program, so it will not enhance our bioterrorism preparedness.

Congress should not be wasting valuable time enacting the wrong bill, particularly when our Nation's ability to respond to bioterrorism is at stake. Nor should Members of either side of the aisle support legislation that is unapologetically dismissive of the very people it is intended to protect: the nurses, the firefighters, the police officers, people who voluntarily place themselves at personal risk. Public health experts and first responders tell us this bill falls short in fundamental ways.

Funding for the program is not guaranteed. A linchpin in any compensation program is guaranteed funding. Without it, the program itself is suspect. The incidence, to be sure, of smallpox vaccine injury is rare. However, in the event a serious injury occurs, volunteers may be out of work for an extended period of time or, in some tragic cases, permanently. We are asking first responders to volunteer for the smallpox vaccine on our behalf as citizens. We have a compelling obligation to protect these volunteers and their families in the rare event of a vaccine injury. It is indefensible to shortchange those police officers, nurses and firefighter volunteers, those who have volunteered for the smallpox vaccine.

The compensation is neither flexible nor adequate. H.R. 1463 invokes a one-size-fits-all cap that would provide, at maximum, a few years' worth of wages, even for a permanent disabling injury. For the compensation program to work, covered injuries must be defined. To meet the goals of efficiency, timeliness, fairness, and program integrity, the compensation program must be backed by an injury table. This bill is not.

Finally, responsible administration of any vaccine program requires education, prescreening, as we found out tragically in four cases, and surveillance. H.R. 1463 ignores these costs, jeopardizing the future of the program and, more importantly, jeopardizing the future health of many of these volunteers, these nurses, these firefighters, these EMTs, these police officers.

Bioterrorism preparedness is either a priority or it is not. H.R. 1463 is a token response, and barely that. Our nurses, our firefighters, our police officers, our EMTs and our other first responders deserve better. That is why they oppose this bill. They want Congress to sit down with all the first responders at the table, all of us, discuss this bill and write legislation that will make the smallpox vaccine program work.

SMALLPOX VACCINE COMPENSATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Mrs. CAPPs) is recognized during morning hour debates for 5 minutes.

Mrs. CAPPs. Mr. Speaker, what an honor it is for me to follow after my esteemed colleague from Ohio, the ranking member of the subcommittee that I am also a member on, where we would have very much appreciated being able to debate and discuss this legislation before we find it today on the suspension calendar.

Later today, we will take up the legislation and will be addressing the matter of smallpox vaccine compensation. It goes without saying that during the past week, with tragic incidents of death as a result, some serious concerns have been raised about the safety of this vaccine. These incidents speak even more forcefully for the need to do more research, find more information, and provide more screening about the smallpox vaccine. But if the administration insists that America's nurses, firefighters, and other first responders must be vaccinated against this disease to provide a protection, a bioterrorism protection shield, then now more than ever it is critical that we provide the peace of mind that these first responders need. Our first responders must know that in the event of an adverse or even fatal reaction, their needs and the needs of their families will be taken care of.

The overall goal of the administration is to make sure we are prepared for a possible outbreak of smallpox as part of a terrorist attack.

□ 1245

But this initiative is failing. These medical and public safety professionals know very well the risks of this disease and the vaccine, and few have been

willing to step up and take it. Understandably, they want to know that they and their loved ones will be taken care of in case something goes wrong. It is not a lot to ask, but they do not at this moment have that assurance, and these recent tragic cases show that their concerns are not unfounded.

The bottom line remains that we must pass a fair compensation plan in order to make the smallpox vaccine program more attractive and palliative to those who are asked to be first responders and to take this protection. That is the goal of all of us in the House today.

The Institute of Medicine has reported that the absence of such a plan is a major barrier to an effective vaccine program; but the bill that is on the floor today is not going to give nurses, firefighters, and other first responders the assurances that they need to be vaccinated. It imposes unfair caps on lost wage reimbursements. It does not guarantee that the promises in the bill will be funded. And it will not work.

First responders in our communities have spoken clearly. In fact, a few hours ago we stood together on Capitol Hill as they told us what plan will work. The House of Representatives needs to listen to these people. The nurses are my colleagues. I served with them on the front lines for over 2 decades in my community in Santa Barbara, California. They tell me that the House should reject this bill. We should pass this legislation that the gentleman from California (Mr. WAXMAN) and I have crafted with our colleagues and with our first responders' input, again, the goal being that the President wants our first responders to be prepared in the event of a smallpox attack, and we want to help them. But this bill and the efforts to block alternative proposals are simply making our nurses, our firefighters, and our other first responders feel even more uncomfortable about stepping up and volunteering to take this vaccine.

The bill before us today provides a \$262,000 lifetime cap at \$50,000 per year. This could perhaps in some instances last only 5 years. Consider this: as someone who perhaps is the bread earner for their family, perhaps the sole support for their children, who weighs this compensation package against the risks, albeit small, but if they are, they could be devastating, and to know that is the bottom line that is going to be offered under this legislation and with that no guarantee that the funding will be there year after year as more and more first responders are asked to take this extra step.

As a contrast, our alternative provides nurses and first responders with the confidence they need because it guarantees that the funding will be there for them. If it is a small number who are at risk, as the administration and as the Centers for Disease Control say, then we should be generous with these people. The alternative that we

had hoped to propose provides a compensation of up to \$75,000 per year, but with no lifetime cap, and this is the legislation that we ask that we be allowed to debate and vote on on the floor.

We ask that our colleagues reject the bill before us today and let us debate this measure in fairness to our first responders.

RECESS

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, let our trust be in Your mercy and not in ourselves. Fix our hope in Your love, not in our own strength or ability or human resources.

If we do not trust You, everything can lead to destruction, confusion and chaos. We will have only ourselves to blame. There will be nowhere to bury our failure or shame.

If we trust in You everything will become for us strength, inspiration, and be filled with meaning.

Everything will lead to another discovery of You in our midst and Your kingdom of peace and freedom at last.

Lord, do not let us deceive ourselves. Place our trust in You, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced

that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 1307. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

H. Con. Res. 95. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

The message also announced that the Senate insists upon its amendment to the concurrent resolution (H. Con. Res. 95) "A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NICKLES, Mr. DOMENICI, Mr. GRASSLEY, Mr. GREGG, Mr. CONRAD, Mr. HOLLINGS, and Mr. SARBANES to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 330. An act to further the protection and recognition of veterans' memorials, and for other purposes.

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

HONORING CHARLES T. COLE, JR.

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, no one has been more civically active in the Midlands of South Carolina than Charlie Cole, who was recently honored as the 2003 Ambassador of the Year by the Greater Columbia Chamber of Commerce.

Charlie Cole, who is the Regional President of Wachovia Bank, is passionate about business and community development. Charlie serves as chairman, on the board, or as a member of over a dozen community organizations.

Not content to just have his name on these committees, Charlie has taken an active leadership role, as he helped raise half a million dollars for the Juvenile Diabetes Research Foundation over the past year.

Charlie is a retired lieutenant colonel in the United States Army Reserves, and a dedicated elder at Eastminster Presbyterian Church. His acts of generosity and kindness have

endeared him to his neighbors, and Charlie Cole stands as a wonderful role model of community involvement.

In conclusion, God bless our troops.

RECOGNIZING CHILDHELP USA AND NATIONAL DAY OF HOPE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, each day in the United States more than three children die from abuse at the hands of a family member. Most are under the age of 6. However, there is hope. Childhelp USA is an organization that is working hard to assist victims of neglect and abuse.

Childhelp USA has many centers across the country, one of which is in Tennessee. And in November, Childhelp USA Tennessee assembled the country's first Mobile Children's Advocacy Center. For the first time it allows professional Childhelp staff to reach out to abused children in the rural parts of our State. The 40-foot mobile center is outfitted with medical exam and play therapy rooms as well as professional staff.

In conjunction with National Child Abuse Prevention Month, Childhelp has initiated the National Day of Hope to be held on Wednesday, April 2. On this day Childhelp requests that each person take 3 minutes to pause and remember that three children die each day from abuse.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1463) to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes.

The Clerk read as follows:

H.R. 1463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smallpox Emergency Personnel Protection Act of 2003".

SEC. 2. SMALLPOX EMERGENCY PERSONNEL PROTECTION.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following part:

"PART C—SMALLPOX EMERGENCY PERSONNEL PROTECTION

"SEC. 261. DEFINITIONS.

"For purposes of this part:

"(1) VACCINE.—The term 'vaccine' or 'smallpox vaccine' means vaccinia (smallpox) vaccines, including the Dryvax vaccine.

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual—

"(A) who is a health care worker, law enforcement officer, firefighter, security personnel, emergency medical personnel, other public safety personnel, or support personnel for such occupational specialties;

"(B) who is or will be functioning in a role identified in a State, local, or Department of Health and Human Services smallpox emergency response plan approved by the Secretary; and

"(C) to whom a vaccine is administered pursuant to such approved plan—

"(i) during the effective period of the Declaration (including the portion of such period before the enactment of this part); and

"(ii) not later than the latest of—

"(I) 180 days after the effective date of the initial interim final regulations implementing this part;

"(II) 120 days after becoming an individual in an occupation described in subparagraph (A); or

"(III) 120 days after becoming an individual identified as a member of a smallpox emergency response plan described in subparagraph (B).

"(3) COVERED INJURY.—The term 'covered injury' means an injury, disability, illness, condition, or death (other than a minor injury such as minor scarring or minor local reaction) determined, pursuant to the procedures established under section 262, to have been sustained by an individual as the direct result of—

"(A) administration to the individual of a vaccine during the effective period of the Declaration; or

"(B) accidental vaccinia inoculation of the individual in circumstances in which—

"(i) the vaccinia is contracted during the effective period of the Declaration or within 30 days after the end of such period;

"(ii) smallpox vaccine has not been administered to the individual; and

"(iii) the individual has resided with, or has been in contact with, an individual who is (or who was accidentally inoculated by) a covered individual.

"(4) DECLARATION.—The term 'Declaration' means the Declaration Regarding Administration of Smallpox Countermeasures issued by the Secretary on January 24, 2003, and published in the Federal Register on January 28, 2003.

"(5) EFFECTIVE PERIOD OF THE DECLARATION.—The term 'effective period of the Declaration' means the effective period specified in the Declaration, unless extended by the Secretary.

"(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is (as determined in accordance with section 262)—

"(A) a covered individual who sustains a covered injury in the manner described in paragraph (3)(A); or

"(B) an individual who sustains a covered injury in the manner described in paragraph (3)(B).

"(7) SMALLPOX EMERGENCY RESPONSE PLAN.—The term 'smallpox emergency response plan' or 'plan' means a response plan detailing actions to be taken in preparation for a possible smallpox-related emergency during the period prior to the identification of an active case of smallpox either within or outside the United States.

"SEC. 262. DETERMINATION OF ELIGIBILITY AND BENEFITS.

"(a) IN GENERAL.—The Secretary shall establish procedures for determining, as applicable with respect to an individual—

"(1) whether the individual is an eligible individual;

"(2) whether an eligible individual has sustained a covered injury or injuries for which medical benefits or compensation may be available under sections 264 and 265, and the amount of such benefits or compensation;

"(3) whether the covered injury or injuries of an eligible individual constitute a compensable disability, or caused the individual's death, for purposes of benefits under section 266.

"(b) COVERED INDIVIDUALS.—The Secretary may accept a certification, by a Federal, State, or local government entity or private health care entity participating in the administration of covered countermeasures under the Declaration, that an individual is a covered individual.

"(c) CRITERIA FOR REIMBURSEMENT.—

"(1) INJURIES SPECIFIED IN INJURY TABLE.—In any case where an injury or other adverse effect specified in the injury table established under section 263 as a known effect of a vaccine manifests in an individual within the time period specified in such table, such injury or other effect shall be presumed to have resulted from administration of such vaccine.

"(2) OTHER DETERMINATIONS.—In making determinations other than those described in paragraph (1) as to the causation or severity of an injury, the Secretary shall employ a preponderance of the evidence standard and take into consideration all relevant medical and scientific evidence presented for consideration, and may obtain and consider the views of qualified medical experts.

"(d) DEADLINE FOR FILING REQUEST.—The Secretary shall not consider any request for a benefit under this part with respect to an individual, unless—

"(1) in the case of a request based on the administration of the vaccine to the individual, the individual provides notice to the Secretary of an adverse effect of the vaccination not later than one year after the date of administration of the vaccine; or

"(2) in the case of a request based on accidental vaccinia inoculation, the individual provides notice to the Secretary of an adverse effect of such vaccination not later than two years after the date of the first symptom or manifestation of onset of the adverse effect.

"(e) REVIEW OF DETERMINATION.—

"(1) SECRETARY'S REVIEW AUTHORITY.—The Secretary may review a determination under this section at any time on the Secretary's own motion or on application, and may affirm, vacate, or modify such determination in any manner the Secretary deems appropriate.

"(2) JUDICIAL AND ADMINISTRATIVE REVIEW.—No court of the United States, or of any State, District, territory or possession thereof, shall have subject matter jurisdiction to review, whether by mandamus or otherwise, any action by the Secretary under this section. No officer or employee of the United States shall review any action by the Secretary under this section (unless the President specifically directs otherwise).

"SEC. 263. SMALLPOX VACCINE INJURY TABLE.

"(a) SMALLPOX VACCINE INJURY TABLE.—

"(1) ESTABLISHMENT REQUIRED.—The Secretary shall establish by interim final regulation a table identifying adverse effects (including injuries, disabilities, illnesses, conditions, and deaths) that shall be presumed to

result from the administration of (or exposure to) a smallpox vaccine, and the time period in which the first symptom or manifestation of onset of each such adverse effect must manifest in order for such presumption to apply.

“(2) AMENDMENTS.—The Secretary may amend by regulation the table established under paragraph (1). Amendments shall apply retroactively to claims pending at the time of promulgation of final amending regulations and to claims filed subsequently. If the effect of such amendment is to permit an individual who was not, before such amendment, eligible for compensation under this part, such individual may file a request for compensation or file an amended request for such compensation not later than one year after the effective date of such amendment in the case of an individual to whom the vaccine was administered and two years in the case of a request for compensation based on accidental vaccinia inoculation.

“SEC. 264. MEDICAL BENEFITS.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall make payment or reimbursement for medical items and services as reasonable and necessary to treat a covered injury of an eligible individual. The Secretary may consider the Federal Employees Compensation Act (5 U.S.C. 8103) and its implementing regulations in determining the amount of such payment and the circumstances under which such payments are reasonable and appropriate.

“(b) BENEFITS SECONDARY TO OTHER COVERAGE.—Payment or reimbursement for services or benefits under subsection (a) shall be secondary to any obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer) under any other provision of law or contractual agreement, to pay for or provide such services or benefits. The Secretary shall have the discretion to establish mechanisms and procedures for providing the secondary benefits under this section.

“SEC. 265. COMPENSATION FOR LOST EMPLOYMENT INCOME.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall provide compensation to an eligible individual for loss of employment income incurred as a result of a covered injury, at the rate specified in subsection (b).

“(b) AMOUNT OF COMPENSATION.—

“(1) IN GENERAL.—Compensation under this section shall be at the rate of 66 2/3 percent of monthly employment income, except that such percentage shall be 75 percent in the case of an individual who has one or more dependents. The Secretary may consider the Federal Employees Compensation Act (5 U.S.C. 8114 and 8115) and its implementing regulations in determining the amount of such payment and the circumstances under which such payments are reasonable and appropriate.

“(2) TREATMENT OF SELF-EMPLOYMENT INCOME.—For purposes of this section, the term ‘employment income’ includes income from self-employment.

“(c) LIMITATIONS.—

“(1) BENEFITS SECONDARY TO OTHER COVERAGE.—Any compensation under subsection (a) shall be secondary to the obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer), under any other law or contractual agreement, to pay compensation for loss of employment income and shall not be made to the extent that compensation for loss of employment income has been made under such other obligations in an amount that equals

or exceeds the rate specified in subsection (b)(1).

“(2) NO BENEFITS FOR DEATH OR PERMANENT AND TOTAL DISABILITY.—No payment shall be made under this section in compensation for loss of employment income subsequent to the receipt by an eligible individual (or his survivor or survivors) of benefits under section 266 for death or permanent and total disability.

“(3) LIMIT ON TOTAL BENEFITS.—Total benefits paid to an individual under this section shall not exceed \$50,000 for any year, and the lifetime total of such benefits for the individual may not exceed an amount equal to the amount authorized to be paid under section 266.

“(4) WAITING PERIOD.—An eligible individual shall not be provided compensation under this section for the first 5 work days of disability.

“SEC. 266. PAYMENT FOR DEATH AND PERMANENT, TOTAL DISABILITY.

“(a) BENEFIT FOR PERMANENT AND TOTAL DISABILITY.—The Secretary shall pay to an eligible individual who is determined to have a covered injury or injuries meeting the definition of disability in section 216(i) of the Social Security Act (42 U.S.C. 416(i)) an amount determined under subsection (c), in the same manner as disability benefits are paid pursuant to the PSOB program in section 1201(b) of the OCCSSA with respect to an eligible public safety officer (except that payment shall be made to the parent or legal guardian, in the case of an eligible individual who is a minor or is subject to legal guardianship).

“(b) DEATH BENEFIT.—The Secretary shall pay, in the case of an eligible individual whose death is determined to have resulted from a covered injury or injuries, a death benefit in the amount determined under subsection (c) to the survivor or survivors in the same manner as death benefits are paid pursuant to PSOB program in section 1201 of the OCCSSA with respect to an eligible deceased (except that in the case of an eligible individual who is a minor with no living parent, the legal guardian shall be considered the survivor in the place of the parent).

“(c) BENEFIT AMOUNT.—

“(1) IN GENERAL.—The amount of the disability or death benefit under subsection (a) or (b) in a fiscal year shall equal the amount of the comparable benefit calculated under the PSOB in such fiscal year, without regard to any reduction attributable to a limitation on appropriations, but subject to paragraph (2).

“(2) REDUCTION FOR PAYMENTS FOR LOST EMPLOYMENT INCOME.—The amount of the benefit as determined under paragraph (1) shall be reduced by the total amount of any benefits paid under section 265 with respect to lost employment income.

“(d) BENEFIT IN ADDITION TO MEDICAL BENEFITS.—A benefit under this section shall be in addition to any amounts received by an eligible individual under section 264.

“(e) LIMITATIONS.—

“(1) DISABILITY BENEFITS.—Except as provided in paragraph (3), no benefit is payable under subsection (a) with respect to the disability of an eligible individual if—

“(A) a disability benefit is paid or payable with respect to such individual under the PSOB; or

“(B) a death benefit is paid or payable with respect to such individual under subsection (b) or the PSOB.

“(2) DEATH BENEFITS.—No benefit is payable under subsection (b) with respect to the death of an eligible individual if—

“(A) a disability benefit is paid with respect to such individual under subsection (a) or the PSOB; or

“(B) a death benefit is paid or payable with respect to such individual under the PSOB.

“(3) EXCEPTION IN THE CASE OF A LIMITATION ON APPROPRIATIONS FOR DISABILITY BENEFITS UNDER PSOB.—In the event that disability benefits available to an eligible individual under the PSOB program are reduced because of a limitation on appropriations, and such reduction would affect the amount that would be payable under paragraph (1) or (2) without regard to this paragraph, benefits shall be available under subsection (a) or (b) to the extent necessary to ensure that such individual (or his survivor or survivors) receives a total amount equal to the amount described in subsection (c).

“(f) REFERENCES.—References in this section—

“(1) to the Public Safety Officers' Benefits Program or PSOB are references to the program under part L, subpart 1 of title I of the OCCSSA; and

“(2) to the OCCSSA are to the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.).

“SEC. 267. ADMINISTRATION.

“(a) ADMINISTRATION BY AGREEMENT WITH OTHER AGENCY OR AGENCIES.—The Secretary may administer any or all of the provisions of this part through Memorandum of Agreement with the head of any appropriate Federal agency.

“(b) REGULATIONS.—The head of the agency administering this part or provisions thereof (including any agency head administering such Act or provisions through a Memorandum of Agreement under subsection (a)) may promulgate such implementing regulations as may be found necessary and appropriate. Initial implementing regulations may be interim final regulations.

“SEC. 268. PARTICIPANT EDUCATION REGARDING SMALLPOX EMERGENCY RESPONSE PLANS.

“In reviewing State, local, or Department of Health and Human Services smallpox emergency response plans described in section 261, the Secretary shall ensure that such plans are consistent with guidelines of the Centers for Disease Control and Prevention with respect to the education of individual participants (including information as to the voluntary nature of the program and the availability of potential benefits under this part), and the adequate screening of individuals for vaccine contraindications.

“SEC. 269. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007, to remain available until expended, including administrative costs and costs of provision and payment of benefits. The Secretary's payment of any benefit under section 264, 265, or 266 shall be subject to the availability of appropriations under this section.

“SEC. 270. RELATIONSHIP TO OTHER LAWS.

“Except as explicitly provided herein, nothing in this part shall be construed to override or limit any rights an individual may have to seek compensation, benefits, or redress under any other provision of Federal or State law.”

SEC. 3. AMENDMENTS TO PROVISION REGARDING TORT LIABILITY FOR ADMINISTRATION OF SMALLPOX COUNTERMEASURES.

(a) AMENDMENT TO ACCIDENTAL VACCINIA INOCULATION PROVISION.—Section 224(p)(2)(C)(ii)(II) of such Act (42 U.S.C. 233(p)(2)(C)(ii)(II)) is amended by striking “resides or has resided with” and inserting “has resided with, or has had contact with.”

(b) DEEMING ACTS AND OMISSIONS TO BE WITHIN SCOPE OF EMPLOYMENT.—Section 224(p)(2) of such Act (42 U.S.C. 233(p)(2)) is amended by adding at the end the following new subparagraph:

“(D) ACTS AND OMISSIONS DEEMED TO BE WITHIN SCOPE OF EMPLOYMENT.—

“(i) IN GENERAL.—In the case of a claim arising out of alleged transmission of vaccinia from an individual described in clause (ii), acts or omissions by such individual shall be deemed to have been taken within the scope of such individual’s office or employment for purposes of—

“(I) subsection (a); and

“(II) section 1346(b) and chapter 171 of title 28, United States Code.

“(ii) INDIVIDUALS TO WHOM DEEMING APPLIES.—An individual is described by this clause if—

“(I) vaccinia vaccine was administered to such individual as provided by subparagraph (B); and

“(II) such individual was within a category of individuals covered by a declaration under subparagraph (A)(i).”.

(c) EXHAUSTION; EXCLUSIVITY; OFFSET.—Section 224(p)(3) of such Act (42 U.S.C. 233(p)(3)) is amended to read as follows:

“(3) EXHAUSTION; EXCLUSIVITY; OFFSET.—

“(A) EXHAUSTION.—

“(i) IN GENERAL.—A person may not bring a claim under this subsection unless such person has received a determination about remedies available under section 262.

“(ii) TOLLING OF STATUTE OF LIMITATIONS.—The time limit for filing a claim under this subsection, or for filing an action based on such claim, shall be tolled during the pendency of a determination by the Secretary under section 262.

“(iii) CONSTRUCTION.—This subsection shall not be construed as superseding or otherwise affecting the application of a requirement, under chapter 171 of title 28, United States Code, to exhaust administrative remedies.

“(B) EXCLUSIVITY.—The remedy provided by subsection (a) shall be exclusive of any other civil action or proceeding for any claim or suit this subsection encompasses, except for a proceeding under part C of this title.

“(C) OFFSET.—The value of all compensation and benefits provided under part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.”.

(d) REQUIREMENT TO COOPERATE WITH UNITED STATES.—Section 224(p)(5) of such Act (42 U.S.C. 233(p)(5)) is amended in the caption by striking “DEFENDANT” and inserting “COVERED PERSON”.

(e) AMENDMENT TO DEFINITION OF COVERED COUNTERMEASURE.—Section 224(p)(7)(A)(i)(II) of such Act (42 U.S.C. 233(p)(7)(A)(i)(II)) is amended to read as follows:

“(II) used to control or treat the adverse effects of vaccinia inoculation or of administration of another covered countermeasure; and”.

(f) AMENDMENT TO DEFINITION OF COVERED PERSON.—Section 224(p)(7)(B) of such Act (42 U.S.C. 233(p)(7)(B)) is amended—

(1) by striking “includes any person” and inserting “means a person”;

(2) in clause (ii)—

(A) by striking “auspices” and inserting “auspices—”;

(B) by redesignating “such countermeasure” and all that follows as clause (I) and indenting accordingly; and

(C) by adding at the end the following:

“(II) a determination was made as to whether, or under what circumstances, an individual should receive a covered countermeasure;

“(III) the immediate site of administration on the body of a covered countermeasure was monitored, managed, or cared for; or

“(IV) an evaluation was made of whether the administration of a countermeasure was effective;”;

(3) in clause (iii) by striking “or”;

(4) by striking clause (iv) and inserting the following:

“(iv) a State, a political subdivision of a State, or an agency or official of a State or of such a political subdivision, if such State, subdivision, agency, or official has established requirements, provided policy guidance, supplied technical or scientific advice or assistance, or otherwise supervised or administered a program with respect to administration of such countermeasures;

“(v) in the case of a claim arising out of alleged transmission of vaccinia from an individual—

“(I) the individual who allegedly transmitted the vaccinia, if vaccinia vaccine was administered to such individual as provided by paragraph (2)(B) and such individual was within a category of individuals covered by a declaration under paragraph (2)(A)(i); or

“(II) an entity that employs an individual described by clause (I) or where such individual has privileges or is otherwise authorized to provide health care;

“(vi) an official, agent, or employee of a person described in clause (i), (ii), (iii), or (iv);

“(vii) a contractor of, or a volunteer working for, a person described in clause (i), (ii), or (iv), if the contractor or volunteer performs a function for which a person described in clause (i), (ii), or (iv) is a covered person; or

“(viii) an individual who has privileges or is otherwise authorized to provide health care under the auspices of an entity described in clause (ii) or (v)(II).”.

(g) AMENDMENT TO DEFINITION OF QUALIFIED PERSON.—Section 224(p)(7)(C) of such Act (42 U.S.C. 233(p)(7)(C)) is amended—

(1) by designating “is authorized to” and all that follows as clause (i) and indenting accordingly;

(2) by striking “individual who” and inserting “individual who—”; and

(3) by striking the period and inserting “; or

“(ii) is otherwise authorized by the Secretary to administer such countermeasure.”.

(h) DEFINITION OF “ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE”.—Section 224(p)(7) of such Act (42 U.S.C. 233(p)(7)) is amended by adding at the end the following new subparagraph:

“(D) ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE.—The term ‘arising out of administration of a covered countermeasure’, when used with respect to a claim or liability, includes a claim or liability arising out of—

“(i) determining whether, or under what conditions, an individual should receive a covered countermeasure;

“(ii) obtaining informed consent of an individual to the administration of a covered countermeasure;

“(iii) monitoring, management, or care of an immediate site of administration on the body of a covered countermeasure, or evaluation of whether the administration of the countermeasure has been effective; or

“(iv) transmission of vaccinia virus by an individual to whom vaccinia vaccine was administered as provided by paragraph (2)(B).”.

(i) TECHNICAL CORRECTION.—Section 224(p)(2)(A)(ii) of such Act (42 U.S.C. 233(p)(2)(A)(ii)) is amended by striking “paragraph (8)(A)” and inserting “paragraph (7)(A)”.

(j) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Louisiana (Mr. TAUZIN) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1463.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today to urge all Members to support H.R. 1463, the Smallpox Emergency Personnel Protection Act of 2003, a critical bill introduced by the vice chairman of the Committee on Energy and Commerce, the gentleman from North Carolina (Mr. BURR).

In January of this year, our HHS Secretary Tommy Thompson called on health personnel and emergency responders from across the Nation to join smallpox emergency response teams in order to ensure that our country was better prepared to deal with any outbreak of this deadly disease caused by terrorists or rogue regimes such as Iraq. These patriots have been asked to volunteer to get the smallpox vaccine now so that they can administer the vaccine to the public should the need arise. Since then, roughly 25,000 American volunteers have indeed volunteered for this vaccine.

These health personnel and emergency responders are indeed to be saluted for their service to the country. However, we do not need tens of thousands of Americans to respond, we need hundreds of thousands, if not millions; and we need these many, many Americans, health personnel, and emergency first responders to heed the Secretary’s call.

The legislation before us today, which was requested by the administration, provides incentive for such individuals to roll up their sleeves and get a shot. The bill does a number of important things:

First, it provides for a total disability and death benefit equal to the amount payable under the Public Safety Officers Benefit, the PSOB, the existing Federal program that currently pays \$262,000 in a lump sum, indexed for inflation, to public safety officers who are killed or totally disabled in the line of duty.

Given the sacrifice that we are asking from these smallpox volunteers, a small number of whom may indeed suffer severe adverse reactions which could include death, it makes sense to provide these similar benefits.

But this bill goes further than the PSOB. It also provides coverage for all reasonable and necessary medical expenses that are incurred by individuals who are vaccinated and suffer adverse

effects, to the extent that such expenses are not picked up by their own individual primary health insurance. The bill provides also lost employment income if an individual misses more than 5 days of work due to adverse effects of the vaccine. Under this benefit, the individual could receive up to 75 percent of his monthly salary and up to \$50,000 a year in supplemental wages capped at the maximum amount of the PSO death benefit.

