patient has received prescriptions in other states. Additionally, this bill has the potential to significantly cut down on prescription drug abuse and to help physicians prescribe addictive medications to patients who really need them without fear that the patient will abuse the drug.

Since my home state of Illinois instituted the Illinois Triplicate Prescription Control Program in 1961, the program has been successful in combating prescription drug abuse back home. Now it is time to build on that success by creating a federal network so that state programs can be coordinated nationally.

Mr. Speaker, this is an opportunity for this Congress to recognize that the abuse of prescription drugs is a serious problem in this country. The National All Schedules Prescription Electronic Reporting Act of 2003 is a large part of the solution.

PANCREATIC ISLET CELL TRANSPLANTATION ACT OF 2004

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 2004

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H.R. 3858, the Pancreatic Islet Cell Transplantation Act. As a cosponsor of H.R. 3858, I recognize that this bill will aid the medical community as it learns more about the potential of islet cell transplantation. More importantly, it will help increase the supply of pancreata that can be used for islet transplantation, while also better coordinating the efforts of those involved in the process. Innovations in this field can help people suffering from Type I diabetes to live without daily injections of insulin.

According to the American Diabetes Association, there are 18.2 million diabetics in America, a figure that accounts for 6.3 percent of our population. The Pancreatic Islet Cell Transplantation Act is a strong step forward on the path to significantly improving the quality of life for these Americans.

Individuals with Type I diabetes are dependent on insulin injections because their own immune systems destroy the islet beta cells that create insulin. Islet transplantation involves taking islet cells from a donor pancreas and implanting them into a recipient where the beta cells from the islets begin to make and release insulin. The goal is to eventually be able to infuse enough islets so that diabetics can control their glucose levels without needing painful insulin injections.

By ensuring the certification or recertification of islet transplantations and research under the Public Health Service Act, this bill will aid in further developing this medical breakthrough. This bill will break down barriers that now stand in the way of this treatment. Also, by mandating an annual assessment on pancreatic islet cell transplantation, we can guarantee that this procedure and the Americans who need it are not forgotten.

Mr. Speaker, when a moment is at hand where we can improve the health of the citizens of our great country, it is incumbent upon us to do so. The Pancreatic Islet Cell Transplantation Act of 2004 presents us with precisely one of those moments. I commend the gentleman from Washington for bringing this legislation to the floor, and I urge my colleagues to support it.

EXCESSIVE EXECUTIVE COMPENSATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. EVERETT. Mr. Speaker, on the two-year anniversary of the Sarbanes-Oxley Act, it is worth noting that this country has seen an increase in consumer and investor confidence, and a significant market recovery. Corporate scandals and plunging stock prices forced Congress to pass the most sweeping regulation of corporate activity since the 1930s, when the SEC was created.

Many positive developments have resulted from the passage of Sarbanes-Oxley, however more can be done. I fear that we have not seen the last of the corporate abuse exhibited by the Enrons and Worldcoms of the world, especially with regard to the raiding of pension funds.

I am concerned about a growing number of corporate executives in America who are less than fully accountable to their shareholders or employees. Some continue to demand and receive outrageous salaries and perks while their companies flounder. In some cases, these executives face civil and criminal investigations for fraud and corruption.

The current environment under which Corporate America pays its executives allows for minimal, if any, input by the shareholders. Oftentimes their will is often suppressed, as was the case with Alcoa Inc. in 2003 when the board of directors rejected a proposal approved by the majority of shareholders that urged the board of directors to seek shareholder approval for future severance agreements with senior executives. Boards of directors continue to reward their executives with outrageous retirement packages regardless of the company's performance. Not only is the discrepancy between pay and performance a problem, but the fact that the disclosure to shareholders comes months after the payments is also troubling.

One of the most disturbing facts of these misguided or criminal actions by corporate leaders is that their employees see their hard-earned profit sharing plans disappear. Yet, these corporate 'rock stars' ride off with their guaranteed benefits package intact, while the workers and shareholders take it on the chin. Their investments and savings, tied to corporate growth and built up over the years, have vanished. Plans of retirement are halted, either permanently or indefinitely; and many workers find themselves forced to work in their golden years.

Today, I have introduced legislation to require an advance disclosure to a company's shareholders upon the creation or increase in special retirement plans for executives. This could bring desperately needed transparency to the boardroom. Under current law, benefits payable under these plans are not considered reportable compensation, which is why this disclosure is necessary. This would allow shareholders to be proactive in determining whether or not their CEO deserves the millions he or she is getting paid.

