

Scully also accepted a job with Welsh, Carson, Anderson & Stowe, a New York investment firm specializing in telecommunications and health care.

Surprisingly, even though federal law generally bars presidential appointees such as Scully from discussing possible employment with firms involved in matters handled by those officials, Scully obtained a waiver from the HHS ethics officer so that he could negotiate with potential employers while he helped write the Medicare law. These jobs did not just drop into his lap in December. He had apparently been negotiating with healthcare-related firms at the same time he was helping the Administration push the controversial prescription drug legislation through Congress, which directly affected those industries.

Apparently in response to criticism of Scully's waiver, the White House ordered federal agencies to cease issuing ethics waivers for senior Administration appointees that would allow them to pursue jobs with private companies while influencing federal policies that could affect those companies. A memo issued on Jan. 6, 2004 by the White House Chief of Staff stated that, effective immediately, such waivers could only be approved by the White House.

#### Tauzin Negotiates PhRMA Job While Negotiating Prescription Drug Bill

As Medicare chief Scully was job searching while also helping pass the drug legislation, a powerful Member of Congress was also looking for a new job.

The Pharmaceutical Research and Manufacturers Association (PhRMA), the trade group for name-brand drug producers, reportedly offered Representative Billy Tauzin (R-LA) the top position at PhRMA and a compensation package that "would be the biggest deal given to anyone at a trade association," around \$2 million a year, according to *The Washington Post*. The offer came just two months after Rep. Tauzin helped negotiate a \$534 billion Medicare prescription drug bill widely viewed as a boon to pharmaceutical companies, which stand to make billions in profits while avoiding government price restrictions.

In February 2004, Common Cause called on Tauzin to resign his chairmanship of the powerful House Energy and Commerce Committee, saying "Even if your job negotiations with PhRMA began after your work on the Medicare bill was over, as you have reportedly said, it leaves one wondering whether you were trying to please PhRMA and what PhRMA may have promised you in return."

Tauzin denied there were any dealings with industry in exchange for his work on the bill, but he stepped down from the chairmanship of the House Energy and Commerce Committee in early February, while negotiations over the PhRMA lobbying post continued. The job remains open and Tauzin may still be eligible if it remains open at the end of his term.

#### Drug Industry Money Undermined the Process

As the Congressional fight on prescription drugs loomed, the drug industry drew up plans for raising millions of dollars to defeat efforts to reduce drug prices. The financial stakes were huge and the industry began to spend enormous amounts of money on campaign spending, lobbying, and advertising to influence the outcome of the legislation.

No group epitomized this more than PhRMA. PhRMA not only had a tremendous stake in the bill, but also turned out to be a major winner. The law prohibits the federal government from negotiating for lower drug prices and prohibits the reimportation of prescription drugs that are produced in the

U.S. but sold for significantly less in other countries, which would also bring down the price of drugs.

PhRMA increased its yearly budget 23 percent to \$150 million in anticipation of the upcoming Medicare fight. While PhRMA's interests range from international policy to local initiatives, industry protection in the Medicare reform bill was its top priority. According to published reports, PhRMA planned to spend \$1 million for an "intellectual echo chamber of economists—a standing network of economists and thought leaders to speak against federal price control regulations through articles and testimony, and to serve as a rapid response team." Says one PhRMA document, "Unless we achieve enactment this year of market-based Medicare drug coverage for seniors, the industry's vulnerability will increase in the remainder of 2003 and in the 2004 election year."

PhRMA is well known as one of Washington's most powerful lobbying forces. The trade group alone spent \$16 million on lobbying in 2003, according to federal lobby disclosure reports filed with the Senate Office of Public Records. Including lobbying spent by all of PhRMA's companies, the group spent at least \$72.6 million lobbying in 2003—or roughly \$135,701 per member of Congress.