It is important to emphasize that the death and total disability benefits are additive to any other death or disability benefit the individual is already entitled to under Social Security, under State and local government, under employers, or under private insurance plans. And the lost wage income under this program, while secondary to other similar benefits the person may have, supplements those benefits to the extent the Federal program is more generous. For example, many States and employers have much lower annual and lifetime caps on workers' compensation benefits, which means the higher Federal figures in our bill would supplement those other benefits.

And finally, the legislation provides most sensible and noncontroversial technical amendments to last year's Homeland Security Bill to provide better liability protections to the hospitals, doctors, nurses, and public health officials at the State and local levels who we are asking to participate in this most important program.

I must say I am disappointed, however, that despite the good faith efforts on both sides of the aisle, and they have been good faith efforts, we are not able to reach a bipartisan agreement on the package. I strongly disagree that there should be any doubt as to the commitment of the administration or the commitment of the Congress to pay these benefits to injured volunteers as these bills become due.

I also disagree with the notion that the \$262,000 caps for disability and lost wages do not in fact provide a sufficient compensation package. If these caps are good enough for our public police officers and our firefighters who die in the line of duty, then I submit to you that indeed they are good enough for this program as well.

A few people have in fact died after taking the vaccine, although we do not know they died as a result of vaccine. But either way, we should not delay in establishing a compensation program that would help with these people, simply because we cannot agree right now on whether a \$262,000 figure is sufficient or not. We still need to provide, we need to move forward with this incentive to make sure people are adequately vaccinated to meet this threat.

Now, let us get the help to the people who need it now. If we find out down the road that the program is inadequate or certain respects need to be changed, we can always fix it later. This is an emergency. This will make

sure that we have the people available, ready to vaccinate all of America if, God forbid, the worst should happen and we suffer a smallpox attack.

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

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important issue, important to the health and safety of our Nation.

Recent tragedies in the health care community have underscored the need for us to address it and pass a robust compensation package for victims. The President has called for America's nurses, firefighters, and other first responders to be vaccinated against smallpox. Ensuring our frontline health care responders are resistant to smallpox would enhance our ability to respond to an attack resulting from this kind of an outbreak. But this initiative is failing, and to make the program work we need to guarantee our first responders that they and their families will be compensated if they are harmed or killed by the vaccine.

If the administration insists that these people be vaccinated against the disease, then now more than ever it is critical that we provide the peace of mind that these frontline people deserve and need. They do not want handouts. They just want to know that if something happens to them, they and their families will be taken care of. It is not too much to ask. But I can tell you that the bill before us, as it is currently drafted, will not provide that level of assurance.

Before I came to Congress I worked as a public health nurse for many years. These are my colleagues that we are speaking of. And I know what it is like to be on the front line. If you will not take my word for it, listen to the American Nurses Association. They represent the interests of 2.7 million nurses across this country, and they have heard from their members. They oppose this bill because it is insufficient to make the program work.

First, the bill before us does not guarantee that this compensation program will be funded, and without a guarantee of funding, nurses and other first responders who serve their country and become harmed by the vaccine will have no assurance that the bill's promises will be kept.

□ 1415

Second, this bill puts unfair caps on the wage compensation an injured nurse or other first responder can receive. These caps would unfairly penalize those families who lose their main source of income.

We should reject this bill; and instead, we should pass legislation such as the gentleman from California (Mr. WAXMAN) and I have crafted with our colleagues and with input with direct guidance from these first responders. Our legislation would ensure that medical benefits and the compensation in this bill are funded for years to come.

It would recognize and compensate the longer-term loss of wages that could result from such an adverse effect, and it would allow families who lose their main source of income because of the vaccine that they be fully compensated for their loss.

This bill would tell nurses that if they take this risk and serve their country that their families will not be left without resources or hope. Ultimately, the risk of adverse effects is low. Perhaps 200 people out of the 10 million that we want to vaccinate could be affected, but it is so important that we provide the assurance that if a person is one of those 200 people they will be compensated adequately.

Congress now has before it the opportunity to instill, first, confidence in our first responders and truly prepare us for the possible nightmare of a smallpox outbreak. The administration has been disappointed thus far in the turnout for the vaccine. If the wrong kind of legislation is passed, the turnout runs the risk of remaining small, thus, not meeting the goal of the administration.

If this bill before us is not effective, this is our opportunity to fix it. Let us take the time to get it right so that we can create this shield against a bioterrorist attack in the form of smallpox.

I urge my colleagues to support their first responders, to protect America from the threat of smallpox. Defeat this bill. Let us take the time to get this right.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding me the time.

Mr. Speaker, I rise today in support of this important legislation to establish a compensation program for our Nation's emergency personnel in the event they suffer complications from smallpox vaccinations. As our United States troops fight the battle for freedom in Iraq, I am pleased that Congress can contribute this important piece of legislation which has been crafted to aid in our war effort and to enhance the safety of our Nation.

The face of war is changing. While past efforts may have focused solely on the armed aggression, the new face of war includes new threats in the form of biological or chemical warfare. Our Nation's armed services are not the only ones on the front lines of this conflict, because the threat of terrorism is here in the United States. Our emergency personnel, health care workers, and first responders are also on those front lines.

Health care workers, law enforcement officers, firefighters and others across the country are currently being vaccinated for smallpox. With this vaccine, as my colleagues have heard,

come some risk of some workers having serious reactions to the vaccine. It is also possible, though unlikely, that some may suffer life-threatening complications and even death, and fittingly, this measure will provide security to these workers who put their own health at risk in order to help the American public.

This legislation provides an important backstop to ensure that workers and their families will be protected if they suffer complications from the smallpox vaccine. Workers injured in the line of duty will be compensated first by their employers and second by the United States Government. For those who may not have access to workers compensation and other employer-sponsored health care, the Federal Government will provide appropriate compensation. Even those workers who have access to employer-sponsored benefits may receive additional compensation from the smallpox fund; and as such, the bill sets a Federal floor and ensures that each worker will be adequately compensated.

Under the bill, workers who might suffer a totally disabling injury or death as a result of the vaccine will receive cash benefits consistent with the amounts of benefits paid under the Public Safety Officers Benefits Program. For workers who suffer a less serious injury, the bill provides compensation for medical expenses and the loss of employment at a rate of 66½ percent of monthly pay, and workers who have dependents will be compensated at a rate of 75 percent monthly pay; and if a worker is eligible for less compensation than the federally established level, the fund will compensate the individual at the higher Federal level.

As chairman of the Committee on Education and the Workforce, I am pleased to assist in helping my colleagues at the Committee on Energy and Commerce draft this legislation, which I believe will ensure the safety of health care workers and first responders. I am also particularly pleased because my committee has primary jurisdiction over the employer-sponsored health care and workers compensation disability programs, which would include the Federal Employee Compensation Act, which will be the primary payers of the compensation. This measure will not only help our emergency personnel and first responders but enhance the safety of our Nation as well.

I want to urge my colleagues to support this bill.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CAPPS asked and was given permission to revise and extend her remarks, and include extraneous material.)

Mrs. CAPPS. Mr. Speaker, I insert for the RECORD letters from the following groups which I have before me. These letters are written by the American Public Health Association; the

International Union of Police Associations; the American Nurses Association; the International Association of Firefighters; the American Federation of Teachers; the American Federation of State, County and Municipal Employees; the Service Employees National Union; and the Infectious Disease Society of America.

AMERICAN NURSES ASSOCIATION,

March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the American Nurses Association (ANA), I urge you to oppose the Smallpox Emergency Personnel Protection Act (H.R. 1463). This bill does not provide adequate education, prescreening, surveillance, and compensation—therefore it will not result in an increase in the number of nurses volunteering for vaccinations. As this bill will be considered under the suspension of the rules, you will be denied the opportunity to vote in favor of the Capps/Waxman substitute that ANA supports.

The ANA is the only full-service association representing the nation's RNs through our 54 state and territorial constituent member organizations. Our members are well represented in the Administration's plan to vaccinate 10.5 million health care workers and first responders.

ANA supports efforts to ensure that our nation is prepared for a possible terrorist attack. ANA has, since November 2002, been trying to work with the Administration to formulate a strong smallpox vaccination program that will encourage nurses to volunteer to be immunized. Since the Administration's plan was first announced, ANA has repeatedly raised questions about the health and safety of nurses who are vaccinated, as well as their patients and families. ANA's concerns have been echoed by many in the public health community and reinforced by an expert panel from the Institute of Medicine. Unfortunately, the Smallpox Emergency Personnel Protection Act (H.R. 1463), fails to address these questions.

The smallpox vaccine is a live virus. It has the worst record of negative side effects of any vaccine in the world. It is imperative, as a matter of public health, that those being vaccinated understand the risks of the vaccine to themselves and their loved ones, and be prescreened for conditions that require them to refuse the vaccine. The smallpox inoculation site can shed the live virus for up to three weeks. In the 1960s, more than 20% of the adverse vaccination events occurred in secondary contacts. Therefore, the vaccination program poses a risk not only to nurses, but also to their patients and families.

Members of the armed services have received personalized education, and free and confidential prescreening prior to the administration of the vaccine. This process properly screened out one-third of the potential recipients. The Smallpox Emergency Personnel Protection Act fails to require a similar program. In addition, H.R. 1463 fails to require sufficient funding needed to ensure that state and local public health officials can actually implement the crucial education, prescreening, and surveillance programs. The recent death of a Maryland nurse, a Florida nurse aide, and a National Guardsman only underscore the need for this robust education, prescreening, and surveillance effort. Nurses and other first responders will continue to feel uncomfortable about the vaccine until they receive the reliable information needed to make an informed decision.

Furthermore, H.R. 1463 contains an insufficient, unfunded compensation program. The Administration is basically asking healthy

nurses to place themselves (as well as their patients and families) at risk for the common good. The vaccination has no tangible benefits for nurses; it is sought in the name of homeland security. ANA does not believe that nurses should be made to bear this public risk without the guarantee of a real compensation program. H.R. 1463 contains an unacceptable lifetime cap on wage replacement and fails to ensure that funds will be available for the compensation fund.

ANA urges you to vote against H.R. 1463. Your no vote does not mean that you oppose a smallpox compensation program. In fact, the solid disapproval of this bill will demonstrate needed support for a real smallpox vaccination program, such as the Capps/Waxman substitute. Please feel free to call Erin McKeon (202) 651-7095 or Christopher Donnellan (202) 651-7088 on my staff with any questions regarding this letter.

Sincerely,

ROSE GONZALEZ, MPS, RN,
Director, Government Affairs.

INFECTIOUS DISEASES SOCIETY

OF AMERICA,

March 28, 2003.

Hon. J. DENNIS HASTERT,

Speaker,

House of Representatives.

DEAR SPEAKER HASTERT: I am writing on behalf of the Infectious Diseases Society of America (IDSA) and the 7,000 infectious diseases physicians and scientists we represent to thank you and other House leaders on both sides of the aisle for pursuing a plan to compensate individuals who may be injured during the implementation of the National Smallpox Immunization Plan (NSIP).

Over the past year, IDSA and its members—including those who were on the front-line of smallpox eradication efforts—have provided essential information to the federal and state governments as they have prepared responses to a potential smallpox event. ID physicians will be integrally involved should a bioterrorism event occur; an ID specialist discovered the first anthrax case that occurred in Florida. Presently, many of our members are working with state and local public health officials to oversee NSIP's implementation.

IDSA's leaders believe strongly, as you do, that the creation of a compensation plan is essential to NSIP's success. As the House moves forward next week to consider legislation to establish such a program, we would like to take this final opportunity to stress to you the expert opinion of our leaders on this subject. IDSA closely reviewed the Administration's proposal, which Congressman Richard Burr introduced this week, H.R. 1463, as well as H.R. 865, sponsored by Congressman Henry Waxman. Certain aspects of the Administration's proposal appear promising. However, IDSA is concerned that the Administration's proposal does not include all of the elements necessary to ensure NSIP's success. Below, we have highlighted the elements that our leaders believe are critical and ask that House leaders include them in whatever legislation the House passes.

One element that IDSA believes to be of primary significance to the success of NSIP is universal eligibility. That is, all individuals injured as a consequence of NSIP's implementation should be compensated for their injuries. Eligibility should not be promised upon whether injured individuals volunteered to participate in the program or were injured as a result of a secondary transmission. Moreover, such eligibility should extend to individuals who present symptoms that are obviously associated with contact vaccinia, regardless of whether they can establish a link back to a specific vaccinee. Finally, an individual's eligibility should not

be limited by an arbitrarily established time limit (e.g., 180 days after interim final rule is published or 120 days after becoming a covered person), but should extend throughout the period of time that NSIP is being implemented as well as for a reasonable period of time after the last vaccination takes place.

The second essential element IDSA's leaders support is fair and adequate compensation for all individuals who are injured as a consequence of NSIP's implementation. It is just and right that individuals be made whole for the injuries they suffer as the result of a program being carried out under the auspices of national security. Under H.R. 1463, compensation for medical expenses, disability, lost wages and death is modeled after the Public Safety Officers Benefit program (PSOB). The PSOB program is designed to work in conjunction with other benefit programs, such as workers' compensation and health insurance and is designed primarily to deal with death and total, permanent disability. In the case of smallpox, there are no guarantees that a person injured by the smallpox vaccine will be covered by workers' compensation or will be adequately insured. As a result, those injured as a result of NSIP may receive far less compensation than those PSOB currently covers. Therefore, IDSA strongly urges House leaders to supplement the PSOB model found in H.R. 1463 to include the following criteria relating to medical expenses, disability, lost wages and/or death:

Guaranteed immediate medical care for all injured;

A significantly more generous compensation package for death than what is found in the H.R. 1463;

Permanent disability benefit of unreimbursed actual wages and unreimbursed medical costs not subject to any limitations;

Payment of non-economic damages up to \$250,000;

Compensation for temporary disability, including unreimbursed medical costs and unreimbursed actual wages starting at day one.

Finally, IDSA believes it to be essential that this program be authorized through mandatory funding mechanisms and not be paid for through discretionary funding sources.

IDSA leaders are available to work with you and other Congressional leaders to achieve quick passage and enactment of a smallpox compensation plan that makes whole all individuals injured during the implementation of President Bush's NSIP. Thank you again for the leadership you have shown in moving this important legislation forward. Should you have any questions, please feel free to contact Robert J. Guidos, JD, IDSA's director of public policy at 703-299-0200.

Sincerely,

W. MICHAEL SCHELD,
President.

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
Washington, DC, March 28, 2003.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the nation's more 260,000 professional fire fighters and emergency medical personnel, I reluctantly must urge you to vote against H.R. 1463, the Smallpox Emergency Personnel Protection Act, under suspension of the rules.

While we strongly endorse the need for a comprehensive smallpox vaccination program, H.R. 1463 contains a number of significant deficiencies. Considering this legislation under suspension of the rules will prohibit amendments from being offered to address these concerns.

As currently drafted, H.R. 1463 fails to adequately provide for education and screening of the workers who are being asked to receive this vaccine. As the recent death of two nurses demonstrates, the vaccine should not be administered to certain people. While H.R. 1463 addresses compensation for people who die from the vaccine, it does not contain adequate safeguards to prevent those deaths from happening in the first place.

In addition, we have concerns about the compensation package contained in H.R. 1463. The legislation appears to have been crafted to serve as a supplement to workers compensation, but it is far from clear that workers compensation would cover injuries stemming from the vaccine. Because the smallpox vaccination program is a voluntary program, state workers comp systems may deny benefits.

For these and other reasons, we believe the House should consider improvements to H.R. 1463. We therefore urge you to vote against H.R. 1463 under suspension, so that the House may have the opportunity to debate and consider amendments to the proposal.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, with a long history of concern and investigation into the vaccine policy of this Nation.

Mr. WAXMAN. Mr. Speaker, I thank my colleague very much for yielding me time to speak on this issue, and I do so with a great deal of regret because on the House floor today we should be backing a bill on a bipartisan basis without any dissent because, whether one is a Democrat or a Republican, all of us want to encourage people in the health care and first responder community to get the vaccination for smallpox so they can be of service to all of us should, God forbid, there be a smallpox attack.

I am forced now to rise in opposition to this bill, and I want to point out that the bill is on the suspension of the rules, which is ordinarily reserved for noncontroversial matters. As a matter of fact, this bill is very controversial. It should have been debated and considered under the rules of the House. That would have given Members an opportunity to put forward alternatives so that the Members of the House of Representatives could listen to a debate and make choices on policies.

Instead, what we have is a suspension calendar being used to close off any opportunity for amendments, to prevent alternatives from being put forward so our colleagues who have been duly elected in 435 districts in this country, could have the right to choose what they thought was the best policy. This suspension of the rules procedure is nothing more than a gag to prevent Members, Democrats and Republicans, from being able to make choices, which is what they were elected to do.

The reason I oppose this bill is substantive. This bill will not adequately compensate nurses, firefighters, police officers, and other first responders who are injured by the smallpox vaccine, a

vaccine that they take voluntarily in order to make sure that the country is prepared for a bioterrorist attack.

We have tried to work with the Republicans to craft legislation that all of these groups can support. However, the Republicans were unwilling to agree to a meaningful compensation program and have put forward H.R. 1463, a bill that is opposed by every one of these groups.

The issue of how to compensate people for smallpox vaccine injuries is only hard if someone decides to make it hard, and that seems to be what the House Republican leadership and the Bush administration have done. The science is not hard. For every million people who are immunized against smallpox, one of two will die and 10 to 20 will become severely ill or disabled.

The policy is not hard. If people get injured in the line of public duty, the public should compensate them, and the administration has asked nurses and firefighters and other first responders to take smallpox shots, not for their own good, but to protect all Americans in case of a bioterrorist attack.

The substance is not hard. A compensation program should be clear about what it covers. It should provide decent benefits if someone is disabled or killed, and it should have guaranteed funding.

The law is not hard. We have a successful program of no-fault compensation for children who are injured by vaccines. We have programs for Federal workers and even Federal volunteers who are disabled or killed. We even have a program for compensation of people hurt or killed on September 11, 2001.

The budgeting is not hard. If every nurse or firefighter got the average award from the September 11 fund, which they will not, we would only be committing \$18 to \$33 million per million vaccinations. At most, that is 400ths of 1 percent of what the administration has requested for the war.

The process is not hard. If there is honest disagreement about legislation, which there is, then the House should be allowed to debate amendments and make choices. This should be an easy one, but the House leadership and the administration are making it very hard.

H.R. 1463 includes a lifetime cap on wage assistance for injured first responders and their families. This means that the families of nurses or other first responders may have to fend for themselves without a bread winner after just a few years of compensation. The lump-sum payment offered by H.R. 1463 is clearly inadequate for death or permanent disability for a nurse who has a family to support.

A second problem is that H.R. 1463 requires that funding for the compensation program be subject to the uncertainties of the appropriations process. A guaranteed funding stream is a linchpin of a successful and meaningful

compensation program. Without it, Congress is making a promise that it may not keep.

A third problem with this legislation is that it limits eligibility for compensation for those people who are vaccinated within a short time period after the implementation of the program. This provision is not only vigorously opposed by all of the groups being asked to take the vaccine but also by the State and local officials running the vaccination program.

I genuinely do not understand why the House leadership and the administration have decided to draw this line. The smallpox immunization program is not working. Everyone agrees that one of the reasons that there is not a compensation program in place to reassure nurses and firefighters and other first responders, that if they are injured by the vaccine, they and their families will be provided for, and the representatives of those organizations agree that the Republican bill is not enough to reassure their members.

Those same representatives agree that the proposals made by the gentlewoman from California (Mrs. CAPPs) and some of the others of us who were working with her will succeed. It is very disappointing that the legislative process has been cut short and that the gentlewoman from California (Mrs. CAPPs) has been denied the chance, even the chance, to offer her amendment.

Why are the leadership and the administration making this so hard? I do not have an answer to that question, but I do know what we need to do next. Let us defeat this bill, negotiate a reasonable one, and then move on to the genuinely tough problems facing our country.

I would like to respond to the comparisons of H.R. 1463 with the Public Safety Officers Benefit program. This was alluded to by the gentleman from Louisiana (Mr. TAUZIN). This is a false comparison. The Public Safety Officers Benefit program is meant to supplement what police officers and others receive when injured in the line of duty. There are many other State and local programs that also provide compensation.

In contrast, H.R. 1463 is the sole source of compensation for many health care workers and their contacts who may be injured.

□ 1430

And let me emphasize that point. It is not just the first responders who may be injured, but the family members who may be injured as well, by the vaccine taken by the nurse or firefighter or police officer, because they can be subject to injury by exposure to the person who has been immunized.

A true comparison would compare H.R. 1463 with other compensation programs. By a true comparison, H.R. 1463 is clearly not adequate. This bill provides far less than benefits provided to Americans injured by childhood vac-

cines in the National Vaccine Injury Compensation Program. H.R. 1463 provides far less than what Federal employees receive, civilian or military, if injured under the Federal Employee Compensation Act. And H.R. 1463 also provides far less than what Members of Congress can get if injured or disabled.

If it is good enough for Members of this body, we should not hesitate to provide it to those Americans on the front lines of any bioterrorist attack who are protecting all Americans. We are subject to compensation without caps. We ought to do the same for those who are standing up for all Americans should there be a terrorist attack of smallpox.

People have told us they need to have a program that will counsel them and educate them, because some people should not be immunized at all. But there is no such provision for that kind of screening mechanism, an educational effort in the Republican bill, even though it would save money because people would not be immunized if they knew they might be at a high risk. And people have told us that if they are going to be asked to be at risk, we ought to stand behind them. The Republican bill does not stand behind these first responders.

This should be negotiated on a bipartisan basis, or at least let the House work its will. I urge our colleagues to vote against this H.R. 1463, defeat it on the suspension calendar and insist that we go back and work on legislation that will accomplish the purpose that all of us have in mind in providing legislation for such a Smallpox Emergency Personnel Protection Act.

Mr. Speaker, I wish to provide for the RECORD two letters, one from the Service Employees International Union and one from the American Federation of State, County, and Municipal Employees, which I think further elaborates on this issue.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOY-
EES, AFL-CIO,

Washington, DC, March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), including over 360,000 health care workers and first responders, we are writing to urge you to oppose H.R. 1463, introduced by Representative Richard Burr and scheduled on the suspension calendar for Monday, March 31.

H.R. 1463 would establish a deeply flawed smallpox compensation program for health care workers and first responders injured by the smallpox vaccination. However, this legislation fails to safeguard the health and safety of workers asked to volunteer for the smallpox vaccination program. Moreover, the bill fails to address the concerns of workers who fear that a serious injury or death from the smallpox vaccine would lead to economic catastrophe for themselves and their families.

While the Administration had hoped to vaccinate up to 10.5 million workers, only about 21,000 workers have been vaccinated thus far. Clearly, there has been a great reluctance among health care workers and first responders to risk the loss of health and

income without an adequate safety net for themselves and their families. While the legislation is premised on the assumption that workers will be eligible for workers' compensation in the event of an injury, the reality is that, in most states, workers cannot depend on this. In fact, there are only 14 states where it appears at all certain that claims for benefits will be honored by the state workers' compensation system.

Therefore, workers in most states who are permanently and totally disabled will be eligible only for this bill's maximum lump sum payment of \$262,100. This represents about five years' wages for the average nurse—not enough to sustain an individual or family over a lifetime. For a worker who suffers partial or temporary disability, the benefit is also capped at \$262,100 over a lifetime. Health care workers and first responders who suffer injuries that limit their ability to earn a living must be compensated at a level that reflects their reduced earnings capability for the duration of their injury. If the aim of the legislation is to encourage workers to be vaccinated, H.R. 1463 will not do the job. Workers will continue to be reluctant to be vaccinated in the absence of assurances that they will not face economic ruin should they become injured.

While the bill provides medical benefits for the treatment of injuries or illnesses, it does not provide medical benefits for rehabilitation, palliative care or long term care that may be needed. This is a significant gap in health coverage for workers asked to risk their health.

Another significant flaw in the bill is that funding for compensation and medical benefits are not mandatory. Workers who have lost their health and livelihood should not have to wage a fight for compensation each year during the appropriations process.

The legislation fails to ensure that the smallpox program will be carried out safely, in stark contrast to the program in place for military personnel. The bill does not require that health departments make medical tests, such as pregnancy tests, available to workers in order to screen out those who ought not to be vaccinated. The legislation also fails to include requirements for monitoring those who are vaccinated to catch adverse reactions before they develop into life threatening complications, similar to the military plan. There is also no funding for state and local public health departments to carry out this expensive program safely.

The legislation also fails to include a table of injuries that ensure that workers will be awarded compensation quickly. After years of experience with the smallpox vaccine, there are injuries, that occur within specific time periods, that are known to be caused by the vaccine. This schedule of injuries must be included to ensure that compensation will be quick and certain. Otherwise, workers cannot be certain before receiving the vaccine that the most likely serious injuries will qualify for compensation.

We also object to the bill's requirement that workers receive the vaccination within 180 days of the date regulations are issued. Any worker that is vaccinated under the Secretary's declaration must be eligible for federal compensation. It is punitive to deny compensation to a worker who opts to participate at a later date.

H.R. 1463 is deeply flawed. We strongly urge you to oppose this bill.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the 1.5 million members of the Service Employees International Union (SEIU), including over

750,000 health care workers and first responders, I am urging you to vote against H.R. 1463 because it fails to provide adequate protection to frontline workers who are volunteering for the smallpox vaccination program. The bill, introduced by Representative Richard Burr, is expected to come before the House for a vote as early as Monday, March 31, and will be offered under suspension without providing an opportunity to vote for a stronger bill.

Since the Administration first announced the civilian voluntary smallpox vaccination program, SEIU has worked to protect health care workers, first responders, their patients and the public through aggressive education, medical screening, and surveillance, and to ensure they would have access to a good compensation program. Now that three people have died and others have experienced cardiac-related problems in the days after their inoculations this only reinforces the critical need for a comprehensive program—which this legislation does not provide.

We understand the urgency of the program, especially in this time of war. But at the same time, frontline workers who respond to the call to protect other citizens in a time of national crisis deserve the same protections being provided to our military. To address the serious gaps in this plan, it is incumbent upon Congress to develop bipartisan legislation that encompasses the following issues:

Aggressive medical screening, monitoring and treatment—The legislation must provide for a program to screen out workers with any and all contraindications. Additionally, medical surveillance is essential to assess the program's effectiveness and ensure that any adverse reactions are treated before they become life threatening, as evidenced by the recent reports of heart related problems.

Adequate compensation—Already, there has been a great reluctance among health care workers to risk injury and loss of income without an adequate safety net for themselves and their families. Any compensation package must be retroactive and cover anyone who suffers a serious reaction as a result of the vaccine, as well as those injured through close contact with a vaccine recipient.

Full accountability—Thorough investigation of, and full disclosure of adverse events under both the military and civilian plan must be reported immediately, and organizations representing potential vaccine recipients deserve notification along with the news media.

Guaranteed funding—There must be mandatory funding for the compensation program to ensure money is available to compensate those who have been injured or died as a result of the vaccine. As was recently recommended by the Institute of Medicine, there must be a clear commitment that adequate funding shall be provided to the states to implement education, screening, and medical surveillance through the emergency supplemental for Homeland Security needs.

It is absolutely critical that this nation's vaccination plan does not pose increased risks to the American people. We believe the program should be suspended until there is good legislation that ensures these safeguards are in place. Please vote against H.R. 1463, the Smallpox Emergency Personnel Protection Act, and take immediate action to support stronger legislation that will truly protect health care workers, patients, and the public.

Sincerely,

ANDREW L. STERN,
International President.

Mr. TAUZIN. Mr. Speaker, I yield myself 2 minutes to briefly set the record straight.

There has been extraordinary negotiations with the minority on this bill, over 2 weeks of it. The administration brought this bill to us as an emergency. It called upon us immediately to give authority to provide these benefits to people who would volunteer to vaccinate American citizens in the event of an attack of smallpox in this country, which could come at any time, as we know, particularly as hostilities are engaged in the Middle East and Iraq.

It brought it to us as an emergency and we took over 2 weeks to negotiate. And we negotiated over a dozen changes, I am told. The most important change we made was to bring up that disability cap from \$50,000 a year, that out-of-work cap, to the same level we provide for policemen and firemen in this country. And, Mr. Speaker, I would say to the gentleman from California (Mr. WAXMAN) that this is a supplemental program, just as that program is. It is on top of. It is full secondary coverage of medical benefits with no deductibles. That is a lot better than most plans. It is primary lump sum disability and death benefit that, under the Federal Public Safety Officers and Employees is equal to \$262,000. It is secondary coverage for temporary and partial disability from \$50,000 a year, again we raised it from the administration provision, all the way up to the \$262,000 level. It is on top of disability benefits under Social Security; on top of the benefits available in the State Employee or Private Disability Benefits, and we still preserve the right to sue in Federal torts claim court.

Doggone right we are behind those volunteers. Doggone right this is an emergency. But we took 2 weeks, and I took it with a great deal of pain on my conscience because I thought every night, when we were negotiating this thing with our colleagues over here, I thought every night, what happens if tomorrow we get hit and we have not passed this bill yet and we do not have enough volunteers out there to vaccinate all of America. What happens if every day I take negotiating with the other side is a day we put our country at risk. And I suffered every night with that thought for 2 weeks. We have negotiated this bill to a point that it ought to get passed today.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding me this time, and today I rise in support of H.R. 1463, the Smallpox Emergency Personnel Act of 2003.

