

am grateful for the focus of doing energy research for both renewables, but also alternatives, and although it was a vigorous debate, I want to say to my energy friends, the deletion of ANWR does not mean that we cannot be domestically sufficient, that we cannot resources to invest in domestic energy resources, particularly in the Gulf where the gentleman from Texas (Mr. LAMPSON) and I offered an amendment to determine the amount of resources in the Gulf off the shores of Louisiana and Florida, in particular, and to do more reinvigorated drilling in that area where it is well assured that it can be done in a very scientific and environmentally safe area. Even though there are issues with the Energy Policy Act that I would be concerned about, as a Texan, I think it is vital that we become more independent as it relates to energy resources, that we begin to look at alternatives, begin to look at incentives for alternative motor vehicles and the \$1.8 billion for the electric power industry. My colleagues can be assured, to my friends in Texas, that we will never be totally independent of oil and natural gas of which we have much in this area. So this Energy Policy Act, that is, H.R. 6, should at least be considered a first step where we have come together, although sometimes in controversy, to put on the table a real energy agenda and policy for the 21st century and for this country. It is long overdue, and as someone who has practiced oil and gas law since about 1976, I can tell the Members that we will be better off having a road map that we can follow and that we can work with environmentalists and work with independents, small energy companies, who can be the backbone of an energy policy in this Nation.

So, Madam Speaker, I rise to support H.R. 2754 and the rule, as well as H.R. 6.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, I rise in strong support of the rule, yet with some strong reservations also regarding final passage of the Energy and Water Appropriations Conference Report. But before I explain my reservation, I would like to recognize the many efforts of the gentleman from Ohio (Chairman HOBSON), the gentleman from Indiana (Mr. VISCLOSKEY), ranking member, and other hardworking Members and their staffs who have made, over the past year, an effort to work with the Nevada delegation to address our serious concerns with the Yucca Mountain project.

For example, during initial House floor consideration of the energy and water bill this past July, the gentleman from Ohio (Chairman HOBSON) was gracious enough to grant the gentleman from Nevada (Mr. PORTER) and I a colloquy on the issue of early ac-

ceptance of spent nuclear fuel at Yucca Mountain. In response to our concern, the gentleman from Ohio (Chairman HOBSON) agreed not only to strip the early acceptance language from the bill, but also to dedicate \$4 million in additional Federal spending to bolster security at our Nation's nuclear power stations. I am heartened by the gentleman from Ohio's (Chairman HOBSON) willingness to ensure that the early acceptance of spent nuclear language did not remain through the conference on this measure.

However, the conference report still dedicates \$580 million in taxpayers' dollars to the Yucca Mountain project, in my opinion, a fatally flawed Federal boondoggle that a majority of Nevadans, millions of Americans, and the Nevada Congressional Delegation strongly opposes.

Madam Speaker, I will vote yes on this rule; however, I will remain opposed to frivolously spending taxpayers' dollars and will never give up the fight against wasteful Yucca Mountain project spending.

□ 1130

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

Mr. REYNOLDS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question is ordered.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam 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, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BONILLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2673, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2673, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2673) making appropriations for Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2673, be instructed to insist on the House position on prescription drug importation in Section 749 of the House-passed bill.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. BONILLA) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I yield myself 8 minutes.

Madam Speaker, to the uninitiated, people might think that this is a motion that deals with the agriculture appropriations bill. But, in fact, what is happening today is that conferees are being appointed, ostensibly, to deal with the agriculture appropriations bill but, in fact, the agriculture appropriation will then become the vehicle into which all other appropriation bills that have not yet passed the Congress will be dumped, producing one of those glorious omnibus appropriation bills that the Congress deals with at the end of the session when it has not been able to get its work done. So Members can expect to see this conference come back containing not only the material that is appropriate to the agriculture bill, but if the majority has its way, they can expect that the conference report will also contain the State, Justice, and Commerce appropriation, the Labor, Health, and Human Services appropriation, perhaps the VA-HUD appropriation, the D.C. appropriation, and perhaps several others. On this side of the aisle, we do not believe that those bills should be considered together. We believe that each of them should stand on their own merits.