PhRMA has capitalized on hiring former Members of Congress and their staffs as part of its lobbying army. According to reports, PhRMA lobbyists include former Reps. Vic Fazio (D-CA), Vin Weber (D-MN) and Bill Paxon (D-NY). Other drug industry lobbyists include David W. Beier, former domestic policy advisor for Vice President Al Gore; Dave Larson, former health policy advisor to Senator Bill Frist (R-TN); and Edwin A. Buckham, former chief of staff to Rep. Tom DeLay.

The industry maintains a constant presence among policymakers. For example, in the weeks following the House and Senate's passage of their respective Medicare bills in June, pharmaceutical companies organized parties for congressional staffers that worked on the legislation. According to *The Washington Post*, the drug company Johnson & Johnson planned a cocktail party near the Capitol. The invitations read, "in recognition of your part in the historic passage of Medicare drug bills by both houses of Congress . . ." After Common Cause sent letters to Senate conferees and House leaders stating that attendance by staff members to the party could violate congressional ethics rules, the leadership discouraged their staff from going and the party was later cancelled. Congressional staff still had the opportunity, however, to attend a "Rooftop Rendezvous" thrown by PhRMA and hospital trade groups.

#### HHS Propaganda Campaign

Once legislation passes Congress and is signed into law by the President, it is the job of the executive branch to implement the new law, including informing the public of the effect or the benefits of the new law. HHS, charged with implementing the new prescription drug law, immediately launched a multi-million dollar campaign promoting the new prescription drug benefit under the guise of public service advertising.

Early this year, HHS created a TV ad designed to educate the public on the new drug benefits, but many criticized the ads as being political advertisements for the Administration that misled the public about the facts of the new program. Adding to the concern about politicization of the prescription drug program was a contract for \$9.5 million for producing and distributing the ads that went to a partisan media company, National Media, Inc.

HHS has also produced videos that were sent to broadcasters around the country

touting the new program. The videos feature hired "reporters" who appear to be delivering straight news stories, but do not identify the government as the producer. Two videos end with the voice of a woman who says, "In Washington, I'm Karen Ryan reporting." The "reporter" in the commercial is reading from a script written by HHS.

The General Accounting Office (GAO) is now investigating these "fake video news" clips. The GAO will determine if they constitute illegal "covert propaganda." Federal law prohibits the use of federal money for "publicity or propaganda purposes" not authorized by Congress.

#### Conclusion

Posted on Congressional websites is a document called "How Our Laws Are Made." [<http://thomas.loc.gov/home/lawmade.toc.html>]. No one really believes the process meticulously detailed in the document is followed exactly—legislating is a messy process. But the laws, rules and procedures cited in the document are there to ensure that democratic principles are not empty words in the Constitution, but inform the way our government operates on a daily basis.

This report has told a tale of the rush to pass a thinly supported prescription drug bill that was a prime political goal of the Administration. In that rush, supporters showed disregard for the law, congressional rules, and other procedures and customs. We must reform and strengthen some of those laws and rules and, perhaps more importantly, those public officials must be held accountable. Americans must be assured that democracy is not just another word, but an integral part of how our government operates.

#### PERSONAL EXPLANATION

#### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BEREUTER. Mr. Speaker, on June 1 and 2, 2004, this Member unavoidably missed nine rollcall votes due to official business serving as president of the NATO Parliamentary Assembly. On the following eight votes, this Member would have voted "aye," had he been present. The eight votes were:

(1) Rollcall No. 210, passage of H. Con. Res. 295, a resolution congratulating the Focus: HOPE program on its 35th anniversary;

(2) Rollcall No. 211, passage of H. Res. 612, a resolution recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Va., on March 26, 2004;

(3) Rollcall No. 212, passage of H. Con. Res. 417, a resolution honoring the Tuskegee Airman and their contribution in integrating the United States Air Force;

(4) Rollcall No. 213, ordering the previous question on H. Res. 657, the rule for consideration of H.J. Res. 83, which proposes a constitutional amendment regarding the appointment of individuals to fill vacancies in the House of Representatives.

(5) Rollcall No. 214, passage of H. Res. 657, the rule for H.J. Res. 83.

