



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE **105th** CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, TUESDAY, JULY 8, 1997

No. 95

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 8, 1997.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2014. An act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998; and

H.R. 2015. An act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2014) "An Act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; and the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to

the bill (H.R. 2015) "An Act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. LAUTENBERG, Mr. CONRAD, and Mrs. BOXER; the Committee on Agriculture, Nutrition, and Forestry: Mr. LUGAR, Mr. HELMS, and Mr. HARKIN; the Committee on Banking, Housing, and Urban Affairs: Mr. D'AMATO, Mr. SHELBY, and Mr. SARBANES; the Committee on Commerce, Science, and Transportation: Mr. McCAIN, Mr. STEVENS, and Mr. HOLLINGS; the Committee on Energy and Natural Resources: Mr. MURKOWSKI, Mr. CRAIG, and Mr. BUMPERS; the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; the Committee on Governmental Affairs: Mr. THOMPSON, Ms. COLLINS, and Mr. GLENN; the Committee on Labor and Human Resources: Mr. JEFFORDS, Mr. COATS, and Mr. KENNEDY; and the Committee on Veterans' Affairs: Mr. SPECTER, Mr. THURMOND, and Mr. ROCKEFELLER, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The message also announced that pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, the Chair, on behalf of the Vice President, appoints the Senator from Alabama [Mr. SESSIONS], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to the provisions of Public

Law 99-93, as amended by Public Law 99-151, the Chair, on behalf of the Vice President, appoints the Senator from California [Mrs. FEINSTEIN], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to Public Law 101-509, the Chair announces, on behalf of the Secretary of the Senate, his appointment of James F. Blumstein, of Tennessee, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 104-293, the Chair, on behalf of the Democratic Leader, appoints J. James Exon of Nebraska, as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. STEARNS] for 5 minutes.

FDA AND EPA SHOULD POSTPONE ACTION AFFECTING ASTHMA PATIENTS

Mr. STEARNS. Mr. Speaker, I rise today to bring our colleagues' attention to the FDA's proposed policy that would deny asthma patients the medicines they need to help them breathe. I and the gentleman from New Jersey

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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[Mr. SMITH] expect to propose a resolution urging the FDA and the EPA to postpone action on this matter.

Mr. Speaker, 30 million people in the United States today rely on these medications and as each of us know some better than others, these people use a product called a metered dose inhaler, which I will refer to as MDI, to deliver the medications they need into their lungs. Over the past 25 years, we have developed many new treatments for people with asthma, chronic pulmonary disease, and other airway diseases that prevent people from breathing. In fact, there are now 70 different products available in metered dose inhalers. For people who cannot breathe, these products are lifesavers and allow people to lead normal lives.

On March 6, 1997, the Food and Drug Administration surprisingly issued an advance notice of proposed rulemaking that sets in motion a process to take these medications away from patients. According to the FDA, this proposed rule was developed in collaboration with the Environmental Protection Agency because of EPA's desire to eliminate all uses of chlorofluorocarbons. These are what are called CFC's, which I will refer to them as.

CFC's are important in this picture because all metered dose inhalers, except one, use CFC's, a propellant that gets the medicine from the inhaler canister into the patients' lungs. Until recently, CFC's were the only propellant approved by the FDA to do so.

I am told the makers of metered dose inhalers believe that elimination of CFC's is a worthy goal. Therefore, that is why the United States and 140 other countries signed a treaty to phase out CFC's use. I believe this treaty did a good job establishing a process that allows companies that make products that use CFC's to develop alternatives and get these to the customers.

The treaty went for the big users of CFC's first. In the United States we no longer use CFC's in hair sprays, air fresheners, new cars containing air-conditioning systems, and new refrigerators. Some of us here in the House may question this altogether, but it is done.

The treaty, however, also acknowledged that some uses were more difficult to phase out. Asthma medicines were one of them. So why is the FDA now proposing action that would unnecessarily move up the time line provided in this international treaty? Why, when FDA's mission is to provide patients with safe and effective medicines, is it seeking to ban the safe and effective medicines from patients who require them?