We have another complicating factor, because this legislation will be used by the majority to try and pave the way for passage of its ill-conceived and misbegotten Medicare, so-called Medicare Reform Act. Now, that bill started as an effort to provide a prescription drug benefit for our senior citizens under Medicare. Instead, what is being produced on that score is a very weak, badly-shredded, partial benefit that does not even begin until years down the road, and the enticement of that prescription drug bill or that prescription drug coverage, I should say, is

being used as an effort to blackmail Congress into essentially vitiating Medicare as we know it today. There are not many people on this side of the aisle who think that that is a good idea either.

Now, one of the provisions in the Medicare conference report that will shortly be before this body is a provision which tries to create the impression that senior citizens will be allowed to reimport drugs from Canada as part of the passage of that bill. But, in fact, the FDA has made quite clear that that provision will not work. So what we are going to be faced with is a "let's pretend" game. The Congress will pretend in the Medicare bill that it is about to pass that there is a meaningful ability for seniors to reimport drugs at a lower cost from Canada when, in fact, because that provision requires the approval of the very agencies that are opposed to it, no such reimportation will ever take place.

So this Congress, in essence, intends on the Medicare reform bill to practice consumer fraud on the House Floor. This bill is part of that scheme, because this bill presently contains a requirement, in the form of the Northup amendment, that drug reimportation, meaningful drug reimportation be allowed to take place. But the intention of the conferees, at least on the majority side, is to deep-six that provision in conference so that the bill will come back stripped of that, and they will pretend that they have taken care of the need in the Medicare bill but, in fact, the Medicare bill will not have taken care of it at all. It sounds complicated; it is meant to be. Because that is the way that the public is deceived into thinking that there will be real action on reimportation of drugs from Canada when, in fact, the majority has no intention whatsoever of allowing that to occur.

So, therefore, I am offering this motion which says, in effect, that on this bill, if we are going to have a drug reimportation proposal, and I have some questions about the advisability of some of those proposals, but what this motion says is that if we are going to have a drug reimportation provision, it at least ought to be a real one, and that is what we believe the Northup amendment is, in contrast to the phony "let's pretend" proposition which will shortly be coming at us in the so-called Medicare reform bill.

So our position is very simple: this language gives people who want to have drugs reimported from Canada, lower-cost prescription drugs, this gives people who want to see that happen an opportunity to vote to require it. This is an effort to keep a real drug reimportation provision before the Congress rather than simply allowing the institution to engage in this widespread charade that somehow there is a meaningful reimportation provision in the Medicare bill which is about to come at us.

A lot of things will happen in this House over the last week, in the clos-

ing week of the session, or what is expected to be the closing week of the session. A lot of things will happen which will not bring credit to this House. What I would hope is that we could avoid having a broad-scale consumer fraud effort take place on this House floor and, in my view, without the Northup amendment, any pretense that there is a drug reimportation provision that is being made available to seniors will be just that, a blatant effort to defraud the public. I would hope that the membership of this House would recognize that, and I would hope that the members of the general public who have been waiting for years for a meaningful provision on drugs would remember it as well.

So for those of my colleagues who are interested in having reimportation actually occur, this motion is in support of the only real proposition that will be before the Congress between now and adjournment, and we will see whether Members, in fact, put their votes where their mouths are. Any Member who votes for the Medicare reform bill and claims that they have provided a drug reimportation plan that will provide lower-cost drugs from Canada will be committing consumer fraud, and I want to say that beforehand so that Members are put on notice as to what that provision really is. If my colleagues want to be real, vote for this motion. If they do not, do not. It is as simple as that.

Madam Speaker, I reserve the balance of my time.

Mr. BONILLA. Madam Speaker, I rise in opposition to the motion, and I reserve the balance of my time.

Mr. OBEY. Madam Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 22 minutes remaining; the gentleman from Texas (Mr. BONILLA) has 30 minutes remaining.

Mr. OBEY. And who has the right to close?

The SPEAKER pro tempore. The gentleman from Wisconsin has the right to close.

Mr. OBEY. Madam Speaker, I yield 8 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, I thank the gentleman for yielding me this time, and, more importantly, I thank him for offering this motion that will be our only opportunity to provide a statement by the Members of Congress as to the real issue of importation, since that opportunity will now be denied us in the prescription drug bill that we are anticipating coming to this floor.

