

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Partial-birth abortions 1531".
SEC. 4. SENSE OF THE SENATE CONCERNING ROE V. WADE.

(a) FINDINGS.—The Senate finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973)); and

(2) the 1973 Supreme Court decision in *Roe v. Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decision of the Supreme Court in *Roe v. Wade* (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and

(2) such decision should not be overturned.

MOTION OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 257, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves to strike all after the Enacting clause of S. 3, and insert in lieu thereof the provisions of H.R. 760 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1 of rule XXII, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves that the House insist on its amendment to S. 3 and request a conference with the Senate thereon.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to instruct the conferees.

The Clerk read as follows:

Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S. 3 be instructed to insist that—

(1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; and

(2) all meetings of the committee of conference—

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance of the public and the media.

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER)

and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The gentleman from New York (Mr. NADLER) is recognized for 30 minutes.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, as I understand it, the motion says that the conferences should be open, and I am pleased to support the motion.

Mr. NADLER. Reclaiming my time, the gentleman is correct, the motion is to have the conference be open. I appreciate the gentleman's support.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I just want to say that I support the motion, and hope it passes.

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

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

The motion to instruct was agreed to.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: From the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, HYDE and NADLER.

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Monday June 2, 2003, I was unavoidably detained in my district in Houston on official business and missed the following rollcall votes: Rollcall vote 227, H. Res. 159, if I had been present, I would have voted aye; rollcall vote 228, H. Res. 195, if I had been present, I would have voted aye; and rollcall vote 229, H.R. 1469, if I had been present, I would have voted aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. MCINTYRE. Mr. Speaker, I ask unanimous consent to have the gentleman from Missouri (Mr. GEPHARDT) removed as a cosponsor of H.R. 898.

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

There was no objection.

PARTIAL-BIRTH ABORTION BAN UNCONSTITUTIONAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in an intent to correct the record, in the debate that we just finished, H.R. 760, I was taken to task of being wrong for a proposition that I raised on this floor.

Let me correct the record and say I was not wrong, I was right. This partial-birth abortion bill, H.R. 760, is unconstitutional for the same two reasons that the Supreme Court found other statutes attempting to ban partial-birth abortions unconstitutional.

First, H.R. 760 lacks a health exception which the Supreme Court unequivocally said was a fatal flaw in any restriction on abortion.

Second, the nonmedical term partial-birth abortion is overly broad and would include a ban of safe previability abortions. Banning the safest abortion option imposes an undue burden on a woman's ability to choose, and the life of the mother and the health of the mother, and the mother's ability to give birth in the future.

Finally, let me say this: We want to save lives, H.R. 760 does not.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISPARITY OF COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight again to talk about the issue of the disparity between the price that Americans pay for prescription drugs and what the rest of the world pays for the same drugs.

On several occasions I have used articles from the newspapers, whether it be the New York Times or the Wall Street Journal, other newspapers, and I started many of my conversations with something that Will Rogers said so many years ago, and that is "All I know is what I read in the newspapers."

Today I read in one in the publications up here on Capitol Hill a story that really surprised me, the first story that they have actually done on the whole issue of prescription drugs, and they decided to do essentially a piece that destroys the credibility of one of the groups that I have gotten much of the research information that I have gotten in the past from, and that is the Life Extension Foundation, and I want to talk about some of the numbers that they have sent me.

I have never personally met anybody from Life Extension, but everything they have sent me checks out. So I have used their statistics in the past, and I will use them in the future. I have also been quoting from a book by

Katharine Greider. The title of the book, and I recommend it to all of my colleagues, is "The Big Fix: How the Pharmaceutical Industry Rips Off America." I do not know what her philosophy is. I do not know what her politics are. I do not know what religion she practices, but I have to say that the research that she has done is extremely good and it raises some very difficult questions.

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The other thing that I have been doing is talking to Members about these huge disparities between what we pay in America and what the rest of the world pays for the same drugs. Let me give my colleagues some examples. These are my own research, drugs that we actually bought at the Munich airport in Munich, Germany, and then we compared what the price is in the United States. Let us take the drug Glucophage. Glucophage is a wonderful drug, particularly for those people suffering from diabetes. Glucophage in the United States, 30 tablets, 850 milligrams, sells for about \$30. That same drug in Germany sells for \$5.

We can go on down the line. Cipro. This is the drug Cipro, a very commonly prescribed, very effective antibiotic made by a company called Bayer. In the United States we usually call it Bayer, Bayer aspirin. We are probably more familiar with that. But this drug in the United States sells for an average of about \$55. It sells in Germany for \$35.

