



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, NOVEMBER 1, 2005

No. 142

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
November 1, 2005.

I hereby appoint the Honorable JON C. PORTER 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 4, 2005, 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 Florida (Mr. STEARNS) for 5 minutes.

### AVIAN FLU: PROTECT AMERICANS

Mr. STEARNS. Mr. Speaker, the prospect of an avian flu pandemic has mobilized government officials and health care professionals across the United States. Every year there is a new outbreak of flu strains, with potentially serious consequences for the elderly, children and people with compromised immune systems. In his address this morning, President Bush accurately differentiated between traditional flu viruses and the avian flu. This specific flu strain, H5N1, is par-

ticularly virulent, with a 50 percent mortality rate once contracted. To date, 110 people have been infected, and 60 deaths have been attributed to this flu. The virus has been tracked from Mongolia and Siberia, through the Ukraine and Croatia to Turkey. Avian flu has spread to 16 countries. There is not yet an avian pandemic in the United States, but as we live in an ever-shrinking world with all our travel, we must be prepared for its unwelcome arrival.

In this week's edition of Newsweek, Dr. Margaret Chan, head of preparedness for the World Health Organization, states, "Key factors to combating a global pandemic are early detection, quarantines, availability of vaccines and antiviral drugs, and the state of hospital readiness to treat those infected."

I would like to focus on one of these key factors in particular, the availability of this medication. On May 4 of this year in the Oversight and Investigation Subcommittee where I serve, hearings were held on the current state of preparedness for the upcoming flu season. In those hearings, health officials testified that manufacturing of flu vaccines is an annual process beginning in February with the World Health Organization and the Centers for Disease Control publishing their predictions of flu strains that are most likely to spread that winter. Manufacturing vaccines is a lengthy and complex process that leaves little margin for error. The possibility of contamination of these biologically grown vaccines is great, and, as we saw with the vaccine producer Chiron in 2003, could potentially render entire productions worthless. Fear of liability compounds the short supply of vaccines. In the 1960s, the U.S. had more than 26 vaccine producers in this country. Today only five companies remain. Currently, we rely upon one vaccine producer to make the annual flu cocktails as well

as eight other common childhood vaccinations such as measles, mumps, diphtheria and meningitis. Lawsuits make production unprofitable and risky, pushing producers away from vaccines and towards the more lucrative industry of antiviral medications. This raises concern among health experts about resurgence of formerly eradicated diseases if vaccine shortages continue. Congress should consider offering companies incentives to enter the vaccine industry and, of course, limiting the liability burden. These were included in President Bush's avian flu strategy this morning. The President has asked Congress to remove the litigation burden on vaccine manufacturers and fund development of new cell culture techniques. These techniques reduce the time lag between identification of a new pandemic threat and development of a vaccine. Avian flu is the current threat to our Nation's health, but we can be assured it will not be the last. Therefore, increasing our vaccine capacity is necessary to our national security.

There are two antiviral medications available that are believed to treat avian flu, Tamiflu and Relenex. Tamiflu is the more widely recommended medication, and our government is currently building stockpiles of this medication in anticipation of possible outbreaks in this country. However, there is a danger of many individuals building personal Tamiflu stockpiles. The Washington Post reported that 1.7 million prescriptions for Tamiflu were filled in the United States in just the first 8 months of 2005, which is three times more than last year. Personal stockpiles pose a two-fold risk. The first is that private consumers reduce the already limited supply of the drug, causing the government to have to compete to fulfill its supply goals, and cause a shortage of supply for public health care providers. The second threat is from individuals

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.

H9437

incorrectly self-medicating that can lead to development of a resistant viral strain, limiting the medication's effectiveness.

The 2006 agriculture appropriations conference report includes the appropriation of \$28 million to control and manage avian flu. We have the ability and obligation to do more. President Bush this morning announced his three-part avian flu strategy to the public, requesting congressional support. This plan incorporates the recommendations of the World Health Organization by monitoring and rapid response to outbreaks, increasing availability of vaccines and antiviral medication, and creating effective pandemic emergency plans in cooperation with State and local authorities. I believe these recommendations are a good start and look forward to reviewing them in further detail.

We must not panic. We must be prepared.

#### NATIONAL HUNGER AND POVERTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized during morning hour debates for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the Department of Agriculture's report that was released last week on national hunger data. My home State of Texas ranks at the bottom of this list with 16 percent of households listed as food insecure. This means that at some point, 16 percent of Texans could not provide enough food for their families. This is a staggering number.

Nationally, we did not do much better. Despite improvements in the economy, the number of households at risk for hunger actually increased. We have heard about the mergers, consolidations, buyouts and all the layoffs. As a matter of fact, higher productivity where you can get half the number of people to do the same job the rest of them did is having its impact.