As many of our constituents know, millions of Americans have waited for the opportunity to be able to take advantage of the lower prices of pharmaceuticals that are available in Canada

and in other countries, but specifically with respect to Canada, as we tried to address in the bill. We now see that that door is going to be slammed shut. The reimportation is going to be granted on one hand, but the certification by the Secretary of Health and Human Services will effectively close, as it has in the past, the opportunity for American citizens who are ill, who need these drugs, who are financially troubled and financially incapable of paying for some of these drugs; as a result of that, they take the prescription that their doctor has given them, they reduce the amount of pills they take per day, they reduce the dosage that they take in trying to get through the month in order to pay for, in many instances, lifesaving drugs that they need by order of their physician. Many of our constituents, hundreds of thousands, if not millions of Americans, have now taken to forming buying clubs, of taking trips by bus, riding long hours on buses, to go to Mexico, to go to Canada to buy these drugs in Canadian pharmacies where the prices are much, much lower than what they are having to pay through their health care plan if they have one or, if they do not have one at all, what they would pay on the market.

□ 1145

It has been suggested that this is forced upon Americans because this is the only way that they can recapture the research and development dollars that continue to flow these pharmaceutical drugs to the marketplace. Some of that is true. But the question millions of American citizens are asking is why is it that only the American ill, the American sick, the American infirm are the ones who have to pay for this? They say, well, the other countries have price controls, the other countries negotiate. We asked for the authority to have the Secretary of Health and Human Services negotiate the prices of drugs for Medicare recipients as we do in the Veterans Administration, as Wal-Mart does, as Costco does, as all big purchasers do with pharmaceuticals, and we were denied that opportunity in the House.

So the only outlet, the only outlet for these citizens where their financial situation does not meet their medical situation is to go to Canada, and now that opportunity is being slammed in terms of this reimportation provision within the Medicare prescription drug benefit that will be coming to the floor.

As a result of that, without the negotiation power of the Secretary of Health and Human Services on the cost of drugs, without the reimportation provision, America's senior citizens, and I must say all American families, are put at the mercy of the pharmaceutical industry that will now have no incentive to lower the cost of drugs.

The prescription drug bill coming to the floor does some wonderful things for hospitals, wonderful things for doctors, some wonderful things for the

pharmaceutical companies, but it does nothing for the people who have to consume those pharmaceuticals. It makes no effort at trying to control the price of those pharmaceuticals, the cost of those to individuals.

And when we say that, we are saying simply have us negotiate as a large purchaser. That is what the business world does. People come to us and ask why do we not run the government more like a business. We try to run it like a business, and the businesses shut us down.

So now the question of reimportation will be shifted from a vote in this Congress to provide for reimportation, in the new bill it will now all go to the Secretary of Health and Human Services. And the entire political and financial clout of the pharmaceutical industry will be focused on the Secretary of Health and Human Services to never certify for the reimportation of pharmaceuticals to the United States, thereby depriving millions of Americans the opportunity to lower the cost of the drugs that are necessary to them on a monthly basis as prescribed by their doctors.

We are going to decide that those senior citizens, those people who are desperately in need of these pharmaceuticals are going to be the sole individuals that are somehow going to pay for the research and development of these drugs if, in fact, that argument is even accurate.

The fact of the matter is, the reason the prices are really high in the United States, as opposed to the other countries, is the power of the pharmaceutical industry to do just as they have done in the Medicare prescription drug bill and that is to take out all of the provisions that would have given a break to the sick and the elderly in this country, that would have given them an opportunity to lower the cost of the drugs that they have to buy every week and every month. That is why the prices are so high in the United States. It is not about research and development. It is about lobbying, it is about political contributions, it is about the force of this industry on this Congress and the House and the Senate and the Republican leadership to strip this bill of those provisions that were put in on a bipartisan basis, on a bipartisan basis in the House, on a bipartisan basis in the Senate, to strip them and remove them to the administration which has opposed these provisions from the very beginning.

So the fate of our senior citizens, the fate of the elderly in this country, the fate of the ill, the sick in this country, is now placed back into hands of the pharmaceutical companies, exactly where it was when we began this process. So the pharmaceutical companies, as this bill comes to the floor, get a great big victory and the consumers and the sick people in this country get nothing. They get a continuation of exorbitant costs of pharmaceuticals that are absolutely essential to their well-

being and sustaining their health, maybe, in fact, in sustaining their life.

So this motion by the gentleman from Wisconsin (Mr. OBEY) is the most important vote in terms of our ability to express the desire to have reimportation as part of our medical policy in this country and also to tell the conferees that they are bringing to us an imperfect product, and they should go back to the conference committee and make sure that America's elderly and America's sick are protected and have the opportunity to take advantage of the reimportation of those pharmaceuticals that they need.

