

Mr. SMITH, deserves credit for bringing these issues to the forefront through numerous hearings on patent quality. In addition, I would especially like to thank Congressman BOUCHER with whom I have been working on patent reform for the past few years. Also deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that continue to contribute their time, thoughts, and drafting talents to this effort. I am pleased that, finally, at least a consensus has emerged among the various collaborators in support of the basic "post grant opposition" approach embodied in the legislation. This bill is the latest iteration of a process we started over four years ago.

Though we developed this bill in a highly collaborative and deliberative manner, I do not want to suggest that it is a "perfect" solution. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

As I have said previously, "The bottom line in this: there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system." High patent quality is essential to continued innovation. Litigation abuses, especially those which thrive on low quality patents, impede the promotion of the progress of science and the useful arts. Thus, we must act during the 109th Congress to maintain the integrity of the patent system.

#### PERSONAL EXPLANATION

#### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of June 7, I missed 3 roll-call votes.

It was my intention to vote: "yes" on rollcall No. 228, H. Con. Res. 44—Recognizing the historical significance of the Mexican holiday of Cinco de Mayo; "yes" on rollcall No. 229, H. Res. 282—Expressing the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States.

#### INTRODUCTION OF CANCER SCREENING ACT

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mrs. MALONEY. Mr. Speaker, today I am reintroducing the Cancer Screening Coverage Act, a bill that will ensure that a greater number of Americans are covered for breast, cervical, prostate, and colorectal cancer screening. This legislation will increase the access to cancer screening exams for patients of private insurance and the Federal Employees Health Benefits plan.

Cancer is the second leading cause of death among Americans. According to the

American Cancer Society, more than 1,500 Americans die of cancer everyday. Cancer screening allows for the detection of cancer in its earliest form, when the cost of treatment is the least.

Many advances have been made, but the key to survival is early detection. It is estimated that the rate of survival would increase from 80 percent to 95 percent if all Americans participated in regular cancer screening. By providing increased access to screening procedures, the Cancer Screening Coverage Act would help save the lives of many Americans from this deadly disease.

#### REGARDING JOYCE McMILLIN AND HER LEGACY TO THE TRI-CITIES COMMUNITY

#### HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to pay tribute to Joyce McMillin, a constituent of mine who dedicated so much of her time and energy to honoring the brave men and women who have served our Nation in uniform. Honoring our veterans was a priority for Joyce—as it should be for all Americans.

Along with her husband Tom, who himself is a veteran of the Korean War, Joyce made it one of her final missions in life to create a memorial to those who have fought to protect our Nation. It is because of her vision, hard work and perseverance that the Regional Veterans Memorial now stands in Kennewick's Columbia Park.

Creating the Regional Veterans Memorial was not an easy process. After coming up with the idea, Joyce and Tom had to sell their vision to the community, secure a location and raise the funds necessary to build it.

Tragically, Joyce lost her battle with cancer shortly before the Regional Veterans Memorial ribbon cutting ceremony, which she had organized. I recently had the opportunity to visit the Memorial, and it is an impressive and fitting monument to American soldiers—past and present. It is a special place for current and future generations to reflect on the sacrifices made by those who have served in our Armed Forces. This Memorial is truly Joyce McMillin's legacy to the Tri-Cities. Our community is a better place because of her.

I would like to conclude by noting how proud I am to live in a community that is so committed to our veterans. I commend the McMillin family, the Tri-Cities Memorial Committee and everyone who helped make the new Regional Veterans Memorial a reality.

#### RECOGNIZING THE IMPORTANCE OF SUN SAFETY

SPEECH OF

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. ESHOO. Madam Speaker, I'm proud to be an original cosponsor of H. Res. 196, which encourages the importance of sun safe-

ty and supports the designation of June 5th to June 11th as Sun Safety Week.

Skin cancer is the most commonly occurring cancer in the U.S. and 90 percent of all skin cancers can be attributed to the sun. This year it's estimated that there will be 1.3 million skin cancer cases in the U.S., exceeding the number of breast, lung, prostate and colon cancers combined.