I will just add, in light of the comments made by the chairman, that I come to this body as a physician and I likely, myself, will take this vaccination to become a first responder.

Mr. Speaker, H.R. 1463 is a meaningful first step toward ensuring the broadest acceptance of the President's call for voluntary vaccinations by public safety personnel. In my home State of Texas, to date, only 1,700 first re-

sponders have been vaccinated for smallpox. Of this number, Texas health officials report that there have been no adverse reactions to date.

A number of factors can be attributed to the slow roll-out of this vaccination campaign, but one of the major factors involved is first responders are hesitant to take a vaccine with potential side effects. We must be very clear about the current vaccination campaign. Different people react to different medications differently. A great majority of those who will receive this smallpox vaccination will have no reaction at all. A handful, however, could face complications. Some of these may be as minor as a rash. A small percentage of that number could face more serious health complications, such as postvaccinial encephalitis or endocarditis.

H.R. 1463 will ensure that a broad safety net is available for those very few individuals that may suffer from an adverse reaction to the smallpox vaccine. Under this bill, first responders are provided with death and disability benefits comparable to the benefits police officers and firefighters already have access to under the Public Safety Officers Benefit Program. First responders who have an adverse reaction could also qualify for lost employment income benefits, coverage for medical expenses, and certain liability protections. H.R. 1463 will give first responders peace of mind to do something that will protect all Americans.

First responders are on the front lines of our war against terrorism and play a vital role in the instance of a terrorist attack. Our enemies have shown us that they will go to any length to kill innocent men, women and children. If they ever obtain a weapon as horrifying and as devastating as smallpox, let there be no mistake, there will be no hesitancy that they would use it. However, if they were able to employ such a weapon, American first responders will have a greater ability to protect all of us if they have already been inoculated from this debilitating and life-threatening disease.

Americans are counting on our health care professionals to be vaccinated against smallpox. By vaccinating these important first responders, we will be able to contain a potential outbreak and save thousands of lives. Americans are looking to the House of Representatives for leadership on this issue. For that reason, I urge my colleagues to protect first responders and give them the peace of mind to protect all of us.

Mrs. CAPPS. Mr. Speaker, could I inquire what time remains?

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from California (Mrs. CAPPS) has 14½ minutes remaining and the gentleman from Louisiana (Mr. TAUZIN) has 6½ minutes remaining.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume to

say, with all due respect to my chairman, for whom I have a great deal of respect, that I commend him for his sense of urgency about the timing of this. The first responders, my colleagues who are nurses, have told us that they want confidence before they are going to roll up their sleeves and take this vaccine, and that this bill does not give them the confidence and that is why we stand in opposition to this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN) for a response.

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

The administration has asked people to take this immunization in the health care area and first responders have not been doing it. One of the reasons, according to the Institute of Medicine, is because they do not feel that they are going to be backed up by the government when they take the risk of some adverse event.

Now, I want to point out to my good friend, the gentleman from Louisiana, the chairman of the committee, that he should not personalize this whole matter and have it on his conscience that we cannot pass this bill today. Of course, this could have come under the rules and we could have had opportunity for amendments to consider. But I want to point out that we asked for smallpox compensation as part of the bioterrorism bill in 2001, we asked for smallpox compensation as part of the homeland security bill in 2002, we formally requested an administration proposal in December 2002, and we proposed our own bill in February of this year. Only in March, 2 weeks ago, did the majority respond. And now, of course, it is take it or leave it. Take it or leave it. That is what we are being told.

This is a bad policy and a bad process by which to protect the public health. We had negotiations by staff. It might have helped for Members to sit down and talk this through. And if Members and staff cannot agree, then we have committees and subcommittees to consider the details of legislation. And if it is too urgent for committees and subcommittees to act after all this time, at least let the House consider a bill and consider various alternatives.

I think we are now engaged in a very bad process, and I think that we are being asked to take very bad policy that is going to be self-defeating. Because if many of the nurses do not want it, and the firefighters do not want it, and the police members do not want it, and other first responders do not feel it is adequate and they are not going to be compensated, then we are not accomplishing the goal that we should for all of us.

The SPEAKER pro tempore. The Chair wishes to inform the House that he misspoke in response to the inquiry of the gentlewoman from California (Mrs. CAPPs). There was 4½ minutes re-

maining, not 14½ minutes. I apologize to the gentlewoman.

Mrs. CAPPs. Could I beg of the Chair to consider then, because I was generous in yielding to my colleague, that we be given more time, because we have several people who still wish to speak?

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent, and I hope the gentleman on the other side will appreciate this since we were misinformed on the time, that we be given an additional 5 minutes on each side.

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

Mr. TAUZIN. Mr. Speaker, reserving the right to object, why do we not take such time as the gentleman consumed. I think the gentlewoman yielded the gentleman 2 minutes. And what time did the gentleman just use, Mr. Speaker?

The SPEAKER pro tempore. Two minutes.

Mr. TAUZIN. Mr. Speaker, I would suggest, instead, that we add an additional 2 minutes to each side, in fairness.

So, Mr. Speaker, I ask unanimous consent that each side be granted 2 additional minutes to make up for the inaccurate call of the Chair.

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

Mr. TAUZIN. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. That may well work, but again we have another example of trying to say no more than a certain amount. And it may be adequate, but let us be generous to our colleagues and let us be generous to the first responders.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I will be happy to just object and not have any extension, if the gentleman wants to argue about a couple of minutes.

The SPEAKER pro tempore. Objection is heard.

Mr. TAUZIN. Otherwise, I ask unanimous consent that each side be accorded 2 additional minutes to make up for the error of the Chair.

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

There was no objection.

The SPEAKER pro tempore. Each side will have an additional 2 minutes.

Mrs. CAPPs. Mr. Speaker, could I now inquire how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from California (Mrs. CAPPs) has 4 minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 8½ minutes.

Mrs. CAPPs. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security.

□ 1445

Mr. COX. Mr. Speaker, we are here in extraordinary circumstances, rushing

this legislation to the floor as we must, because we are facing an emergency. We have got to provide compensation to those workers who may be injured or killed by the smallpox vaccine. The Committee on Energy and Commerce, of which I am proud to be a member, has done very, very important work to bring this bill to the floor in these emergency circumstances. The Committee on Homeland Security, of which I am also the chairman, has an abiding interest in making sure that our first responders are capable of dealing with crises such as this. If smallpox is used against American citizens as a weapon, we have got to be prepared and we have to be sure that the first responders do not themselves become weapons, because even though they are not manifesting the symptoms they are spreading the disease.

Smallpox spreads so fast that it is estimated it will kill at least 30 percent of its unvaccinated victims. Immunity is suspected to have waned among people who were vaccinated before smallpox was thought to have been eradicated in the 1970s. Like many of the Members of this Chamber, I am such a person who has had such a vaccination. Yet I am probably not protected.

Once contracted, smallpox incubates for 10 to 12 days, causing fever and nausea. As the symptoms abate, the victim becomes infectious but does not develop the tell-tale rash for another 2 to 4 days. That is why it is so important that these first responders be protected.

As we speak, there is no cure for smallpox. The vaccine we have works well before exposure, but evidence of post-exposure efficacy is only anecdotal. That anecdotal evidence points to the vaccine only working if the victim is inoculated within 4 days of contact with smallpox.

Our strategy to counter a smallpox attack depends on our first responders having already been vaccinated. It is going to be hard enough for public health officials to react within the necessary window of time. Administering the vaccine after the detection of a smallpox outbreak to a mobile American public with little or no immunity will cause immense problems. Doing so when first responders are not already themselves protected against smallpox could prove impossible. So far, only 20,000 nonmilitary personnel have been vaccinated. That is not nearly enough.

Taking the vaccine means taking a risk. Therefore, we must reassure our health care workers and our first responders that we understand this risk and we will stand by them. That is why I support the gentleman from North Carolina's vaccination compensation legislation, that is why I support putting this legislation on the floor in this emergency circumstance as we have, and that is why I support the leadership of the gentleman from Louisiana in bringing this to a quick and hopefully positive vote.

Mrs. CAPPs. Mr. Speaker, I am happy to yield 1½ minutes to the gentleman from Ohio (Mr. STRICKLAND), a member of the Subcommittee on Health.

Mr. STRICKLAND. Mr. Speaker, I am truly puzzled at the leadership on the other side. We are told that the administration sent this bill over here as an emergency. Yet I think they know that this bill is likely to be defeated because of the way it is being dealt with. If it is an emergency, ought we not to work together so that we can pass a bill? What is happening here today will result in the delay of this bill being passed.

The chairman of our committee says, of course, we are for the volunteers and I believe he is sincere. But if we are for the volunteers, why do we not listen to the volunteers? In the first 2 months of the administration's smallpox vaccine program, only about 25,000 of a planned 450,000 health workers have received the vaccine. Last week, three people died from heart attacks after receiving the vaccine, two health workers and a 55-year-old National Guard member. All three people had risk factors for heart disease, although it is not currently known whether the vaccine caused the heart attacks.

As a result of these challenges, a compensation program is needed, but these health care workers, these first responders are worried that the bill before us will not adequately provide for education and screening of the workers who are being asked to take the vaccine. If we screen the people who are at risk, we may save their lives and we can save money.

I am disappointed. I think we all know this bill is likely to go down to defeat, and unnecessarily so. Let us work together in this House. If not on this bill, what bill can we ever work together on?

Mr. Speaker, I include for the RECORD three letters, one from the International Union of Police Associations, one from the American Public Health Association and the other from the American Federation of Teachers in opposition to the administration's plan.

INTERNATIONAL UNION OF POLICE
ASSOCIATIONS AFL-CIO,
Alexandria, VA, March 27, 2003.

Hon. TED KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the International Union of Police Associations, AFL-CIO, representing law enforcement professionals from more than 500 agencies across the country and in Puerto Rico, I am writing to voice our concern regarding the Smallpox Compensation Program currently being debated in the House.

We urge you to work to ensure that this legislation will provide the security demanded and deserved by our first responders who elect to take the smallpox vaccine in order to better serve a nation at war. We hope this would include crucial screening and education for both the emergency personnel and their immediate families.

A mandatory funding provision is also needed to ensure that the varying states'

workers' compensation laws will not withhold compensation based on the fact that the vaccination is voluntary.

We also believe that these should be no five-day waiting period for compensation benefits. Furthermore, we hope to see some protection for those who elect not to take it.

We are asking more and more of those health care and public safety workers on the front lines of our nation's homeland security efforts. Providing them with ample security should they become disabled in their duties is critical, necessary, and is clearly and simply the right thing to do. I applaud your efforts to correct the deficiencies in this proposed legislation and will be privileged to assist you and your staff in these efforts.

Respectfully,

DENNIS SLOCUMB,
International Executive Vice President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 30, 2003.

DEAR REPRESENTATIVE: On behalf of the American Public Health Association (APHA), representing more than 50,000 members from over 50 public health occupations, I urge you to oppose the H.R. 1463 in its current form and work to strengthen this legislation before it is brought to the house floor for a vote.

APHA strongly supports legislation to address current impediments to the national smallpox preparedness effort, including lack of compensation for those who become injured, ill, disabled or die; protections from liability for volunteer vaccinators and health systems; and adequate federal resources to enable public health systems to implement a smallpox vaccination program safely and effectively.

We are concerned that the current proposal before the House of Representatives fails to include a number of essential elements of a workable compensation program that will adequately protect volunteers and help to assure a successful program.

We respectfully suggest that the proposed legislation be strengthened in the following ways:

1. The compensation program should be financed by a mandatory funding source. It is important that volunteers who are injured, ill, disabled or die are assured that the protection they expect from a compensation program will be realized. We learned a clear lesson from the Radiation Exposure Compensation Act (RECA) Trust Fund when earlier this decade appropriations to the fund were not sufficient to pay claims and hundreds ill from Cold War-era exposure to radiation were left with IOUs. We have also learned in recent weeks that we have more to learn about the effects of the smallpox vaccine. Reports of heart inflammation and failure in possibly connection with the vaccine warn us that we must not have all the information at present to make an appropriate judgment about the amount of appropriation it will take to ensure that compensation can be guaranteed. Those first responders who volunteer to be vaccinated deserve to be assured that adequate compensation will be available for them.

2. Payment for illness, injury, disability, or death should include compensation for all lost wages, taking into account an individual's projected future earnings. Volunteers and their families should be confident that should they become unable to work due to disability they will not have to lose their income for future years, jeopardizing the income security for themselves and their families. In the rare case of death, family members, including children, should not be left uncompensated because of a loved one's sacrifice to protect others. Death and disability benefits should not be reduced by wages re-

placed before death or disability occurs. Compensation should be 100%, begin without delay, and should not be subject to a cap.

3. Volunteers should be compensated for adverse events regardless of the date on which they received the vaccine. Imposing an artificial time period in which one must volunteer is contrary to the goal of the vaccination program. Success should not be measured on the numbers vaccinated a specific period of time but rather, on whether at any given time we have a sufficient cadre of vaccinated first responders across the country. Speed should not be our measure—safety should. As we have seen from the start of the program, any number of barriers may result in extending the time in which we expect vaccinations to occur, including unexpected new possible complications from the vaccine. Establishing a set time frame for vaccination eliminates adjustments needed for unanticipated events.

4. Adequate Funds are needed to ensure that state and local health systems are prepared. Any proposal should recognize the need for additional funds to state and local health departments and health systems to implement the smallpox program. Current funds for bioterrorism preparedness efforts have been largely spent and obligated. States and localities and health systems are preparing for a broad array of potential threats in a time of great budgetary strain and increased demand for services. The recent outbreak of Severe Acute Respiratory Syndrome (SARS) is but one example of how public health is required to serve a dual role, protecting Americans from the latest emerging infectious diseases, the leading causes of death such as chronic diseases, and preparing for intentional acts of biological terrorism or war.

Resources are needed to ensure that the important smallpox preparedness program can proceed without shifting resources from other bioterrorism preparedness requirements and which maintaining our important programs to protect Americans from everyday health threats.

Again, we commend you for recognizing the importance of this legislation, we urge you to do it thoughtfully, and we remain ready to implement the smallpox preparedness program safely, efficiently and effectively.

Sincerely,
GEORGES BENJAMIN, MD, FACP,
Executive Director.

AMERICAN FEDERATION OF
TEACHERS, AFL-CIO,
Washington, DC, March 28, 2003.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 1 million members of the American Federation of Teachers, including more than 65,000 healthcare professionals, I urge you to vote against considering H.R. 1413, the Smallpox Emergency Personnel Protection Act, under suspension of the rules. This procedure will prevent the House from consideration of the Capps-Waxman substitute, which is vastly superior to the Administration's proposal, H.R. 1413. Capps-Waxman provides increased education and screening, as well as a realistic compensation package for those who suffer a serious adverse reaction.

As you know, most workers have refused to participate in the smallpox inoculation program. Most believe there has not been sufficient information about the need for immediate vaccination. Further, there are serious doubts about the efficacy of existing education and screening programs, as well as the lack of a federal compensation program for healthcare volunteers and innocent victims who may suffer adverse reactions.

Since last fall, healthcare unions and other organizations have been working to develop a bipartisan program that would address these issues. Our proposal is based on the existing Department of Defense smallpox program, as is the Capps-Waxman substitute. The Administration's proposal that is being rushed to the House floor does not provide the same protections that are offered in the Capps-Waxman substitute.

EDUCATION AND SCREENING

The need to increase the education and screening of volunteers is clear. This requires additional funding. The Department of Defense's comprehensive education and screening program, for example, screened out 30 percent of those who were to be inoculated. The recent death of two nurses and the serious adverse reactions of others demonstrate the limitations of the existing program, which continues unchanged under H.R. 1413. Screening out those who are counter-indicated is essential to prevent adverse reactions and to protect healthcare workers who volunteer. The Capps-Waxman substitute addresses this critical need by providing additional funding for our public health agencies that are responsible for this program to assure complete education and screening. The Administration proposal does not.

COMPENSATION

Since the smallpox program is a voluntary federal program, injured individuals should be compensated by the federal government for the cost of both medical treatment and lost wages. The Administration's proposal seems to assume that there is adequate wage compensation through the workers' compensation system. Unfortunately, we have found only 14 states that can assure workers that they will be covered under workers' compensation. The remainder of the states are not sure that this program is "work related" since it is voluntary. Further, innocent third parties who suffer adverse reactions are not covered by workers' compensation. Also, many workers or innocent third parties are not covered by health insurance or may be subject to health insurance exclusions; therefore, full federal health insurance coverage for medical treatment is essential. While the Administration bill does cover health insurance, its restrictive definitions on disability and caps on financial benefits do not assure necessary wage replacement. The Capps-Waxman substitute includes necessary federally financed healthcare and provides the victims lost wages for the duration of the disability caused by an adverse reaction.

The bottom line is that a reasonable compensation program for adverse smallpox reactions should provide federal compensation for full medical coverage and adequate wage replacement. There should be no exclusions from this coverage, such as the five-day waiting period in the Administration program. This five-day exclusion is a major concern of many of our members. Further, restrictions in the Administration's proposals, such as capping benefit payments and using the 180-day rule forcing workers to choose to get the vaccination or forgo compensation, are unacceptable. The Capps-Waxman substitute satisfactorily addresses these issues.

Finally, this new program must be mandatorily funded and include a table of injuries in the statute to ensure workers get compensation, a provision in Capps-Waxman and not the Administration legislation.

Unfortunately, under the suspension of the rules procedure, the House will be precluded from addressing these issues. Our nurses, other health care workers, and first responders are dedicated professionals and will not shirk their duties to help the public. However, they deserve the best screening, edu-

cation, and compensation program for volunteering to receive this potentially dangerous vaccine. They deserve a vote on the Capps-Waxman substitute.

On behalf of the American Federation of Teachers, I urge you to oppose consideration of H.R. 1413 under suspension of the rules and demand a vote on the Capps-Waxman substitute.

Sincerely,

CHARLOTTE FRAAS,

Director, Department of Legislation.

Mrs. CAPPS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, who opposes this bill? The nurses, the police, the fire, the Public Health Association of the United States. They all oppose it. These are the health care heroes in our country. The reason that legislation is so important is that these people are going to be asked to put their lives on the line. They are the first responders. How busy are we that we can give them 20 minutes of debate, each side having 20 minutes to debate their fate? How hard would it be for us to have worked all day Friday to allow amendments to have been made that represents what the teachers, what the nurses, what the doctors, what the police and what the fire want for protections? How hard would it have been for us to have worked all day today if there is an emergency? Do we not as Members of Congress owe to these heroes working on a Friday and a Monday so we can debate what their needs are?

Then why is it important? It is important because the adverse reactions from the smallpox vaccine are a real concern. This bill coerces volunteers to be vaccinated within 180 days after the regulations are issued or they lose their rights to lost wages and to disability payments and even to death payments. They lose them. A pregnant nurse has only 180 days to be vaccinated after her baby is born.

This is wrong. Vote "no" on this bill. Let us have a full debate on the House floor with amendments.

Mrs. CAPPS. Mr. Speaker, I yield myself the balance of my time.

I stand here with my colleagues in opposition to this bill, drafted by the leadership with a kind of arrogance that presumes to know what is best for our first responders than they themselves know. With their testimony, with their letters, with their anguish, they implore us to give them the confidence that they need if they are going to be asked to take a risk to become a part of the shield to protect this Nation against terrorist attack.

We need to defeat this legislation for them so that they can have confidence in this House that we can do what is right, not just for them but for our Nation in this time of peril. And so I will close by using some of the language of my colleague, the ranking member of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL) who says in his written statement, "Right after we defeat this

bill, I hope that we can set about the task of creating bipartisan legislation that all Members of the House can support. The very people this bill purports to help, nurses, EMTs, police officers, firefighters, find this hastily crafted legislation lacking. Why? Because it fails to address their very significant concerns."

Mr. TAUZIN. Mr. Speaker, I yield myself the balance of my time.

Let me address the two principal objections to this bill. The first is that some of the first responders would like more coverage. They would like more coverage than we currently provide for police officers and firefighters who take the chances to go out and fight fires and sacrifice their lives, to go out and fight the criminal elements on the street and take the bullets and sometimes die and sometimes end up disabled and have a lifetime of lost wages. They would like to have more benefits than those individuals. But this is not a management-labor union discussion. This is an emergency. When the other side asked for time, for 2 weeks to work with us in a bipartisan fashion to up the benefits comparable to what police and firemen have, we did that. It is now in the bill.

The other objection they raise is that, well, this is not due process. We have taken this bill to the floor under suspension. We are not taking it through all the committees of jurisdiction. How many committees claim jurisdiction on this bill, Mr. Speaker? Let us start with the Committee on Education and the Workforce. We heard from the chairman who instead worked with us cooperatively to get this bill to the floor. Judiciary could have a claim on this bill. Judiciary worked with us cooperatively to get this bill to the floor. Appropriations could certainly have a claim on this bill, but they have worked with us to get this bill to the floor.

Why have all the committees worked with us to get this bill to the floor without all the markups and all the committees that might have jurisdiction on it? Because they know the emergency. They understand how important it is to get this bill done and signed by the President immediately. We have all been briefed. We have all been briefed about the danger of smallpox terrorism. We have all been briefed about how easy it would be for a country like Iraq, which we know probably has smallpox virus, to slip it into this country, to expose someone and then begin exposing our general population. They know that in 2 weeks, everyone once exposed becomes a carrier and exposes more people and that second- and third- and fourth-generation exposure occurs and we lose 30 percent of the population of America potentially. They know the danger. They know the emergency. Every committee has cooperated with us.

For 2 weeks we negotiated with the other side, a fair negotiation to get this bill in a way that you could accept

it. We made a dozen changes, raised the amount of the benefits, changed the percentages to 75 percent for those with dependents. We built a program as good as any program for anyone in the Federal service, and we built it as good as the policemen and firemen.

But that is not enough. Enough is never enough. But we do not have time to quibble about what is enough here. Do not come to this floor saying that no one supports this bill in the health care community. Let me read to my colleagues the supporters: The American Hospital Association, people who will be on the front line taking care of all these people infected with smallpox if we are not careful; the American Medical Association, the doctors who have to deliver the care; the American College of Emergency Physicians who are going to meet every sick person coming in with smallpox to an emergency room; the Alliance of Specialty Medicines, representing 160,000 physicians, among many others who support this bill.

This is an emergency. The administration, the Homeland Security Office, have told us we need to give this benefit to those people who will volunteer to take this vaccine to protect themselves and then to protect us. No one is coerced to do this. This bill does not mandate a single person take the vaccine. It simply gives the same rich mix of benefits to those who will volunteer to take this vaccine and protect the rest of us, to be ready to go into action to prevent the second- and third- and fourth-generation exposures that could wipe out so many in this country. It simply says to them, if you volunteer, we give you this coverage. If you volunteer, if you want to be one of those who serve this country in this special way, you get the benefits of this bill.

This bill needs to get passed now. It is an emergency. That is why it is on suspension. We ought to have the courage to pass it. If it does not pass today, it is only because somebody on the other side thinks enough is never enough and you want to quibble about numbers when the country is at stake.

Mr. Speaker, this bill ought to get passed. It needs to get passed now.

Mr. HOLT. Mr. Speaker, on September 11, 2001, as thousands fled over lower Manhattan during the terrorist strikes, many ran towards the burning buildings.

These brave men and women were first responders—the police, firefighters, and emergency medical personnel who risk their lives every day to protect their fellow citizens.

It would seem like the least we could do for them would be to not only applaud their efforts, but also provide them with support they need so they can do their jobs even better.

Unfortunately, this Congress has found it appropriate not to support, but to shortchange these everyday heroes.

A month and a half ago, we finally managed to pass the FY03 spending bill. Many of us here in this body sought to add vital funding for first responders, but we were denied. Our first responders were denied.

Today, apparently, this body is poised to again deny our first responders—in this case,

the men and women who will first respond to the unthinkable: a smallpox attack.

The need for the president's smallpox vaccination program is questionable, but now that the program exists, there is no doubt that we need to address compensation for those who volunteer for and are injured by the vaccine. In terms of negative side effects, this vaccine—essentially the same as the original developed in 1796—is perhaps the most dangerous one we currently have. In this most initial wave of vaccinations, we have already seen several serious injuries and even a few deaths possibly attributable to the vaccine.

That is why adequate compensation for vaccine injury is so crucial. Our first responders want to know that if they take the brave step of volunteering for the vaccination and get sick or die, they and their family will be taken care of.

The absence of a good compensation program has doubtless contributed to the snail's pace that the president's vaccination program has taken. Only 25,000 of the 500,000 in the "initial wave" of healthcare workers have actually been vaccinated.

The bill before us will not assure these workers that they will be adequately compensated. The lifetime cap of \$262,100 is small change for someone who is permanently disabled.

This bill also only covers workers vaccinated during a specific short time period after implementation. What kind of an incentive is this for new healthcare providers to get vaccinated in the future?

As the American Nurses Association has written, "the bill does not provide adequate education, prescreening, surveillance, and compensation."

Mr. Speaker, I have been working in this Congress to show my strong support for our first responders. Today I will continue to show this support by voting "no."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I cannot support H.R. 1463, the Smallpox Vaccination Compensation Act. Our nation's first responders and health care workers take risks every day in order to serve the public good. Our firefighters face the risk to their lives every time they are called to duty. Health care workers come into contact with deadly germs on a regular basis. Even now, with the threat of bioterrorist attacks upon them, they are not flinching. They are there at work, serving the public good and putting themselves in harm's way.

And now that it seems that on top of the physical risks they are taking, the Republican leadership has decided that they and their families should also shoulder the financial risk of the fight against terrorism. We are asking that they serve as a kind of barrier, protecting the American public against the horrors of smallpox. If the virus were somehow leaked into the U.S., of course we would expect our first responders to be there at the sight of the emergency, and infected individuals would end up at our hospitals. We are trying to encourage those who work on the front lines to come in and get vaccinated, so that they do not get infected and pass the virus on to their families and the public.

But the vaccination program has been an utter failure so far, because the smallpox vaccination itself also carries with it moderate danger. As scientists have been telling us, the vaccination can make some people sick, or can even lead to death in rare circumstances. Whereas the death rate can be reduced or eliminated by good education and screening of people who might be at risk for complications, some of those who are vaccinated will become ill. They may have to be quarantined; they will miss work, perhaps for a long time. In today's economy—with medical costs what they are—this could be devastating, especially for someone with a family to support. Too many of our first responders and health workers have decided they cannot take that risk, and are asking that the Federal Government that is in charge of protecting the homeland—assume that risk for them. That seems fair enough.

The author of the bill before us today recognized the problem, and gave the bill the right name, but just didn't do a good job of matching resources with the needs out there. The problem with that is that if we don't give adequate assurances to people that they will be covered for any unfortunate episodes—they will not get vaccinated. Then in 6 months, or a year, we will find ourselves in this same situation—totally vulnerable to a smallpox attack. We cannot afford to take that risk. We must get it right the first time.

We are hearing from group after group of experts and people effected by this, saying, "Do not support this bill. It is not enough." The American Nurses Association, the Association of Firefighters, the American Federation of State, County and Municipal Employees—and the list goes on. These are not the money-grubbing types; they are humble civil servants who deserve our support. They are saying that this compensation package may not be enough to entice them to join the voluntary smallpox vaccination program. If they do not sign up, they will be vulnerable, and so will the American people.

The Democratic Capps-Waxman substitute would have gotten the job done. The Republican bill does not ensure adequate funding is available to compensate health care workers and other first responders injured by the smallpox vaccine. The Capps-Waxman substitute provides for mandatory funding for this program.

The Republican bill would pay only 66.6% of an injured worker's lost wages with a lifetime cap of \$50,000. The Capps-Waxman amendment would pay 66.6% of lost wages up to \$75,000 per year for as long as the worker is disabled. Workers with dependents would receive 75% of lost wages up to \$75,000 per year for as long as the worker was disabled.

The Republican bill would not compensate health care workers and other first responders for lost wages for the first five days they are injured. The

Capps-Waxman substitute would ensure that health care workers and other first responders who are out of work for longer than five days would have their unreimbursed lost wages compensated from the first day they missed work.

The Republican bill provides that a health care worker or other first responder who is killed by the smallpox vaccine receives only a flat death benefit. The Capps-Waxman substitute would pay a death benefit as well as any lost wages for workers who have dependents when they die.

Finally, the Capps-Waxman substitute has a specific authorization for funding for States to educate and screen potential vaccinees. The Republican bill does not. This is a critical component. There have been several deaths recently that occurred within a week or so after vaccinations. We must at the very least provide adequate education to people we want to get vaccinated to see if they are at risk for vaccine-related disease. They deserve that.

I will vote against H.R. 1463, and urge my colleagues to do the same.

Mr. LEVIN. Mr. Speaker, since September 11, we have begun to prepare for a number of events that once seemed unthinkable. One of them is an epidemic of smallpox, a deadly disease that we thought we had erased from the earth. The best way for us to protect ourselves against that is to vaccinate our first responders—the nurses, policemen, and firefighters that we would depend on to recognize a smallpox outbreak and quickly act to protect all of us against a disease that spreads rapidly and kills a third of its victims.

But in the three and a half months since President Bush announced plans to vaccinate 500,000 first responders, fewer than 25,000 have volunteered. In Michigan, where we had a goal of vaccinating 5,000 people, fewer than five hundred people have been vaccinated.

The smallpox vaccine has the worst record of negative side effects, including death, of any vaccine in our history. Experts estimate that one in a million people vaccinated will die, and many more will become ill, some seriously. Sadly, three people who volunteered to be vaccinated have already died.