(6) Rollcall No. 215, ordering the previous question on H. Res. 656, the rule for the consideration of H.R. 444, the Back to Work Incentive Act.

(7) Rollcall No. 216, passage of the Pryce amendment to H. Res. 656.

(8) Rollcall No. 217, passage of H. Res. 656, the rule for H.R. 444.

On Rollcall No. 218, a motion to recommit H.J. Res. 83 with instructions, this Member would have voted "no" had he been present.

**SPEECH BY HUNGARIAN PRESIDENT FERENC MADL AT OPENING OF HUNGARIAN HOLOCAUST MEMORIAL AND DOCUMENTATION CENTER**

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 3, 2004*

Mr. LANTOS. Mr. Speaker, on April 15, 2004, the Holocaust Memorial and Documentation Center in Budapest, Hungary, was opened at a solemn ceremony attended by the President of Hungary, the President of Israel, and a number of other distinguished official guests.

With the establishment of an official Holocaust Memorial, the government of Hungary has formally acknowledged the responsibility of Hungarian governments in the 1930s and 1940s and of Hungarian citizens for atrocities committed during the Holocaust in Hungary. In the past it has been fashionable for Hungarians to blame the German Nazis for the atrocities of that era. Unfortunately, many Hungarian citizens were complicit with the Nazis in committing atrocities, and the Hungarian Arrow Cross organization was as vicious and brutal as the German Nazis in their despicable deeds.

Mr. Speaker, the timing of the opening of the Hungarian Holocaust Memorial and Documentation Center is particularly appropriate, because this year marks the 60th Anniversary of the darkest days for Hungarians during WWII. It was on March 19, 1944, that the German army occupied Hungary, and German officials began the systematic effort to exterminate Hungary's Jewish population. Over half a million Hungarian Jews were deported and met their deaths in Nazi gas chambers, the largest portion of them at Auschwitz.

It is my sincere hope, Mr. Speaker, that the opening of this Memorial in Budapest will teach future generations of Hungarians that intolerance, racism, hatred and bigotry have no place in the free and open and democratic society that Hungary is becoming.

Mr. Speaker, perhaps the most moving statement at the Holocaust Memorial dedication was that given by the President of Hungary, Ferenc Madl, who headed the long list of dignitaries at the ceremony and presided at the opening of the Memorial. President Madl's speech was moving and eloquent. I ask that it be placed in the RECORD and I urge my colleagues to give it thoughtful attention.

Distinguished commemorating community: What we are remembering here should never have happened. The building we are standing in used to be a synagogue. It is a sacred place, not only because it was a place of worship, but also because over the time it has become a venue for remembrance. Human suffering—the suffering of people—the remembrance of unforgettable pain, the pain felt by millions of people makes this place sacred. Commemorations and writings

all discuss the genocide of the Jewish people as an event of historic tragedy. There is however something more important than history: man himself. Thus for this reason, the Holocaust is not simply "history" but the past of a whole generation. It is here with us in many different ways in the fate of Jews and non-Jews alike. Every life is a complete world in itself. Every deceased person has a unique face. This uniqueness tends to get lost in history. We cannot experience the extent of the tragedy in a thousand or one hundred thousand different ways. Individually however, we all have—direct or indirect—personal memories of those who perished. It is in these memories that the indescribable horror gains a face of its own.

This venue of remembrance is required to help preserve the personal touch in us, which tends to fade with time. If hundreds of thousands of people suffering is a mere piece of data for someone, then being faced with but a single real story of fate, will ensure that this person will never be ignorant of our common past. Remembrance shall elevate the Holocaust into a personal drama.

Distinguished remembering community, nowadays the depths of the tragedy, the numbers, are mentioned more frequently than its human-spirit content. Perhaps numbers with their abstract nature are not so painful for our conscience.

It is human nature to flee from pain. If numbers call up individual faces and fates then the burden of looking to the past becomes almost unbearable. We should not shun this burden away.

We do not only need to remember, because a parent, child, brother and sister sent to their deaths are there in our hearts and souls or for sinners to gain absolution from their sins, but to make sure that we are vigilant of the sins of past horrors haunting us again somewhere.

