

agreement is neither free nor fair concerning prescription drugs.

Mr. BLUNT. Mr. Speaker, listening to today's dialogue on the floor, I have been encouraged by the strong bipartisan support for the United States-Australia Free Trade Agreement. Passing this implementation bill today will pave the way for an even deeper economic relationship with one of our most important strategic allies.

The Australian Government has not only sided with us, but committed valuable troops and resources to helping the United States in every major conflict in the last century, including the global war on terror. Notably, Prime Minister Howard has shown courage and dedication to the cause of freedom over the past two years with his steadfast commitment to the coalition in Iraq.

Mr. Speaker, like our own economy, Australia's is a modern, well-developed, transparent economic system. A deep trade relationship already exists between the United States and Australia in the form of \$28 billion per year.

As with every well-negotiated trade agreement, both sides will benefit immediately upon the enactment of this free trade agreement. For the United States, this means that more than 99 percent of U.S. exports of manufactured goods to Australia will become tariff-free on day one, resulting in a possible \$2 billion per year in increased manufacturing exports; U.S. agricultural exports, currently totaling \$400 million, will receive immediate duty free access to the Australian market; and American services providers, including the telecommunications, financial services, energy, delivery, and entertainment industries, will be accorded substantial new access to a major developed market.

The reasons I just listed, and there are many others, help explain why this agreement will receive such broad and deep support from the House of Representatives.

I would like to thank my friend from New York, Mr. CROWLEY, for his help in generating support for the agreement on the other side of the aisle. I would also like to thank Ambassador Zoellick and his staff for their hard work in negotiating this agreement.

Mr. Speaker, I urge all of my colleagues to vote in favor of expanding trade and investment opportunities for U.S. firms, creating jobs for American workers, and deepening an already strong relationship with the Australian Government and the people of Australia.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the bill is considered read for amendment, and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 109, answered “present” 1, not voting 9, as follows:

[Roll No. 375]

YEAS—314

| | | |
|-----------------|----------------|------------------|
| Ackerman | Dunn | LaTourette |
| Aderholt | Edwards | Leach |
| Akin | Ehlers | Levin |
| Allen | Engel | Lewis (CA) |
| Bachus | English | Lewis (GA) |
| Baird | Eshoo | Lewis (KY) |
| Baker | Etheridge | Linder |
| Ballenger | Everett | LoBiondo |
| Barrett (SC) | Farr | Loftgren |
| Bartlett (MD) | Feeney | Lowey |
| Barton (TX) | Ferguson | Lucas (KY) |
| Beauprez | Flake | Lynch |
| Becerra | Foley | Maloney |
| Bell | Forbes | Manzullo |
| Bereuter | Ford | Matheson |
| Berkley | Fossella | Matsui |
| Berman | Franks (AZ) | McCarthy (MO) |
| Biggert | Frelinghuysen | McCarthy (NY) |
| Bilirakis | Frost | McCotter |
| Bishop (GA) | Gallegly | McCrery |
| Bishop (NY) | Garrett (NJ) | McDermott |
| Blackburn | Gephardt | McGovern |
| Blumenauer | Gerlach | McHugh |
| Blunt | Gibbons | McInnis |
| Boehlert | Gilchrest | McKeon |
| Boehner | Gillmor | Meehan |
| Bohalla | Gingrey | Meek (FL) |
| Bonner | Gonzalez | Meeks (NY) |
| Bono | Goodlatte | Menendez |
| Boozman | Gordon | Mica |
| Boswell | Goss | Miller (FL) |
| Boyd | Granger | Miller (MI) |
| Bradley (NH) | Graves | Miller (NC) |
| Brady (TX) | Green (TX) | Miller, Gary |
| Brown (SC) | Greenwood | Moore |
| Brown-Waite, | Hall | Moran (VA) |
| Ginny | Harman | Murphy |
| Burgess | Harris | Murtha |
| Burns | Hart | Musgrave |
| Burr | Hastings (WA) | Myrick |
| Buyer | Hayworth | Napolitano |
| Calvert | Hefley | Neal (MA) |
| Camp | Hensarling | Nethercutt |
| Cannon | Herger | Neugebauer |
| Cantor | Hill | Ney |
| Capito | Hinojosa | Northup |
| Capps | Hobson | Norwood |
| Capuano | Holden | Nussle |
| Cardin | Holt | Olver |
| Carter | Honda | Ortiz |
| Castle | Hooley (OR) | Ose |
| Chabot | Houghton | Oxley |
| Chandler | Hoyer | Pelosi |
| Chocola | Hulshof | Pence |
| Clay | Hunter | Peterson (PA) |
| Coble | Hyde | Petri |
| Cole | Inslee | Pickering |
| Cooper | Israel | Pitts |
| Cox | Issa | Platts |
| Cramer | Jackson-Lee | Porter |
| Crane | (TX) | Portman |
| Crenshaw | Jefferson | Price (NC) |
| Crowley | Jenkins | Pryce (OH) |
| Cubin | John | Putnam |
| Culberson | Johnson (CT) | Radanovich |
| Cunningham | Johnson (IL) | Ramstad |
| Davis (AL) | Johnson, E. B. | Regula |
| Davis (CA) | Johnson, Sam | Renzi |
| Davis (FL) | Jones (OH) | Reyes |
| Davis (TN) | Keller | Reynolds |
| Davis, Jo Ann | Kelly | Rodriguez |
| Davis, Tom | Kennedy (MN) | Rogers (AL) |
| Deal (GA) | Kennedy (RI) | Rogers (KY) |
| DeGette | Kilpatrick | Rogers (MI) |
| DeLay | King (IA) | Rohrabacher |
| DeMint | King (NY) | Ross |
| Diaz-Balart, L. | Kingston | Roybal-Allard |
| Diaz-Balart, M. | Kirk | Royce |
| Dicks | Kline | Ruppersberger |
| Dingell | Knollenberg | Ryan (WI) |
| Doggett | Kolbe | Ryun (KS) |
| Dooley (CA) | LaHood | Sanchez, Loretta |
| Doolittle | Lampson | Sandlin |
| Doyle | Langevin | Saxton |
| Dreier | Larsen (WA) | Schiff |
| Duncan | Latham | Schrock |