These are sobering statistics, but it is not the personal danger that is keeping first responders from volunteering. Every day, our police, firefighters, and health care workers risk injury and death to help others. But giving them the smallpox vaccine without proper education, pre-screening, and surveillance doesn't just endanger them—it endangers all of us. When smallpox vaccination was still widespread, nearly 20 percent of infections from the vaccine came from secondary contact. And asking first responders to be vaccinated without a safety net if they become ill, are disabled, or die endangers their families and those who depend on them for support.

The Republican leadership says we don't have time to have a discussion with nurses, policemen, firefighters, and other first responders about what kind of program they need to feel safe because preparing for bioterrorism is an emergency. But if we don't have that discussion, we will have done nothing to address the emergency.

Receiving the smallpox vaccine is voluntary for first responders. First responders don't think the current program is safe, so they are declining the vaccine. That's why our current program isn't working and why after months of saying a vaccine injury compensation system wasn't necessary, House Republicans are willing to bring up a bill. But if the bill we pass doesn't make first responders feel safe, they still won't volunteer to be vaccinated, and we'll be right back where we started, except we'll have wasted a lot of time on a program we already know will be ineffective.

Wouldn't it make more sense to get it right the first time? By voting against this bill, which the International Union of Firefighters, the American Nurses Association, and the International Union of Police Associations say does not address the concerns that have prevented them from being vaccinated, I hope to give the House an opportunity to sit down with first responders and craft a workable solution. It is precisely because this is an emergency that we don't have time to pass unworkable legislation, wait for it to fail, and start again.

I regret that we did not have the opportunity to vote on a real solution tonight. I hope we can move immediately to pass a real solution, without wasting any more time on political gamesmanship.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.R. 1463. The House should be considering a bill today that responds to two basic questions: how do we encourage first responders—nurses, emergency room doctors, police, and firefighters—to volunteer for smallpox vaccinations; and second, how do we compensate them for any injury, disability or fatality they suffer in the event of an adverse reaction. Instead, the bill we are voting on—with no opportunity to amend or offer a substitute—accomplishes neither.

Last week, a 57-year-old nurse from my own state of Maryland died within 5 days of receiving the smallpox vaccine. The CDC is still investigating the nexus between the vaccine and her death. But to date, 12 health care workers who received the vaccine have experienced severe heart problems within day of inoculation, and 3 have died. These deaths and complications are sending waves of panic through the health care community.

On January 24, the President and HHS Secretary Thompson called for 450,000 first responders to be inoculated against smallpox. Today, as we come to the floor to consider this bill, the Administration has reached only 5 percent of its goal. The response has been dismal not because these workers lack dedication to public health and safety, but because they have justifiable doubts that this vaccine is safe and that if they are injured or die, they and their survivors will be compensated fairly.

Initial risk assessments by HHS did not come close to estimating the percentage of workers who would be at risk of illness or death from the smallpox vaccine. Many individuals are well on their way to heart disease, even though they have no symptoms and feel fine. Many Americans who have high blood pressure and diabetes are completely unaware of their condition.

Both high blood pressure and diabetes increase the risk for heart disease. Unfortunately, these serious problems usually don't cause symptoms until they've already done their damage. They silently harm many organs, including the heart and kidneys. Often

people are not diagnosed with these problems until it is too late to prevent damage. By the time symptoms are present, the condition may be critical.

Scientific studies have indicated that for every 100,000 who are immunized against smallpox, 2 or 3 will die. But the U.S. has only immunized 29,000 persons so far, and three deaths have already occurred. Why the discrepancy? HHS's initial risk assessments were based on immunization of much younger subjects, who are at far lower risk of heart disease. But the three workers who died were all in their fifties, and the average age of nurses in our workforce is 45. Those who would be immunized under the president's plan are at much higher peril of adverse reactions.

The CDC had already announced a temporary medical deferral for persons diagnosed with heart disease, and late last week it expanded that category to include individuals with three of more "major risk factors" for heart disease, including smoking, diabetes, high blood pressure and high cholesterol. Small wonder that the participation rate among our health care workers is so low. It is likely to remain low until workers gain confidence that government has a better understanding of risk factors.

Our nation's first responders should be protected against smallpox. But a vaccination program can only succeed to the extent that government succeeds in assuring workers that potential side effects will be minimized, and that they will be treated fairly and compensated adequately in the event of illness, disability, or death.

The underlying bill fails these tests. It limits payments for lost income to any annual maximum of \$50,000. There is no wage replacement for those who suffer permanently disability or death. Why would nurses, who earn an average salary of \$40,000, risk their families' future for so little?

The Burr bill won't begin replacing lost wages until 5 days have passed. A national program ought to provide first dollar compensation, not last-resort coverage. The Burr bill also imposes a deadline of 180 days for workers to qualify for compensation. Those vaccinated after that time would not qualify. How can we know how long it take our States and localities to vaccinate a sufficient number of volunteers?

In addition, the bill provides no funding for education, screening, or surveillance. The National Association of County and City Health Officials has estimated that to provide pre-vaccination education and screening, and surveillance for adverse reactions would cost between \$154 and \$284 per person. If the Administration plans to vaccinate 500,000 workers in Phase I and another 10 million in Phase II, we are taking about a \$2 billion unfunded mandate to our localities.

Mr. Speaker, our towns' and cities' budgets are already strained as they conduct other bioterrorism preparedness activities. Our localities do not have sufficient funds to prepare for chemical, biological and radiological terrorism, and more than half of our local governments have reported that smallpox and other bioterrorism planning has negatively affected other local public health services. They are delaying programs, turning down community requests, and reducing the frequency of client visits.

Mr. Speaker, we have asked America's first responders to put their lives on the line to protect the rest of us. The compensation we offer

must be adequate; it must be immediate; it must be guaranteed. I believe the House is united in its appreciation of an support for our first responders. Legislation to compensate them for their illness, disability or death should reflect that level of support. I am disappointed that the bill before us does not do that. I urge the House to reject this bill and I call upon the leadership to return with legislation that will provide a meaningful compensation program for those on the front line against bioterrorism.

Ms. SCHAKOWSKY. Mr. Speaker, the Smallpox Emergency Personnel Protection Act (H.R. 1463) is being rushed to the House floor today for a vote under suspension, denying us the opportunity to amend this bill to ensure that the compensation we offer our first responders is both adequate and meaningful. I have serious concerns both about the deficiencies in H.R. 1463 and the process by which it was brought to the floor. This is an ill-considered bill that fails to provide adequate compensation for persons volunteering for the smallpox inoculation and, therefore, will undermine the very goal of encouraging first responders to participate in the vaccine program. Three recently immunized military personnel and civilian health care workers have died of fatal heart attacks and Federal health experts are investigating at least 15 more cases of possible cardiac reactions to the immunization. Given recent events such as these, the limitations of H.R. 1463 will likely result in even more refusals by first responders to volunteer for the smallpox vaccine.

H.R. 1463 fails to offer meaningful compensation, does not have guaranteed funding, and attempts to coerce first responders into getting inoculated. It will not work. That is why it is opposed by many organizations representing first responders, including the American Nurses Association, International Union of Police Associations, International Association of Firefighters, American Federation of Teachers, American Public Health Association, Infectious Diseases Society of America, American Federation of State, County and Municipal Employees, and the Service Employees International Union.

H.R. 1463 is based on the false assumption that nurses, firefighters and other first responders will be compensated by other benefit programs, such as workers' compensation and health insurance. In the case of smallpox, however, there are no guarantees that a person injured by the smallpox vaccine will be covered by workers' compensation or will be adequately insured. In fact, there are only 14 States where it appears at all certain that claims for benefits will be honored by the State workers' compensation program, based on a recent survey by the AFL-CIO. As a result, those injured by the smallpox vaccine may receive far less total compensation than other first responders currently covered by their Public Safety Officers Benefit program.

If, for example, under H.R. 1463, a 30-year-old nurse were permanently injured or killed as a result of the vaccine, she or her survivors would be eligible for a one-time lump sum payment of \$262,100. This amount is equivalent to 5 years' pay for the average nurse. This is not adequate compensation for a nurse unable to work, her family or her survivors. Partial and temporary disabilities as a result of the smallpox vaccine are also arbitrarily capped with a lifetime payout at \$262,100. Compensation should be provided to workers

for the duration of disability or to survivors' families until the spouse remarries or the children are no longer minors. If workers are worried about their economic security, and that of their families, they for good reason will continue to be reluctant about getting the vaccination.

Although the compensation offered through H.R. 1423 is scant at best, our first responders cannot even rely on benefits offered because there is no guaranteed funding. H.R. 1423 is funded by discretionary spending and would be subject to the annual appropriations process. Funding for compensation and medical care should be mandatory spending, similar to the Vaccine Injury Compensation Program for injuries due to childhood vaccines. Workers should not have to worry each year about whether there will be an adequate appropriation to provide promised benefits and medical care.

As if lack of compensation and funding did not make this bill already untenable, H.R. 1423 attempts to coerce workers into getting the vaccine. Current workers must receive the vaccination within 180 days following the issuance of interim final regulations in order to be eligible for compensation. New hires must be vaccinated within 120 days of hire to be eligible. There is no exception in the event that the public health department is unable to meet the deadline or a worker has a temporary condition that prevents immediate vaccination, such as pregnancy or the presence of an infant at home. Smallpox vaccination should be voluntary. When legislation only allows first responders to be eligible for compensation if they are vaccinated within months of the bill's passage, we know that people on the front line are being manipulated into getting the vaccine and getting it quickly.

Our first responders deserve better. They deserve a full and fair smallpox compensation package. Unfortunately, we do not have the opportunity to correct the deficiencies in H.R. 1463 because we are denied the opportunity to consider amendments. I oppose H.R. 1463 and look forward to voting on an effective alternative when the bill is brought under a rule that allows for a full and fair opportunity for amendment.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot support this bill.

When President Bush called for the voluntary vaccination against smallpox of 500,000 health care workers and other first responders last December, many criticized the plan for being incomplete. Not only did it not include a federal compensation fund to help those injured by the vaccine or their survivors, but the plan did not provide adequate education, prescreening, or surveillance. The relatively few numbers of health care workers and first responders who have received the vaccine—only about 21,700 to date—indicate that there are real concerns about the plan's shortcomings.

After all, the smallpox vaccine uses a live strain of the virus. The vaccine has the worst record of negative side effects of any vaccine in the world. So it is critical that those being vaccinated understand the risks involved and be prescreened for conditions that require them to avoid the vaccine. The recent deaths of a nurse, a nurses aide, and a National Guardsman after their vaccinations only underscore this point.

Like the President's plan, this bill has serious shortcomings. In particular, I'm concerned

that the compensation program is not comprehensive enough and that it does not provide adequate education and safeguards. I believe that the House must consider improvements to this bill. But the Democrats are being denied the opportunity to offer amendments to do that.

For these reasons, Mr. Speaker, I must oppose this legislation in its present form.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act.

This Republican legislation has a lot more to do with public relations than protecting our first responders so that they can do their job to protect the rest of us. No one doubts that the possibility of a terrorist attack is very real. Yet, Republicans are asking Congress today to short change those Americans on the front lines here at home—our doctors, nurses, police officers, fire fighters and others willing to risk both serious physical harm and financial ruin.

Congress has a great responsibility to provide security to these brave and selfless Americans. The smallpox vaccine is the most dangerous vaccine in current use. Thus, the decision to become inoculated is not one to be taken lightly. Those who are willing to step forward and receive inoculation to assure that they'll be there to protect others if the need arises, do so at a risk to their lives and, by secondary transmission, to the lives of loved ones. At a minimum, we need to assure these people that they and their families have affordable access to healthcare and won't confront financial hardship if they have an adverse reaction to the vaccine.

We are not talking about a small number of people at risk. Experts estimate that out of the 10 million healthcare and first responders who the Administration is requesting to volunteer for this smallpox inoculation program, approximately 10,000 will experience serious, though not life-threatening reactions, upwards of 520 will experience potentially life-threatening reactions and it is anticipated that 5 to 10 people will die. These estimates do not include those individuals who may be secondarily exposed to the live virus by being in contact with an inoculated individual. Furthermore, just in the last week we've discovered something previously unknown about the smallpox vaccine; it may cause heart attacks in people with particular cardiac conditions.

The Administration's Smallpox Vaccine Compensations bill is inadequate in numerous ways. Among its inadequacies, it:

- Fails to provide adequate funding to ensure that state and local public health officials can implement needed pre-inoculation education and screening and post-inoculation surveillance programs;

- Ignores the need for work place protection standards for individuals who refuse to volunteer for the vaccine program;

- Provides no requirement that health insurance companies guarantee health insurance coverage for adverse medical events that occur from participating in this voluntary program;

- Fails to guarantee immediate access to medical care for volunteers who have no insurance or who are not eligible for Medicaid or Medicare;

- Provides a wholly inadequate death benefit and a benefit for permanent and total disability limited to \$262,100. This in no way replaces

the lifetime income that will be lost to the families of the brave individuals who volunteer for this inoculation and are adversely affected;

Fails to compensate individuals who become sick and miss work for 5 or fewer days;

Doesn't guarantee that the compensation program is even funded. Rather than making it a mandatory appropriation which would assure that the program is fully funded, it is discretionary spending; subject to the vagaries of the annual appropriations process.

These many inadequacies have lead every major organization representing nurses, fire fighters, and other frontline personnel to oppose the legislation. These organizations include the American Nursing Association (ANA), the American Public Health Association (APHA), the International Association of Fire Fighters, the Infectious Disease Society of America and the Service Employees International Union (SEIU).

My colleagues, Representatives HENRY WAXMAN and LOIS CAPPAS, have introduced legislation (H.R. 865) to create a smallpox inoculation compensation program that would meet the needs of these brave volunteers. Unfortunately, the Republican Leadership has forbidden that bill to be considered by the full House. For that reason, we are forced to vote NO today and try to get the Republican Leadership to recognize that providing true protection to our emergency personnel who have volunteered to become inoculated against smallpox is a priority for this Congress. We need to do the job right!

I urge my colleagues to vote against H.R. 1463 today and insist that a compensation bill that truly protects the interests of these volunteers for the smallpox inoculation program be returned to this Chamber for a vote and passage.

Mr. TOWNS. Mr. Speaker, I rise today in opposition to H.R. 1463. While it offers significant liability protections to those entities that are responsible for administering the vaccination program, it simply does not provide the protection required by frontline health workers who have been asked to volunteer for the national smallpox vaccination program. More to the point, we have had three recent deaths, which can be reasonably traced to the vaccinations, and several other workers and military personnel have experienced cardiac-related problems after being vaccinated.

All the major unions—Service Employees International Union, American Federation of Teachers, American Nurses Association, International Association of Firefighters, International Union of Police Associations—who represent health workers and first responders, have declared that this legislation fails to provide an adequate compensation program. Thus far, only 14 states have been able to definitely assure workers that workers' compensation programs would cover them. Further, innocent third parties who suffer adverse reactions are not covered by workers' compensation. In the '60's, more than 20% of the adverse vaccination events occurred in secondary contacts. Therefore, the vaccination program poses a risk not only to first responders, but also to their patients and their families.

Moreover, public health experts, like the Centers for Disease Control's Advisory Committee on Immunization Practices, now question whether anyone with three or more "major risk factors" for heart disease, including smok-

ing, diabetes, high blood pressure and/or high cholesterol should receive the smallpox vaccine. Given the cost of screening for the above factors, it is particularly troubling that there is no guaranteed funding for medical screening, education or surveillance. Our armed services personnel received personalized education, and free and confidential prescreening prior to the administration of the vaccine. This process resulted in one-third of the potential recipients being screened out of the program. We should offer the same education and screening opportunities to our nurses and first responders.

Finally, Mr. Speaker, even though this bill falls short on a compensation and education and screening program, I remain hopeful that the Emergency Supplemental will at least provide adequate funding for States and localities to administer this program when and if an adequate compensation program is put in place.

Mr. SENSENBRENNER. Mr. Speaker, the bill before the House today, H.R. 1463 contains several provisions that are within the jurisdiction of the House Committee on the Judiciary as provided in Rule X of the Rules of the House of Representatives for the 108th Congress. The Committee on the Judiciary would normally proceed under regular order to examine legislation containing such provisions within our jurisdiction and take appropriate actions in Committee meetings.

However, the Bush Administration has maintained that there is a pressing need for this legislation's swift passage in order to provide first responders and other emergency personnel with all due encouragement and assurances to participate in ongoing smallpox vaccinations. Because of the exigent circumstances, the Committee on the Judiciary, like the Committee on Energy and Commerce and the Committee on Education and the Workforce, has elected not to hold a hearing or markup on this legislation and has allowed it to proceed for consideration by the full House. The Committee's deferral of action should not be interpreted as any lack of jurisdiction over or interest in H.R. 1463.

The primary purpose of the bill is to establish a compensation program for emergency personnel directed to receive smallpox vaccines pursuant to authorities granted by the 107th Congress in legislation establishing a Department of Homeland Security. This new program is to be established under the Public Health Service Act and is to be under the direction and control of the Secretary of Health and Human Services. The bulk of the provisions in Section 2 of H.R. 1463 dedicated to establishing the new compensation program are outside the scope of the Judiciary Committee's jurisdiction.

However, H.R. 1463 also contains provisions related to judicial review of determinations made by the Secretary of HHS under the Act and provisions modifying existing statutes concerning the liability of the United States and remedies available under the Federal Tort Claims Act (Chapter 171 and section 1346(b) of Title 28 United States Code) for covered persons suffering injury resulting from smallpox vaccinations. These provisions are clearly within the Rule X jurisdiction of the Committee on the Judiciary.

For example, Section 2 of H.R. __ adds new provisions titled "(e) Review of Determination" that affects the role of the courts and estab-

lished review procedures mandated by the Administrative Procedures Act—both within the Committee's jurisdiction. Furthermore, Section 3 of H.R. 1463 amends 42 U.S.C. §233(p) to assume liability for the government relative to a new category of acts and omissions by those acting within the scope of their duties as part of the smallpox vaccination program. Section 3 of the bill also modifies the requirements for exhaustion of remedies, statute of limitations, offsets, and exclusivity of relief available for tort claims in federal district courts arising from smallpox vaccinations administered under a declaration by the Secretary of HHS. These provisions of H.R. 1463 are also clearly within the Rule X jurisdiction of the Committee on the Judiciary.

If the Committee on the Judiciary had the luxury of unlimited time, we would certainly seek the normal referral of H.R. 1463 to examine these and other provisions further and consider any appropriate changes. However, as I stated earlier, the Administration has pleaded the need for swift passage and implementation of this new compensation program to encourage necessary smallpox vaccinations. The Administration and many of my colleagues believe that the importance of these vaccinations to the security of our homeland against biological attack outweighs considerations about the normal legislative process in this case. I do not dispute that assessment, and therefore as Chairman of the Committee on the Judiciary I have agreed that this bill should move forward in an expedited fashion without the normal review by our Committee.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in opposition to the Small Pox Vaccination Compensation Fund Act.

We should give pause about voting for a smallpox bill that does not safeguard the health, safety and livelihood of workers asked to volunteer for the smallpox vaccination. This bill is opposed is by a number of groups, including the International Association of Fire Fighters and the American Nurses Association.

There has been a great reluctance among health care workers and first responders to risk the loss of health and income without an adequate safety net for themselves and their families. While the legislation is promised on the assumption that workers will be eligible for workers' compensation in the event of an injury, the reality is that, in most states, workers cannot depend on this. In fact, there are only 14 states where it appears certain that claims for benefits will be honored by the state workers' compensation system.

Therefore, workers who are permanently and totally disabled will be eligible only for this bill's maximum benefit of \$262,100. This represents about five years' wages for the average nurse. For a worker who becomes partially disabled either temporarily or for life, the maximum benefit payable is only \$50,000. If the aim of the legislation is to encourage workers to be vaccinated, this bill will not do the job. Workers will continue to be reluctant to be vaccinated in the absence of assurances that the economic security of their families will not be jeopardized.

I also object to the bill's requirement that workers receive the vaccination within 120 days of the date regulations are issued. Any worker who is vaccinated under the Secretary's declaration must be eligible for federal

compensation. It is punitive to deny compensation to a worker who participates at a late date.

The legislation fails to ensure that the smallpox program will be carried out safely, in stark contrast to the program in place for military personnel. The bill does not establish any standards for ensuring that workers are properly educated and medically screened prior to volunteering for the vaccination. A careful program to screen out workers with contraindications will not only save lives, it will reduce the amount of federal money needed for compensation. The legislation also fails to include requirements for monitoring those who are vaccinated to catch adverse reactions before they develop into life threatening complications. There is also no funding for state and local public health departments to carry out the program safely.

Another significant flaw in the bill is that funding for the compensation program is not mandatory. Workers who have lost their health and livelihood should not have to wage a fight for compensation each year during the appropriations process.

The legislation also fails to include a table of injuries that ensures that workers will be awarded compensation quickly. After years of experience with the smallpox vaccine, there are injuries, that occur within specific timeframes, that are known to be caused by the vaccine. This schedule of injuries must be included to ensure that compensation will be quick and certain. Otherwise, workers cannot be certain before receiving the vaccine that the most likely serious injuries will qualify for compensation.

Unfortunately, but not surprisingly, the House Rules Committee has denied an opportunity for an alternative measure to be on the floor. Had the Capps-Waxman substitute been allowed, I would have supported it. In contrast to the proposal designed by the Bush administration and introduced by Representative BURR, the Capps-Waxman substitute includes measures to safeguard the health and safety of workers asked to volunteer for the smallpox vaccination program. Moreover, the Capps-Waxman substitute better addresses the concerns of workers who fear that a serious injury or death from the smallpox vaccine would lead to economic catastrophe for themselves and their families. As a result, the Capps-Waxman substitute will provide for a safer and more effective smallpox vaccination program.

The BURR legislation is deeply flawed and I urge my colleagues to oppose it.

Mr. BURR. Mr. Speaker, this legislation, "The Smallpox Emergency Personnel Protection Act," is another positive step towards preparing our citizens for a bioterrorist attack.

For more than 2 years, I have been working on legislation to strengthen and build our nation's public health system. The first bill was signed into law in 2000 and established grant programs to address core public health capacity needs. The second bill was last year's bioterrorism legislation. In part, that legislation built on the grant structure created in 2000 and sent a significant amount of money to our public health infrastructure. That money is currently funding basic needs such as computers and Internet access for public health departments and more specific needs such as decontamination chambers. Needs that are essential for providing public health care services and critical for bioterrorism preparedness.

On January 24 of this year, Secretary Tommy Thompson asked hospital workers, police officers, firefighters, and other public officials, to volunteer to receive the smallpox vaccination. Understandably, the reception was lukewarm. Nurses and physicians were concerned about the side effects of the vaccine and wanted to be compensated for any medical care or lost employment they incurred as a result of their vaccination. Hospitals were worried about liability. And public health departments were worried about the cost.

In response, we have H.R. 1413. This legislation addresses the concerns of all of those individuals. We will now compensate vaccinated individuals for lost wages and medical expenses. Additionally, if they suffer a permanent disability, or, in the very unfortunate and unlikely case, death, we will give them the same amount of money that police officers and firefighters receive if killed in the line of duty. The legislation clarifies that if a vaccinated individual infects other individuals—they too are eligible for those benefits. Finally, the legislation amends the Homeland Security Act to ensure that hospitals, pharmacists, public health departments and any other involved individuals will not be liable for properly vaccinating people who then suffer adverse reactions.

One very important point about this legislation is that it continues to give the Centers for Disease Control and Prevention, State and local health departments, and hospitals the flexibility they need to correctly vaccinate thousands of people. In light of the unfortunate situation in Maryland, concerns have been raised about vaccinating individuals with heart conditions. The CDC Director promptly responded by recommending that those individuals be screened out of the vaccination pool. We all want this program to be successful, and success depends on flexibility and Federal Government support when individuals suffer adverse reactions.

Let me end by saying that I am extremely proud of North Carolina and its response to Secretary Thompson's request. Thus far 26 hospitals have vaccination plans, 875 individuals have been vaccinated, and many more have volunteered. I believe that this legislation will reassure all of the current and future vaccination recipients in North Carolina and around this country that the Federal Government wants this program to work and backs up our request through compensation benefits.

Ms. PELOSI. Mr. Speaker, I had hoped to come to the Floor today with a bill I could recommend to my colleagues on both sides of the aisle.

We had been working together, over the past few days, in serious negotiations over what would be required of a vaccine program in order for our nurses and first responders to feel secure enough to put their health, their lives, and their livelihoods on the line by taking a smallpox vaccination.

There was progress on some features that are reflected in this bill. We are grateful for that.

But unfortunately, those talks broke down last week and we find ourselves instead in a process that restricts our discussion of this issue and does not allow us to consider a Democratic alternative—proposed by colleagues LOIS CAPPS and HENRY WAXMAN—that is based on the recommendations of the nurses, the firefighters, the police, the emer-

gency medical technicians, and other first responders.

They are being asked to step forward and take a vaccination that has the potential for dangerous side effects—including the possibility of death.

Make no mistake about it. The votes that count are not the votes that we will cast here in this body. The votes that count are the votes of those men and women who are nurses, medical workers, firefighters, EMTs, police officers, and others who will go to the state health department and roll up their sleeves and take a risk to help improve the nation's preparedness against terrorist attack.

These are not people who avoid risk. They take risks almost every day. You know who they are. They are the caregivers who tend to the sick, rescue the victims, and walk the streets to make us safer.

They are the night-duty emergency room nurses who crawled through the rubble of the Federal Building in Oklahoma City to try to find someone—anyone—who was still alive.

They are the firefighters who ran up the stairs instead of down the stairs in the World Trade Center to help the last of the people trapped in that horrific nightmare to escape.

They are the police officers who walk the beat every day and who risk their lives to keep us safe.

They are also mothers and fathers, caregivers for elderly parents, and breadwinners for their families. And they have a very human and understandable desire to protect their families in case something goes wrong.

It is an unfortunate fact that some of the people who will take the smallpox vaccine will suffer serious adverse effects that could cause them to be unable to continue their current job, see their pay reduced or—if they were to become totally and permanently disabled—lose the ability to work altogether.

They could even lose their lives. We have all seen the news reports of the National Guardsman, the nurse's aide in Florida, and the nurse on the Eastern Shore of Maryland. Each of them received the vaccine, but then later died of cardiac arrest.

We don't know, yet, whether there is a direct link between the smallpox vaccine and these heart problems. The Centers for Disease Control have not been able to definitively rule a connection in or out.

But the CDC has now recommended that anyone who has a known heart ailment not receive the smallpox vaccination.

And New York State and Illinois—as well as a number of municipalities—have temporarily suspended any further vaccinations until there is a more thorough investigation.

The bottom line is, whether any connection is proven between the smallpox vaccine and heart disease, there will ultimately be injuries and deaths from the vaccine. There is no question of that.

The choice of whether to get vaccinated is up to the nurses and the other first responders themselves based, in part, on the adequacy of the vaccine program we provide for them.

That is why we believe an adequate smallpox vaccine compensation package has to have a clear education component so that the health care workers and other first responders will know what the most likely side effects will be and what the effects could be on their families.

Legislation of this kind should have the strongest possible pre-screening program based upon the most up-to-date information.

It should have an aggressive monitoring program so that health experts can follow up the vaccinations and look out for patterns of adverse reactions so we can adjust the pre-screening program.

And it should provide a level of financial security so those who take the vaccination can be assured that their families will receive compensation if they become disabled or lose their lives protecting Americans from the horrific effects of a terrorist-sponsored smallpox attack.

The Republican bill falls short on each of these counts.

There is a better way. We can defeat this bill under the suspension of the rules. We can go back to the negotiating table or we can bring a new bill to the Floor with a substitute amendment that the nurses and first responders say will truly respond to their concerns.

My colleagues, I urge you to defeat the Burr bill today. Let us have a vote on the Capps-Waxman proposal that will better protect our public servants—our heroes and our heroines—and better produce the desired effect of having more frontline workers inoculated against a smallpox attack.

Mr. Speaker, I urge a “no” vote on the Republican bill.

Mr. DINGELL. Mr. Speaker, I join the millions of our Nation’s first responders in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act of 2003.” Right after we defeat this bill, I hope that we set about the task of crafting bipartisan legislation that all members of the House can support. The very people this bill purports to help—nurses, EMTs, police officers, firefighters—find this hastily crafted legislation lacking. Why? Because it fails to address their very significant concerns.

Mr. Speaker, we are voting on smallpox vaccine injury legislation today because the Administration’s current vaccine program is not working. Only a fraction of the number of first responders that the Administration has said are needed to protect us have volunteered to take the smallpox vaccine. The Administration has recommended that as many as ten million first responders be vaccinated for smallpox so that if we ever are attacked by the use of smallpox we will have a core capacity of health care and emergency personnel vaccinated and able to take appropriate action right away. The latest numbers from CDC indicate that less than 26,000 of them have been vaccinated. Why so few? Because the vaccination carries with it substantial risks, including adverse affects that could cause disability and, in some cases, death.

Proponents of H.R. 1463 will make much of what they think that bill does. I ask you to focus on what it lacks. H.R. 1463 does not do enough to ensure adequate screening and education and otherwise prevent adverse events from happening in the first place. In the event that tragedy strikes and someone is injured or killed by the vaccine, H.R. 1463 does not make adequate provision for lost wages. And, what H.R. 1463 lacks is support from the people to whom it is intended to appeal. H.R. 1463 is opposed by the American Public Health Association, the International Union of Police Associations, the American Nurses Association, the International Association of Fire Fighters, the American Federation of Teachers, the American Federation of State, County, and Municipal Employees, the Service Employees International Union, and the Infectious Disease Society of America.

