

Federal government agencies were allowed to testify. Other stakeholders, such as state and local governments, industry representatives, tribal governments, and citizen groups did not have a full opportunity to participate in hearings on the bill. This provision falls under the jurisdiction of the Committee on Resources and that is where the reviews and debate of this issue should have taken place.

Mr. Speaker, the Secretary of the Interior already has the authority under current law to issue permits for actions that might kill, harm or injure migratory birds in the course of government activities. In addition, the U.S. Fish and Wildlife Service and DOD have been developing regulations pursuant to Executive Order 13186 to resolve migratory bird disputes. And, in March 2002, a U.S. court recognized for the first time the DOD must comply with MBTA and ordered the military to apply for the administrative remedy already available. The DOD has chosen to fight this court ruling in the case of *Center for Biological Diversity vs Robert B. Pirie, Jr.*, Acting Secretary of the Navy; Donald H. Rumsfeld, Secretary of Defense, (U.S. District Court for the District of Columbia).

The members of this body should also be aware of the ridiculous arguments that the DOD was making in court to support its efforts to exempt itself.

In the above-mentioned case, the DOD claimed:

... plaintiffs have suffered insufficient injury because the more birds that the defendants (DoD) kill, the more enjoyment Mr. Frew (a plaintiff) will get from seeing the ones that remain: "bird watchers get more enjoyment spotting a rare bird than they do spotting a common one."

Let me also quote Judge Sullivan's finding with respect to DoD's argument (on page 17 of his opinion):

Suffice it to say, there is absolutely no support in the law for the view that environmentalists should get enjoyment out of the destruction of natural resources because that destruction makes the remaining resources more scarce and therefore valuable. The Court hopes that the federal government will refrain from making or adopting such frivolous arguments in the future.

I also oppose the bill's provisions concerning the Price-Anderson Act, which are incomplete, insufficient, and fail to protect the public interest.

First, let me make clear that I am a strong supporter of the Act's reauthorization, and believe the best course at this late date would be for the other body to approve H.R. 2983, the Price-Anderson reauthorization passed by the House last November on suspension. Second, it is highly regrettable that this issue has been allowed to languish and, as a consequence, the Act lapsed in August. It is equally regrettable, however, that when my colleagues on the Armed Services Committee chose to address the Department of Energy (DOE) contractor issue in this bill, they did not take the logical step of including reforms from H.R. 2983 to make contractors accountable for irresponsible actions that harm the public.

Under current law, DOE contractors are completely indemnified for accidents involving nuclear materials, even if the accident resulted from willful misconduct or gross negligence.

This means that the taxpayer actually is required to reimburse a contractor for the cost of public harm caused by its own misconduct.

No other government contractor enjoys the right to unconditional indemnification, even those engaged in nuclear or other hazardous work for the defense agencies. When the House passed its version of Price-Anderson reauthorization, that bill included a bipartisan provision which prohibited indemnification of contractors for "conduct which constitutes intentional misconduct." The DOE claims that despite the current law's safety disincentive, it is necessary to secure contractors' services. I cannot imagine why the Department should even wish to hire a contractor who is not willing to be held accountable for its intentional misconduct.

Finally, it is my understanding that several contractors have signed contracts with DOE since the Act lapsed in August, under alternate statutory authority which can continue to fill the gap until Congress has an opportunity to address this issue thoroughly next year. In other words, there is no emergency that needs to be addressed in this bill, and in any event no reason for Congress to continue the unjustifiable policy of unconditionally indemnifying DOE contractors for intentional misconduct.

Mr. Speaker, in adopting the Migratory Bird Treaty Act exemption for DOD one of our Nation's most important environmental laws has been undermined. And by providing total indemnification for DOE contractors, even when they engage in intentional misconduct, we reduce public safety. Therefore, I rise in opposition to this conference report.

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HONORING CORPORAL ANTONIO SLEDD

**HON. JIM DAVIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2002*

Mr. DAVIS of Florida. Mr. Speaker, I would like to take a moment to honor Corporal Antonio Sledd for his courage and sacrifice for our country. On October 8, 2002, Tony was killed when two Kuwaiti terrorists opened fire on members of the 11th Marine Expeditionary Unit training in the Persian Gulf.

Tony was born in San Juan, Puerto Rico, but grew up in Tampa, where he attended Gaither High School. After graduating in 2000, Tony joined the Marines and earned the National Defense Service medal for serving during a time of conflict and a Deployment Ribbon for serving abroad for more than 90 days. At his funeral, he was awarded the Purple Heart and promoted from Lance Corporal to Corporal.

Friends and family remember Tony for his enthusiasm and devotion to his country. It was Tony who encouraged his twin brother, Michael, to join the Marines. Tony was planning a lifetime of service—after serving in the military he hoped to earn a degree in criminology, so he could pursue a career in the FBI.

Tony's friends call him a hero and remember his sense of humor and how he went out of his way to take care of others. In honor of

Tony, the community created a Gaither High School Education/Scholarship Fund to help future students who share Tony's dreams.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Tony's family. He was an American hero who will be remembered for his courage and sacrifice.

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TUBERCULOSIS AND TUCKER HIGH SCHOOL

**HON. CYNTHIA A. MCKINNEY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2002*

Ms. MCKINNEY. Mr. Speaker, I rise today to call attention to a forgotten disease, which is anything but forgotten right now in my congressional district. A number of students and administrators at Tucker High School in DeKalb County, Georgia are learning more than they care to know about tuberculosis.

Last week, about 200 Tucker High School students and staff had to be tested and treated after someone at the high school tested positive for tuberculosis. Tuberculosis is the forgotten disease, and as history continues to show us every time we forget and ignore TB, we are doomed to repeat history with continued outbreaks of tuberculosis as well as stronger strains of the disease such as multi-drug resistant tuberculosis. Every time government agencies are forced to cut back on funding for tuberculosis programs the rate of infection increases in populations who need our help the most.

Tuberculosis is truly a global disease, with more than 2 billion people around the world carrying the infection. Right here in the United States, the South has one of the highest rates of TB infection because of the vast health disparities between blacks and whites. African Americans have higher rates of TB in the United States because of poverty conditions in the South and in urban areas. Because of that poverty, African American also have a difficult time accessing tuberculosis medications and primary care treatment for the disease.

That is why I am a co-sponsor of H.R. 1167: The Comprehensive Tuberculosis Elimination Act of 2001 and H.R. 1168: The Stop TB Now Act. This legislation effectively implements recommendations listed in an Institute of Medicine report entitled "Ending Neglect: The Elimination of Tuberculosis in the United States". These recommendations attack tuberculosis on a national and international level. The legislation does so by increasing the authorized funding levels for both the Centers for Disease Control and Prevention (CDC) as well as the National Institutes of Health (NIH), giving them more ammunition to fight this treacherous disease here in the United States and abroad.

We in the Congress have an unprecedented opportunity to eliminate tuberculosis in the United States and reduce this scourge, so other high schools do not have to go through the same trauma and interruption of their daily lives as the students, staff, and faculty have faced at Tucker High School. I urge the House of Representatives to pass H.R. 1167: The Comprehensive Tuberculosis Elimination Act of 2001 and H.R. 1168: The Stop TB Now Act.