I understand that this is a departure from the typical form of disclosure, however I believe the current environment under which Corporate America operates needs to change. We must improve investor confidence, and advance disclosure of excessive corporate compensation will move us in that direction.

REASSESSING FOOD LAWS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. WHITFIELD. Mr. Speaker, I rise today to discuss an important issue facing the next Congress. Since enactment of the Nutrition Labeling and Education Act of 1990, obesity rates in America have soared, including among children.

According to a recent briefing provided by the Institute of Food Technologists, ''the most recent data from NHANES (National Health and Nutrition Examination Survey) in 2002, 65 percent of Americans were overweight or obese, 30 percent were obese and 4.9 percent were extremely obese. Over 400,000 individuals die each year due to poor diet and physical inactivity. For the first time in 100 years, children face shorter life spans then their parents, as the obesity rate for children has doubled since 1980. The total estimated direct and indirect costs of obesity in the U.S. exceed $117 billion annually. Less than 1/3 of adults engage in the recommended amounts of physical activity. In fact, more than 25 percent of Americans report no leisure time activity at all.''

While evidence suggests that the increase in obesity rates is due primarily to a decline in physical activity rather than an increase in caloric consumption, the problem will not be solved by increased physical activity alone. For the sake of public health, many Americans must modify both their diets and physical activity practices.

We in Congress should examine whether our current food labeling laws are providing for the nutrition information, including claims regarding the health effects and nutritional composition of foods, that consumers need. A realistic appraisal of our food labeling law provides a mixed review:

> The law effectively prohibits false or misleading nutrition information. Uniform food labeling laws facilitate consumer education and the efficient flow of commerce.
>
> The Nutrition Labeling and Education Act (NLEA) and its implementing regulations took a prescriptive approach that emphasized fat, which effectively de-emphasized the very important consideration of total calories in a food. Though well intentioned, this approach may have exacerbated dietary problems.

The highly prescriptive approach of the NLEA, combined with the Food and Drug Administration's (FDA) cumbersome approval process, have resulted in the agency often standing in the way of providing truthful, non-misleading information to consumers. FDA has lost every major First Amendment case regarding implementation of the NLEA. In the landmark decision, *Pearson* v. *Shalala,* 164 F.3d 650 (D.C. Cir. 1999), reh'g, en banc, denied, 172 F.3d 72 (D.C. Cir. 1999), the D.C. Circuit Court of Appeals even characterized

the government's defense of its stifling, moribund regulatory approach as ''almost frivolous.'' Our law and regulatory systems cannot continue to block or excessively delay delivery of truthful, non-misleading information to American consumers.

To its great credit, the FDA has recently started to issue enforcement discretion letters. that indicate the agency would not take enforcement action against particular qualified health claims that it has determined are truthful and non-misleading, even though those, claims have not been approved pursuant to the excruciatingly slow NLEA process. While I have reservations about this approach, it is clearly a reasoned attempt to be less obstructive of truthful, non-misleading food label statements. For its part, this FDA initiative is likely to improve public health. However, it appears that Congress could do more.

Some of these observations are not new. In 1997, Congress enacted the Food and Drug Administration Modernization Act (FDAMA), which provided for streamlined procedures for allowing certain products and claims to get to market. Simply put, FDA can say ''no'' with relative ease and speed, but has extensive clearance procedures with correspondingly long time requirements to say ''yes'' to any petition. So, FDAMA provided for notifications for indirect food additives, as well as for health claims and nutrient content claims based upon authoritative statements of certain scientific bodies or the National Academy of Sciences. Under that system, if FDA does not object to a notification within a specified period, the FDAMA requirements are deemed satisfied and the product or claim approved. Thanks to addition of these provisions, FDA has more expeditiously approved health claims that have provided consumers helpful information regarding the relationships between potassium and the risk of high blood pressure and stoke, and between whole grain foods and the risk of heart disease and certain cancers, as well as nutrient content claims identifying foods that are significant sources of choline and of DHA, EPA, and ALA, specific omega–3 fatty acids. Broader use of this concept must be considered if we are to continue to allow FDA to block a product or claim before it gets to market, but expect advances in science to reach market without delay that is unacceptably costly in terms of public health and capital investment.

Finally, FDA pre-market responsibilities regarding foods are extensive and include a number of matters that are not critical to public health protection, such as temporary permits for test marketing of a food in contemplation of amending its regulatory standard of identity. Often, FDA has explained that they are not handling such matters with a responsible pace because they are low priorities. As a matter of public health protection, such prioritization makes sense. However, it is time for us to review provisions of law and regulation that require agency pre-market approvals regarding low priority matters. If pre-market regulatory scrutiny needs to be maintained regarding such matters, consideration should be given to substituting notification procedures for the dysfunctional processes in place at this time.