Finally, Mr. Speaker, we are all aware of accounts of three deaths in the last week or so from cardiac arrest in persons who received the smallpox vaccine. Health care officials cannot positively rule out the smallpox vaccine as the cause or a contributing factor in these deaths. The CDC has taken swift action to revise its guidelines and has indicated that there may be further revisions. These uncertainties about the known, and I hasten to add the unknown, risks of the smallpox vaccine have greatly increased the fear factor among prospective vaccinees. We should be doing all we can to obtain and assess the relevant information on the vaccine and smallpox risks. That cannot be done by using the process by which this bill is before us today. We have had no hearings, no markups, and no opportunity to perfect this bill on the floor with amendments. All we have is the administration’s proposal and a take it or leave it procedure.

I recommend that we listen to our first responders, vote “no” on H.R. 1463, and get busy writing legislation we can all support.

Mr. BROWN of Ohio. Mr. Speaker. This isn’t, or shouldn’t be, a partisan debate. Democrats and Republican members of Congress are in the same boat. The question we have to answer for ourselves is: do we vote “yes” to a bad bill, or do we demand something better?

The answer to that question is important. Critical protections for first responders and their families hang in the balance.

H.R. 1463 is supposed to protect members of the police, the nation’s nurses, our firefighters, and other first responders who voluntarily receive a smallpox vaccine, and sustain an injury from that vaccine.

But the Nation’s first responders oppose this bill. This bill is supposed to increase the number of first responders who voluntarily receive a smallpox vaccine.

But the bioterrorism experts who helped put together the smallpox vaccine program say H.R. 1463 won’t work. It won’t improve participation rates.

So the choice both Republican and Democrat members of Congress face is whether to dismiss the concerns of first responders, ignore the advice of bioterrorism experts, and vote for this bill anyway.

Have members of Congress become so far removed from the people we represent that we would pass a bill opposed by the very men and women it is supposed to protect?

Do we in Congress really think we know better than bioterrorism experts when it comes to bioterrorism preparedness?

Protecting first responders and their families in the event of a vaccine injury and bolstering vaccine participation rates are important objectives.

They are time-sensitive objectives. The National Smallpox Vaccination program is already underway, and participation is lagging far behind goal.

About 25,000 people have been vaccinated, less than 5 percent of the March 1 benchmark. The experts tell us H.R. 1463 won’t jumpstart the smallpox vaccine program, so it won’t enhance bioterrorism preparedness.

Congress must now waste valuable time enacting the wrong bill, particularly when our nation’s ability to respond to bioterrorism is at stake.

Nor should members of either side of the aisle support legislation that is

unapologetically dismissive of the very people this bill alleges to protect . . . the nurses, firefighters, police, and others who voluntarily place themselves at risk on our behalf.

Public health experts and first responders tell us that H.R. 1463 falls short in fundamental ways.

To meet the goals of efficiency, timeliness, fairness, and program integrity, the compensation program must be backed by an injury table. H.R. 1463 lacks one.

Responsible administration of any vaccination program requires education, pre-screening and surveillance. H.R. 1463 requires these activities, but doesn’t fund them.

A lynchpin in any compensation program is guaranteed funding. Without it, financial protection is a possibility, not a promise. There’s no security in that. And there is no guaranteed funding in H.R. 1463.

The incidence of smallpox vaccine injury is rare. However, in the event a serious injury occurs, volunteers may be out of work for an extended period or permanently. First responder volunteers, and their families, must be assured adequate and continuing financial protection.

H.R. 1463 would cap funding so that wage replacement would run out after about five years. For permanent disability or death. “Inadequate” doesn’t begin to describe it. “Insulting” is closer to the mark.

H.R. 1463 is not a legitimate financial safeguard. It’s a placebo. Our nurses, firefighters, EMTs, and other first responders deserve better.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1463.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CAPP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

□ 1500

HONORING FAYETTEVILLE, NORTH CAROLINA, ON CENTENNIAL OF WILBUR AND ORVILLE WRIGHT’S FIRST FLIGHT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 58) honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright’s first flight, the first controlled, powered flight in history.

The Clerk read as follows:

H. CON. RES. 58

Whereas on December 17, 1903, Wilbur and Orville Wright achieved history’s first sustained and controlled flight with a heavier-

than-air, engine-powered aircraft at Kitty Hawk, North Carolina;

Whereas the Wright brothers' first flight lasted only 12 seconds and spanned approximately 120 feet, but ushered in the era of modern aviation;

Whereas the City of Fayetteville, North Carolina, will host a series of aviation-related events worthy of the 100-year anniversary of the Wright brothers' momentous achievement at Kitty Hawk;

Whereas the Fayetteville Festival of Flight will take place May 16–26, 2003, and will be the largest public centennial event in North Carolina celebrating the first flight and 1 of only 4 events nationwide endorsed as a full partner by the United States Centennial of Flight Commission;

Whereas retired General Henry Hugh Shelton, former Chairman of the Joint Chiefs of Staff and Congressional Gold Medal recipient, is the Honorary Event Chair;

Whereas the Fayetteville Festival of Flight will feature a weekend arts festival, a military air show at Pope Air Force Base, a general aviation air show at Grannis Field and an exposition with aviation displays and interactive exhibits depicting the past, present, and future of flight;

Whereas a year-long educational curriculum has also been developed to encourage students' interest in aviation and flight technology;

Whereas this educational focus will culminate with 1,000 students being sponsored each day for exclusive access to the Festival's Aviation Exposition; and

Whereas the City of Fayetteville and a number of civic groups, private businesses, government agencies, and military partners, are joining together to honor the Nation's aerospace achievements: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That Congress honors the City of Fayetteville, North Carolina, and its many partners, for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 58 introduced by our distinguished colleague from North Carolina (Mr. ETHERIDGE) honors the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

Mr. Speaker, on December 17, 1903, a pair of Ohio bicycle shop owners and

brothers named Orville and Wilbur Wright realized their lifelong dream of operating an engine-powered flight machine. On that historic day, they had traveled about 120 feet in the air for 12 seconds at the helm of the 1903 Flyer, a vehicle they had constructed after years of labor and research. The Wright brothers were pioneers in the truest sense of the term. Their strong desire to create a flying vehicle was frustrated only by the fact that there was so little aeronautical data that existed at the time on which to base their efforts. But the Wright brothers focused their ambition into building a wind tunnel from which they could generate their own empirical information on how to lift a vehicle into the air. They even designed and constructed their own lightweight gas-powered engine that produced only 12 horsepower, but was a massive innovation at the time.

The brothers began large-scale testing of their ideas with the combination kite and glider in 1900. Their ideas tested on this aircraft were further refined into a glider they fashioned in 1901. Using the information generated from their glider along with the wind tunnel data, Orville and Wilbur constructed the Flyer in 1903. The plane featured the two-tiered wing design with two propellers that we have all seen in the photographs. The wings were 40 feet long and were separated 5 feet apart, one on top of the other. The plane weighed right around 700 pounds. Comparatively, a Boeing 747 today has an overall wing span of more than 231 feet and weighs 875,000 pounds at takeoff.

Mr. Speaker, this House ought to commemorate the Wright brothers' inspirational story. It is hard to argue against the notion that few events in the 20th century had greater social, cultural, or economic impacts on today's world than Orville and Wilbur Wright's first momentous flight. Therefore, I urge all Members to join Fayetteville, North Carolina, in the celebration of the 100th anniversary of the Wright brothers' first flight by supporting the adoption of House Concurrent Resolution 58.

I want to thank and commend the gentleman from North Carolina (Mr. ETHERIDGE) for introducing this important measure.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 2 minutes.

In October, 1998, this body passed a bill to establish a commemoration of the centennial of powered flight and the achievements of the Wright brothers. The commemoration activities set forth in that bill will come to fruition this year with the Festival of Flight. The Festival of Flight will consist of four events that will be held nationwide to celebrate Wilbur and Orville Wright's first flight. Wilbur and Orville Wright manned the first successful controlled and sustained powered flight. The Wright brothers, originally bicycle store owners from Dayton,

Ohio, moved to Kitty Hawk, North Carolina, for the hills, strong and steady winds, and the soft-sanded ground, ingredients for a successful flight. They went back to Dayton and built a 6-foot wind tunnel to conduct experiments with over 200 different wing models. They developed the first reliable tables on the effects of air pressure on curved surfaces. The principles that we use today and that we see on every airplane were the very principles that they explored.

In 1903 the Wright brothers completed the construction of a larger plane powered by their own lightweight gas-powered engine and returned to Kitty Hawk. On December 17, 1903, four men and a boy witnessed the first flight, a flight which dramatically changed the course of transportation, commerce, communication, and warfare throughout the world.

I hope that the Festival of Flight will educate Americans to the achievements of the Wright brothers and their contributions to the development of this Nation. I urge my colleagues to support this legislation.

Mr. Speaker, I yield 6 minutes to the author of the proposal before us, the gentleman from North Carolina (Mr. ETHERIDGE), to speak in support of the concurrent resolution before us.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time. Let me thank the gentleman from Virginia (Mr. TOM DAVIS) and the majority leader and the majority whip for getting this piece of legislation to the floor.

It is my great pleasure to rise today and speak on behalf of this legislation, having authored it, along with every member in our North Carolina delegation, in honoring the City of Fayetteville of North Carolina as they begin to celebrate the 2003 Festival of Flight. As many of the Members and has already been stated today, almost 100 years ago now two brothers took a chance, believed in a dream, and made history. In just 12 seconds the world was changed forever. Man took to the skies and the world became smaller. The boundaries were pushed outward, and the impossible became possible.

Wilbur and Orville Wright, proud sons of the great State of Ohio, brought their dreams and flying machine to the windy beaches of Kitty Hawk, North Carolina, in the winter of 1903. The Wright brothers came to Kitty Hawk well prepared for their great achievement. They had been experimenting with aeronautics for years; and by the time they came to North Carolina in December of 1903, the men had completed more than 1,000 flights in gliders of their own design. Their diligence and perseverance paid off that year.

On a cold and windy morning on December 17, 1903, Orville Wright climbed aboard the Kitty Hawk, started the engine, and flew. Orville Wright described the experience as follows: "The first flight lasted only 12 seconds, a flight

very modest compared with that of birds, but it was, nevertheless, the first in the history of the world in which a machine carrying a man had raised itself by its own power into the air in free flight, had sailed forward on a level course without reduction of speed, and finally landed without being wrecked."

What many people did not realize is that the brothers completed a total of four flights that day, the longest covering 852 feet in 59 seconds. The Wright brothers' achievement stunned the world and began one of the most active periods of scientific research and experimentation in our history. However, despite all of our successes and improvements to flying machines, their basic design remains very familiar to that of the Wright brothers.

In honor of the centennial of flight, the people of Fayetteville, North Carolina, in my congressional district, and the gentleman from North Carolina (Mr. MCINTYRE) and the gentleman from North Carolina (Mr. HAYES) have planned a celebration worthy of their achievement.

The Festival of Flight will be, as the Members have heard, one of four in the United States sanctioned by the United States Centennial of Flight Commission. The 11-day festival will feature a 2-day military air show at Pope Air Force base and a general aviation show at the Fayetteville regional airport. The event will also present aviation displays and programs, educational exhibits, and an art festival. There will also be special exhibits on space flight and technology including 1 day devoted to space exploration and the Shuttle with NASA. The Festival of Flight will also feature a detailed replica of the 1903 Wright flight developed by the American Institute of Aeronautics and Aerospace.

The festival will culminate on Memorial Day, May 26, where participants will honor the brave men and women who have served in our Nation's military and those who are currently defending our Nation around the world. Fayetteville is home to Pope Air Force base and Fort Bragg's XVIII Airborne Corps, the Army's largest war-fighting organization. The XVIII Corps is the world's premier power projection force with tens of thousands of soldiers currently serving in Operation Iraqi Freedom.

In addition to celebrating man's first powered flight, the Fayetteville Festival of Flight will have a special emphasis on aviation education. This focus is especially fitting as education played a major role in the Wright brothers' success.

Even though Orville and Wilbur Wright had little formal education, they never graduated from high school, but their parents held education in high esteem. Orville Wright once said: "We were lucky enough to grow up in an environment where there was always much encouragement to children to pursue intellectual interests, to investigate whatever aroused curiosity."

It is our hope that the Fayetteville Festival of Flight will stimulate similar interests and curiosity in the thousands of school children scheduled to attend this event. In order to promote interest in aviation education and the Wright brothers' achievements, the State of North Carolina has developed a special curriculum on aviation history and technology that schools across the State have been using this whole year. The curriculum includes art, science, and essay competitions. Winners will be guests of the festival, which is also scheduled to host 1,000 students and 100 teachers every day of the festival.

In closing, let me thank all of the members of the North Carolina congressional delegation for joining me in sponsoring this resolution. I also want to thank the people of Fayetteville, Fort Bragg, and Pope Air Force Base for their enthusiastic support of the Festival of Flight. I also wish to invite all Members of Congress and their families and their staffs to come to Fayetteville, North Carolina, to help us kick off and celebrate one of the world's most monumental achievements: flight.

Mr. LATOURETTE. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MCINTYRE), one of the cosponsors of this legislation.

Mr. MCINTYRE. Mr. Speaker, I am pleased to join my colleagues today from North Carolina here on the floor for the consideration of H. Con. Res. 58. I appreciate the leadership of the gentleman from North Carolina (Mr. ETHERIDGE) in introducing this resolution, all of my fellow delegates from North Carolina, and the gentleman from Ohio (Mr. LATOURETTE), the gentleman from California (Mr. WAXMAN) in their support of this.

Mr. Speaker, Charles Kettering once said, "The Wright brothers flew right through the smoke screen of impossibility." On December 17, 1903, at Kill Devils Hill near Kitty Hawk, North Carolina, the Wright brothers manned the first-ever controlled, powered flight; and their optimism of achieving the impossible became our reality and the reality that has truly opened the world for all to see and enjoy.

As North Carolinians, we are immensely grateful for this historic feat and look forward to the 100-year celebration of this great event. The Wright brothers were men of vision and vigor whose dream of flight resulted in victory, not only for them but for all people, for all time, in all places.

The largest of the celebrations that has been sanctioned for this event is the Festival of Flight to be held in the Fayetteville/Fort Bragg/Pope Air Force Base region of North Carolina from May 16 through 26. Among the many activities planned are air shows, of course, emphasizing both civilian and military aviation technology, cultural events including the region's schools

adapting and implementing a curriculum of aviation history and technology for the fourth, eighth, and 11th grades. In addition, there will be a huge parade on Memorial Day itself on May 26 honoring those who have given their very lives in the quest of flight.

Mr. Speaker, this is a once-in-a-lifetime event, and we are here today to honor and to celebrate the all-American city of Fayetteville and its many partners for this fabulous Festival of Flight celebration. So many people in organizations have contributed time, energy and resources to plan for this special 11-day event. We hope that each of the Members and all Americans can join to look back and honor the work of the Wright brothers and also look forward to another 100 years of progress in flight. I urge the passage of this matter.

Mr. HAYES. Mr. Speaker, I rise today in strong support of honoring the City of Fayetteville, North Carolina, and the many public and private partners for their participation in organizing the Festival of Flight. The Festival of Flight will be the largest public centennial event in North Carolina and one of only four events nationwide endorsed as a full partner by the United States Centennial of Flight Commission.

On December 17, 1903, Wilbur and Orville Wright launched mankind's first sustained and controlled flight in a heavier-than-air, engine powered aircraft at Kitty Hawk, North Carolina. Although the flight only lasted 12 seconds, and covered approximately 120 feet, this achievement fundamentally changed the world.

The invention of powered air travel altered the way we fight wars, revolutionized travel and commerce, and fueled technological and scientific innovation. Fayetteville is blessed to be the home of the XVIII Airborne Corps stationed at Fort Bragg and Pope Air Force Base. These bases are home to some of the most advanced and successful aircraft the world has ever seen. From the A-10 Warthog to C-130 cargo planes, aviation in Fayetteville is an integral part of the United States armed forces.

The Festival of Flight will highlight both civilian and military aircraft and the continuing evolution in technology. From an arts festival to military and general aviation air shows, the past, present, and future of aviation will be on display to educate the public of the continued importance of aviation.

I commend the outstanding work of local leaders and volunteers in the Fayetteville community for their hard work and effort to honor this historic moment in human history.

I urge my colleagues to join with me in honoring the Fayetteville, North Carolina, Festival of Flight by supporting H. Con. Res. 58.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

JIM RICHARDSON POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1505) to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".

The Clerk read as follows:

H.R. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JIM RICHARDSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, shall be known and designated as the "Jim Richardson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Jim Richardson Post Office.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1505 has been introduced by our esteemed colleague, the gentleman from North Carolina (Mr. WATT), and it designates the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina as the "Jim Richardson Post Office Building."

Mr. Speaker, State Senator Jim Richardson of Charlotte, North Carolina was a venerable public servant who deserves acknowledgment by this House. Mr. Richardson earned one term as a State representative, followed by 4 terms in the Senate of the Tarheel State. His time serving in the North Carolina State legislature followed a

distinguished 33-year career with the United States Postal Service. He reached the rank of postmaster in Mount Holly, North Carolina, and was recognized with a Postal Service Certificate of Appreciation for his outstanding career. By all accounts, Jim Richardson was one of the most friendly and most wonderful men one would ever meet.

Sadly, Mr. Speaker, I understand that Mr. Richardson was diagnosed with cancer 3 years ago and he is conducting a brave fight. I know I speak for all Members when I say that the thoughts and prayers of this entire House are with Mr. Richardson and his family.

Mr. Speaker, for these reasons, I urge all Members to support the adoption of H.R. 1505. I want to thank our colleague, the gentleman from North Carolina (Mr. WATT), for introducing this meaningful measure.

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

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

As ranking member of the House Committee on Government Reform, I join my colleague, the gentleman from Ohio (Mr. LATOURETTE) in the consideration of H.R. 1505, a bill which names a U.S. postal facility located at 2127 Beatties Ford Road in Charlotte, North Carolina after Jim Richardson. This bill was introduced by our friend and colleague, the gentleman from North Carolina (Mr. WATT), on March 27, 2003.

For the benefit of my colleagues, H.R. 1505 has met the committee cosponsorship requirement and has the support and sponsorship of the entire North Carolina State congressional delegation.

Mr. James Franklin Richardson, Sr., was born in Charlotte, North Carolina in 1926. After attending elementary and high school in Charlotte, Mr. Richardson went on to join the United States Navy and fought in World War II. After receiving an honorable discharge from the Navy, Mr. Richardson attended and graduated from Johnson C. Smith University with a bachelor of science degree in physical education and general science. Upon graduation, Mr. Richardson began a 33-year career with the United States Postal Service.

During his tenure with the Postal Service, Jim Richardson served as a service clerk and a postal supervisor. He spent his last 8 years with the Postal Service as postmaster in Mount Holly, North Carolina. Before he retired, Jim Richardson had received a Certificate of Appreciation from the Service, in "Recognition of Exceptional Performance in the Interest of Improved Postal Service."

In 1985, Jim was elected to the North Carolina House of Representatives where he served one 2-year term before being elected to the North Carolina Senate. He served 4 terms in the Senate before he retired and was elected to the Mecklenburg County Commission where he served for 6 years.

During his years in public service, Jim Richardson was known for operating in a bipartisan manner and working hard to improve and promote his community. He always held true to his convictions and continued to fight the good fight. This fight continues today as Jim battles against cancer.

Mr. Speaker, in closing, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DANNY DAVIS), the ranking member of the Postal Task Force, for getting this bill to the House Floor. I also commend my colleague, the gentleman from North Carolina (Mr. WATT) for seeking to honor the incredible contributions made by Jim Richardson to his community, and I urge the swift passage of this measure.

Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NORTHERN IRELAND PEACE AND RECONCILIATION SUPPORT ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1208) to authorize appropriations for fiscal years 2004 and 2005 of United States contributions to the International Fund for Ireland, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Peace and Reconciliation Support Act of 2003".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been effectively engaged in the Northern Ireland peace process through both participating in negotiations and contributing to the economic development of the region.

(2) Both the Government of Ireland and the Irish people and the Government of the United Kingdom and the British people are long-standing friends of the United States and the American people.

(3) In 1986, the United States, in support of the Agreement Between the Government of Ireland and the Government of the United Kingdom ("Anglo-Irish Agreement") dated November 15, 1985, initiated annual contributions to the International Fund for Ireland ("International Fund") to help bolster economic development and support programs that would foster peace and reconciliation in

Northern Ireland and the affected border areas of the Republic of Ireland.

(4) The United States has been a generous and faithful donor to the International Fund, contributing more than \$386,000,000 to help improve relations between Catholics and Protestants in Northern Ireland through the creation of thousands of jobs and cross community business development.

(5) More than 80 percent of the International Fund's investments have been in disadvantaged areas offering work experience and important job training programs for disadvantaged and unemployed youth through the economic, social, and physical regeneration of deprived areas.

(6) The International Fund has also developed a series of community-building programs promoting greater dialogue and understanding between Catholics and Protestants and leadership programs designed to develop a new generation of leaders in Northern Ireland to bring about a more peaceful and prosperous future in the region.

(7) Through the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415), the United States also seeks to ensure that its contributions promote "reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government."

(8) The Good Friday Agreement reached by the Government of Ireland, the Government of the United Kingdom, and political party leaders on April 10, 1998, created the Northern Ireland Executive Assembly and Executive Committee and provided for a "democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community."

(9) The Good Friday Agreement also called for police reform and establishment of a "new beginning" in policing in Northern Ireland with an effective, accountable, and fair police service capable of attracting and sustaining support from the community as a whole, capable of maintaining law and order, and based on principles of protection of human rights.

(10) In 1999, the Independent Commission on Policing in Northern Ireland, mandated by the Good Friday Agreement, made 175 recommendations for policing reform in Northern Ireland, some of which have been implemented.

(11) In 2002, the Department of State, as required by section 701(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), issued a "Report on Policing Reform and Human Rights in Northern Ireland" and concluded that among key areas of concern that had not been fully implemented was the establishment of a critically-needed new police training facility and an increase in funding for training programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States assistance for the International Fund has contributed greatly to the economic development of Northern Ireland and that both objectives of the Anglo-Irish Agreement Support Act of 1986, economic development and reconciliation, remain critical to achieving a just and lasting peace in the region, especially in the economically-depressed areas;

(2) although there has been positive economic development in both the Republic of Ireland and Northern Ireland, International Fund contributions to support much-needed projects in economically-depressed areas of

Northern Ireland remain very important, and an expansion of efforts in reconciliation projects as a way to promote peace and economic stability is also encouraged; and

(3) since policing reform is a significant part of winning public confidence and acceptance in the new form of government in Northern Ireland, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, and enhance peaceful mediation in neighborhoods of continued conflict.

SEC. 3. AMENDMENTS TO THE ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986.

(a) FINDINGS AND PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following: "Furthermore, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, enhance peaceful mediation in neighborhoods of continued conflict, promote training programs to enhance the new district partnership police boards recommended by the Patten Commission, and assist in the transition of former British military installations and prisons into sites for peaceful, community-supported activities, such as housing, retail, and commercial development."

(b) UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.—Section 3 of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following:

"(c) FISCAL YEARS 2004 AND 2005.—Of the amounts made available for fiscal years 2004 and 2005 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), there are authorized to be appropriated \$25,000,000 for each such fiscal year for United States contributions to the International Fund. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are authorized to remain available until expended. Of the amount authorized to be appropriated for fiscal years 2004 and 2005 under this subsection, it is the sense of Congress that not less than 20 percent of such amount for each such fiscal year should be used to carry out the last sentence of section 2(b)."

(c) ANNUAL REPORTS.—Section 6(1) of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end before the semicolon the following: ", specifically through improving local community relations and relations between the police and the people they serve".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1208, the bill that is now under consideration.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, first of all, let me begin by thanking our leadership, beginning with the leadership on the committee, the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and the ranking member, the gentleman from California (Mr. LANTOS), and for the majority leader, the gentleman from Texas (Mr. DELAY) for scheduling this very, very important piece of legislation for House consideration.

Mr. Speaker, H.R. 1208, the Northern Ireland Peace and Reconciliation Act of 2003, reauthorizes U.S. contributions to the International Fund for Ireland and reaffirms our government's commitment to fostering peace and reconciliation in Northern Ireland.

Historically, the United States has helped advance the peace process in Northern Ireland through several avenues. Since 1997, for example, we have had hearings in the Committee on International Relations, as well as in the Helsinki Commission; as a matter of fact, I chaired seven of those hearings, examining the root causes of the violence in Northern Ireland and the need to secure due process rights and fundamental freedoms for both sides of the divide. The Congress has also adopted several bills promoting human rights, police reform, and the elimination of job discrimination in Northern Ireland.

In addition, we have provided critical economic support through the International Fund for Ireland. Created in 1986 by the British and Irish Governments, the IFI is an independent, international organization with two primary objectives: First, it is designed to promote economic and social advance in Northern Ireland; and secondly, the IFI is charged with fostering contact, dialogue, and reconciliation between Unionists and Nationalists throughout Ireland.

I would point out to my colleagues, Mr. Speaker, that the United States, the European Union, Australia, and New Zealand are all donor countries to the fund. To date, the United States has provided more than \$380 million to the fund, and the economic results have been impressive.

A recent report conducted by a consortium of independent consultants led by KPMG catalogued the following achievements of the IFI:

One, 4,400 business projects have been supported, helping to create more than 37,500 jobs.

Secondly, more than 10,000 young people from the most disadvantaged parts and areas of North and South have participated in the Wider Horizons Program, which brings people together, ages 18 to 28, to work camps where they receive training and improvement in their employment prospects.

Overall, 91 percent of the fund's commitments have been to projects in designated disadvantaged areas, and more

than 120 strategic alliances have been supported between businesses in Northern Ireland and the border counties and businesses elsewhere in Europe and North America, Australia, and New Zealand.

Mr. Speaker, these statistics are impressive, they are tangible, but there is much more to the success of the International Fund for Ireland. It is called the peace dividend.

Each day, in disadvantaged and troubled areas of Northern Ireland, the IFI is at work bringing Catholics and Protestants together at jobs and job training sites. Working side by side, people who traditionally had no contact with each other are now communicating and learning a little bit more about who their neighbors are. They share an interest and investment in their community and new bonds have been developed where they never existed before.

It is also important to note that when people have solid jobs, they are less likely to get caught up in the sectarian strife that has tragically plagued this region. By focusing on the regeneration of impoverished neighborhoods where unemployment is the highest, the fund helps direct young Catholics and Protestants to job training and employment opportunities instead of gangs and paramilitary organizations.

Mr. Speaker, my colleagues and I believe, and Members of this Congress believe that justice and sustainable peace will come about in Northern Ireland not merely through the political discussions of a few leaders, but the efforts to change the hearts and minds of individuals. This is a core part of the mission and underlying purpose of the International Fund for Ireland, bringing about peace by bringing together men and women from disparate backgrounds and disparate religious denominations and a successful economic environment. Indeed, the future is brighter in Northern Ireland in large part because of a new working relationship that has been forged with the economic help of the IFI.

Mr. Speaker, on the political side, progress indeed is being made in Northern Ireland. We all know it and celebrate it. I recently returned from a human rights mission to Belfast and to Northern Ireland and I am pleased to report that much has changed from my last trip in 1997 and much significant change, dramatic change has occurred over the last decade. There are now many signs of hope. Sections of Northern Ireland have experienced substantial economic growth and, as a result of the restored cease-fire of 1997 and the Good Friday Agreement signed in 1998, both communities in the North are working hard to obtain a just and lasting peace and to secure local democratic government.

Regrettably, the process is not without obstacles. Last October, the British Government suspended the Northern Ireland Assembly. Policing reform and

criminal justice review, demilitarization, and the completion of decommissioning are among the issues that still need to be resolved.

However, in recent weeks, let me point out to my colleagues, there has been a renewed and concerted effort by the British and Irish Governments to address these issues, to bring the major political parties together, and to find a way forward before new elections are held in May.

H.R. 1208 ensures that the IFI will continue to benefit from U.S. contributions and continue to do its good work for peace and for reconciliation. The bill provides a \$50 million amount over the next 2 years.

It also encourages the IFI to develop new ways to promote reconciliation in the North. In particular, we are hoping that the IFI will look even more closely at programs aimed at enhancing intercommunity relations, community relations with the new police service, and programs that promote and ensure fundamental human rights.

For example, the legislation specifically urges the IFI to do more work to enhance relations between the police and the communities they serve through promoting human rights training and enhancing the new district police partnership police boards recommended by the Patten Commission. It also encourages a fund to assist in the transition of former British military sites into venues for housing, retail, and other community-supported uses.

Again, I want to thank my colleagues who helped work for and support the final passage of this legislation, especially the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. KING), the gentleman from New York (Mr. CROWLEY), and the gentleman from New Jersey (Mr. PAYNE) from the Committee on International Relations who have all lent their strong support to this legislation, as well as the gentleman from New York (Mr. WALSH) and the gentleman from Massachusetts (Mr. NEAL). All are longtime supporters of the Northern Ireland peace process and are true friends of the people of Northern Ireland and of Ireland itself.