We should recognize that the bill as reported by the conferees is not a bill that protects the senior citizens of this country, it is not a bill that provides for those who are ill in this country; it protects the pharmaceutical companies and they should have to go back to conference.

Mr. OBEY. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Wisconsin (Mr. OBEY) has 15 minutes remaining and the gentleman from Texas (Mr. BONILLA) has 30 minutes remaining.

Mr. OBEY. Could I ask the gentleman from Texas (Mr. BONILLA), is it his intention not to yield any time?

The SPEAKER pro tempore. There is a question to the gentleman from Texas. Does the gentleman continue to reserve his time?

Mr. OBEY. Madam Speaker, is it the intention of the gentleman not to yield any time?

Mr. BONILLA. Madam Speaker, at this time we reserve the balance of our time.

Mr. OBEY. Madam Speaker, we have the right to close, so I am wondering when the gentleman is intending to use his time.

Mr. BONILLA. Madam Speaker, I would suggest at this moment to the gentleman from Wisconsin if he has additional speakers to go ahead and proceed.

Mr. OBEY. Madam Speaker, is the gentleman going to be supporting or accepting the motion?

Mr. BONILLA. Madam Speaker, as I stated earlier, we are in opposition to the motion.

Mr. OBEY. Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, I rise in support of this motion. As high health care prices continue to erode the living standards of middle-class families across this country, the rising price of prescription drugs remains front and center in the eyes of seniors. A recent report by Families USA concluded that the prices of the 50 most frequently used prescription drugs by seniors rose by nearly 3½ times the rate of inflation. That is a problem for them, their children, and their children's children. We all have a stake in driving down prescription drug prices.

In July this body abrogated its responsibility to address the problem of soaring drug prices. It barred the government from negotiating lower prices for seniors. It did worse than nothing.

Since that time the call for prescription drug importation, giving ordinary Americans the choice that they are taking on their own, out of desperation, has reached a critical mass. Today the American people know that importation would save them billions of dollars, \$600 billion in the next decade, savings passed directly onto the consumer.

They know it is a safe option, because they know that the U.S. drug companies themselves reimport brand name medications from their overseas plants, \$14.7 billion worth in 2001. They know that the reimportation bill passed this body in late July. It guaranteed safety. I would repeat that our bill not only required drugs reimported from other countries be FDA approved, but also that the facilities they are manufactured in are FDA approved as well. Add to that requirement in this bill that all prescription drugs use counterfeit-resistant packaging, and there is little doubt that every drug purchased here in the United States, reimported or otherwise, would be safer than the drugs that are available today.

The FDA is so concerned about safety then they ought to take a look at food safety in the United States. They have jurisdiction over imported foods coming into the United States, and only less than 1 percent, 1 to 2 percent of all imported food is inspected coming into this country. And yet the FDA will certify that that food is the safest food supply in the world. And yet FDA-approved drugs from FDA-approved facilities will not be certified as being safe. Tell us, on whose side is the FDA? This is not an issue of safety, it is an issue of price.

This Congress needs to stop acting as the wholly-owned subsidiary of the pharmaceutical companies, and step up to its responsibilities to help consumers. We need to vote for this motion because it is the only opportunity for this body to vote for lower cost prescription drugs. The Medicare prescription drug policy that has come out of the conference in this body, decimates and destroys Medicare, does nothing about the high cost of prescription drugs. And unless we pass this motion to instruct, there will be no opportunity to do what is the right thing for America's families, for America's seniors, and that is to provide them with the opportunity to get their prescription medications at a price that they can afford in order to save their lives. That is what this issue is about today. It is about providing people in this country the wherewithal to afford prescription drugs.

Madam Speaker, let us vote for this motion to instruct. Let us do the right thing for seniors and for the families in this country.

Mr. BONILLA. Madam Speaker, at this time I yield back the balance of my time.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Madam Speaker, we are told by my colleague from Texas (Mr. BONILLA), the Republican who is opposing this motion, that he does not have any comments on it, does not have anything to say about it. And I think that is kind of funny because we know full well when the Medicare bill comes up here, it is going to be Thursday or Friday at 5 o'clock in the morning when America is sleeping and all the seniors do not know what is happening.