| | | |
|------------|---------------|-------------|
| Scott (GA) | Tancredo | Walsh |
| Sessions | Tanner | Wamp |
| Shadegg | Tauscher | Watson |
| Shaw | Tauzin | Watt |
| Shays | Terry | Weiner |
| Sherman | Thomas | Weldon (FL) |
| Sherwood | Thompson (CA) | Weldon (PA) |
| Shimkus | Thornberry | Weller |
| Shuster | Tiahrt | Wexler |
| Simmons | Tiberi | Whitfield |
| Skeltan | Toomey | Wicker |
| Smith (NJ) | Towns | Wilson (NM) |
| Smith (TX) | Turner (OH) | Wilson (SC) |
| Smith (WA) | Turner (TX) | Wolf |
| Snyder | Udall (CO) | Wu |
| Souder | Upton | Wynn |
| Stearns | Van Hollen | Young (AK) |
| Stenholm | Visclosky | Young (FL) |
| Sullivan | Vitter | |
| Sweeney | Walden (OR) | |

NAYS—109

| | | |
|----------------|----------------|----------------|
| Abercrombie | Hayes | Paul |
| Alexander | Herseth | Payne |
| Andrews | Hinchey | Pearce |
| Baca | Hoekstra | Peterson (MN) |
| Baldwin | Hostettler | Pombo |
| Bass | Jackson (IL) | Pomeroy |
| Berry | Jones (NC) | Quinn |
| Bishop (UT) | Kanjorski | Rahall |
| Boucher | Kaptur | Rehberg |
| Brady (PA) | Kildee | Rothman |
| Brown (OH) | Klecza | Rush |
| Brown, Corrine | Kucinich | Ryan (OH) |
| Burton (IN) | Lantos | Sabo |
| Cardoza | Larson (CT) | Sánchez, Linda |
| Carson (OK) | Lee | T. |
| Case | Lipinski | Sanders |
| Clyburn | Lucas (OK) | Schakowsky |
| Conyers | Markey | Scott (VA) |
| Costello | Marshall | Sensenbrenner |
| Cummings | McCollum | Serrano |
| Davis (IL) | McIntyre | Simpson |
| DeFazio | McNulty | Slaughter |
| Delahunt | Michaud | Smith (MI) |
| DeLauro | Millender- | Solis |
| Deutsch | McDonald | Spratt |
| Emanuel | Miller, George | Stark |
| Emerson | Mollohan | Strickland |
| Evans | Moran (KS) | Stupak |
| Fattah | Nadler | Taylor (MS) |
| Filner | Oberstar | Taylor (NC) |
| Frank (MA) | Obey | Thompson (MS) |
| Goode | Osborne | Tierney |
| Green (WI) | Otter | Udall (NM) |
| Grijalva | Owens | Velázquez |
| Gutierrez | Pallone | Waters |
| Gutknecht | Pascrell | Waxman |
| Hastings (FL) | Pastor | Woolsey |

