

THANK YOU SHERIFF
ENGLEHARDT

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. MARTINI. Mr. Speaker, I rise today to honor an outstanding citizen and public servant who has contributed to the growth and the safety of his community. Sheriff Ed Englehardt of Passaic County, NJ, has for decades been a leader who has inspired both the men and women of Passaic County to tackle the challenges their community faces on a daily basis.

In the very challenging world of law enforcement, Sheriff Englehardt has demonstrated the uncanny ability to harness all the energy available to him, and create a safer environment for the betterment of the residents of his community. His commitment is to serve with firmness, fairness, and efficiency.

At a time when other sheriffs are complaining that their jails are full and they cannot take any more prisoners, Sheriff Englehardt stands alone in letting the judges know that he can always find room to receive the criminals that they sentence.

For over 20 years, Ed Englehardt has served as Sheriff of Passaic County, employing approximately 600 sworn and civilian personnel. Sheriff Englehardt's strong leadership abilities have enabled him to foster feelings of mutual respect and trust between the civilians and the Sheriff's officers of Passaic County. Despite budgetary constraints that are affecting not only Passaic County but also the entire country, Sheriff Englehardt vowed not to be a victim. He has avoided any cutbacks that would alter his proficient training system. Sheriff Englehardt's officers receive top-of-the-line training to guarantee safety and efficiency for the entire community. This is an unbelievable accomplishment, one that the entire community should be thankful for.

One of Sheriff Englehardt's greatest accomplishments is his creation of the Sheriff's Emergency Response Team. For over 13 years, this service has provided immediate response to emergencies anywhere in the county. The men and women who serve on the emergency response teams are highly trained professionals who volunteer their time to meet the needs of their community 24 hours a day. Sheriff Englehardt's ability to make his vision a reality is exemplary. He not only has provided this sophisticated service to the county, but also he has saved taxpayers thousands of dollars and more importantly, he has saved lives and has protected the residents of Passaic County.

To recognize Sheriff Ed Englehardt is a great honor for me. By honoring him, I am also applauding the county of Passaic for recognizing his abilities and his successes time and time again. His constant will to improve a diversified community is a testament to his belief in and love of Passaic County. His reputation as being, "The toughest Sheriff in the State" is respectfully deserved.

Mr. Speaker, it is a pleasure today not only to recognize the toughest Sheriff in the State, but the best. It is a real honor to be able to call Sheriff Ed Englehardt a friend.

CAN THE FDA REDUCE UNDERAGE
TOBACCO USE?

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. TANNER. Mr. Speaker, almost six months go, claiming his desire to curb underage tobacco use, President Clinton announced that the Food and Drug Administration would be asserting regulatory jurisdiction over tobacco products. I share the President's concern for preventing tobacco use by minors. But, for the FDA to assume responsibility for this issue runs counter to statutory, regulatory, and agency precedence. I do not believe, it will prove effective in reducing underage tobacco use.

The FDA's proposed assertion of jurisdiction over tobacco stands out as another example of the Federal Government attempting to assume powers rightfully within the purview of Congress and of the individual states. Congress has expressly reserved to itself the authority to regulate tobacco products, leaving the bulk of tobacco regulation to the states—including taxation, age of purchase, and certain aspects of tobacco use, including the manner and method of retail transaction.

In its most recent action with respect to the regulation of tobacco, the ADAMHA Reorganization of 1992, Congress addressed this in the appropriate manner—it required states, as a condition for receiving certain federal grants, to enact statutes prohibiting tobacco sales to minors. Also required of the states are random inspections and certain reporting obligations.

As a result of the congressional-established scheme, every state in the Union now has a law on its books banning tobacco sales to minors. But beyond this arrangement, Congress left to the States virtually every other aspect of underage sale of tobacco. All States accepting funds under the federal scheme remain free to enact or reject other steps relative to tobacco sales to minors.

Proposed regulations for implementing this Act were issued on August 23, 1993. Last week, after nearly 2 years and 5 months, the Department of Health and Human Services finally promulgated its final regulations. The fact that it took the Department so long to set forth these regulations underscores the inherent limitation of Federal action and further demonstrates that Congress was on the right track when it gave to the states the primary responsibility for handling this complex problem.

Still, FDA has attempted to seize jurisdiction over tobacco products. For nearly 90 years, and on at least twenty different occasions congress has specifically rejected proposed legislation to grant FDA jurisdiction over tobacco. This includes seven occasion over the last decade.