Thousands of Americans fear this proposed policy. I am keenly aware of the fear my constituents have. A woman in Ocala, my hometown of Florida, said,

I understand there is an FDA proposal to withdraw certain inhaler medications. As an

asthmatic patient with a daughter and 3 grandchildren who are also asthmatic, I protest your proposal vehemently. The CFC and the metered dose inhalers have minimal impact on the environment, and any one of my family could suffer or die because of your phasing out the proposal. You will be responsible.

Another man from Ocala, FL, writes,

In September 1993, I was discharged from the hospital under the care of a hospice. I had been confined for almost a month with viral pneumonia and was being treated with a wide range of medications, including 16 liters a minute of oxygen. The pulmonary specialist who had attended me had given up hope and estimated that I could live for perhaps 2 weeks. Needless to say, they were wrong and I survived but my lungs are severely damaged. I have been using three different MDI medications ever since my 'recovery' and would not survive without them. Great strides have been made in elimination of these products in refrigeration systems and in various aerosol sprays but MDI products must be viewed in a totally different way. They are essential to the health of many persons as opposed to the other products which were used for comfort or convenience. Moreover, reasonable substitutes have been found for nonmedical products. This is not the case for MDI's. Potential substitutes must be subjected to the usual comprehensive scrutiny that the FDA applies to all medications. I cannot believe that the tiny amount of CFC's released by MDI's would produce a detectable level of CFC in the atmosphere between now and the time a medically safe substitute can be developed. I urge the FDA and the EPA to postpone action on elimination of CFC's from metered dose inhalers until such a medically safe substitute is found.

In conclusion, another woman from Ocala states,

My life depends on MDI's and I am never without three of them, and they all contain different medicines. I'm 69 years of age and I've used them most of my adult life and I cannot understand the big rush suddenly to ban the MDI's. It is frightening to think of the ban since my very life depends upon it.

Mr. Speaker, these are just a few of the 10,000 letters that the FDA has received. I hope my colleagues will sponsor my bill. We must halt the FDA's action, which is harmful to patients.

TRIBUTE TO THE LIFE OF CHARLES KURALT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. PRICE] is recognized during morning hour debates for 2 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, Charles Kuralt was an ambassador for North Carolina. With a crinkled road map and a two-man camera crew, he set out to see America. He was a wonderfully gifted storyteller and the story he told was ours. He wanted to showcase the very best of America, not the headlines or the lead stories in the news but the America of ordinary people living extraordinary lives. Charles Kuralt knew that many people report on the mayhem of the world, but he had a more important story to tell.

When Walter Cronkite stepped down from anchoring, Charles Kuralt had the opportunity to take the helm but he turned it down so he could continue to see America his way, traveling the forgotten State highways in his rambling RV, stopping in the small country stores to "sit a spell."

He gave a voice to every American. Interviewing the North Carolina woman who at 104 years old visited nursing homes each week to sing and to bring a smile to tired faces. Or the story of the poor southern family that worked to send all nine kids to college. Charles Kuralt believed these families and their stories were not only "small town" America, they were the very essence of America. We understand ourselves and each other better because of the work he did among us.

An ambassador for North Carolina who made us proud, Charles Kuralt is being honored at this moment at a memorial service at his alma mater, the University of North Carolina at Chapel Hill. He was a North Carolinian who set out to understand America and today, after an incredible journey, he will come back home to rest beneath the magnolia trees in Chapel Hill.

LEGISLATION TO EASE IRS BURDEN ON ELECTION OFFICIALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, it is not an overstatement to say that our system of free elections, which is the envy of the world and the envy of the history of civilization, depends a great deal on the volunteer election system that we have in manning and womaning the polls, our election workers who come from our neighborhoods and who help every single election day to put through a process which, as I say, is the envy of the world. Yet over the last several years we have found a subtle threat to these free elections. I say again I am not overstating it. What has happened is that the IRS has mandated that even these workers who only work once or twice a year, who most of the time are senior citizens who have long since retired and are only helping out in their precincts because they have been requested to and because they want to help out, they are being subjected to the same tax regulations as the high-earning citizens of our communities.

A long time ago the Congress took a step to try to help the situation, to say that if a person earns less than \$1,000 a