But why is this provision important about the drug importation? Because when this bill originally passed the House, it passed by one vote. And after the roll call was left open an hour with the Republican leadership beating their Members into submission, a deal was struck that, okay, we are going to pass this bill, if we get drug importation. And that is why the bill passed.

Then it went to a conference committee, and there was not a Democrat from the House sitting in there negotiating. But you know what was in there? The drug companies were in there. And now we are going to see the final product a few days from now, and lo and behold, drug importation is only permitted if the Secretary of Health and Human Services says it is okay. But we know that he has already said it is not okay. They oppose it.

The administration is in the pocket of the drug companies. And so your mothers and fathers and grandparents are going to be pay more for drugs. This bill is a bad bill. Not only does it provide no decent drug coverage for America's seniors, but it is an attempt to get them out of the Medicare program.

Madam Speaker, 90 percent of seniors today are in the Medicare fee-for-service program. This bill rewards or gives gifts to insurance companies to get them to move out and go into the private insurance companies where they are going to get a real bad deal on their health care.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, previous to today's debate the House has spoken definitively on what the American people want and today are only getting price relief on their prescription drugs by importing from Canada. Yet, through stealth maneuvers, the Republican majority, under pressure from the pharmaceutical industry and the White House, is going to close the border. They are about to say, to quote the FDA Commissioner, the FDA cannot guarantee the safety of Canadian drugs. Well, guess what? They cannot guarantee the safety of American drugs. In fact, it is well documented that the supply chain is more broken

in the United States of America than it is in Canada where there is more government control.

That was totally a specious argument that they have drug out here to try and protect one thing: Not the safety of the American public and our seniors, not their health. I will tell you what jeopardizes their health: When they cannot afford the drugs they need for a chronic or an acute condition.

□ 1200

There are tens of thousands of seniors and others across America in that condition.

No, there is only one issue here. There is only one thing to protect, and it is not the safety of America's seniors; it is not the sanctity and the quality of our drug supply, because it is already compromised by phony closed-door pharmacies and hundreds of other loopholes that are getting counterfeit drugs, as is well documented, into the system in our country.

Not in Canada. Their system works a lot better. They are reimporting FDA-approved drugs through Canada, and we know they are probably really American drugs. Here there are a lot of counterfeit drugs being made available through phony wholesalers.

No, there is one thing that is being protected. Well, two things. One is the obscene prices and profits of the pharmaceutical industry; and two is political campaign contributions to the White House and Republicans. That is what is being protected.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

(Mr. EMANUEL asked and was given permission to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, I would like to thank the gentleman from Wisconsin (Mr. OBEY) for yielding me time.

People from around the world come to America for their medical care. Yet Americans are forced to go around the world for their medications. Why? Because we have the most expensive prices for prescription drugs anywhere in the world right here in the United States; and yet all the medications are developed with taxpayer-funded research. Now we are given the honor and distinction to pay the most expensive prices.

Now, there are two ways to address the issue of cost and affordability of prescription drugs. One was allowing Americans, like our European colleagues, to buy prescription drugs at 30, 40, 50 percent cheaper, same name-brand drugs in both Canada, Europe, France, Germany, Italy, and Ireland. Yet, twice the Republican Congress has denied the right to Americans to free trade, to competition and choice because through competition prices would reduce and come down for America. Americans would no longer subsidize the poor starving French and

Germans. They pay competitive prices. We pay competitive prices. Prices will drop here at home.

Second is give the right to the Secretary of Health and Human Services what the Secretary of the Veterans Administration has and what the private insurers have, which is to negotiate bulk prices, that is, a Medicare Sam's Club. And rather than use the power of 41 million seniors, we take a powder here, twice denying the right to seniors to get cost-effective measures, to get the prescription drugs they need at the prices they can afford.

We deny that right. Why? Because we do not have faith in Tommy Thompson to negotiate good prices, but we have faith in him to deny the right of prescription drugs that come into this country at affordable prices. Our seniors are paying premium prices, and what are we about to do?

We are about to ask the taxpayers to pay \$400 billion of their money for the most expensive drugs, prescription drugs, anywhere in the world. We owe the common decency and courtesy to the taxpayers to get the best price and not the most expensive price.

I support this motion so we would finally break the hammer lock the prescription drug companies have on this Congress and the Republican Congress and give the American people the type of relief they need so they can buy the drugs they need for their health at the prices they can afford.