During this same period, FDA itself has concluded on numerous occasions that it has no jurisdiction over tobacco markets without claims of "therapeutic benefit." It has recognized that Congress never granted it such authority, and it has acted only where a particular brand of cigarettes carried specious claims that it would prevent disease or affect the structure of the body. Indeed, as recently as last year, FDA Commissioner Kessler stated that Congress would need to provide some new direction before the FDA could assert jurisdiction over cigarettes.

Despite this long history of Congressional denial of FDA jurisdiction over tobacco, and the long history of FDA concurrence in this jurisdictional arrangement, the FDA is now without any legislation or other guidance from Congress whatsoever, attempting to assert jurisdiction over tobacco products.

The FDA proposal cites 21 U.S.C., section 352 (misbranded drugs), section 360 (registration of producers of drugs or devices), section 360j (general provisions respecting control of devices intended for human use), section 371 (authority to promulgate regulations for the efficient enforcement of the Federal Food, Drug and Cosmetic Act), and section 374 (inspection of manufactures of food, drugs, devices or cosmetics) as authority. However, nowhere in these statutes is there any expression of congressional intent or grant of authority to the FDA to assume authority over tobacco sales to minors.

The President recently addressed the Nation, sharing with American people his assessment as to the state of the nation—and the challenges the country faces in the coming year. Among the challenges he cited was reducing underage tobacco use. However, this is challenge which Congress has already addressed. With the promulgation of the final rule implementing the ADAMHA Reorganization Act of 1992, the tools for addressing this problem in the most effective and efficient manner are now in place. The Federal Government should continue to work with the individual states as they each undertake, as delegated to them under this Act, the challenge of preventing the distribution of tobacco products to minors.

At the same time, for the purpose of preserving the integrity of the Constitutional framework of our government, the FDA must be prevented from assuming jurisdiction over this product. A precedent must not be set whereby a Federal bureaucrat, in contravention of the Constitution, can carve out for himself and his agency, rights and prerogatives specifically reserved by the Constitution to the Congress and the states.

A GREAT MAN RETIRES

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. PORTMAN. Mr. Speaker, I would like to call your attention to a constituent of mine, Robert Groh, who has devoted over two and a half decades of service to the State of Ohio and the Town of Amelia. He retired on Sunday January 1, 1995 and Mayor of Amelia, ending his 18 years of public life.

Mayor Groh first served in the early 1950's when the town of Amelia was a rural community with roughly 500 residents and only one two-lane road. Today, thanks to Robert Groh's dedication, Amelia has bloomed into a community of over 2,200. Mr. Groh is credited with being able to ease the "growing pains" of this developing community with his ability to understand the concerns of the parties involved and to create solutions meeting the needs of all concerned.

As a father of three, and a grandfather of six, Robert Groh balanced a career at Proctor & Gamble with his family-run monument business, and his 26 years of service to Amelia as

Mayor and Councilman. He was responsible for developing the Amanda Acres senior-citizen facility and the village municipal building. He also assisted in developing the town's infrastructure from his position on the Public Works District Integrating Committee.

Robert W. Groh is the heart and soul of Amelia and has made this town a wonderful place in which to live and work. He has unselfishly given his time and energy to the community and to our country. Robert Groh is a special man to Amelia and its citizens and he will always be a valued member of the community. I am proud to know Mayor Groh, have him as a constituent, and call him a friend.

Mr. Speaker, Members of the House of Representatives, please join me in saluting Robert W. Groh for his many years of service and wishing him the best for many years to come.

IN SUPPORT OF FDA LEGISLATION

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. STENHOLM. Mr. Speaker, I am pleased to be an original cosponsor of the Food and Drug Administration [FDA] legislation introduced today by Congressman BURR, which would provide some regulatory relief for health professionals. The legislation would allow the holder of an approved new drug application to provide health professionals a reprint of a medical journal article which includes information about the drug that is not in the FDA-approved package insert.

While I certainly support the basic health and safety mission of the FDA, I have heard numerous concerns from my constituents about the FDA approved process and the frustrations they have in dealing with the Federal bureaucracy in general. As a representative of a rural district, I am very aware of the feeling of isolation that rural providers experience. Many times, rural providers find themselves with limited access to information they are unable to find someone to cover their practices so that they can attend conferences or meetings at which new medical technology is discussed. I believe Representative BURR's legislation is a good first step in addressing some of my constituents' frustrations.

Current law allows doctors to prescribe drugs for the users they feel most appropriately meet their patients' needs. For instance, if a doctor reads a journal article showing the effectiveness of a particular drug treating an illness for which it was not originally approved, the doctor is not prohibited from prescribing the drug for that use.