More alarming is that 50 percent of lifetime exposure to UV light occurs during childhood and adolescence, and it can take less than 10 minutes for a child's skin to burn. Failing to take appropriate steps such as using sunscreen, wearing protective clothing, and limiting sun exposure can have serious and deadly consequences, especially for children. Practicing sun safe behaviors during childhood is the first step in reducing the chances of getting skin cancer later in life.

A new survey released on Monday by the nonprofit Sun Safety Alliance shows a 12-point decline in the percentage of Americans who report using sunscreen when outdoors, from 72 percent to 60 percent.

H. Res. 169 recognizes that skin cancer is highly preventable and urges parents to practice good sun safety for their children, which will dramatically reduce its risk.

I urge the entire House to vote yes on this important Resolution.

#### RECOGNIZING LIVE OAK HIGH SCHOOL ORCHESTRA

#### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize the Live Oak High School orchestra for its award of Best Student Orchestra in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

The Live Oak High School Orchestra is conducted by Greg Bergantz. Live Oak High School won the Best Student Orchestra award for its performance in "Fiddler on the Roof".

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts program's are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize the Live Oak High School orchestra for its accomplishments. I urge all students to continue to take interest in the performing arts.

# BIGGER THAN SOCIAL SECURITY CRISIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. KUCINICH. Mr. Speaker, I wish to bring the following article to the attention of my colleagues. This article discusses how the savings from creating a truly competitive market for prescription drugs, as is proposed by the Free Market Drug Act, could be used to eliminate any projected shortfall in Social Security. The American people demand that we focus our attention on the very real crisis that the soaring price of prescription drugs presents to their daily lives.

[From the Center for Economic and Policy Research, Apr., 2005]

BIGGER THAN THE SOCIAL SECURITY CRISIS:  
WASTEFUL SPENDING ON PRESCRIPTION DRUGS  
(By Dean Baker)

## EXECUTIVE SUMMARY

President Bush started a national debate on the future of Social Security when he announced his plan for private accounts shortly after the November election. In order to promote his plan, he has argued that Social Security faces a serious long-term funding gap.

It is easy to show that the projected funding gap for Social Security is relatively minor. The Social Security trustees estimate that the gap over the program's 75-year planning period is equal to 0.6 percent of GDP over this period. The non-partisan Congressional Budget Office (CBO) estimates this gap at 0.4 percent of GDP. By comparison, the increase in annual defense spending since 2000 has been equal to 1.0 percent of GDP, more than 1.5 times the size of the shortfall projected by the Social Security trustees and 2.5 times as large as the shortfall projected by CBO.

Given the size of the projected Social Security shortfall it is reasonable to argue that attention should be focused on bigger problems. One glaring example is the soaring price of prescription drugs, which is imposing huge costs on both the private and public sectors. This paper examines the relationship between the potential savings from creating a free market in prescription drugs and the size of the Social Security shortfall.

Specifically, it calculates the savings that the federal government could accrue in Medicare if drug research was publicly financed and then the resulting patents were placed in the public domain, as proposed in the Free Market Drug Act (FMDA). This would allow prescription drugs to be sold in a competitive market, like other products. By eliminating government imposed patent monopolies, drug prices would decline by approximately 70 percent.

This paper calculates that the savings to the federal government from having drugs sold in a competitive market could reach \$110 billion annually by 2014. By the end of the period (in 2080) the annual savings would be equal to 1.2 percent of GDP. The cumulative savings over the 75-year planning horizon would be \$3.3 trillion (in discounted 2005 dollars); this is slightly larger than the \$3.2 trillion Social Security shortfall projected by the CBO. In other words, if the federal government's savings on prescription drugs from the FMDA were attributed to the Social Security trust fund, it would be more than enough to make Social Security fully solvent over its 75-year planning period.

The enormous potential savings from developing a free market in prescription drugs

should be a powerful argument for moving in this direction in any case, but the possibility of using the savings to eliminate the projected Social Security shortfall could make the policy even more attractive. Of course, the savings to the private sector from having drugs sold in a free market would be even larger than the savings to the federal government.