ANSWERED “PRESENT”—1

Nunes

NOT VOTING—9

| | | |
|-------------|---------|--------------|
| Carson (IN) | Isakson | Majette |
| Collins | Istook | Rangel |
| Hoeffel | Kind | Ros-Lehtinen |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1719

Messrs. MARSHALL, THOMPSON of Mississippi and CLYBURN changed their vote from “yea” to “nay.”

Mrs. NAPOLITANO, Ms. GINNY BROWN-WAITE of Florida and Mr. TOWNS changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. CRANE. 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. 4759, the bill just passed.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4818, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida (during consideration of H.R. 4759), from the Committee on Rules, submitted a privileged report (Rept. No. 108-604) on the resolution (H. Res. 715) providing for consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, yesterday, July 13, 2004, I missed a number of rollcall votes. If I had been here, I would have voted in the following manner: rollcall vote No. 363, I would have voted "aye"; rollcall vote No. 364, I would have voted "aye"; rollcall vote No. 366, I would have voted "aye"; rollcall vote No. 367, I would have voted "no"; rollcall vote No. 368, I would have voted "no"; rollcall vote No. 369, I would have voted "aye"; and on final passage, I would have voted "aye."

PROJECT BIOSHIELD ACT OF 2004

Mr. BARTON of Texas. Mr. Speaker, pursuant to the order of the House of Tuesday, July 13, 2004, I call up the Senate bill (S. 15) to amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of S. 15 is as follows:

S. 15

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 "Project BioShield Act of 2004".

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT—AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

"SEC. 319F-1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

"(a) IN GENERAL.—

"(1) AUTHORITY.—In conducting and supporting research and development activities regarding countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section and, in consultation with the Director of the National Institutes of Health, as part of the program under section 446, if the activities concern qualified countermeasures.

"(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

"(A) treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

"(B) treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in subparagraph (A).

"(3) INTERAGENCY COOPERATION.—

"(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

"(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant, contract, or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, or supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant, contract, or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

"(5) TRANSFERS OF QUALIFIED COUNTERMEASURES.—Each agreement for an award of a grant, contract, or cooperative agreement under section 319F(h) for the development of a qualified countermeasure shall provide that the recipient of the award will comply with all applicable export-related controls with respect to such countermeasure.

"(b) EXPEDITED PROCUREMENT AUTHORITY.—

"(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR QUALIFIED COUNTERMEASURE PROCUREMENTS.—

"(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)), as appli-

cable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be \$25,000,000 in the administration, with respect to such procurement, of—

"(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

"(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(iv) Section 3131 of title 40, United States Code (relating to bonds of contractors of public buildings or works).

"(v) Subsection (a) of section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)) (relating to contingent fees to middlemen).

"(vi) Section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962).

"(vii) Section 1354 of title 31, United States Code (relating to the limitation on the use of appropriated funds for contracts with entities not meeting veterans employment reporting requirements).

"(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph with respect to the procurement involved.

"(D) AUTHORITY TO LIMIT COMPETITION.—In conducting a procurement under this paragraph, the Secretary may not use the authority provided for under subparagraph (A) to conduct a procurement on a basis other than full and open competition unless the Secretary determines that the mission of the BioShield Program under the Project BioShield Act of 2004 would be seriously impaired without such a limitation.

"(2) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

"(A) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

"(B) RELATION TO OTHER AUTHORITIES.—The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

"(C) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this paragraph in accordance with government-wide regulations implementing such section 303(c)(1) (including requirements that offers be solicited from as many potential