PROJECT BIOSHIELD ACT OF 2004

SPEECH OF

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 2004

Mr. FLAKE. Mr. Speaker, today I voted against S. 15, legislation to authorize permanent, indefinite funding authority intended to aid the procurement of certain biomedical countermeasures (drugs, devices, and biological products to treat, identify, and prevent the public health consequences of terrorism).

This legislation is another example of the federal government attempting to throw money at a project that is already underway. The Departments of Health and Human Services already administer the Strategic National Stockpile, which contains drugs, diagnostic devices, vaccines, and other biological products to combat the public health consequences of a terrorist attack or other public health emergencies. The Department of Homeland Security currently provides the financing for those efforts, which include the procurement of a new smallpox vaccine and stockpiling of that vaccine and older versions of the vaccine. About $400 million was appropriated in 2003 for stockpiling activities.

S. 15 takes the unprecedented step of writing a blank check to the Administration (both this Administration and future ones) to augment the Strategic National Stockpile. While the Congressional Budget Office estimates that S. 15 will cost the taxpayers about $5.6 billion over the 2004–2013 period, that is only an estimate and the cost could be significantly higher.

Experts have expressed concerns with the structure of Project BioShield, saying that it may be focusing on the wrong drugs, with much of the spending going to vaccines and drugs that are already fairly close to production. Project BioShield is designed to provide incentives to pharmaceutical companies to develop new drugs and vaccines, but will it actually achieve its intended results? BioShield would allow a company to spend several million dollars of its own money on developing a new drug or vaccine, only to see the government possibly award the contract for producing it to another company. It also excludes products that might have a commercial market outside the government bioterror stockpile. Concerns have also been raised that BioShield does not deal with some important issues like protecting companies from liability if products developed under government contract have side effects. This bill does not appear to recognize the way the free market functions.

On a larger scale, public-health experts also contend that the focus on bioterrorism's threat to the public health is misguided, especially when considering the lessons of history. The number of deaths attributable to willfully produced epidemics, ever, pales by comparison with the toll taken by natural ones. In 1918–19, an influenza pandemic killed more people in just 16 months than World War I had killed in six years. Smallpox killed 10 times as many people in the first half of the 20th century, as did both world wars combined. Even today, malaria kills 2 million people each year; so does tuberculosis. By contrast, deliberate epidemics in the past 100 years, mostly through the actions of armies at war, have been responsible for a few thousand deaths.

In short, Mr. Speaker, this legislation signifies an expenditure of extraordinary proportions that may be little more than a public relations campaign designed to reassure U.S. citizens that the government cares about bioterrorism. I worry about the program's effectiveness when it so blatantly ignores the way the market works, and I am not comfortable supporting such an expensive bill when too many questions about it have gone unanswered.

HONORING KIMBERLY S. JONES, ESQ.

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Kimberly S. Jones, Esq., a well-respected attorney whose practice, the Law Firm of Kimberly S. Jones has served the Long Island community proudly. Today I applaud Kimberly and her firm for receiving the 2004 Business of the Year Award of Excellence.

As principle of this very successful law firm, Kimberly has established a strong commitment to the economic development of Long Island. A dedicated advocate for underrepresented members of the population, Kimberly, through the work of her firm, focuses on addressing the needs of women and minority business owners. She also serves as a member of the Advisory Board of the Dowling College Center for Minority Teacher Development and Training, further demonstrating her commitment to the community.

The Law Firm of Kimberly S. Jones, Esq. is actively involved in the local bar associations, as well as the Suffolk County Women's Business Enterprise Coalition, where Kimberly serves as Assistant Director of State and Federal Services. It is Kimberly's involvement in these organizations that establishes her law firm as a successful business, improving the quality of life on Long Island.

Although Kimberly is extremely busy, she still finds time to help the community in other areas. She is a member of the Urban League and is President of the Young Professionals of the Urban League of Long Island. Kimberly is an individual devoted to her community and this is evident through the work of her firm.

I congratulate Kimberly and her firm on receiving this honor and applaud her devotion to helping others. She dedicates herself to improving the lives of others and I thank her for this on behalf of the people of not only the 4th Congressional District but the people of Long Island who benefit from her hard work and dedication.

U.S.-AUSTRALIA FREE TRADE AGREEMENT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise in qualified support of the U.S.-Australia Free Trade agreement.

I support the trade agreement because it will open up markets for American goods and services. Our two countries already have a strong trade relationship—Australia is the ninth largest goods export market for the United States, with total trade close to $28 billion last year. The agreement will only strengthen this relationship further.

Colorado, in particular, stands to gain from the agreement. Australia imported $113 million of goods and services from Colorado last year and is the 12th largest foreign market for Colorado. This agreement will only increase opportunities for Colorado businesses to find new markets for their goods and services.

I support the bill because under the trade agreement, nearly all U.S. exports of manufactured goods will immediately become duty-free. Since manufactured goods currently account for 93% of total U.S. goods exports to Australia, this is significant. In fact, estimates are that the elimination of these tariffs could result in $2 billion per year in increased exports for our U.S. manufacturers.

I am disappointed in provisions in the agreement on beef, but am encouraged that duties are gradually phased out. I am also disappointed in the agreement's provisions on wheat. I know that wheat growers are concerned about potential trade distortions and had urged negotiators to seek reform of the state trading enterprise, the Australian Wheat Board (AWB). Though the agreement doesn't reform the AWB, Australia did agree to work with the U.S. in the WTO to eliminate restrictions on the right of private entities to export agricultural products. This is a step in the right direction.

I am concerned about potential precedents that this trade agreement could create. For instance, the trade agreement requires both countries to enforce their domestic laws on labor and environment. This is acceptable in this treaty, since Australia boasts strong labor and environment laws and good enforcement mechanisms. But this approach isn't acceptable in all agreements. I am disappointed that the Administration didn't apply the U.S.-Jordan agreement model to this agreement by including labor and environment standards within the text of the treaty itself.

I am concerned about the potential precedent of the Administration meddling excessively in the internal affairs of a trading partner. With regard to this treaty, the USTR initially sought substantial changes in Australia's drug-pricing program. Though USTR was not completely successful, the agreement does give U.S. drug companies more say in what drugs are included under Australia's universal drug coverage program. While market access for U.S. goods is important, we shouldn't be in the business of bullying the world and potentially undermining a country's ability to provide prescription drugs to its citizens.

Precedent is also a concern with regard to the agreement's incorporation of the U.S. law that protects the right of drug companies to prevent importation of products on which they own patents. Although this is of no practical concern in this agreement given Australia's own laws prohibiting the export of its subsidized drugs, I hope the Administration doesn't plan to use this trade agreement to reinforce its opposition to imported drugs. I don't understand why the Administration included the patent law provision, and I hope we won't see this in future agreements.