Mr. Speaker, I share these observations so that my colleagues may consider them prior to initiating work of the next Congress and in hopes of stimulating debate on the subject.

IN MEMORY OF THOMAS LAUBACHER, SR.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the memory of Thomas Laubacher, community leader and elected official from my district who passed away September 26 at the age of 91.

Tom Laubacher was a native son of Ventura County, California, having been born to a pioneering Oxnard family on August 29, 1913. During his life, Tom Laubacher was a farmer on his family's 150–acre farm, located between Doris Avenue and Teal Club Road; an oilman for Union Oil Company; and a B–26 pilot instructor for the U.S. Army Air Corps.

In 1954 he took over Laubacher Insurance Agency and Real Estate, which his father had founded in 1903. It remains in the family today. Tom Laubacher's son, Thomas Laubacher, Jr., now runs the business.

In 1964, Tom Laubacher ran for the Board of Supervisors for the same reason I ran for the Simi Valley City Council 15 years later: a belief that the business community needed better representation in government. He served three terms on the Board of Supervisors and I had the privilege of serving with him on the Regional Sanitation Board about 25 years ago.

Integrity is the word most associated with his public service, his business dealings and his community work.

A devout Catholic—his Uncle John was the first assistant pastor at Santa Clara Parish—Tom was a member of Oxnard Council 750 of the Knights of Columbus and served as the grand knight and district deputy. In 2002, he received the cardinal's award in recognition of a lifetime of service to his church and community.

Tom Laubacher also maintained a long relationship with the Sisters of Mercy and St. John's Regional Medical Center. He became the first lay member of its board of directors and later the board's first lay president.

Tom Laubacher is survived by his wife of 60 years, Helen, four children and 17 grandchildren.

Mr. Speaker, I know my colleagues join me in sending our condolences to Helen ''Holly'' Laubacher, their children and grandchildren, and pause in remembering a man for whom integrity was a way of life. Godspeed, Tom.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes:

Mrs. LOWEY. Mr. Chairman, 3 months ago, the bipartisan September 11 Commission provided Congress with 41 recommendations to help keep our Nation secure and our people safe in the face of rising dangers and threats throughout the world.

These recommendations were targeted at eliminating terrorist organizations, at preventing the continued growth of fundamentalist Islamic terrorism, and at protecting against and preparing for future attacks.

In my judgment, the 9/11 Commission report should have made our job easy. But instead, we find ourselves faced with a bill that dangerously ignores some of the Commission's most important recommendations, and adds hundreds of pages of extraneous and controversial provisions that may do little or nothing to better secure our nation.

Let me be clear. I do support the bill's provisions that identify the target terrorist sanctuaries; that focus U.S. efforts on some of the most critical parts of the world in the war on terrorism, such as Pakistan and Saudi Arabia; and that reform the homeland security grant process to ensure that higher threat cities receive more funds.

I'd like to emphasize that last point.

As I travel through my District and New York State, what I hear most from police officers and firefighters is that we need to change the funding formula to ensure that areas facing the highest threats—like New York—will get the increased funding need to face those threats head-on. We don't have another 3 years to get this done—it needs to get done now. As long as a State like Wyoming gets seven times the amount of funding that New York receives, changing the funding formula must be this Congress's priority.

I believe this bill makes important changes to the funding formula and I am proud to have helped to craft a number of these provisions and to serve on the committee that guided the bill through the legislative process.

But, unfortunately, I have serious objections to many other provisions included in this bill that do not have anything to do with intelligence reform and other 9/11 Commission recommendations.

In my judgment, there are more effective and efficient ways of protecting our national security without infringing on the rights or civil liberties of our Nation's citizens and immigrants.

While the 9/11 Commission report made several recommendations regarding border security and immigration policy, it did not call for the undermining of the due process rights of many immigrants by significantly expending expedited deportation laws; raising the bar substantially for a grant of asylum; or authorizing the government to deport foreign nationals to countries that lack a functioning government—or worse—condone and permit torture.

And, while the 9/11 Commission report recommended that we improve FBI counterintelligence capabilities, it did not recommend that Congress allow the government to secretly investigate an individual suspected of terrorism without having to prove that person is connected to a foreign power.

And finally, while the 9/11 Commission Report called for federal standards for identification documents, including drivers' licenses, it did not recommend that immigrants should be denied a driver's license.

While I do believe that the Federal Government should have a role in helping States to coordinate efforts to strengthen the security of