In 1938 Hungarian writer Milan Fust wrote that lifting inhumanity to the level of law is without precedent, just as the fact that the human kind "should approve its own sadism so much, that it should be proud of its animal like nature."

Nobel laureate Imre Kertesz in the blinding light of survival saw in Auschwitz the symbol of moral status of humanity in the 20th century. Is the moral state that made the Holocaust possible now a thing of the past? We can see that mad dictators still commit mass killings among their own people, even today. We can find contemporary examples of genocide too. How horrible, that humankind has not managed to this day, to reach the moral level, where the commandment "Thou shall not kill" binds the hands of every Cain. How many times do we see the strangling sorrow among us over the lack of love? How many times are we still obliged to extinguish the brushfires of racial, religious, political and ethnic hatred here and in many corners of the world?

This place of remembrance is not in a randomly selected spot of the world, but in Hungary, in Budapest, not far from where the ghetto was established in the dark period of 1944. This place of remembrance does not speak generally about inhumanity, brutality, about lowly instincts, the institutionalized system of murder somewhere else, but here, where we are, where all that we are discussing happened.

Although the final chapter of the tragedy may have taken place elsewhere, this does not change the fact that all this was made possible here. This is where the guilty accomplices lived; this is where the guilty ignorance of those not involved prevailed. It is no excuse to say that the world too remained silent. All this happened here. We lacked the will to resist here. We failed to extend a helping hand here. This is what makes the

tragedy our personal issue, a spiritual burden for all of us. It is here that we have to rely on the faith we have in conciliation, to remember all those who perished and to apologize to our surviving brothers and sisters.

Being present here today is not only to remember and show solidarity, but also to express our national and human repentance. When quoting Miklos Radnoti, we say that "we are guilty like all other nations", we use the words of a Hungarian poet, who in his poems adopted all of us as his dear brothers and sisters, only to be marched to his martyr's death because of his provenance.

This is what makes this tragedy so universal, yet Hungarian. We, the ones living here, should know what happened and how something that should have never taken place actually did happen.

Distinguished remembering community, this is not a place of remembrance for only the martyred Jews. It is for all of us, the whole Hungarian society. Someone with feelings and thoughts will never have two kinds of dead. We feel the pain of every dead. In World War II, Hungary was one of the countries to suffer the largest loss of its population. Death was victorious in wars and dictatorial regimes. Every exterminated Jew is a loss for humanity; every Hungarian Jew murdered is a loss for all the Hungarian people.

Jewish martyrs perished amidst the horror of defenselessness and exclusion, deprived of the hope that their individual sacrifice can help the survival of the community. The incomparable horror of the Holocaust lies in this.

Today we remember them as the loss suffered by all of us Hungarians. We incessantly search for reparation for having them march to their deaths after being torn from the Hungarian society.

This memorial place reminds us that we need to assume the pain of remembrance again and again in our souls. The catharsis of honest remembrance will make us better, will lend meaning to the day after and will help to look for the integrity of mankind in our communities and in every individual. May the Lord Almighty give us strength for everyone!

**FALLEN HEROES**

SPEECH OF

**HON. DAVE WELDON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 2004*

Mr. WELDON of Florida. Mr. Speaker, I rise to commemorate the life and service of Dustin Schrage, a Corporal with the United States Marine Corps, who lost his life in Iraq while on a daring, classified mission on May 3, 2004.

A graduate of Satellite Beach High School in Florida, Schrage joined the Marines right after graduation in 2001. He served his country honorably and with distinction. At the time of his death, Corporal Schrage was a member of the 4th Marine Regiment, 1st Marine Division assigned to the 2nd Battalion. He was a rifleman and a squad leader much loved by his unit.

Corporal Schrage died in the line of duty while participating in Operation Iraqi Freedom II. He was found on May 6 after attempting to cross a body of water while conducting combat operations on May 3 in Al Anbar Province, Iraq. He had served in Iraq for one year prior to his death. He gave his life defending and