I would like to note that the text we are considering today contains a technical amendment to reflect progress the IFI is making towards using funds for specific reconciliation projects and, again, I hope that Members will support this bill.

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

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I want to commend our colleague, the gentleman from New Jersey (Mr. SMITH) for bringing this bill to the floor today and for his effort in drafting this legislation.

□ 1530

He has been a champion of human rights issues, and this bill today is just the most recent example of his leadership.

In 1986, the Congress adopted the Northern Ireland Peace and Reconciliation Support Act, legislation establishing the International Fund for Ireland. This legislation today seeks to revitalize this critically important program, and it is most appropriate that we do so.

When the original International Fund for Ireland was established, Northern Ireland suffered from serious unemployment and economic stagnation. The purpose of the fund was to encourage economic development and cooperation between the Catholic and the Protestant communities in economically deprived areas of Northern Ireland. I am delighted that it has contributed to the economic success and growth in that area.

The economic stimulus that the fund sought is less necessary today than it was when this program was created. The Good Friday Agreement of 1998, in which then-U.S. President Bill Clinton played a key role, marked an important step forward in reconciliation in Northern Ireland. We have seen progress in reducing violence, although we have not achieved the full peace that all of us seek.

The changes to this legislation we are considering today will permit this program to continue to expend resources for projects and conflict resolution for the critical support of human rights training for police and for programs to foster peaceful mediation in neighborhoods where conflict still exists.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding time to me on this important legislation.

Mr. Speaker, our contributions to the International Fund for Ireland since 1986 have been a vital contributor to the progress towards peace in that troubled region. This bill authorizes last year's level of \$25 million, and is a U.S. vote of confidence in the peace process and the peaceful future of Northern Ireland, which we want and we see unfolding at long last.

It is also a vote of thanks to the Irish Prime Minister, Bertie Ahern, who has supported our efforts in Iraq with keeping Shannon Airport open for American military troop refueling flights.

Peace in Northern Ireland, which these International Fund for Ireland monies also support, helps end the British Army massive presence there and makes it easier for them to help support our activities in Iraq. I believe

hundreds of troops from Northern Ireland are there now playing a very crucial role.

I compliment the chairman, the gentleman from New Jersey (Mr. SMITH), and the original cosponsors, the gentleman from Illinois (Mr. HYDE), the gentleman from New York (Mr. KING), the gentleman from Massachusetts (Mr. NEAL), the gentleman from New York (Mr. CROWLEY), and the gentleman from New Jersey (Mr. PAYNE), for all their years of firm dedication to peace and reconciliation in Northern Ireland and for leading the way on H.R. 1208, now before us.

Now more than ever, as we reach the possibility of the end game in the north of Ireland of lasting peace and justice, the U.S. contribution to the IFI must be maintained, yet somewhat refocused. We need IFI to address new needs as we set about cementing the peace. Besides just economic development through cross-community job projects, which is still very important, we also need the IFI to play an increasing role in more direct reconciliation efforts.

The bill sets out a reasonable and workable spending formula, 20 percent direct reconciliation versus 80 percent economic development, for the use of U.S. contributions to the IFI. This expenditure formula will help refocus the U.S. monies to meet new requirements and challenges.

The Good Friday agreement was not around when the IFI was founded in 1986; and no one envisioned then, for example, a new acceptable, as well as accountable, police service in the north and many other changes that are now a reality.

Another good example of the IFI's new role, as Mark Durkin, the leader of SDLP pointed out to me just a few weeks ago, is helping in the transitional use of former British military bases and prisons being closed, changing those into housing projects, shopping centers, and industrial parks. IFI needs to be helpful in brokering deals on the peaceful use of these old military sites, once the very symbols of the "troubles." This is truly turning swords into plowshares, and the IFI can and should help.

H.R. 1208 specifically requires the IFI to spend 20 percent of our contribution to help support programs that enhance direct reconciliation between both communities, and between police and all the communities they serve in the north. The IFI under the bill is encouraged to promote human rights training for police, enhance mediation efforts in interface areas of continuing conflict, and to promote training of the new cross-community district police partnership boards in the north.

These new reconciliation efforts will soon ensure the future of the north and the security of these warm and generous people and their elected leaders under the established power-sharing institutions of the Good Friday Agreement.

Mr. Speaker, I urge full support by the House of H.R. 1208.

Mr. WEXLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Chairman WALSH) for his longstanding leadership on behalf of peace and justice and fairness in Northern Ireland. He has been indefatigable over these many years, and he continues to be. I would thank him for his leadership and remind my colleagues of the importance of trying to get the IFI to look further into reconciliation projects and police reform projects.

As I indicated earlier, we have had seven hearings on police reform in Northern Ireland with a focus on what the United States can do to try to foster that, so there is total transparency, and the best type of methods used by police with human rights training being part of that. It has become very clear that this would help to advance that kind of understanding between the two communities. Those barriers need to be broken down. We do it by getting both communities working together.

We are, I think, or many of us, very encouraged that Hugh Orde is the new chief constable. He replaces a man that many of us had very serious disagreements with in the past, and our hope is that he will continue and even accelerate the pace of reform. This helps to build under him additional strong Earth and concrete, and a base for him to go forward.

This bill has worked; this law has worked; and the IFI, the International Fund for Ireland, has worked for many years to foster reconciliation. This bill gives it an additional push and would provide \$25 million authorization for each of the next 2 years.

Again, I want to thank all Members for their support. It is a bipartisan bill.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Northern Ireland Peace and Reconciliation Support Act.

As we all know, the peace process in Northern Ireland is at a critical juncture and now is not the time to decrease funding for a critical program such as the International Fund for Ireland.

The International Fund for Ireland was established as an independent, international organization by the British and Irish Governments in 1986, and receives contributions from the United States, the European Union, Canada, Australia and New Zealand.

The International Fund for Ireland is so important because it promotes economic and social advance and encourages contact, dialogue and reconciliation between Unionists and Nationalists throughout Ireland.

This is a proven program that successfully brings together two groups and teaches them to work together and helps to foster friendships and understanding.

Dialogue is a key tool to lead to the decommissioning of all parties, a fair police force and a feeling of unity and peace in Ireland.

That is why I am concerned about the significant cut to the International Fund for Ireland.

The Northern Ireland Peace and Reconciliation Support Act will authorize \$25 million in funding for the International Fund for Ireland, which will match the funding level provided by Congress in the Fiscal Year 2003 not the current request of \$8 million.

Now is not the time to decrease this program and I urge all members to support the Northern Ireland Peace and Reconciliation Support Act.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that House suspend the rules and pass the bill, H.R. 1208, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1166) to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

The Clerk read as follows:

H.R. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Approximately 60 percent of Indian tribe members and Native Alaskans live on or adjacent to Indian lands, which suffer from an average unemployment rate of 45 percent.

(2) Indian tribe members and Native Alaskans own more than 197,000 businesses and generate more than \$34,000,000,000 in revenues. The service industry accounted for 17 percent of these businesses (of which 40 percent were engaged in business and personal services) and 15.1 percent of their total receipts. The next largest was the construction industry (13.9 percent and 15.7 percent, respectively). The third largest was the retail trade industry (7.5 percent and 13.4 percent, respectively).

(3) The number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that period. This is compared to all businesses which grew by 7 percent, and their total gross receipts grew by 40 percent, in that period.

(4) The Small Business Development Center program is cost effective. Clients receiving long-term counseling under the program in 1998 generated additional tax revenues of \$468,000,000, roughly 6 times the cost of the program to the Federal Government.

(5) Using the existing infrastructure of the Small Business Development Center program, small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians receiving services under the program will have a higher survival rate than the average small business not receiving such services.

(6) Business counseling and technical assistance is critical on Indian lands where similar services are scarce and expensive.

(7) Increased assistance through counseling under the Small Business Development Center program has been shown to reduce the default rate associated with lending programs of the Small Business Administration.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stimulate economies on Indian lands.

(2) To foster economic development on Indian lands.

(3) To assist in the creation of new small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians and expand existing ones.

(4) To provide management, technical, and research assistance to small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians.

(5) To seek the advice of local Tribal Councils on where small business development assistance is most needed.

(6) To ensure that Indian tribe members, Native Alaskans, and Native Hawaiians have full access to existing business counseling and technical assistance available through the Small Business Development Center program.

SEC. 2. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

“(7) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS.—

“(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions owned by Indian tribe members, Native Alaskans, and Native Hawaiians.

“(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Natives Alaskans, and Native Hawaiians that comprises at least 1 percent of the State’s total population, as shown by the latest available census.

“(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Associate Administrator an application that is in such form as the Associate Administrator may require. The application shall include information regarding the applicant’s goals and objectives for the services to be provided using the grant, including—

“(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Native Alaskans, and Native Hawaiians;

“(ii) the location of the Small Business Development Center site proposed by the applicant;

“(iii) the required amount of grant funding needed by the applicant to implement the program; and

“(iv) the extent to which the applicant has consulted with local Tribal Councils.

“(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under sub-

paragraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements of paragraph (4)(A) shall not apply.

“(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than \$300,000 in grants under this paragraph in a fiscal year.

“(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administrator shall issue final regulations to carry out this paragraph, including regulations that establish—

“(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

“(ii) standards relating to any work plan that the Associate Administrator may require a Small Business Development Center receiving assistance under this paragraph to develop.

“(G) DEFINITIONS.—In this paragraph, the following definitions apply:

“(i) ASSOCIATE ADMINISTRATOR.—The term ‘Associate Administrator’ means the Associate Administrator for Small Business Development Centers.

“(ii) INDIAN LANDS.—The term ‘Indian lands’ has the meaning given the term ‘Indian country’ in section 1151 of title 18, United States Code, the meaning given the term ‘Indian reservation’ in section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), and the meaning given the term ‘reservation’ in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

“(iii) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in section 8(a)(13).

“(iv) INDIAN TRIBE MEMBER.—The term ‘Indian tribe member’ means a member of an Indian tribe (other than a Native Alaskan).

“(v) NATIVE ALASKAN.—The term ‘Native Alaskan’ has the meaning given the term ‘Native’ in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

“(vi) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

“(H) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$7,000,000 for each of fiscal years 2004 through 2006.

“(I) FUNDING LIMITATIONS.—

“(i) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

“(ii) LIMITATION ON USE OF FUNDS.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.”.

SEC. 3. STATE CONSULTATION WITH LOCAL TRIBAL COUNCILS.

Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

“(9) ADVICE OF LOCAL TRIBAL COUNSELS.—A State receiving grants under this section shall request the advice of local Tribal Councils on how best to provide assistance to Indian tribe members, Native Alaskans, and Native Hawaiians and where to locate satellite centers to provide such assistance.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the

gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1166 is identical to legislation the House passed unanimously December 5, 2001. Unfortunately, this bill did not pass the Senate last year. We are here today to try again.

This bill simply establishes a 3-year pilot program providing grants to the Small Business Development Centers for assisting Native Americans, Native Alaskans, and Native Hawaiian populations with their small business development needs.

Few people realize that 60 percent of our Native American population lives in or adjacent to Indian lands that suffer from an average unemployment rate of 45 percent. One-third of Native Americans live below the poverty level. However, the number of businesses owned by Native Americans grew by 84 percent between 1998 and 1997, as compared to all other businesses, which grew at only 7 percent over the same time period.

It is quite clear that the entrepreneurial spirit of Native American small business ownership is the key to economic growth and revitalization of these often forgotten communities. Instead of creating a new program, H.R. 1166 uses the existing Small Business Development Center network to develop culturally sensitive entrepreneurial counseling and technical assistance programs for Native Americans.

The SBDC network has a track record of success. Small businesses that use their service have a higher survival rate than the average small businesses not receiving such assistance. Any SBDC in a State whose Native American population is at least 1 percent of the State’s total population can apply for a grant from the SBA. Such grants must be used to provide SBDC program assistance to Native Americans. The maximum grant size is \$300,000 and the authorized level is capped at \$7 million per year.

Already this fiscal year, the Small Business Administration received a \$2 million appropriation to develop Native American entrepreneur education programs. I join many of my colleagues, including the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO), who is an original cosponsor of this bill, in supporting H.R. 1166.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank the gentleman from Illinois (Chairman MANZULLO), chairman of the Committee on Small Business, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their work and commitment to expanding small business opportunities for all Americans and for working to bring this bill to the floor today.

I would also like to thank the staff members of the committee for their hard work on this legislation and my colleagues who supported this bill by joining me as cosponsors.

The important legislation before us today, H.R. 1166, allows Small Business Development Centers to apply for an additional Small Business Administration grant to provide specified services to assist with outreach, development, and enhancement on Indian lands of small business start-ups and expansions that are owned by Indian tribal members, Alaskan Natives, or Native Hawaiians.

This legislation ensures participation of governing bodies of Indian tribes, Alaska Native entities, and Native Hawaiian organizations. Under H.R. 1166, States receiving a Small Business Development Center program grant are required to request advice from the appropriate governmental organization on how best to provide assistance to such members and where to locate satellite centers to provide such assistance. Our intent is to ensure these business development tools are provided in a culturally sensitive way.

Mr. Speaker, small businesses create 75 percent of all new employment opportunities, make up 99 percent of all employers, and provide almost half of all sales in this country. As many of us have said before and will say again, small businesses are the fuel for the engine of economic development. That is why it is so imperative that we take steps to help ensure that small business development reaches the places in this country where economic prosperity has yet to be realized.

The current economic situation on Native American lands is very grave. However, it does hold promise for the future. The average unemployment rate of these lands is over 10 times the national average. At the same time, small business creation is at an all-time high. Native American and Native Alaskan-owned small businesses grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that same time period.

Compare those figures to an overall small business growth rate of 7 percent and to the gross receipt growth of 40 percent, and we can see why there is reason to be optimistic about the future of small business development on tribal lands.

It is with these facts in mind and the desire to help Native American, Native Alaskan, and Native Hawaiian entre-

preneurs capitalize on these positive developments that I introduce this legislation. My bill ensures that Native Americans, Native Alaskans, and Native Hawaiians seeking to create, develop, and expand small businesses have full access to the counseling and technical assistance available through the SBA's SBDC program. The business development tools offered by the SBDCs can assist Native Americans with the information and opportunity to build sustainable businesses in their communities.

In an effort to ensure the quality and success of the program, the proposal requires the SBA to include several items in the grant application.

□ 1545

In addition to the obvious requirements like requiring the applicant's goals and objectives, we also must see the applicant's experience in conducting programs on ongoing efforts designed to assist the business skills of small business owners. Also the capability of such applicant to provide training and services to a representative number of Native Americans, Native Alaskans, and Native Hawaiians is also important to this process.

I have the great honor of representing 14 Pueblos, the Hickory Apache Nation, and a portion of the Navajo Nation. These communities are in great need of economic development, and it is clear we can do more to aid Native American entrepreneurs not only in my district but throughout the country as well. Not enough has been done to assist Native Americans in building their businesses. I hope to change this situation with the passage of this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Mr. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 1166, a bill to authorize the administration of grants to local small business development centers in States with significant populations of Native Americans, Native Alaskans, and Native Hawaiians. The gentleman from New Mexico (Mr. UDALL) has carefully crafted this important legislation to address poverty and unemployment amongst those disadvantaged populations. I commend the gentleman and the House Committee on Small Business for focusing on the sizable socioeconomic problems faced by Native Americans.

H.R. 1166 will enable small business development centers to assist Native Americans with job creation and economic growth. This measure will help foster self-determination among groups that have been historically marginalized by the Federal Government. This bill helps individuals to utilize their own valuable business skills so that their small business, and in turn their community, may prosper.

I am in such strong support of the aims of H.R. 1166 that I believe the bill can be strengthened by expanding the

eligible grant recipients to include small business development centers that work with the indigenous populations of Guam and American Samoa. Chamorros and Samoans from U.S. territories endure economic adversity similar to that experienced by Native Americans, Native Alaskans, and Native Hawaiians. I look forward to working with my colleagues to ensure that either in conference on this legislation, or on a similar proposal, that we take action to address the small business development needs of the indigenous populations of the United States territories.

This bill gives real assistance to Native Americans, and I urge my colleagues to support its passage and to support economic development for all indigenous populations throughout the United States.

Mr. UDALL of New Mexico. Mr. Speaker, we thank the gentlewoman for her service on the Committee on Small Business.

Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE) who also serves on the Committee on Small Business and is a hardworking member on that committee.

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

Mr. CASE. Mr. Speaker, I commend the gentleman from New Mexico (Mr. UDALL) for his work on this legislation and thank him.

I rise in very strong support for this legislation because this bill perfectly melds two objectives that we want to accomplish here in our Congress. The first, of course, is to support small business. We all know and the gentleman has outlined how strong small business can be. It is the backbone of our economy. It is where much of innovation in our country comes from, and it is an area where the need for coordination is great. In my own State of Hawaii almost all of the businesses are small business-related, and they have the same needs as throughout the rest of our country to coordinate those efforts. And this is an area in which the Federal Government's assistance is so well received because of the return on investment, a return on investment of roughly six times the amount invested in these small business development centers, returns to the bottom line in terms of increased tax revenue and employment.

The second goal, of course, is the goal of improving the lot of our indigenous peoples, whether they be Native Americans or Native Hawaiians. I think we all know that the route to improving the lot of our indigenous people lies through self-sufficiency. And my own belief, and this legislation makes very clear that the belief of most of us, is that the way to do that is through encouraging economic activity. So to the extent that we can encourage that economic activity, we can take the situation that many of our indigenous people find ourselves in, especially Native Hawaiians in my home

State and improve their lot, improve their self-sufficiency, take them off the rolls, whether they be the health care rolls, the welfare rolls. This is the way too for us to go. This is money well spent.

Mr. Speaker, I thank and commend the gentleman again for introducing this legislation and I certainly hope we can pass this expeditiously.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLANCE). He is the ranking member on the Subcommittee on Rural Enterprises, Agriculture, and Technology.

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

Mr. BALLANCE. Mr. Speaker, I am honored this evening to join with my colleagues on this important issue.

A careful reading of history reminds us that the first Americans, whom we now call Native Americans and sometimes we call Indians, those whose ancestors walked the Trail of Tears, part of which is in my native State of North Carolina, those who suffered through broken promises from our government, and even as we stand here today in combat in Federal court with our Department of Interior over how to account for funds derived from lands that America allegedly set aside for Native Americans, we all know how important small businesses are all over our Nation and in every community, where they make up 75 percent of new employment and, by some figures, more than 90 percent of all new employers.

The average unemployment rate of Native Americans, particularly those on the reservation, languishes today around 45 percent. That is unacceptable in modern America, when we keep in mind that the national unemployment rate in February of this year was 5.8 percent. Even more alarming, one-third of Native Americans currently live below the poverty line. And so that is why I am honored to stand with my colleagues in support of this important legislation which I understand was introduced and went forward last year but did not make it all the way. We are hopeful that we can pass this legislation in the House of Representatives and it can become law.

Native American small businesses grew at a rate of 84 percent over the last 5 years. And we not only have a legal, I think, responsibility, but we have a moral responsibility to ensure that this trend continues to ensure that we make efforts to right past wrongs, and for selfish reasons, to ensure that in our country that every segment of our community has an opportunity for its young people to move forward and to enjoy the American dream. I am strongly in support of this legislation and I urge my colleagues to pass it.

Mr. UDALL of New Mexico. Mr. Speaker, if the gentleman from Pennsylvania (Mr. SHUSTER) has no further speakers, I am prepared to close.

Mr. SHUSTER. Mr. Speaker, we have no further speakers. I reserve my right to close.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. SHUSTER) for his management of this bill and for his hard work here on the floor today.

Mr. Speaker, I would again like to thank the chairman of the Committee on Small Business and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for their commitment to passing this important legislation. I have high hopes for the impact of this legislation and the impact it will have on small business and economic development on tribal lands.

As some of my colleagues have mentioned today, the average unemployment rate of Native American communities, particularly on reservations, is around 45 percent, while one-third of Native Americans currently live below the Nation's poverty level. Mr. Speaker, this situation is unacceptable.

The persistent poverty that is prevalent on tribal lands must come to an end, and I believe that passing H.R. 1166 is an important step towards achieving this goal. I urge my colleagues to support this legislation.

And just one moment before I yield back, let me also thank the committee staff, my former legislative director, Tony Martinez; my legislative assistant, Mike Collins; and Michael Day, the minority staff director of the Committee on Small Business.

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

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would close by first commending and congratulating the gentleman from New Mexico (Mr. UDALL) for his hard work on this legislation and his support for the small business men and women across America. I also want to take this opportunity to thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for her support on H.R. 1166. And I finally want to thank the gentleman from Illinois (Chairman Manzullo) for his leadership and his passion for defending the backbone of the American economy and that is small business.

Mr. MANZULLO. Mr. Speaker, I am delighted that we were able to expeditiously move this legislation on the floor today. This bill is identical to legislation this House unanimously approved on December 5, 2001. It is unfortunate that the Senate was unable to take this legislation up on the Senate floor last year but we are here today to try again.

The purpose of H.R. 1106 is to create jobs, to spur entrepreneurship, and to stimulate the economies and foster economic development on Indian lands. Further, the purpose of the Act is to help in the creation of new small businesses owned and managed by Indian tribe members, Native Alaskans, and Native Hawaiians and to help expand such small

businesses that already exist. The Act will provide much needed management, technical, and research assistance to small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians. The Act will help insure that Indian tribe members, Native Alaskans, and Native Hawaiians have full access to existing counseling and technical assistance provided through the Small Business Development Center (SBDC) program. In providing entrepreneurial assistance, a State receiving a grant under the provisions of the Act is required to seek the advice of local Tribal Councils on where small business development assistance is needed.

Approximately 60 percent of Indian tribe members and Native Alaskans live on or in the immediate vicinity of Indian lands and suffer from an average unemployment rate of 45 percent. Currently, Indian tribe members and Native Alaskans own more than 197,000 business enterprises and generate revenues in excess of \$34 billion.

The service industry, the largest sector, accounts for 17 percent of the businesses, and 15.7 percent of the total revenues. The second largest sector is construction, which accounts for 13.9 percent of the businesses and 15.7 percent of the total revenues. The third largest sector, the retail trades, accounts for 7.5 percent of the businesses and 13.4 percent of the total revenues.

The number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent during the period from 1992 to 1997, while businesses, generally, grew by only seven percent. During the same period, the gross receipts for Indian tribe members and Native Alaskan business owners increased by 179 percent, in comparison with the business community, as a whole, where the gross receipts for the same period grew only by 40 percent.

In the past, the SBDC program with more than 1,100 offices throughout the United States has provided cost-effective business counseling and technical assistance to small businesses. For example, clients receiving long-term counseling under the program in 1998 generated additional tax revenues of \$468 million, which was approximately six times the cost of the program to the Federal government.

By using the existing infrastructure of the SBDC program, it is anticipated that small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians, who receive services under the Act, will have a higher survival rate than the average small businesses not receiving such services. Further, increased assistance through SBDC counseling has in the past been able to reduce defaults under Small Business Administration (SBA) lending programs.

The business counseling and technical assistance, provided for under this Act, is critical on Indian land where, without such assistance, similar services are scarce and expensive. Past and current efforts by SBDCs to assist Native American populations located on or along reservation lands have proven difficult. In addition, the lack of resources makes it difficult to raise an equal amount of matching funds to specifically assist Native Americans.

H.R. 1166 will establish a three-year pilot project providing grants to SBDCs for assisting Indian tribe members, Native Alaskans, and Native Hawaiian populations with their entrepreneurial needs. The purpose is to stimulate

the economies on reservation lands through the creation and expansion of small businesses by ensuring the target population has full access to important business counseling and technical assistance through the SBDC program.

Any SBDC in a State, whose Indian tribe members, Native Alaskan, and Native Hawaiian populations are one percent of the State's total population, can apply for a grant from the SBA. Such grants must be used to provide SBDC program assistance to Native Americans. Grants under the Act are limited to \$300,000 and the amount authorized to be appropriated annually, in each of the fiscal years 2004, 2005, and 2006, is \$7 million. No matching funds are required from the States.

Services by SBDCs are to be provided to benefit the target population on tribal lands and reservations, but an individual center need not be located on each tribal land location or reservation. If the target population is in more than one location or reservation within a State, the center should be situated in a location that optimizes access by all those serviced by the center. H.R. 1166 does not limit in any way, the number of centers or subcenters a state program may implement. I expect the SBA Administrator to balance the need for multiple sites with the quality of assistance and counseling when awarding grants. Consultation with the local Tribal Council is required in determining those locations in most need and where the best access may be attained.

SBA is responsible for designing the grant application, which should provide essential information, but should not be burdensome to applicants. At a minimum, the application should contain information concerning the applicant's (1) goals and objectives, (2) prior experience in providing entrepreneurial and technical assistance to small businesses, (3) the ability to provide training and services to Indian tribe members, Native Alaskans, and Native Hawaiians, and (4) the extent of consultation with local Tribal Councils. In addition, the applicant should identify the location of a proposed center, and the amount of funding required.

Within 180 days after the enactment of H.R. 1166, the SBA Administrator is required to issue final regulations, after a notice and comment period, that implement the requirements of the Act. Such regulations shall include standards for the educational, technical, and support services to be provided and for a work plan for providing assistance to the targeted community.

The Act's predecessor, H.R. 2538, was subject to a hearing and a committee mark-up in the 107th Congress. The Congressional Budget Office (CBO) estimated that implementing the bill would cost \$20 million over the next four years and contains no intergovernmental or private sector mandates. H.R. 2538 also unanimously passed the House on December 5, 2001 but unfortunately saw no action on the Senate floor, even though a companion bill was discussed and marked-up in the Senate Small Business and Entrepreneurship Committee. That's why I am pleased to join again with my good friend from New Mexico, in co-sponsoring H.R. 1166 in this Congress and seeing it pass the House yet once again. Hopefully, the other body will look more kindly upon the legislation this year.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 1166, a bill to en-

hance the capacity of Small Business Development Centers (SBDCs) to provide assistance to Native American tribal members, Alaska Natives and Native Hawaiians. I would like to commend my colleague and friend, Representative TOM UDALL, for his work on, once again, bringing this important legislation to the floor.

SBDCs are the premier technical assistance providers to America's entrepreneurs. Many small businesses often operate near or at their profit margin and do not have additional resources to hire legal or technical experts. Research shows that small businesses that receive technical assistance are twice as likely to succeed in the marketplace than those that do not. In addition to providing technical assistance to the general small business community, SBDCs should also target that segment of our population with special and unique needs.

The Native American population is one such population. The United States government has an endless commitment to addressing the economic and health disparities of Native Americans. Although we have passed other legislation such as the Indian Reorganization Act of 1934 and the Indian Self-Determination Act of 1975, which both encourage self-sufficiency in an attempt to amend the effects of relocation, not enough has been done to ensure success of economic development within this community. That is why I support this bill. The "Native American Small Business Development Act" (NASBD) will allow Native Americans to strengthen and expand their small business infrastructure. This would also provide more stable employment and move closer to ending the desperate and disparate conditions on reservations. More importantly, this bill will allow Native American entrepreneurs to better utilize the current SBDC network.

The Native American population represents a disadvantaged and underserved segment of our nation. One-third of Native Americans currently live below the nation's poverty level and suffer from the highest rate in health disparities. Despite these difficulties, Native American small businesses grew at a rate of 84 percent over the last five years. But with technical assistance specifically geared toward meeting the unique needs of this population, we can create a more prosperous economic community in the Native American population, Alaska Natives and Native Hawaiians.

This legislation passed the House of Representatives in the previous Congress with strong bipartisan support but failed to reach the Senate floor last year. I remain in support of this legislation and committed to seeing its complete passage.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1166.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLAKE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 1463, by the yeas and nays;
House Concurrent Resolution 58, by the yeas and nays;

H.R. 1166, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining votes will be conducted as 5-minute votes.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1463.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1463, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 206, not voting 44, as follows:

[Roll No. 92]

YEAS—184

Aderholt	Brown (SC)	DeLay
Akin	Brown-Waite,	Diaz-Balart, L.
Bachus	Ginny	Diaz-Balart, M.
Ballenger	Burgess	Doolittle
Barrett (SC)	Burns	Dreier
Bartlett (MD)	Burton (IN)	Dunn
Barton (TX)	Calvert	Emerson
Bass	Cannon	Feeney
Beauprez	Cantor	Ferguson
Biggert	Carter	Forbes
Bilirakis	Chabot	Fossella
Bishop (UT)	Chocola	Franks (AZ)
Blackburn	Coble	Frelinghuysen
Blunt	Cole	Garrett (NJ)
Boehner	Cox	Gerlach
Bonilla	Crane	Gibbons
Bonner	Crenshaw	Gilchrest
Bono	Cubin	Gingrey
Boozman	Culberson	Goode
Bradley (NH)	Davis, Jo Ann	Goodlatte
Brady (TX)	Deal (GA)	Goss

Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter

McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Thomas
Thornberry
Tiahrt
Porter
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce

Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Stearns
Sullivan
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Conyers
Cramer
Davis, Tom
DeMint
Ehlers
Everett

Sanchez, Linda
T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Conyers
Cramer
Davis, Tom
DeMint
Ehlers
Everett

Soles
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Townes
Turner (TX)

Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wamp
Watson
Watt
Waxman
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

[Roll No. 93]
YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite.
Ginny
Burgess
Burns
Burton (IN)
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel

NAYS—206

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (OH)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel

Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Foley
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoefel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Klecza
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)

LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Sabo

NOT VOTING—44

Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler

Neal (MA)
Oberstar
Pascrell
Portman
Rogers (AL)
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Walden (OR)
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. FLAKE) (during the vote). The Chair will remind Members there are 2 minutes left in this vote.

