

reviews was insufficient to sustain the medical device user fee program. If this year's appropriation does not address this shortfall, the user fee program could very well fold.

Hard work went into establishing that program. The existence of that program enables patients more timely access to medical devices at no additional cost to American taxpayers. We need to make sure the program does not fold.

Mr. Speaker, as this House continues its rush to give more tax cuts to the most affluent people in the country, therefore making a choice to underfund too often health and education, it is important that we focus on this very important, essential program.

Mr. BONILLA. Mr. Speaker, as the Chairman of the appropriations committee that funds the Food and Drug Administration, I feel that I must register my concerns.

We have seen user fees for human drugs, animal drugs, and now medical devices. That is fine—companies are paying for a service, and they have been able to invest in FDA to gain efficiency.

Mr. concern arises over requirements in the user fee legislation for certain levels of appropriations for those programs—usually referred to as “triggers”. Medical devices is the most extreme example. The authorizing legislation requires tremendous increases in appropriated funding.

I would like to submit for the RECORD a letter that Chairman YOUNG and I sent to Chairman TAUZIN last October outlining these concerns.

OCTOBER 21, 2003.

Hon. W.J. (Billy) TAUZIN,
Chairman, Committee on Energy and Commerce,
House of Representatives, Rayburn House
Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: We are writing to you as our partners in maintaining the viability of the Food and Drug Administration (FDA). We have a very collegial and positive working relationship with your Committee in its role as authorizers for FDA activities, and we appreciate your diligence in providing critical oversight. However, we write to you today with concerns we have as appropriators with the responsibility for setting annual appropriations levels for the FDA.

We see a trend occurring within the authorizing legislation for user fee programs. Prescription drug user fees were first authorized in 1992. That legislation included a “trigger” which required that appropriations for FDA as a whole and for drug review, in particular, meet certain levels in each of the years that the user fees were in effect. The two reauthorizations of those user fees retained the appropriations requirements; in fact, in the last reauthorization in 2002, additional triggers were added. Also in 2002, medical devices user fees were enacted. Again, requirements for FDA appropriations were integral to the user fee legislation. In the case of the medical device legislation, the requirement for appropriated funding of the medical device program included substantial and sustained increases in budget authority. The authorization language stipulates that if the cumulative appropriations trigger is not met, the user fee program will cease at the end of fiscal year 2005. This requirement was included without consultation with the Committee on Appropriations.

Most recently, the House and Senate have passed similar legislation allowing for the

collection of animal drug user fees. Again, both the House and Senate versions of the bill contain requirements for certain levels of FDA appropriations. According to some published reports, your Committee had received assurance from the leadership that funding levels for animal drug reviews would be increased in fiscal year 2004. Again, the Committee on Appropriations was not consulted in these negotiations.

In effect, these triggers in user fee legislation earmark FDA funds for human drugs, medical devices, and animal drugs. The Committee on Appropriations has always supported FDA as a whole and has resisted efforts to add budget authority to one program area at the expense of another. If we let user fee triggers drive our decisions, the FDA programs to suffer would be those not covered by fees—blood, vaccines, counter-terrorism activities, food safety, or bovine spongiform encephalopathy (BSE) prevention. We firmly believe that a strong FDA must balance the needs of all its mission areas to best benefit public health. We have serious concerns about the prevalence and scope of appropriations requirements embedded in user fee authorizing legislation for FDA, and about the lack of consultation with our Committee in legislating such requirements.

A larger problem is the fact that your Committee's jurisdiction over the Agriculture Appropriations Bill is limited to the FDA. It is our Committee's task to establish fair allocations of resources among competing interests under the jurisdiction of all authorizing committees. Legislating triggers for individual programs serves to thwart our efforts at fairness by favoring a limited number of programs at the expense of others in our bill—including the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), agriculture research, and conservation activities. These programs are critically important to many members and their constituents.

As always, we are available to discuss the issue with you, and would be glad to do so. We share your dedication to improve the effectiveness and viability of FDA's programs that are crucial to our nation's well being.

Sincerely,

C.W. BILL YOUNG,
Chairman, Committee
on Appropriations.
HENRY BONILLA,
Chairman, Subcommittee
on Agriculture,
Rural Development,
FDA and Related
Agencies.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and pass the Senate bill, S. 1881, as amended.

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. GREENWOOD. 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.

EXPRESSING SENSE OF CONGRESS THAT KIDS LOVE A MYSTERY IS A PROGRAM THAT PROMOTES LITERACY AND SHOULD BE ENCOURAGED

Mr. GINGREY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 373) expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged.

The Clerk read as follows:

H. CON. RES. 373

Whereas knowledge, wisdom, and children are the greatest assets of a democracy;

Whereas books enable one generation to pass on its knowledge and wisdom to the next;

Whereas learning to read is one of the greatest privileges the Nation extends to its children;

Whereas children most often choose mysteries as their favorite books;

Whereas the Mystery Writers of America sponsors Kids Love a Mystery, an outreach program designed to bring mystery writers and children together to encourage literacy and the love of reading; and

Whereas the Mystery Writers of America recognizes the value in celebrating the importance of reading for children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Kids Love a Mystery is a program that helps promote literacy and reading and should be supported and encouraged; and

(2) the President should issue a proclamation encouraging the people of the United States and interested groups to promote Kids Love a Mystery with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. GINGREY) and the gentleman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 373.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 373, offered by the gentleman from California (Mr. GEORGE MILLER). The concurrent resolution would establish Kids Love a Mystery Month and recognize the importance of encouraging children to read books, and especially mystery stories.