Mr. OBEY. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, we have got a strange situation here. When we think about this, the most profitable industry in the country, the most profitable industry in the country is charging the highest prices in the world to America's seniors and others without health insurance. And yet the head of the Food and Drug Administration is giving speeches saying the problem is not that prices are too high in this country; the problem is that they are too low in other countries. The rest of the world has it wrong. They should raise their prices.

This is ludicrous. In fact, the drug companies are happy to sell their drugs in Canada and Europe and around the world where on average they are selling their drugs for 40 percent less, and there is research going on in Canada. Look at this, just one example, there are 79 research-based drug companies in Canada. And since 1995, they have increased their research spending by 50 percent. The pharmaceutical industry is not hurting in Canada or around the world. The people who are hurting are our seniors trying to buy their medication here at home.

We need to be able to take drugs from other countries to bring them into this country. We know one thing, this administration is never going to approve the reimportation of low-price drugs from Canada. They will not do it. They are trying to stop it now. So any provision which depends on the authority of the Secretary of Health and Human Services and a Republican administration is not going to fly. That is why it is so important that this motion pass; it is so important that we have legislation that authorizes the reimportation of drugs. We do it for other products. We ought to do it for medication.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me time.

I rise in support of the motion to instruct, to instruct the conferees that we accept in this agriculture appropriations bill the same language that has already been passed on the House floor as it deals with reimportation, and let me tell you why.

In June of last year, I did a study where we compared the price paid by seniors in Arkansas' Fourth Congressional District with the price paid by seniors in six other countries. And we found that the price paid by seniors in the Fourth Congressional District of Arkansas is 110 percent more on average than the price paid by seniors in places like Canada, France, Germany, Italy, Japan, and the U.K.

Let me give you a couple of examples. Prevacid, 30 milligrams. In our congressional district it costs \$128 a month. The average foreign price, \$55 a month. Celebrex, 200 milligrams. In my congressional district, \$81 a month. The average foreign price, \$35 a month. Prilosec, in my district \$129 a month. The average foreign price, \$56 a month; and the list goes on and on and on.

The drug manufacturers wrote this so-called Medicare prescription drug bill, which is not for our seniors. It is a windfall for the big drug manufacturers, and now we see their fingerprints all over this bill today to go to conference on the ag appropriations bill.

Velma from my district writes and says she takes seven prescriptions a month. It costs her \$560, and she is trying to get by and live on \$604 a month.

Mary from my district says she takes four prescriptions a month that cost her \$401.88, and she is trying to get by on \$586 a month.

I rise in support of the motion to instruct on behalf of the seniors of America so we can take on the big drug manufacturers and the Republican leadership and finally bring down the high cost of prescription drugs for our seniors. This is America, and we can do better than this by our seniors.

Mr. OBEY. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining.

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

Mr. OBEY. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this motion is an effort to prevent this Congress from giving to the drug companies two early Christmas presents.

Let me put it this way: this Congress is about to tell the drug companies that they will have carte blanche to do whatever they want on drug costs. And this Congress will accomplish that in two ways. The first step is by obliterating the efforts that we have tried to make to allow the Federal Government to negotiate with drug companies for a lower price for drugs by providing a drug benefit that goes to everyone under Medicare. The Medicare legislation, which this House will be asked to vote on this week, that Medicare legislation, at the instruction of the Republican leadership, has eliminated all possibility for the Federal Government to negotiate lower drug prices. That is gift number one to the drug companies.

That means the only remaining way that seniors can get some help on drug prices is by reimporting them from Canada. And the Medicare legislation which will shortly be before us will state that or will pretend that there is a Canadian drug reimport benefit but, in fact, has a benefit which the FDA itself says will not work. That means the only way left for Members to try to provide some degree of price protection for prescription drugs for seniors is to vote for this motion and to insist that this conference committee come back with the provision that was adopted in the original House legislation. That is why this motion is before us today. I would urge a "yes" vote on the motion.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be followed by three 5-minute votes as follows:

House Resolution 444, by the yeas and nays;

approval of the Journal, de novo; suspension of the rules on H.R. 3300, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 237, nays 176, not voting 21, as follows:

[Roll No. 624]