However, the most important benefit is that the FMDA would eliminate the incentives that government patent monopolies create to conceal or misrepresent research findings, as was recently exposed with drugs like Vioxx and Celebrex. If research is no longer financed by government patent monopolies, the perverse incentives they create will be eliminated. This will lead to better health care, in addition to much lower drug prices.

## THE HIPAA RECREATIONAL INJURY TECHNICAL CORRECTION ACT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. BURGESS. Mr. Speaker, I am pleased to join my colleagues Congressman BLUNT and Congressman STRICKLAND in introducing legislation that would prohibit insurers from denying payment to health plan participants for injuries sustained while engaged in certain recreational activities like horseback riding or motorcycling.

In January 2001, the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration, issued a rule in accordance to the Health Insurance and Portability and Accountability Act of 1996 (HIPAA) that was designed to guard against discrimination in coverage in the group health market. These rules prohibited health plans from denying coverage to people who engage in recreational activities like horseback riding and motorcycling. However a loophole was created that allowed insurers to deny payment for services based upon the source of the injury.

The rule states that: "While a person cannot be excluded from a plan for engaging in certain recreational activities, benefits for a particular injury can, in some cases, be excluded based on the source of the injury." A plan could, for example, include a general exclusion for injuries sustained while doing a specified list of recreational activities, even though treatment for those injuries, a broken arm for instance, would have been covered under the plan if the individual had tripped and fallen.

This loophole creates a situation that is especially unfair to people who ride motorcycles, horses, snowmobiles, or any other form of motorized recreation. Millions of Americans enjoy these activities safely every year within the framework of state laws and utilizing proper safety precautions. Should something extraordinary occur resulting in an injury, these individuals deserve the same consideration when it comes to their medical expenses as every other American. They should not be denied payment for health services for the mere fact that the injury occurred on horseback or on a motorcycle.

The legislation that we are introducing today will remove any ambiguity when it comes to participation in certain recreational activities or

modes of transportation should an injury occur. I want to thank Mr. BLUNT and Mr. STRICKLAND for joining me on this legislation. I look forward to working with them along with the multitude of groups that have made this legislation such a high priority, especially the American Motorcyclist Association and the Motorcycle Industry Council. I urge all of our colleagues to join us as cosponsors and stand with America's riders.

## IN RECOGNITION OF MRS. DORETHA WARD KENT ON THE OCCASION OF HER RETIREMENT FROM WILSON COUNTY SCHOOLS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor an outstanding American citizen, Mrs. Doretha Ward Kent, on the occasion of her much deserved retirement. For 25 years, Doretha Kent faithfully and diligently served in various capacities with the Wilson County School System and as a community volunteer.

Mrs. Kent was one of three daughters born to William and Dora Ward of Stantonsburg, North Carolina. She attended Springfield High School and then further pursued her education at Wilson County Technical Community College where she received an Associate Degree in Computer Technology.

Mr. Speaker, Mrs. Kent dedicated 20 long years of her life as a Teacher's Assistant at Wells Elementary School where she nurtured and helped to develop the young minds of thousands of students. She spent five years as a Media Assistant at Beddingfield High School highlighting the positive activities of students. Mr. Speaker, I am certain that both educational institutions will truly miss the valuable services that Doretha Kent provided over the years.

In addition to being a dedicated public servant Mrs. Kent founded NC Love in Action, a medical assistance program aimed at helping disadvantaged citizens of Wilson County. She is a member of Mt. Zion FWB Church and serves on the Usher Board and Finance Committee.

My relationship with Doretha Kent is one of personal friend and fellow community leader. We have worked together for so long in our effort to improve the quality of life for all of our citizens. I am honored to sponsor this tribute on this occasion.

Mr. Speaker, I ask my colleagues to join with me in honoring this great woman of uncompromising moral integrity and devotion to God and community. Her service to her community, the State of North Carolina, and the United States of America are greatly appreciated.