However, current FDA regulations prohibit drug manufacturers from providing doctors with information about any use of the drug that has not been previously approved by the FDA. Therefore, while studies might have shown the safety and effectiveness of the drug for additional uses, manufacturers are not allowed to share this information with doctors. Representative BURR's legislation attempts to address this issue in a fair way that will maintain the FDA's mission of protecting consumers from unsafe, ineffective drugs.

I believe it is important for the committees of jurisdiction to consider this legislation and all of its ramifications, particularly with regard to consumer safety. I feel very confident that liability responsibilities shouldered by physicians more than adequately ensure that they will not carelessly prescribe inadequately proven drugs.

Many agree that the FDA approval process, while attempting to ensure consumers have safe and efficient drugs, may actually delay the availability of some breakthrough drugs. This bill may not contain all of the answers, but it is a productive first step and it should receive a hearing in the regular committee process, so that interests on all sides of the issue can be heard and considered. It is important that we reform the FDA with an awareness of the agency's responsibility, which is to see that the medicines we use are safe and effective.

PERSONAL EXPLANATION

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. TORKILDSEN. Mr. Speaker, I requested and was granted on January 23, 1996, leave of absence for that day, the 23d, as well as the 24th and 25th, as I was on my honeymoon.

However, I would like to enter in the RECORD how I would have voted on the three suspension votes had I been here.

On rollcall vote No. 13—H.R. 2657, I would have voted "yes."

On rollcall vote No. 14—S. 1341, I would have voted "yes."

On rollcall vote No. 15—H.R. 2726, I would have voted "yes."

Additionally, I would also like it to be noted that on rollcall vote No. 16—S. 1124 a non-suspension vote, I would also have voted "yes."

BURDENSARING LEGISLATION

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. CHAPMAN. Mr. Speaker, this summer the world celebrated the 50th anniversary of V-J Day and the end of World War II. For thousands of veterans who fought to defend democracy in Europe, North Africa and the Pacific, it recalled a proud moment in American history.

For America's veterans and the widows of America's fallen heroes, the observance of this anniversary was laced with poignant irony. Those who made the sacrifices 50 years ago are being asked by some in our Government to make sacrifices again.

Since the United States won victories in Europe and Japan more than 50 years ago, and in Korea more than 40 years ago, we have continued our military presence in those nations. At a vast cost to the American taxpayer,

we have preserved the peace, assured victory over global communism and allowed war-ravaged economies to prosper and grow.

America did the right thing in building world stability, freedom and hope. But America can no longer afford to bear the financial burden imposed on our people by protecting Europe, Japan and Korea.

I am introducing legislation today to require the host nations of NATO, Japan and Korea to share the burden of the direct costs of the United States military presence in those nations. My legislation also provides that the revenues resulting from those burdensharing agreements be deposited in the Medicare trust fund. The revenue generated by my bill will guarantee the solvency of the Medicare trust fund through 2007, eliminating the need for the huge cuts in Medicare services that have been approved by the Republican Congress and vetoed by President Clinton.

It is not fair that the United States continues to pay for the defense costs of these countries while they continue to pour billions into subsidizing industries that compete with American jobs, and provide social services to their citizens that the American taxpayer cannot afford for our own. It is not fair to the American taxpayer or the American worker.

It is not fair that the United States continues to pay the defense costs of these countries while our Nation cuts billions from services provided to the people who won World War II on the front lines and the homefront. The soldiers who fought at Iwo Jima and the Battle of the Bulge and Inchon now receive Medicare benefits. The future of that program has been jeopardized by huge reductions in services approved by the House but vetoed by the President. My legislation guarantees the solvency of Medicare by generating up to \$90 billion in revenue from burdensharing agreements.

My bill gives the administration a hammer to force the host nations to share this burden by requiring the withdrawal of our troops if agreements are not reached by the end of 1997. I do not expect one company of troops, one wing of aircraft or a single tank to be withdrawn as a result of this legislation. The host nations involved want the American military presence in their countries. We have failed in the past to achieve adequate burden-sharing agreements because there was no credible incentive to force them to the table. My bill gives the host nations every possible motivation to bargain in good faith because a failure in negotiations delivers results unacceptable to them. If I am wrong about the wishes of the host nations, my bill will still protect Medicare by investing the savings that result from a troop withdrawal into the Medicare trust fund.

It is time, Mr. Speaker, that those who won World War II and contained communism at the 38th Parallel stop paying the price for our victory through unacceptable cuts in health care. It is time that the United States force the host nations of NATO, Japan, and Korea to pay the bills for their own protection. It is time that the U.S. taxpayer stop subsidizing foreign industries that compete with American jobs. It is time that the U.S. taxpayer stop subsidizing better health care and social security for our allies than American can afford for our own. It is time, Mr. Speaker.