I am pleased that First Lady Laura Bush has agreed to serve as honorary chair of Mystery Writers of America's Kids Love a Mystery Program. Mrs. Bush expressed the appropriate sentiment for us all when she said, “Our love of reading is what makes us tuck a paperback under our arm on the way

to work; its bedside tables that include piles of books that we read before we fall asleep, or continue reading when we cannot sleep. Oh, the refuge we find in books and reading, and how mystery, history and intrigue draw us back again and again."

Mr. Speaker, I would dare say there is not one of us who has not had our nose buried in a "whodunit" book, letting our imagination soar in wonderment about what the ending will be. Whether it is Sherlock Holmes or Dick Tracy or Harry Potter, or my childhood favorite, the Hardy Boys mysteries, our support for reading and writing mystery books is a worthy cause. Exciting mystery writers over the years have provided untold hours of enjoyment to child and adult alike. Agatha Christie, Ellery Queen, Alfred Hitchcock, Phyllis Whitney, Mickey Spillane, Mary Higgins Clark, and J.K. Rowling have enriched our lives and stimulated our imaginations.

In the Kids Love a Mystery reading program, participants can earn an Eddie Award Certificate by registering with a local sponsor and reading at least one mystery book. Or participants may write their own mystery story and have a panel selected by an author judge the entry.

I commend the Mystery Writers of America for recognizing the value and importance of reading and for observing October each year as Kids Love a Mystery Month.

Mr. Speaker, it is fitting and appropriate then for Congress to celebrate the reading for children and agree to this concurrent resolution establishing Kids Love a Mystery Month. I urge my colleagues to join me in supporting it.

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

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

Mr. Speaker, I rise today in support of H. Con. Res. 373, the resolution of the gentleman from California (Mr. GEORGE MILLER) which supports and promotes Kids Love a Mystery Program throughout the United States.

Under the sponsorship of the Mystery Writers of America organization, this program brings together authors who write for juvenile and young adult readers with children, parents, teachers, and librarians in a nationwide series of events each October to celebrate mystery writing.

This year, First Lady Laura Bush will serve as the honorary chair of the Kids Love a Mystery program. H. Con. Res. 373 expresses the sense of Congress that Kids Love a Mystery is a good program that promotes literacy through the creative process and should be encouraged. It underscores our belief that learning to read is the greatest gift one generation can bestow on the next.

With this resolution, we encourage the President to issue a proclamation in support of the Kids Love a Mystery Program. This annual program has proven to be a valuable method to encourage literacy, foster deductive rea-

soning, and enhance critical-thinking skills for our young readers. The Kids Love a Mystery Program was developed by the Mystery Writers of America, a nonprofit entity that serves as the premier organization for mystery writers and other professionals in the mystery field. Through its chapters in all 50 States, the organization has utilized the month of October each year to orchestrate the Kids Love a Mystery Program with particular emphasis on fostering both reading and writing initiatives.

Since its inception in 1998, the Kids Love a Mystery Program has involved more than 15,000 young readers in 31 States plus the District of Columbia. Two of the most popular initiatives within the Kids Love a Mystery Program are the presentation of Eddie Awards, certificates that are given to every child who registers with a local participating library, school, bookstore or even on the Internet and reads at least one mystery book in the month of October.

In addition, young readers are encouraged to write their own mystery stories in October to earn an Eddie Award.

Mr. Speaker, we know that reading is the basis for all learning, and mystery stories have proven to be particularly attractive to young readers. I urge my colleagues to pass this resolution to encourage more young people to read.

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

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

In closing, let me say that nothing is more important to the education of our children than the ability to read and read well. We have often heard it said that we learn to read so we can read to learn. The importance of that needs to be accomplished, indeed, as in the context of No Child Left Behind by the third grade. We will continue to have a strong emphasis on reading programs like this resolution in regard to Kids Love a Mystery. I would just encourage all of my colleagues on both sides of the aisle, and it is nice to have an opportunity to have a good bipartisan piece of legislation that we can all support. We are all behind trying to make sure that all our children can read and read well.

Mr. Speaker, I encourage unanimous support for House Concurrent Resolution 373.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 373.

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. GINGREY. 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 31 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. DUNCAN) 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 three motions to suspend the rules previously postponed. Votes will be taken in the following order:

House Resolution 519, by the yeas and nays;

House Resolution 392, by the yeas and nays; and

House Resolution 495, by the yeas and nays.

The votes on S. 1881 and House Concurrent Resolution 373 will be taken tomorrow.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

SENSE OF HOUSE WITH RESPECT TO SAN LUIS OBISPO COUNTY, CALIFORNIA, DECEMBER 22, 2003 EARTHQUAKE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 519.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 519, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 42]

YEAS—404

Abercrombie	Allen	Baker
Ackerman	Andrews	Baldwin
Aderholt	Baca	Ballance
Akin	Bachus	Ballenger
Alexander	Baird	Barrett (SC)