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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

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



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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.

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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