We go on down the list. I will not read the whole list tonight, but the one that really chaps my hide is this drug right here. This is Tamoxifen. We bought this drug at the airport pharmacy in Munich, Germany, for \$59.05 American. In this quantity, 100 tablets, 20 milligrams, in the United States this same drug sells for \$360. \$60 in Germany, \$360 here.

The real point is this. I have shared this story, too. If you go to Tokyo, Japan and you order a steak dinner, about the cheapest you will find it in Tokyo is about \$100. You can buy an equal quality, in fact perhaps a better quality steak anywhere here in the United States for probably \$20. Why is there so much difference between what you pay for a steak in Tokyo versus here in the United States? The answer is simple. The people of Japan are a captive market. They do not allow other products to come in. That is what we have done with drugs in this country. We literally have made Americans a captive market.

We are talking about a prescription drug benefit and everybody is talking about coverage. Ladies and gentlemen, the issue is not so much coverage, because every senior in America has at least the opportunity to buy prescription drug coverage through the AARP and lots of other organizations. The problem is not coverage. The problem is affordability. We will never solve the entire problem for all of those seniors.

One of the points that is made by Ms. Greider in her book, she mentions a study that was done. This is one of the most damning studies and every one of us should be ashamed. The study says that 29 percent of seniors say that they have had prescriptions that went unfilled simply because they could not afford them.

A couple of weeks ago I was addressing community pharmacists, and I asked them the question: Have you ever had a senior come in and give you a prescription and you told that senior how much this was going to be and they sort of dropped their head and said, well, maybe I'll be back tomorrow. And they do not come back because they cannot afford it. That is something we can change, that is within our power to change. Shame on us if we do not. I hope you will cosponsor my bill to give Americans access to world class drugs at world market prices.

VETERANS BUDGET CUTS

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to remind my colleagues who yesterday were announcing so passionately their love of the flag and all it represents, how 75 short days ago in this same room we stood in the People's House and stripped the veterans budget by almost \$30 billion.

I have heard my colleagues on the other side accuse those who oppose the flag amendment as being unpatriotic. No, Mr. Speaker, what is disgracefully unpatriotic and a flagrant dishonor to the hundreds of thousands of Americans who died defending this country, and to those who even now are still in harm's way overseas, are the reverse Robin Hoods that walk these halls of Congress, the ones who find it so easy to sneak money to their country club buddies for their tax breaks while stripping the benefits and services from those who fought to defend the very freedoms that our flag represents. To all of those who are so quick to question their opponents' patriotism, where was your patriotism when you cut almost 20,000 VA nurses? Where was your patriotism when you voted for the loss of 6.6 million outpatient visits? Were you waving your flag as you voted to drop over 160,000 veterans from the VA health care system? I missed the rendition of the Star Spangled Banner when you voted to reach into the pockets of our Nation's service-connected veterans and rob them and their survivors, their widows and children, of a portion of their promised compensation.

And the list goes on. Just today these same hypocrites, calling themselves patriots, fought to take away women's constitutionally protected rights. This

administration laughs in the face of our Bill of Rights as it holds thousands of people in jail without any due process under the guise of national security. At this very moment there are Haitians being held illegally in prison even after a judge ruled in their favor. They offer no threat to this country, but Attorney General Ashcroft is arbitrarily taking their rights. Not only is this administration arresting adults but they are arresting children. These are the actions of a dictator. And worst of all, the administration has lied time and time again to the American people when trying to invent reasons to preemptively invade Iraq. I cannot find a shred of patriotism in any of this.

Mr. Speaker, I call on my so-called patriots here who proclaim so loudly their love of the flag to put their money where their mouth is. Everybody can talk the talk. It takes a real patriot to walk the walk. I stand in protest of this House being derelict in its duties and leaving our veterans behind. Wake up, America.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

(Mr. CULBERSON, addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REGARDING THE CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, once again this week the Republican majority showed its true colors, a party looking out for the elite at the detriment of middle- and low-income working families. During the final negotiations on their tax package, Republicans deliberately chose to leave more than 12 million children behind. The omission of a provision that would have extended a \$400 child tax credit to working families making \$10,000 to \$26,000 a year was neither an accident nor an oversight. The provision, which had not been included in President Bush's initial \$726 billion proposal or the House Republicans' \$550 billion, was added in the Senate by a Democrat, Senator BLANCHE LINCOLN. Why did this considerably small provision, \$3.5 billion out of a giant \$350 billion tax bill, make the Republicans' chopping block during their final negotiations with each House? As my colleagues already know, not one Democrat was allowed to negotiate the differences between the House and the Senate bill.

White House press secretary Ari Fleischer probably explained it best when he said, "Does tax relief go to people who pay income taxes or does it go above and beyond the forgoing of