Hiring illegal aliens for less than minimum wage or minimum wage is having its impact. Those people are looking for a better day for their families. They send the money back to Mexico and that leaves them here without anything to eat. We must address this issue. This means that even though more people are working, many are not making enough money to afford basic necessities, namely, food. A full-time minimum wage worker makes less than \$11,000 per year. Can you just imagine some of these CEOs making less than \$20 million? They would probably starve. These are not just teenagers flipping hamburgers. Thirty-five percent of those earning minimum wage are their family's sole breadwinner. These working poor are faced with the impossible decision of often having to choose between food, clothing, shelter, medicine and utility bills, gas bills.

America was founded on the idea that everyone who works hard can obtain the American dream. Over the past 5 years, this Congress has abandoned those ideals and intensified poverty. We can do better to help American families. It is unconscionable that every day we are here, we are working to see how we can give a bigger tax cut for the wealthy and how we can take it away from the poor. It does not just affect the poor, it affects all of us. Until we are fair about distribution of some wealth, we will never have fairness returned. We have got to invest to solve these problems. That does not mean throwing money at the problem but it does mean paying people a living wage to live on. When we hear about Southwestern Bell, AT&T, TXU laying off 1,200, 1,400, 1,500 people, it impacts those families. Children have to drop out of college or out of school. Families' houses go up in foreclosure. These are law-abiding, working Americans. Do we care? Our record does not show that we care. We simply must address this issue.

I hear all the statistics about the jobs created. Maybe it is like in New Orleans where every job created is going to an illegal alien. That simply is not fair to the American people and most especially it is not fair to people who were in New Orleans who called it home not being able to get the jobs. We have inherited more than our share of both and we have opened arms to receive them in Texas, but we do need to give attention to whether or not we are really helping. If they cannot eat, if they cannot afford shelter, are we helping?

It is the same thing with our borders. Do we help the people to allow them to come over illegally, get hired by the wealthy for 3 or 4 weeks and then they are without jobs? I think we need to take a second look of how we are distributing wealth in this country. Just because the stock market is doing well for 10 percent of the population, it does not mean that everybody else is doing fine. I have heard so many comments about how great the economy is. These people are not even counted in the economy. I thank you, Mr. Speaker, for allowing me to share this with my colleagues, and I hope we heed this.

#### THE SUPREME COURT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Texas (Mr. GOHMERT) is recognized during morning hour debates for 1 minute.

Mr. GOHMERT. "The Supreme Court has improperly set itself up as a third house of Congress, reading into the Constitution words and implications which are not there and which were never intended to be there. We have, therefore, reached the point as a Nation when we must take action to save the Constitution from the Court and the Court from itself. We must find a way to take an appeal from the Su-

preme Court to the Constitution itself. We want a Supreme Court which will do justice under the Constitution and not over it."

The preceding words were a quote from President Franklin D. Roosevelt in 1937. He reformed the Court by appointing eight out of nine justices.

Today, the Supreme Court must have at least one more judge who can read the Constitution without visual hallucinations. It sounds like Judge Alito is such a judge. Without five constitutionally literate justices, the Supreme Court's traditional pronouncement as it enters the courtroom should be changed to that of a confused bailiff in east Texas while flustered who once announced a judge's entrance by proclaiming: "God save us from this honorable court."

#### GOOD ECONOMIC NEWS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized during morning hour debates for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, there has been a whirlwind of news lately, from Supreme Court nominees to hurricanes and natural disasters and the cost of gasoline. If you were to listen to many folks in this Chamber, you would think that there was absolutely no good news at all, anywhere. I, like most Members of Congress, go home virtually every weekend. When I am home, I try to take every opportunity to listen to people, what are their concerns and what are their interests. They have been worried about a general sense that we here in Washington have gotten distracted from the real issues. I gain strength from those discussions and from those folks at home.

The wonderful news about America is that hardworking men and women across this country are doing just that—they are working hard. To all of them, we owe an incredible debt of gratitude, because they really are the real heroes. Day in and day out, they are the real heroes.

With the challenges that this Nation has faced over the past couple of months, including the record destruction from the hurricanes across the gulf coast and in Florida and the remarkable increases in gas and oil prices, the economy ought to be in the tank, or at least flat, right? It ought not be growing at all.

Hold on, Mr. Speaker. This news, you have not heard in the major media, you have not heard it read in the newspapers, and that is the good news of the wonderful success of our economy, the amazing American economy. This chart shows the gross domestic product, which really is kind of the benchmark of how our economy is performing. This chart demonstrates that in the last quarter, in the third quarter of 2005, the economy grew at a rate of 3.8 percent. That is an increase. This is in spite of Katrina and Rita and all the