□ 1851

Messrs. WYNN, STRICKLAND, WAMP, NEY and LOBIONDO changed their vote from "yea" to "nay."

Mr. PETERSON of Pennsylvania and Mrs. NORTHUP changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROGERS of Alabama. Mr. Speaker, on rollcall No. 92, my plane was late arriving into Baltimore. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

HONORING FAYETTEVILLE, NORTH CAROLINA, ON CENTENNIAL OF WILBUR AND ORVILLE WRIGHT'S FIRST FLIGHT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 58.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 58, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 41, as follows:

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite.
Ginny
Burgess
Burns
Burton (IN)
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel

Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoefel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inlee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind

King (IA)
King (NY)
Kirk
Klecza
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo

Pomeroy Scott (GA)
 Porter Scott (VA)
 Price (NC) Sensenbrenner
 Pryce (OH) Serrano
 Putnam Sessions
 Quinn Shadegg
 Radanovich Shaw
 Rahall Shays
 Ramstad Sherman
 Rangel Sherwood
 Regula Shimkus
 Rehberg Shuster
 Renzi Simmons
 Reyes Simpson
 Reynolds Skelton
 Rodriguez Slaughter
 Rogers (AL) Smith (MI)
 Rogers (KY) Smith (NJ)
 Rogers (MI) Smith (TX)
 Rohrabacher Smith (WA)
 Ros-Lehtinen Snyder
 Ross Solis
 Rothman Spratt
 Royce Stark
 Ruppertsberger Stearns
 Ryan (OH) Stenholm
 Ryan (WI) Strickland
 Ryun (KS) Stupak
 Sabo Sullivan
 Sanchez, Linda Sweeney
 T. Tancredo
 Sanchez, Loretta Tanner
 Sandlin Tauscher
 Saxton Tauzin
 Schakowsky Taylor (MS)
 Schiff Terry
 Schrock Thomas

NOT VOTING—41

Andrews Gallegly
 Baker Gephardt
 Brady (PA) Gillmor
 Brown, Corrine Gutierrez
 Burr Hall
 Buyer Herger
 Camp Hulshof
 Collins Hyde
 Combest Istook
 Davis, Tom Kingston
 DeMint Lipinski
 Ehlers McCarthy (MO)
 Everett McCrery
 Fletcher Nadler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there are 2 minutes remaining on this vote.

□ 1900

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1900

SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS

The SPEAKER pro tempore (Mr. FLAKE). The pending business is the question of suspending the rules and passing the bill, H.R. 1166.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1166, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 14, not voting 42, as follows:

[Roll No. 94]
 YEAS—378
 Abercrombie
 Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Baca
 Bachus
 Baird
 Baldwin
 Ballance
 Ballenger
 Barrett (SC)
 Bartlett (MD)
 Barton (TX)
 Bass
 Beauprez
 Becerra
 Bell
 Bereuter
 Berkley
 Berman
 Berry
 Biggart
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bonner
 Bono
 Boozman
 Boswell
 Boucher
 Boyd
 Bradley (NH)
 Brady (TX)
 Brown (OH)
 Brown (SC)
 Brown-Waite,
 Ginny
 Burns
 Burton (IN)
 Calvert
 Cannon
 Cantor
 Capito
 Capps
 Capuano
 Cardin
 Cardoza
 Carson (IN)
 Carson (OK)
 Carter
 Case
 Castle
 Chabot
 Chocola
 Clay
 Clyburn
 Cole
 Conyers
 Cooper
 Costello
 Cox
 Cramer
 Crane
 Crenshaw
 Crowley
 Cubin
 Cummings
 Cunningham
 Davis (AL)
 Davis (CA)
 Davis (FL)
 Davis (IL)
 Davis (TN)
 Davis, Jo Ann
 Deal (GA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 DeLay
 Deutsch
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Dooley (CA)

[Roll No. 94]

YEAS—378

Doolittle
 Doyle
 Dreier
 Dunn
 Edwards
 Emanuel
 Emerson
 Engel
 English
 Eshoo
 Etheridge
 Evans
 Farr
 Fattah
 Feeney
 Ferguson
 Filner
 Foley
 Forbes
 Ford
 Fossella
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Frost
 Garrett (NJ)
 Gerlach
 Gibbons
 Gilchrest
 Gonzalez
 Gordon
 Goss
 Granger
 Graves
 Green (TX)
 Green (WI)
 Greenwood
 Grijalva
 Gutknecht
 Harman
 Harris
 Hart
 Hastings (FL)
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Hill
 Hinchey
 Hinojosa
 Hobson
 Hoefel
 Hoekstra
 Holden
 Holt
 Honda
 Hooley (OR)
 Houghton
 Hoyer
 Hunter
 Inslee
 Isakson
 Israel
 Issa
 Jackson (IL)
 Jackson-Lee
 (TX)
 Janklow
 Jefferson
 Jenkins
 John
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones (OH)
 Kanjorski
 Kaptur
 Keller
 Kelly
 Kennedy (MN)
 Kennedy (RI)
 Kildee
 Kilpatrick
 Kind
 King (IA)
 King (NY)
 Kirk
 Kleczka
 Kline
 Knollenberg
 Kolbe
 Kucinich
 LaHood
 Lampson
 Langevin

Renzi
 Reyes
 Reynolds
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Royce
 Ruppertsberger
 Ryan (OH)
 Ryan (WI)
 Ryun (KS)
 Sabo
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sandlin
 Saxton
 Schakowsky
 Schiff
 Shrock
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Slaughter
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Solis
 Spratt
 Stark
 Stearns
 Stenholm
 Strickland
 Tanner
 Tauscher
 Tauzin
 Taylor (MS)
 Terry
 Thomas
 Tiberi
 Tierney
 Towns
 Turner (TX)
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Vitter
 Walsh
 Wamp
 Watson
 Watt
 Waxman
 Weldon (FL)
 Weldon (PA)
 Weller
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (AK)
 Young (FL)

NAYS—14

Burgess
 Coble
 Culberson
 Duncan
 Flake
 Gingrey
 Goode
 Goodlatte
 Hensarling
 Hostettler
 Jones (NC)
 Paul
 Sensenbrenner
 Stearns

NOT VOTING—42

Andrews
 Baker
 Brady (PA)
 Brown, Corrine
 Burr
 Buyer
 Camp
 Collins
 Combest
 Davis, Tom
 DeMint
 Ehlers
 Everett
 Fletcher
 Gallegly
 Gephardt
 Gillmor
 Gutierrez
 Hall
 Herger
 Hulshof
 Hyde
 Istook
 Kingston
 Lipinski
 McCarthy (MO)
 McCrery
 Nadler
 Neal (MA)
 Oberstar
 Pascrell
 Portman
 Roybal-Allard
 Rush
 Sanders
 Souder
 Taylor (NC)
 Toomey
 Turner (OH)
 Walden (OR)
 Waters
 Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members there are 2 minutes left to vote.

□ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER of Ohio. Mr. Speaker, on roll-call No. 94, I was unavoidably detained. Had I been present, I would have voted "yea."

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 151, "PROTECT ACT"

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children:

From the Committee on Education and the Workforce, for consideration of section 8 of the Senate bill and sections 222, 305 and 508 of the House amendments, and modifications committed to conference:

Messrs. Hoekstra, Gingrey, and Hinojosa.

From the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and modifications committed to conference:

Messrs. Young of Alaska, Petri, and Matheson.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that my name be removed as a sponsor of H.R. 1119. It was an error that my name was added to the bill, since I did not authorize the action.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

H.R. 1451, STUDENT ATHLETE PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, this is the final week of the NCAA basketball tournament. This is an exciting time, and it is also a time when large amounts of money are gambled. In 1998, \$2.5 billion was gambled on the NCAA tournament. Today, that would probably be almost double that amount.

Gambling on NCAA sports has become a major problem. In 1951, CCNY had a point-shaving scandal, and Kentucky in the 1940s. In 1994, a Northwestern running back intentionally fumbled to fix a game. In 1996, 13 Boston College football players bet on NCAA games, and several bet against their own team. In 1998, a Northwestern basketball player was indicted for point shaving. In 1999, two Arizona State basketball players shaved points. This was done to pay off gambling debts. The fix was traced to organized crime in Chicago.

Last month, Florida State quarterback Adrian McPherson was charged with illegal gambling, and of course he owed a bookie thousands of dollars. A University of Michigan study recently found that 5 percent of NCAA athletes that play football and basketball provided inside information to gamblers.

So over 36 years of coaching, gambling was a major concern to me. I was always worried about our players getting involved because of gambling debts; but more importantly, as a coach you had to win twice. You had to win once on the scoreboard, and then you had to win again in beating the point spread.

Someone up in the stands who had bet \$10,000 on the outcome of a game that he could not afford to lose was not a casual observer. Most of the nasty memories that I have from coaching, and I do not have very many, had to do with hate mail, obscene phone calls at night, a mailbox that was blown up. In general, most all the time these were caused by situations where somebody had lost a bet.

Gambling on NCAA sports is illegal in 49 States, yet it is legal in one State, which is the State of Nevada. So we might ask, why not have a uniform standard? It is like having 49 States that have to pay Federal income tax and then one State is given a pass.

I have four major concerns with the Nevada loophole. First, this allows bets to be laid off. If there is a big game and the action is getting pretty heavy, a local bookie can have a runner or himself go to Las Vegas, up the ante, and have his bets covered. I had a young man from Nebraska who traveled to Las Vegas weekly to do this over a period of time.

Kevin Pendergast, who orchestrated the Northwestern gambling scandal, said this: "Without the option of betting in Nevada, the Northwestern basketball point shaving scandal would never have occurred."

Secondly, the loophole provides money-laundering opportunities. The former chairman of the Nebraska Gambling Control Board said, "We have no

way of knowing how much is laundered through legal sports books, but based on wiretaps, it is millions of dollars."

Thirdly, this results in ties to organized crime. FBI agent Mike Welch said this: "Most student bookies, even if they don't know it, are working for organized crime."

Fourthly, giving one State a pass on amateur gambling sends a message that this is not really a serious problem. It is like legalizing drugs in one State and having them be illegal in 49 others.

□ 1915

The argument is often advanced that legal gambling on amateur sports in Nevada tips off a fix. In other words, as the points change and there is a big shift in gambling money, this will alert people that the fix is on. Yet in 2001 testimony on Capitol Hill, NCAA officials pointed out that legal sports betting in Nevada has never prevented a point-shaving scandal from happening. Sometimes after the fact you might go back and look at it and say, well, maybe something was going on here, but it has not really prevented anything.

The National Gambling Impact Study Commission said in its 1999 report, it recommended that current legal gambling on college athletics be banned altogether, and of course this would apply to the Nevada loophole.

So I urge support for H.R. 1451 which will do exactly that. This will not eliminate all gambling, I realize that, on NCAA sports; but it certainly would be a step in the right direction and I urge support of H.R. 1451.

TIGHTENING AMERICAN BORDER SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, the Washington Times carried an interesting article on March 28. Headlines read: Bonner Says U.S. Borders Sealed Better Than Ever.

"America is better protected against terrorists and weapons of mass destruction today than it ever has been, says the head of the new Federal agency assigned to guard the Nation's 6,000 miles of international borders and 300 ports of entry."

The borders, he says, are sealed better than ever. Well, maybe something has happened down there in the last several days that I am not aware of, but I can tell you what is the situation on our borders, at least our southern border, as recently as the last couple of weeks because I have just returned from there and observed how sealed these borders are. In fact, of course, they are anything but protected. They are completely and entirely porous.

This is a picture of exactly what I am talking about. This is the border between the United States and Mexico

here. This is a cattle guard that has been put up at this particular point because so many people have come across them. They have knocked down this fence so many times, they have just given up putting up any sort of protection, because all it is is a 3-strand barbed-wire fence to begin with, but it has been knocked over so many times they just put up a cattle guard to keep cattle from going across the border. But it certainly does not protect or seal the border. And this is the case for literally thousands of miles of the border.

This is a sign. Maybe this is what the head of the agency is referring to when he says things are better now than ever before. This sign was put up there; actually it was put up a while back. Here is a sign near another little spot around the border where the ruts in the road, they will show you how many times they have come across here from Mexico into the United States where we were standing taking a picture of this sign. The sign says, "All persons and vehicles must enter the United States at a designated port of entry only." This is not, underlined, this is not a designated port of entry. And, of course, we are out in the middle of nowhere. There is not anything for hundreds of miles except where everybody has been coming across and knocking down fences and coming into the United States.

Maybe this is the security device that we are talking about. Maybe this is what we will see when people come across, terrorists and others, who come across this place which is not a port of entry, and look at the sign and say, oh, golly, this is not a port of entry. I guess I should go several hundred miles to where it is a port of entry and try to come across there, and then they will turn back and go back into Mexico. Surely that is what this, we are assuming, is going to make happen.

Well, of course, it is not. The borders are not only not sealed better than ever, they are entirely porous.

There is a report from the Tucson sector from the U.S. Border Patrol that said that as early as November of last year they apprehended in just one sector 23,000 illegal aliens, but they also said that at least for every one they get, five get by them. So in the month of November, according to the Border Patrol, 100,000 people came across just the Tucson sector into the United States. They got 23,000 of them, turned them back, and of course those people very soon just came across the border as soon as somebody was not looking; 100,000 in the month of November.

There is a gentleman here that owns a ranch, not too far from where this picture is taken, as a matter of fact. His name is Roger Barnett. He has personally, he, his wife, and his brother have personally interdicted 2,000 people a month on their land, called the Border Patrol, had them come and get them and take them away; 2,000-some people a year, these folks stop them-

selves on their ranch and get the Border Patrol and come and get them.

The Tohono O'odum Indian Reservation, also in Arizona, not too far from where this picture is taken, has 1,500 people come across their land, across their border every single day; 1,500 illegal immigrants come across a 71-mile section of the border called the Tohono O'odum Indian Reservation which has a coterminus border with Mexico; 1,500 a day and we are supposed to believe that our borders are sealed better than ever. They are not sealed; they are not even remotely secure.

Now, maybe we are devising better methods of identification for people to show, so when people come through a port of entry they have to prove who they are. That is a good idea. But let me suggest that people do not come across the port of entry if they are coming to do us great harm. They are coming across right over here.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING KATHLEEN TEX MILAMI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. OSE) is recognized for 5 minutes.

Mr. OSE. Madam Speaker, in honor of Women's History Month, I would like to join members of the Congressional Caucus for Women's issues in recognizing the accomplishments of women and the outstanding contributions they have made to our country.

I would like to take this opportunity to honor an extraordinary woman from my district, Kathleen "Tex" Milami, for her 60 years of dedicated service as a registered nurse working in a number of hospitals throughout the country. On her 81st birthday on February 27 of this year, Tex celebrated another momentous occasion, her retirement, marking the end of her exceptional 60-year career as a nurse, 30 years of which were spent at Mercy's Sacramento birthing center facilities as a labor and delivery nurse.

Tex began nursing at the age of 18, studying for 3 years at Parkland Hospital in Dallas, Texas. In 1945 she began working in various hospitals in Pittsburgh, Pennsylvania, specializing in labor and delivery nursing. In 1972 she moved to the Sacramento area, working first at the Birthing Center at Mercy American River Hospital just down the street from where I live, and then in 1995 moved with the birthing center to Mercy's San Juan Hospital where she spent the remainder of her career. After 30 years of distinguished service, she has become something of a

legend among her co-workers and patients in the Sacramento area and has seen many changes in birthing techniques and technology over her career.

When asked what sets Tex apart from other nurses, her co-workers said that they are amazed at her willingness to embrace advances in technology. Not only was she open to change, she became an expert in learning these new techniques, enrolling in classes to learn the proper applications, and then acting as a proctor to other nurses, teaching them those same techniques.

In her career, Tex has seen fetoscopes replaced by fetal monitors, the emergence of epidurals and improved pain medications, the introduction of the LaMaze technique, and the advent of homestyle deliveries where labor and birth take place in one room, and family members are welcome.

In her own words, "You tell me there is a new way of doing something, and I want to learn how to do it and do it well. As long as you arrive at the same destination, it just does not matter how you get there."

Among her co-workers, Tex's commitment to her job, her enthusiasm and her devotion to her patients, acts as an inspiration to other nurses. Tex retired in order to keep a promise to her husband Frank that she would retire at age 81. This remarkable and energetic woman says that even at age 81 she was not ready to retire and that 81 came too soon. In all that she has experienced, Tex said the hardest part of it all has been to retire.

Madam Speaker, I wish to acknowledge Tex for her myriad of contributions to the nursing profession and to the Sacramento area families whose lives she has touched with exceptional attention and care to birthing mothers and her eagerness to improve the experience of all her patients.

Kathleen "Tex" Milami emerges not only as a leader in her field, with an established and respected career, but also at 81 years of age, is a role model for all women.

I am honored to recognize her and all her accomplishments for Women's History Month and would like to wish her the very best in her retirement.

HONORING SAM JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Madam Speaker, "From within or from behind, a light shines through us on things, and makes us aware that we are nothing, but the light is all." Ralph Waldo Emerson.

A fitting tribute of behalf of Mr. Sam Jones on the occasion of his home going celebration, preceded first by a few days his 74th birthday.

In Indianapolis, Indiana this week, Madam Speaker, citizens of all walks of life, political, religious and philosophical persuasion, persons who represent every person and race imaginable, will celebrate the life of Mr.

Sam Jones on the occasion of his home going, and 36-year reign at CEO and president of the Indianapolis Urban League. He dedicated his life to God, family, and community. He was the dean of the Urban League chapters throughout the Nation. He is inducted into the courageous Hall of Champions and is celebrated for his unparalleled moral persuasion in promoting solidarity among all peoples for the common good.

History offers few examples of leaders who were gentlemen and genteel men all the while. There were many who will say so much about Mr. Jones's contributions to so many on behalf of so many.

But in summary, Madam Speaker, he lived not because but for a cause. In his unassuming manner, he followed the instruction of a wise man many years ago: "Let your light so shine by your good works on Earth that it will be magnified on high."

He will be missed by all. He challenged us to find a cure for leukemia. We can, if we will. We cannot afford not to. My love and appreciation and admiration is extended to the Jones family and especially to a very special wife, Pree, and an extraordinary family.

PEACE FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, there is not a time that I come to the floor during this time of war that I do not feel burdened to speak to the issue of peace and some sense of recognition by the administration that all is not well with the position that the United States is taking with respect to the United Nations Security Council.

At any time we discuss war, we are reminded of the families that are mourning and the families that are also praying for their loved ones. And so it is important to acknowledge our respect and admiration and support for the success of the United States troops.

□ 1930

At the same, too, we are policy-makers and our dissent is not against the troops. It is against the policies.

I am concerned that there is no focus and thought on the aftermath of this Iraqi war, the ability to govern this Nation without government, the inability of one country to be able to occupy another. I believe it is misdirected for this administration to believe that the United States military can occupy this Nation, Iraq, without coalition efforts.

I believe it is misdirected to think that Congress should not be involved, and I hope that we will be working seriously on the question of peace. It is interesting to try and fight the war, but can we keep and hold the peace?

As I think about those thoughts, Madam Speaker, I also think about the

fact that when our troops go abroad, they are fighting for the values of this Nation. They are fighting for our freedom, our freedom of dissent, but also our freedom of equality and justice.

Is it not interesting, Madam Speaker, and it is sobering that tomorrow, April 1, 2003, one of the more historic arguments before the Supreme Court will be held, and that is, the challenge of whether or not affirmative action is unconstitutional. I might imagine that there are some troops in Iraq that will ultimately be impacted by this decision.

I think the greater tragedy is that this government, this administration decided to weigh in in opposition to the University of Michigan plan, a plan that has already been established as a non-quota plan. It is an outreach. It provides a point system, Madam Speaker, for athletes, people living in northern Michigan, individuals who happen to come from different ethnic groups. It is not a quota system, but yet our government has decided to go into the Supreme Court with my tax dollars and allow the Solicitor General to argue against the rights of millions and millions of Americans. Young people who have not had opportunity, young people who started in this life behind the finish line.

President Lyndon Johnson said that one cannot expect a person to finish a race until we take the strings off of their hands and feet, and that is what affirmative action is about.

I am a product of affirmative action, Madam Speaker, going to Yale University; but I did not graduate on affirmative action. In fact, Yale University affirmatively created women because it became coed during the time I was in college. What a tragedy that in this Nation we could not find the kind of balance in the administration to argue on behalf of an effective plan.

Let me thank the Congressional Black Caucus for having the courage even in these times to stand up against the attack on civil rights and affirmative action, and I thank the gentleman from Maryland (Mr. CUMMINGS), the chairman, and thank many of the Members who participated in an affirmative action summit in Houston: the gentlewoman from Michigan (Ms. KILPATRICK), the gentlewoman from California (Ms. WATSON), the gentleman from Michigan (Mr. CONYERS), and the gentleman from Louisiana (Mr. JEFFERSON).

I believe, Madam Speaker, that we cannot stand silent while our rights are being denied, and I hope that we will continue to stand for what is right. There will be thousands tomorrow who will petition the United States Supreme Court in order for them to know that this impacts lives. It denies opportunity.

I close, Madam Speaker, to say that the University of Texas and the Texas system are real examples of what a court decision can do because, after the Hopwood decision, we saw hundreds of

minority students leave the State of Texas to try and get an education because they could not get into the grad school which their parents had paid taxes for. This is a shame and this is a sham.

I hope that in the wisdom of the Supreme Court that they will have the opportunity to hear the arguments and realize that the program before us, the University of Michigan plan, is an excellent plan; and I hope that the Nation's values will be upheld by the Supreme Court, the values of equality for all and justice for all.

REVELATIONS ABOUT RICHARD PERLE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONYERS. Mr. Speaker, I rise today to discuss several matters that have become intertwined in the Iraq circumstance, and of course, our thoughts and prayers are with the brave men and women who are fighting overseas, faced with a number of troubling episodes, though, here at home that may involve conflicts of interest of high-level Bush administration officials.

I take the floor tonight to raise the discussion on the ongoing revelations that Richard Perle, a member of the Pentagon's defense policy board, may have used his government position for private financial gain. It could be that he did not use his position for private financial gain, but I am alarmed with a number of lucrative government contracts that were recently awarded to the company formerly headed by the Vice President of the United States, DICK CHENEY.

What I am troubled about is the apparent link between the private financial gains made by the administration and their friends and the administration's prosecution of the war in Iraq. In the short term, American businesses could stand to gain nearly \$2 billion in government contracts for reconstruction projects in Iraq; and over the long run, over the long term, the next 3 years, the United Nations Development Program estimates it will cost up to \$30 billion or more to rebuild that country. Indeed, some of that money has already been awarded, including a contract to a subsidiary of Halliburton Company, which the Vice President was the CEO of from 1995 to the year 2000.

Many in the government are already benefiting from these payouts, including Mr. Richard Perle, who, for example, is on the board of directors for Onset Technology. Onset is the world's leading provider of message conversion technology. The company's customers include Bechtel, a well-known government contractor widely considered the

leading candidate for rebuilding the Iraqi infrastructure, and Raytheon Company, which is a provider of defense electronics, including the Patriot and the Tomahawk missiles.

There are many ways in which Mr. Richard Perle could be benefiting from his government position on the Defense policy board. For example, he has contracted with bankrupt telecommunications company Global Crossing, Limited to try to win the United States Government approval of its \$250 million chapter 11 buyout by two Asian companies, Hutchison Whampoa, controlled by the Hong Kong billionaire Li Ka-shing, and Singapore Technologies Telemedia, a phone company controlled by the Government of Singapore itself.

Mr. Perle was being paid \$125,000 for his efforts but stood to reap a \$600,000 bonus if the sale was approved by his superior, Secretary of Defense Donald Rumsfeld. Both the Department of Defense and the Federal Bureau of Investigation were opposed to the sale for national security reasons because it would place Global Crossing's fiber optic network, used by the United States Government, under foreign control.

In a March 7, 2003, affidavit, Mr. Perle said, "As the chairman of the Defense Policy Board, I have a unique perspective on and intimate knowledge of the national defense and security issues that will be raised by the review process." Mr. Perle even acknowledged contacting at least one government official on Global Crossing's behalf, though he refused to identify this person. And though Mr. Perle said he is no longer lobbying on Global Crossing's behalf and will donate his \$125,000 fee to American servicemen and their families, which I applaud, the fact remains that he may well have used his government position improperly to secure this fee. It is not relevant what he chooses to do with the money after he gets it.

Mr. Richard Perle also serves as managing partner of a private venture capital firm called Trireme Partners that invests primarily in companies that deal in goods and services related to national security. Pulitzer Prize-winning journalist Seymour Hersh recently reported that on January 3 of this year, Mr. Perle met with Saudi businessmen, including arms dealer Adnan Kashoggi, in Marseilles, France, to secure their investment in Perle's company.

The report contains a disturbing quote from Prince Bandar bin Sultan, the Saudi ambassador to the United States, and he said, "There were elements of the appearance of blackmail. 'If we get in business, he'll back off in Saudi Arabia,' as I have been informed by participants in the meeting." Though Perle denied that securing investment in his company was the purpose of the meeting, he said that he did meet with the Saudis concerning Iraq.

There is also concern about Perle's position as a nonexecutive on the board

of directors of software developer Autonomy, a data mining company that lists the Defense Department and Homeland Security Department as customers. For example, last October the company won a major contract with Homeland Security. While Mr. Perle has drawn no salary, he has received more than 120,000 share options from Autonomy.

Mr. Perle's award of these share options gives him a direct financial stake in the success of this company. Indeed, the National Association of Pension Funds recently recommended that shareholders abstain when Mr. Perle comes up for reappointment this summer because the group feels that share options compromise the independent status of the independent directors such as Perle.

In yet what some term an amazing incident on March 19 of this year, Mr. Perle spoke in a conference call sponsored by Goldman Sachs, in which he advised participants on possible investment opportunities arising from the war in Iraq. The conference title was "Implication of an Imminent War: Iraq Now. North Korea Next?" Clearly, Mr. Perle has little regard for the conflict-of-interest rules that are in place for government officials, and I am assuming in that statement that he is aware of the rules in the first place.

The most recent Perle revelation is that while on the Defense policy board he advised a major American satellite maker, Local Space and Communications, as it faced government accusations that it improperly transferred rocket technology to China.

In an attempt to divert us from continuing to look into these matters, Mr. Perle has recently announced that he would immediately step down as chairman of the Defense policy board last week. Yet he does remain on the board as a member, along with 29 others.

According to a recent study by the Center for Public Integrity, of the 30 Defense policy board members, some of them have ties to companies that have won more than \$76 billion in defense contracts in last year and the year before. Indeed, four members are, in fact, registered lobbyists, one of whom represents two of the three largest defense contractors.

□ 1945

Perle, like the others, continues to be a key adviser to the administration on defense issues, even as he pursues his personal business in the same area, a potential violation of the Federal criminal ethics rules.

In order to get to the bottom of this matter, I plan to ask the distinguished Secretary of Defense, Secretary Donald Rumsfeld, to publicly release the financial disclosure forms that each member of the board must file with his office. To date, these forms have not been seen by anyone outside the Pentagon. I am further requesting of the Secretary of Defense to release the minutes of all meetings held by the Defense policy

board so that we can see whether issues relating to the private financial interests of the members have been discussed. There are persons on my staff who have security clearance and can view the minutes of these meetings without any danger of compromising national security. As a matter of fact, I would be willing to do so myself. Of course, regardless of what was discussed at the meeting, the fact still remains that the members of the board are still government employees who simultaneously sit on the boards of and are employed by private companies that can and do benefit from Defense Department contracts. This is a direct and disturbing conflict of interest.

Mr. Perle and the other members of the Defense policy board are not the only ones capitalizing on the war in Iraq. I turn now to the Vice President of the United States, whose former company, Halliburton, has already secured a number of contracts in the Middle East since the Vice President took office. For example, on March 25 of this year, the United States Army announced that it awarded the main Iraq oil well firefighting contract to a unit of Halliburton, which incidentally was let without any bidding whatsoever. Furthermore, it was reported that Halliburton had been working closely with U.S. Army engineers prior even to the awarding of the contract.

This was not the first time Halliburton has profited from a government contract since the Bush-Cheney administration has taken office. Halliburton recently secured a \$140 million contract by the Saudi Arabian Government through their state-owned petroleum firm, Saudi Aramco, to develop oil fields in their country. And a Halliburton subsidiary was also hired by the Saudis to build a \$40 million ethylene plant.

Now, it is a matter of record that Halliburton gave nearly \$18,000 to the Bush-Cheney Presidential campaign of 2000. There is some concern that these campaign contributions from CHENEY's former company, coupled with Halliburton's success in securing government contracts under this administration, at the very least create the appearance of favored treatment. And while the Vice President divested nearly all of his financial interests in Halliburton when he stepped down as CEO to be President Bush's running mate, he still continues to receive \$1 million a year in deferred compensation from his Halliburton severance package. And though he sold most of his shares when he left the company, he retained options worth in the range of \$8 million. Like Perle's donation of his \$125,000 fee to war victims, the Vice President has also arranged to pay any profits derived from his Halliburton stock to charity. How nice. It seems, Madam Speaker, that the Bush administration is not opposed to using government position for private gain as long as one does not keep all the profits for oneself.

