

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