YEAS—237

Abercrombie	Hastings (WA)	Northup
Ackerman	Hayes	Oberstar
Allen	Hayworth	Obey
Baca	Hinchee	Olver
Baird	Hinojosa	Osborne
Baldwin	Hoefel	Otter
Ballance	Hoekstra	Owens
Bartlett (MD)	Holden	Pallone
Bass	Hooley (OR)	Pastor
Becerra	Houghton	Paul
Bell	Hoyer	Pelosi
Bereuter	Hunter	Peterson (MN)
Berkley	Hyde	Peterson (PA)
Berry	Inslee	Petri
Bishop (GA)	Israel	Pickering
Bishop (NY)	Istook	Platts
Blumenauer	Jackson (IL)	Pomerooy
Bono	Jackson-Lee	Rahall
Boozman	(TX)	Ramstad
Boswell	Janklow	Rangel
Boucher	Jefferson	Rehberg
Brady (PA)	Johnson (CT)	Renzi
Brown (OH)	Jones (NC)	Reyes
Brown (SC)	Jones (OH)	Rodriguez
Brown, Corrine	Kanjorski	Rohrabacher
Burton (IN)	Kennedy (RI)	Ros-Lehtinen
Capito	Kildee	Ross
Capps	Kilpatrick	Royal-Allard
Capuano	Kind	Royce
Cardoza	Kirk	Ruppersberger
Carson (IN)	Kleczka	Rush
Case	Kolbe	Ryan (OH)
Castle	Kucinich	Ryan (WI)
Clay	LaHood	Sabo
Conyers	Lampson	Sanchez, Linda
Cooper	Langevin	T.
Costello	Larsen (WA)	Sanchez, Loretta
Cox	Larson (CT)	Sandlin
Cramer	LaTourette	Schakowsky
Crowley	Leach	Schiff
Cummings	Lee	Schrock
Cunningham	Levin	Scott (VA)
Davis (AL)	Lewis (GA)	Serrano
Davis (CA)	Lipinski	Shaw
Davis (IL)	Lowe	Shays
Davis (TN)	Lucas (KY)	Sherwood
Davis, Jo Ann	Lynch	Shuster
DeFazio	Majette	Skelton
Delahunt	Maloney	Slaughter
DeLauro	Manzullo	Smith (MI)
Deutsch	Markey	Smith (NJ)
Dicks	Marshall	Snyder
Doggett	Matsui	Solis
Doyle	McCarthy (MO)	Spratt
Duncan	McCarthy (NY)	Stark
Edwards	McCollum	Stenholm
Ehlers	McDermott	Strickland
Emanuel	McGovern	Stupak
Emerson	McHugh	Tancredo
Engel	McInnis	Taylor (MS)
Evans	McKeon	Taylor (NC)
Everett	McNulty	Tierney
Fattah	Meehan	Towns
Filner	Meek (FL)	Turner (TX)
Flake	Mica	Udall (NM)
Forbes	Michaud	Van Hollen
Ford	Millender-	Velazquez
Frank (MA)	McDonald	Vislosky
Frost	Miller (MI)	Vitter
Gonzalez	Miller (NC)	Wamp
Goode	Miller, George	Watson
Goodlatte	Mollohan	Watt
Gordon	Moore	Waxman
Green (TX)	Moran (KS)	Weiner
Grijalva	Murtha	Wexler
Gutierrez	Nadler	Wilson (NM)
Gutknecht	Napolitano	Wolf
Hall	Neal (MA)	Woolsey
Harman	Neugebauer	Wu
Hastings (FL)	Ney	Wynn

NAYS—176

Aderholt	Blackburn	Cannon
Akin	Blunt	Cantor
Alexander	Boehert	Cardin
Andrews	Boehner	Carter
Bachus	Bonilla	Chabot
Baker	Bonner	Chocola
Ballenger	Bradley (NH)	Clyburn
Barrett (SC)	Brady (TX)	Coble
Barton (TX)	Burgess	Collins
Beauprez	Burns	Crane
Berman	Burr	Crenshaw
Biggert	Buyer	Culberson
Bilirakis	Calvert	Davis (FL)
Bishop (UT)	Camp	Davis, Tom