Quite frankly, like Mr. Perle, it is time for the Vice President to make a much fuller disclosure than he has up till now. The American people have a right to know if their officials are or are not using their office for self-interested reasons. From the evidence already made public, Mr. Perle and others really should, and I recommend this, give a full accounting of their business dealings; and the Vice President must completely divest himself of any and all financial ties to Halliburton. Then the American people can be sure that their representatives in Washington, their leaders, are working for the good of the many and not in any kind of personal way to benefit themselves.

Now, while it is true that Halliburton, and I am not picking on them, but they are the subject of these discussions, while it is true that Halliburton is now out of the running for the prime contract to rebuild Iraq, and I presume they took themselves out, there is nothing that prevents them from being subcontractors in many instances.

Madam Speaker, I am submitting for the RECORD a couple of articles, from the Washington Post and even from the Wall Street Journal, which are critical of Mr. Perle. I quote from today's paper: "Our own view is that Mr. Perle should have understood that Global Crossing was politically toxic." As well, Madam Speaker, I would like to include a statement of Mr. Perle that explains his position and what has happened in this matter. It is one that I think, in all fairness to him, should be reproduced in the RECORD.

[Mar. 31, 2003]

FOR THE RECORD

(By Richard Perle)

Last week I resigned my position as chairman of the advisory Defense Policy Board after news stories, rich in innuendo, suggested that I had acted improperly in advising Global Crossing (the New York Times) and, in a separate matter, in meeting over lunch with two Saudi businessmen (The New Yorker). They provoked an avalanche of stories, mostly repeating points in those first two, with each iteration making more extreme allegations than the last. There was no way I could quickly quell the press criticism of me, even though it was based on factual errors and tendentious reporting. So I wrote to Donald Rumsfeld, "I have seen controversies like this better and I know that this one will inevitably distract from the urgent challenge in which you are now engaged. I would not wish to cause even a moment's distraction from that challenge."

Let me explain my milieu, and context. Government officials, particularly at the most senior level, frequently seek advice from outside the departments they superintend. The perspective of knowledgeable outsiders is often a needed corrective to an institutional view that may have come to dominate the department's thinking. Sometimes senior officials face vexing questions for which their staffs provide unsatisfying answers, or they want a longer-term view. It is only natural that an intellectually curious cabinet officer will reach out to peers who have occupied similar positions, in the hope that their experience will help avoid mis-

takes or point the way to new ideas. When he does so, he must have confidence that the advice he receives is candid, that it is the product of serious deliberation, and that it is free from advocacy reflecting private interests. The relationship between official and adviser is ultimately one of trust.

Most often, the people best able to help are professionally involved in the businesses for which the official is responsible: health professionals or pharmaceutical company executives advising the Department of Health and Human Services, for example, or energy company officials advising the Department of Energy, or defense executives advising the Department of Defense. If the secretary of defense wants advice on new approaches to the conflict between India and Pakistan, or how far and how fast to press technical innovation in precision-guided weapons, he is unlikely to turn to a dress designer or a molecular biologist. (Hollywood personalities might be similar ill-equipped, but he is likely to get their advice whether he wants it or not.)

There is no way, of course, to be sure that an outside adviser (or for that matter, a subordinate) is not driven by a private passion, a deeply held conviction that skews his judgment, or a private policy agenda. Only by judging the cogency of the advice he receives—and over time the track record of the adviser—can he be confident that he is receiving balanced counsel.

But there are ways to ensure that advice does not advance personal financial interests, and they are reflected in rules that apply to the many thousands of individuals serving on hundreds of boards which advise government at all levels. The two key rules are simply and flow from a familiar principle: that public office should not be used for private gain.

The first rule is full disclosure of the financial interests of the adviser. This is accomplished by annual filings of the board member's business interests, sources of income, clients, share holdings and the like. The second rule is straightforward: If the discussions or advice of the board should involve matters that have a direct and predictable effect on an adviser's financial interests, he is recused from taking part. An adviser following these rules should be free to give his best candid advice, and the official receiving advice should not have to worry that it might be tainted. These are the rules that members of government advisory boards accept when they agree to serve on them. They are not obliged to terminate their employment or abandon business interests, even those that may benefit from decisions of the department or agency they advise.

Since most people with experience and knowledge relevant to defense and national security policy are likely to earn their livelihood in defense-related enterprises, the possibility of conflict of interest is always present and must be contained by adherence to the two rules, disclosure and recusal. Without those rules, and the protection they afford, few individuals with knowledge or experience would agree to serve on advisory boards, and the benefits of those boards would be lost to policy officials.

I have been privileged to chair the Defense Policy Board for nearly two years. During that time the board has debated many issues, including U.S. policy with respect to Iraq, weapons of mass destruction, European-U.S. relations, the war on terrorism and the like. The discussions have been lively, the views expressed diverse, and the board's experienced members—former secretaries of state, defense and energy, former directors of Central Intelligence, former speakers of the House from both parties, a former vice-president, professors, a Nobel

laureate (in economics) and several recently retired general officers—have used the board's meetings to share their views with the secretary of defense.

The Times story about my work for Global Crossing gave the impression that I had been retained to use influence stemming from my chairmanship, my "close ties to current officials," to obtain favorable ruling on the acquisition of Global Crossing by a joint venture including a Hong Kong company. This is incorrect. (When I asked the times to publish a letter in reply, I was told that they would not unless I dropped the word "incorrect." Thus I learned that the Times censors letters to the editor.)

In truth, I was retained to advise Global Crossing on how it could meet the government's security concerns about the transaction, not to "help overcome Defense Department resistance" to it. To do this I had to persuade Global Crossing to accept some far-reaching safeguards, which it has now done. My task was to make intelligible to Global Crossing the government's concerns, not to use influence to get the government to set those concerns aside—the precise opposite of the Times' characterization.

The New Yorker piece by Seymour Hersh is a masterpiece—of falsehood and innuendo. He describes a lunch I had with two Saudi businessmen, during which the situation in Iraq was the sole topic of discussion, as a "cover story" for another purpose—eliciting a private Saudi investment in a fund in which I am a partner. And he quotes Saudi Ambassador Prince Bandar to the effect that "if we get in business," I would "back off on Saudi Arabia." Sprinkled in the article are references to conflicts of interest, although the incoherence of the piece reflects Mr. Hersh's Houdini-like twists and turns, intended to question my integrity.

Neither piece shows that I departed from the rules of disclosure and recusal. Global Crossing was never a topic in my board. Had it been, I would have recused myself. Mr. Hersh implies that my involvement in a fund set up to invest in homeland security technologies might by itself constitute a conflict of interest. But there is nothing in the rules governing the board, or in any reasonable ethical judgment, that would preclude my working in such a fund. He implies there may be a conflict of interest issue because I am a non-executive director of a software company, Autonomy, which recently won a contract to supply software for homeland security. But Autonomy never came before my board—specific companies almost never do. Had it, I would have recused myself.

The Times story further suggested that the very fact that I served on a board—and that this service was mentioned in documents that summarized my background and qualifications—was in itself a conflict. But this suggestion cannot be serious. Everybody I work with knows who I am and what I have done, whether I attach my résumé to the paperwork or not. Those who serve without any compensation on these boards do so as a civic responsibility. We give time and expertise and we accept the terms of membership, including rules concerning conflicts of interest, willingly. But few of us could do so if we were prevented from working in the areas about which we are consulted, and the value of our advice would be sharply diminished if we left our professional pursuits.

Somewhere there is probably a board that advises some agency of government on fashion trends. I suppose I could join it without fear that the New York Times or Seymour Hersh would accuse me of a conflict of interest. My wife would be appalled.

[From the Wall Street Journal]

CENTER FOR PUBLIC IGNORANCE

Richard Perle explains the attack on his tenure at the Defense Policy Board nearby.

Our own view is that Mr. Perle should have understood that Global Crossing was politically toxic. But you can tell something else is going on here because the ethics attack is now extending to the rest of the Board.

An outfit called the Center for Public Integrity—moral modesty is not part of its charter—has issued a report warning that “at least” nine of the 30 Board members have some sort of ties to defense contractors. Keep in mind that the Defense Board is purely advisory, its members work without pay and they abide by disclosure rules even though they have zero decision-making power. They serve only because the Secretary of Defense thinks their counsel might occasionally be worth listening to.

The suggestion nonetheless is that former CIA Director Jim Woolsey, former Secretary of State Henry Kissinger and retired Admiral William Owens, among others, shouldn't be able to serve on the advisory panel. How about taking a phone call from Donald Rumsfeld? Is that also too “incestuous?” We have reached the state of ethics in Washington in which Madonna could presumably serve as a Pentagon adviser but people who actually know something about national security cannot.

The objection is so transparently silly that one can only conclude that the real motivation here is political. The opponents of war with Iraq and change in the Middle East are trying to drive from public influence the folks who speak on behalf of those Bush Administration policies. “Integrity” is simply a smokescreen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. WATERS (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. EVERETT (at the request of Mr. DELAY) for today on account of official business.

Mr. TOOMEY (at the request of Mr. DELAY) for today on account of personal business.

Mr. WALDEN of Oregon (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MORAN of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, April 1, 2, 3, and 4.

Mrs. BIGGERT, for 5 minutes, April 1.

Mr. OSBORNE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OSE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 330. An act to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq; to the Committee on International Relations.

ADJOURNMENT

Mr. CONYERS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 1, 2003, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1560. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus pumilus GB 34; Exemption from the Requirement of a Tolerance [OPP-2002-0328; FRL-7286-9] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1561. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-Metolachlor; Pesticide Tolerance [OPP-2003-0 046; FRL-7229-8] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1562. A communication from the President of the United States, transmitting a request to make available contingent emergency funds pursuant to Public Law 107-42, the Air Transportation Safety and System Stabilization Act, 2001; (H. Doc. No. 108—60); to the Committee on Appropriations and ordered to be printed.

1563. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Experimental and Innovative Training Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1564. A letter from the Secretary, Department of Veterans Affairs, transmitting an

update on the status of submissions of Fiscal Years (FY) 2001 and 2002 Alternative Fuel Vehicle (AFV) Reports for the Department; to the Committee on Energy and Commerce.

1565. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Philadelphia County, Pennsylvania; Construction, Modification and Operation Permit Programs [PA202-4400a; FRL-7474-2] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1566. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas; California — Indian Wells Valley PM-10 Nonattainment Area [CA-276-0380; FRL-7461-5] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1567. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN214-1a; FRL-7470-7] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103—236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

1569. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2002; to the Committee on International Relations.

1570. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) [Docket No. 030304054-3054-01] (RIN: 0694-AC22) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-04, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

1572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

1573. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes for October 1, 2001, through September 30, 2002, pursuant to Public Law 100—77, section 601 (101 Stat. 515); to the Committee on Government Reform.

1574. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-33, “Emancipation Day Fund Temporary Act of 2003” received March

28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1575. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-32, "Kings Courts Community Garden Equitable Real Property Tax Relief Temporary Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1576. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-31, "Housing Notice Temporary Amendment Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1577. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-30, "Marvin Caplan Memorial Designation Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1578. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-29, "Closing of a Public Alley in Square 341, S.O. 02-4058, Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1579. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-28, "William H. Rumsey, Sr. Aquatic Center Designation Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1580. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Fiscal Year 2002 Annual Program Performance Report; to the Committee on Government Reform.

1581. A letter from the Director of Benefits and Plan Administrator, CoBank, transmitting the CoBank, ACB Retirement Plan for the year ending December 31, 2001, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1582. A letter from the Chair, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1583. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal year 2002, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

1584. A letter from the Director, Financial Management, General Accounting Office, transmitting the FY 2002 annual report of the Comptroller General's Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1585. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2002 performance report; to the Committee on Government Reform.

1586. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2003 (Revised Final) and FY 2004 (Final) Performance Plan; to the Committee on Government Reform.

1587. A letter from the Acting Chairman, National Endowment For The Arts, transmitting the Strategic Plan for FY 2003-2008, the FY 2004 Performance Plan; and the FY 1999-2002 Performance Reports; to the Committee on Government Reform.

1588. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting report that the standards of reasonable assurance pertaining to internal management controls during FY 2002 as required

by the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

1589. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2002 Annual Performance Report; to the Committee on Government Reform.

1590. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2002 reports for the Federal Managers' Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3) and 5 app. Public Law 100—504; to the Committee on Government Reform.

1591. A letter from the Commissioner, Social Security Administration, transmitting the annual inventory of commercial activities as required by Public Law 105-270; to the Committee on Government Reform.

1592. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-5356 — Wisconsin Project on Nuclear Arms Control v. United States Department of Commerce (January 31, 2003); to the Committee on Government Reform.

1593. A letter from the Secretary, Department of the Interior, transmitting a report on the Operations of Glen Canyon Dam pursuant to the Grand Canyon Protection Act of 1992 (Water Years 1999-2001); to the Committee on Resources.

1594. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 021209300-3048-02; I.D. 112502C] (RIN: 0648-AQ18) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1595. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Administrative Wage Garnishment (RIN: 0990-AA05) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1596. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule — Criteria and Procedures for Proposed Assessment of Civil Penalties (RIN: 1219-AB32) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1597. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-7115 — Empagran S.A., et al. v. F. Hoffman — Laroche, Ltd., et al. (January 17, 2003); to the Committee on the Judiciary.

1598. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Intracoastal Waterway, MM 758, St. Johns County, FL [COTP Jacksonville 02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1599. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft [Docket No. RSPA-00-7762 (HM-206C)] (RIN: 2137-AD29) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1600. A letter from the Administrator, General Services Administration, transmitting

an informational copy of a lease prospectus for the Department of Homeland Security, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Civil Cause of Action for Damages Caused by Unlawful Tax Collection Actions, Including Actions Taken in Violation of Section 362 or 524 of the Bankruptcy Code [TD 9050] (RIN: 1545-AY08) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Coordinated Issue Sections 302/318 Basis Shifting Issue — received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Capital Expenditures (Rev. Rul. 2003-37) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs] [TD 9047] (RIN: 1545-BA36 and 1545-AW92) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-26) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-35) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amendments to Rules for Determination of Basis of Partner's Interest; Special Rules [TD 9049] (RIN: 1545-BA50) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2003 Calendar Year Resident Population Estimates [Notice 2003-16] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-17] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1610. A letter from the Secretary, Department of Energy, transmitting a report regarding programs for the protection, control and accounting of fissile materials in the countries of the Former Soviet Union first half of FY 2002, pursuant to 22 U.S.C. 5952 note; jointly to the Committees on Armed Services and International Relations.

1611. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Update of Ambulatory Surgical Center List of Covered

Procedures Effective July 1, 2003 [CMS-1885-FC] (RIN: 0938-AM02) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

1612. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled the "Project BioShield Act of 2003"; jointly to the Committees on Energy and Commerce, Government Reform, the Judiciary, Armed Services, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Report on Oversight Plans for All House Committees (Rept. 108-52). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 758. A bill to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; with an amendment (Rept. 108-53). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of March 27, 2003]

H.R. 21. Referral to the Committee on the Judiciary extended for a period ending not later than May 16, 2003.

[The following action occurred on March 28, 2003]

H.R. 1000. Referral to the Committee on Ways and Means extended for a period ending not later than May 9, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. CUMMINGS, Mr. WU, Mr. RODRIGUEZ, Mr. RANGEL, Mr. MCGOVERN, Mr. FROST, Ms. KILPATRICK, Ms. WOOLSEY, Ms. CARSON of Indiana, Ms. KAPTUR, and Mr. DAVIS of Illinois):

H.R. 1508. A bill to treat the Tuesday next after the first Monday in November in the same manner as November 11 for purposes of Federal employment, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. WOLF):

H.R. 1509. A bill to make clear that a person who voluntarily separates from the Federal civil service does not remain subject to the enforcement provisions of subchapter III of chapter 73 of title 5, United States Code, and for other purposes; to the Committee on Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. WYNN, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. OWENS, Ms. LEE, Mr.

DAVIS of Illinois, Mr. CASE, Mr. STARK, Ms. WOOLSEY, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. SANDERS, Mrs. JONES of Ohio, and Ms. MCCOLLUM):

H.R. 1510. A bill to amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mrs. MALONEY, Mr. OXLEY, Mr. BAKER, Mr. THOMAS, Mr. KING of New York, Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, Mr. BRADLEY of New Hampshire, Mr. BURR, and Mr. GIBBONS):

H.R. 1511. A bill to award a congressional gold medal to Prime Minister Tony Blair; to the Committee on Financial Services.

By Mr. CAMP (for himself and Mr. LEVIN):

H.R. 1512. A bill to amend the Internal Revenue Code of 1986 to provide that certain bonds issued by local governments in connection with delinquent real property taxes may be treated as tax exempt; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. HULSHOF, Mr. HERGER, and Mr. BOSWELL):

H.R. 1513. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1514. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 20 percent; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 1515. A bill to provide for reimbursement for unreimbursed costs of emergency medical care for aliens paroled into the United States for medical reasons; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. HOEFFEL):

H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; to the Committee on Veterans' Affairs.

By Mr. GRAVES (for himself, Mr. STEARNS, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. OTTER, Mr. THORNBERRY, and Mr. CANNON):

H.R. 1517. A bill to amend the Land and Water Conservation Fund to limit the use of funds available from the Land and Water Conservation Fund Act of 1965 to use for maintenance; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER (for himself, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. SCHROCK, Mr. GINGREY, Mr. TAYLOR of North Carolina, and Mr. BURGESS):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to exclude from gross in-

come any enlistment, accession, reenlistment, or retention bonus paid to a member of the Armed Forces; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. FARR, Mr. CARSON of Oklahoma, Mr. MCHUGH, Mr. ROHRBACHER, Ms. LINDA T. SANCHEZ of California, Mr. DEAL of Georgia, Mr. ORTIZ, Mr. CARDOZA, Mr. FROST, Mr. BARTLETT of Maryland, Mr. DOOLEY of California, Mr. ISSA, Mr. LANTOS, and Mr. GREEN of Texas):

H.R. 1519. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. MURTHA:

H.R. 1520. A bill to amend the National Trails System Act to designate the historic transportation routes in the States of Pennsylvania, Maryland, West Virginia, and Ohio that led to the forks of the Ohio River in Pittsburgh, Pennsylvania, for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. MURTHA:

H.R. 1521. A bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes; to the Committee on Resources.

By Mr. NETHERCUTT:

H.R. 1522. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. CARDIN):

H.R. 1523. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 1524. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. WU:

H.R. 1525. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study of the Tualatin River Basin in Oregon; to the Committee on Resources.

By Mr. FOLEY (for himself, Mr. JONES of North Carolina, Mr. BALLENGER, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. DOOLITTLE, Mr. SHAYS, Mr. BEREUTER, Mr. DEAL of Georgia, and Mr. NORWOOD):

H.J. Res. 44. A joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a United States citizen unless a parent is a United States citizen, or is lawfully admitted for permanent residence in the United States, at the time of the birth; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. LEWIS of Georgia, Mr. GEPHARDT, Mr. CROWLEY, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. OWENS, Ms. LEE, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Ms. NORTON):

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress that neither the President, the Vice President, nor any Member of Congress, justice or judge of

the United States, or political appointee in the executive branch of the Government should belong to a club that discriminates on the basis of sex or race; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Con. Res. 131. Concurrent resolution expressing the sense of the Congress that student travel is a vital component of the educational process; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan:

H. Con. Res. 132. Concurrent resolution calling upon all United States citizens to support the efforts and activities of the National SAFE KIDS Campaign to prevent unintentional childhood injuries; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mr. KILDEE):

H. Res. 167. A resolution recognizing and honoring the achievements and contributions of Native Americans to the United States and urging the establishment and observation of a paid legal public holiday in honor of Native Americans; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI introduced a bill (H.R. 1526) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. SHERMAN, Ms. LEE, Mr. TIERNEY, and Mr. WYNN.

H.R. 25: Mr. SHADEGG, Mr. GINGREY, Mr. BURNS, and Mr. CARTER.

H.R. 44: Mr. FEENEY.

H.R. 49: Mr. PETERSON of Pennsylvania, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BROWN of South Carolina, Mr. TOOMEY, Ms. BORDALLO, Mr. HAYWORTH, and Mr. OXLEY.

H.R. 50: Mrs. MUSGRAVE.

H.R. 51: Mr. FEENEY.

H.R. 52: Mr. POMBO and Mr. POMEROY.

H.R. 63: Mr. HAYWORTH.

H.R. 64: Mr. HULSHOF.

H.R. 117: Mr. BARTON of Texas.

H.R. 208: Mr. MILLER of North Carolina.

H.R. 217: Mr. CANNON.

H.R. 221: Mr. SHERMAN and Mr. DAVIS of Illinois.

H.R. 236: Mr. SCHIFF, Mr. DAVIS of Tennessee, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. DICKS, Ms. VELAZQUEZ, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. DEUTSCH, Mr. GEPHARDT, Mr. KANJORSKI, and Mr. KILDEE.

H.R. 250: Mr. KILDEE and Ms. WOOLSEY.

H.R. 262: Mr. BROWN of South Carolina.

H.R. 276: Mr. NEY, Mr. OTTER, and Mrs. CUBIN.

H.R. 300: Mr. SHAYS.

H.R. 303: Mr. DICKS, Ms. WATSON, Mr. YOUNG of Florida, Mr. THOMPSON of California, Mr. DEMINT, Mr. McDERMOTT, Mr. JEFFERSON, Mr. CUMMINGS, and Mr. THOMPSON of Mississippi.

H.R. 315: Mr. SHAYS.

H.R. 336: Mr. HAYWORTH and Mr. SOUDER.

H.R. 391: Mr. COLE, Mr. SULLIVAN, Mr. TOM DAVIS of Virginia, and Mr. CRENSHAW.

H.R. 442: Ms. CARSON of Indiana and Mr. JACKSON of Illinois.

H.R. 466: Mr. KIRK and Mr. RYAN of Ohio.

H.R. 502: Mr. JONES of North Carolina and Mr. STEARNS.

H.R. 527: Mr. BISHOP of Georgia.

H.R. 543: Mr. MCGOVERN and Mr. SOUDER.

H.R. 596: Mr. PAUL.

H.R. 678: Mr. JOHN, Mr. JEFFERSON, and Mr. FORD.

H.R. 684: Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. HAYWORTH, Mr. TIBERI, Mr. SHAYS, and Mrs. NORTHUP.

H.R. 685: Mr. CASE, Ms. LINDA T. SANCHEZ, of California, and Ms. CARSON of Indiana.

H.R. 687: Mr. JENKINS, Mr. COBLE, Mrs. BLACKBURN, and Mr. DUNCAN.

H.R. 765: Mr. PAUL.

H.R. 768: Mr. PAYNE.

H.R. 769: Mr. HONDA.

H.R. 785: Mrs. NORTHUP and Mr. HOEKSTRA.

H.R. 802: Mr. WEXLER.

H.R. 803: Mr. WICKER.

H.R. 810: Mrs. MCCARTHY of New York, Mrs. CUBIN, Mr. TOOMEY, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. WYNN, Mr. KENNEDY of Minnesota, and Mr. DAVIS of Florida.

H.R. 813: Mr. BROWN of Ohio.

H.R. 847: Ms. JACKSON-LEE of Texas.

H.R. 854: Mr. CROWLEY.

H.R. 858: Mr. PASTOR.

H.R. 872: Mr. PENCE and Mr. FRANKS of Arizona.

H.R. 879: Mrs. BLACKBURN and Mrs. JONES of Ohio.

H.R. 936: Ms. ESHOO.

H.R. 941: Mr. UPTON.

H.R. 953: Mr. CRAMER, Mr. LANTOS, Ms. HARMAN, and Mr. ISAKSON.

H.R. 954: Mr. MCINTYRE.

H.R. 967: Mr. DAVIS of Tennessee, Ms. BERKLEY, and Mr. PRICE of North Carolina.

H.R. 976: Mr. DOYLE.

H.R. 979: Mr. RANGEL and Ms. ROYBAL-ALLARD.

H.R. 983: Mr. REYNOLDS, Mr. RAMSTAD, and Mr. MCHUGH.

H.R. 996: Mr. ISAKSON, Mr. McCRERY, Mrs. KELLY, Mr. KANJORSKI, Mr. TERRY, Mr. LUCAS of Kentucky, Mr. SESSIONS, Mr. BAKER, Mr. SHERMAN, and Mr. SPRATT.

H.R. 1043: Mr. BISHOP of Georgia.

H.R. 1049: Mrs. JO ANN DAVIS of Virginia.

H.R. 1061: Mr. STUPAK.

H.R. 1077: Ms. BERKLEY, Mr. McDERMOTT.

H.R. 1096: Mrs. DAVIS of California.

H.R. 1102: Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, and Mr. CARDOZA.

H.R. 1103: Mr. STENHOLM.

H.R. 1133: Mr. ENGLISH, Mrs. JONES of Ohio, Mr. FALEOMAVAEGA, Mr. RANGEL, and Mr. NEY.

H.R. 1157: Ms. SLAUGHTER.

H.R. 1166: Mr. MATSUI and Mr. YOUNG of Alaska.

H.R. 1168: Ms. BALDWIN, Mr. BALLANCE, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. CAPUANO, Mr. COOPER, Ms. DELAURO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GARRETT of New Jersey, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOFFEL, Mr. HOLT, Mr. KOLBE, Mr. KUCINICH, Ms. LEE, Ms. LOFGREN, Mr. LUCAS of Kentucky, Ms. MCCOLLUM, Mr. McNULTY, Mr. MARKEY, Mr. MATHESON, Mr. NEY, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. SHAYS, Mr. STRICKLAND, and Ms. WOOLSEY.

H.R. 1191: Mr. MCINTYRE and Mr. HASTINGS of Florida.

H.R. 1214: Mr. FORD, Mr. WALSH, and Mr. KILDEE.

H.R. 1235: Mr. DOOLITTLE.

H.R. 1264: Mr. DAVIS of Alabama.

H.R. 1294: Mrs. DAVIS of California, Ms. SOLIS, Ms. MCCOLLUM, Mr. CARDOZA, Ms. ESHOO, and Mr. BLUMENAUER.

H.R. 1301: Mr. MCINNIS and Mr. RAHALL.

H.R. 1304: Mr. MATSUI.

H.R. 1311: Mr. BLUNT, Mr. SCHIFF, Mr. BOOZMAN, and Mr. STUPAK.

H.R. 1336: Mr. WELLER, Mr. GARY G. MILLER of California, Mr. SANDLIN, and Mr. ABERCROMBIE.

H.R. 1345: Mr. HINCHEY, Mr. MCGOVERN, Mr. EVANS, and Ms. BERKLEY.

H.R. 1348: Ms. KAPTUR, Mr. PALLONE, and Mr. WYNN.

H.R. 1357: Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. SOLIS, Mr. PALLONE, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Ms. BORDALLO.

H.R. 1358: Mr. WEINER, Mr. CROWLEY, and Ms. ROS-LEHTINEN.

H.R. 1359: Mr. GEORGE MILLER of California and Mr. ACKERMAN.

H.R. 1389: Mr. GRIJALVA, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1421: Mr. HAYWORTH.

H.R. 1429: Mr. PALLONE, Ms. NORTON, and Ms. WATERS.

H.R. 1466: Mr. TIERNEY, Mr. FROST, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, and Ms. GRANGER.

H.R. 1470: Mr. MCINTYRE, Mr. ISRAEL, Ms. SCHAKOWSKY, and Mr. FORD.

H.R. 1472: Mr. ACKERMAN.

H.R. 1478: Mr. CALVERT and Mr. OLVER.

H.R. 1492: Mr. RENZI.

H.R. 1494: Mr. WOLF.

H.J. Res. 24: Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, and Mr. DOGGETT.

H. Con. Res. 30: Mr. MEEK of Florida.

H. Con. Res. 50: Mr. SOUDER, Mr. BAKER, and Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 56: Mr. WEINER, Mr. HOLDEN, and Ms. BERKLEY.

H. Con. Res. 78: Ms. MCCOLLUM, Mrs. MALONEY, Mr. DAVIS of Alabama, and Mr. BISHOP of Georgia.

H. Con. Res. 80: Mr. HYDE.

H. Con. Res. 82: Mr. VITTER, Mr. SESSIONS, Mr. BURTON of Indiana, and Mr. BEAUPREZ.

H. Con. Res. 98: Mr. SIMMONS, Mr. ROSS, Mr. HINOJOSA, and Mr. COX.

H. Con. Res. 109: Mr. PASTOR, Mr. HAYWORTH, and Mr. SKELTON.

H. Con. Res. 111: Mr. RAHALL and Mr. ABERCROMBIE.

H. Con. Res. 126: Mr. HERGER, Mr. BISHOP of Utah, Mr. TANCREDO, and Mr. DOOLITTLE.

H. Res. 32: Mr. BISHOP of Georgia, Ms. MCCARTHY of Missouri, and Mr. SMITH of Washington.

H. Res. 60: Mr. STEARNS, Mr. CAPUANO, Mr. PLATTS, Mr. NEAL of Massachusetts, Mr. FLETCHER, and Mr. MCHUGH.

H. Res. 137: Mrs. NAPOLITANO, Ms. CARSON of Indiana, Ms. LOFGREN, Mr. WEXLER, Mr. DINGELL, Mr. BERMAN, Ms. HOOLEY of Oregon, and Ms. BERKLEY.

H. Res. 166: Mr. ROYCE, Mr. HOUGHTON, Mr. LEACH, and Mr. FLAKE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1119: Mr. McDERMOTT.