Deal (GA) Johnson, Sam
DeGette Keller
DeLay Kelly
Diaz-Balart, L. Kennedy (MN)
Diaz-Balart, M. King (IA)
Dooley (CA) King (NY)
Doolittle Kingston
Dreier Kline
Dunn Knollenberg
English Latham
Eshoo Lewis (CA)
Etheridge Lewis (KY)
Farr Linder
Feeney LoBiondo
Ferguson Lofgren
Foley Lucas (OK)
Fossella Matheson
Franks (AZ) McCotter
Frelinghuysen McCrery
Gallegly McIntyre
Garrett (NJ) Meeks (NY)
Gerlach Menendez
Gibbons Miller (FL)
Gillmor Miller, Gary
Gingrey Moran (VA)
Goss Murphy
Granger Myrick
Graves Nethercutt
Green (WI) Norwood
Greenwood Nunes
Harris Nussle
Hart Ose
Hefley Oxley
Hensarling Pascarell
Hill Payne
Hobson Pearce
Holt Pence
Honda Pombo
Hostettler Porter
Hulshof Portman
Isakson Price (NC)
Issa Pryce (OH)
John Putnam
Johnson (IL) Quinn
Johnson, E. B. Regula

NOT VOTING—21

Boyd Fletcher
Brown-Waite, Gephardt
Ginny Gilchrist
Carson (OK) Herger
Cole Jenkins
Cubin Kaptur
DeMint Lantos
Dingell Musgrave

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1235

Ms. DEGETTE and Messrs. ROTHMAN, FEENEY, WELDON of Florida, BACHUS, ALEXANDER, THOMPSON of Mississippi, CLYBURN, BOEHLERT, DAVIS of Florida, MORAN of Virginia, and SHERMAN changed their vote from “yea” to “nay.”

Mrs. JO ANN DAVIS of Virginia, Mrs. BONO, Mrs. MILLER of Michigan, and Messrs. MCINNIS, GOODLATTE, FLAKE and CLAY changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COX. Madam Speaker, on rollcall No. 624 I inadvertently voted “aye.” The vote was closed before I could correct the mistake. Had I been able to do so, I would have voted “no.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule

XX, the remainder of the votes in this series will be conducted as 5-minute votes.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 444, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 23, as follows:

[Roll No. 625]

YEAS—409

Abercrombie Chocola
Ackerman Clay
Aderholt Clyburn
Akin Coble
Alexander Collins
Allen Conyers
Andrews Cooper
Baca Costello
Bachus Cox
Baird Cramer
Baker Crane
Baldwin Crenshaw
Ballance Crowley
Ballenger Culberson
Barrett (SC) Cummings
Bartlett (MD) Cunningham
Barton (TX) Davis (AL)
Bass Davis (CA)
Beauprez Davis (FL)
Becerra Davis (IL)
Bell Davis (TN)
Bereuter Davis, Jo Ann
Berman Davis, Tom
Berry Deal (GA)
Biggert DeFazio
Bilirakis DeGette
Bishop (GA) Delahunt
Bishop (NY) DeLauro
Bishop (UT) DeLay
Blackburn Deutsch
Blumenauer Diaz-Balart, L.
Blunt Diaz-Balart, M.
Boehlert Dicks
Boehner Doggett
Bonilla Dooley (CA)
Bonner Doolittle
Bono Doyle
Boozman Dreier
Boswell Duncan
Boucher Dunn
Bradley (NH) Edwards
Brady (PA) Ehlers
Brady (TX) Emanuel
Brown (OH) Emerson
Brown (SC) Engel
Brown, Corrine English
Brown-Waite, Eshoo
Ginny Etheridge
Burgess Evans
Burns Everett
Burr Farr
Burton (IN) Fattah
Buyer Feeney
Buyer Ferguson
Calvert Filner
Camp Flake
Cannon Foley
Cantor Forbes
Capito Ford
Capps Fossella
Capuano Frank (MA)
Cardin Franks (AZ)
Cardoza Frelinghuysen
Carson (IN) Frost
Case Gallegly
Castle Garrett (NJ)
Chabot

Kildee Kilpatrick
Kind
King (IA)
King (NY)
Kingston Kirk
Kleczka Kline
Kline Knollenberg
Kolbe Kucinich
LaHood
Lampson Langevin
Larsen (WA)
Larson (CT)
Latham LaTourette
Leach Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder Lipinski
LoBiondo Lofgren
Lofgren Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCullum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Lofgren
Pombo
Pomeroy
Portman
Pryce (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

NAYS—2

Berkley Porter

NOT VOTING—23

Boyd Gephardt
Carson (OK) Gilchrist
Carter Jenkins
Cole Kaptur
Cubin Lantos
DeMint Miller, George
Dingell Musgrave
Fletcher Ortiz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1243

So the resolution was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.