

his incredible credentials, leadership roles and accomplishments that span his lifetime, Mr. Janis has shown unwavering commitment to the people he has known throughout that time.

Mr. Janis is an example of true American ingenuity and a person who continues to generously devote himself to the ideals he values most: his family, his work and his community. We in northern Michigan and those throughout America who have benefited greatly from his work and contributions thank him for his efforts.

CONGRATULATIONS TO COLONEL JAMES KELLY, THE UNIVERSITY OF ALABAMA'S FIRST ASTRONAUT AND PILOT OF THE SPACE SHUTTLE "DISCOVERY" RETURN TO FLIGHT MISSION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor and congratulate Colonel James Kelly, the pilot of the recent space shuttle *Discovery* Return to Flight Mission and the University of Alabama's first astronaut.

Colonel Kelly earned his master of science in aerospace engineering from the University of Alabama in 1996. That same year, he applied for NASA's astronaut class. Colonel Kelly was one of 44 members and one of only 10 pilots selected out of 2,400 applicants.

Colonel Kelly has logged over 3,800 flight hours in more than 35 different aircraft. Additionally, he has logged over 643 hours in space. He served as pilot on both the STS-102 *Discovery* and the STS-114 *Discovery*. The STS-102 *Discovery* was the eighth shuttle mission to visit the International Space Station. The two-week, 5.8 million mile STS-114 *Discovery* Return to Flight Mission reaffirmed our confidence in NASA and America's successful future in space.

Mr. Speaker, I take this opportunity to commend Colonel James Kelly for his commitment to excellence and his willingness to explore. I thank him for his dedication and brave service to this country.

THE HEALTH FREEDOM PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Health Freedom Protection Act. This bill restores the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements by codifying the First Amendment standards used by federal courts to strike down the Food and Drug Administration (FDA) efforts to censor truthful health claims. The Health Freedom Protection Act also stops the Federal Trade Commissions (FTC) from censoring truthful health care claims.

The American people have made it clear they do not want the federal government to

interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with 4 federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in protecting against diseases by claiming that every article concerning this topic is evidence of intent to sell a drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for 4 years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neural tube defects!

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega-3 fatty acids may reduce the risk of sudden death heart attack; and that calcium may reduce the risk of bone fractures.

The Health Freedom Protection Act will force the FDA to at last comply with the commands of Congress, the First Amendment, and the American people by codifying the First Amendment standards adopted by the federal courts. Specifically, the Health Freedom Protection Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements, and adopts the federal court's suggested use of disclaimers as an alternative to censorship. The Health Freedom Protection Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease.

This legislation also addresses the FTC's violations of the First Amendment. Under traditional First Amendment jurisprudence, the federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC has reversed the standard in the case of dietary supplements by requiring supplement manufacturers to satisfy an unobtainable standard of proof that their statement is true. The FTC's standards are blocking innovation in the marketplace.

The Health Freedom Protection Act requires the government bear the burden of proving that speech could be censored. This is how it should be in a free, dynamic society. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes.

Mr. Speaker, if we are serious about putting people in charge of their health care, then

shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for good health care and the First Amendment by co-sponsoring the Health Freedom Protection Act.

TED KOPPEL: HE KNOWS THE BURDEN OF THE IRAQ WAR MUST BE SHARED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, I rise to appreciate the career and character of Ted Koppel, who is retiring after 25 years as a stalwart and honest news reporter on the show "Nightline."

Upon his retirement, he expressed some thoughts in the November 8, 2005 issue of the *Washington Post*. I applauded him then and I applaud him now for showing the photographs and naming the fallen in Afghanistan and Iraq on his show when others called him unpatriotic for that act to honor those killed in Afghanistan and Iraq. I applaud him for his statement in the *Washington Post* today. He remarked on the unshared burden of the war in Iraq. This is a topic I have brought up again and again. One tiny fraction of this nation bears the entire burden of this war.

Ted Koppel put it this way: "You don't fight a war and allow just a tiny fraction of the population to carry the burden. It's hard to make a case that the rest of us are sharing the burden of being at war when our taxes have been cut, not increased. There are no victory gardens. No one is being asked to do anything, really. That's why I thought it was important to show all those photographs and read all those names. . . ."

Ted, thank you. You have done a wonderful job for 25 years. Your honest reporting will be missed.

[From the *Washington Post*, Nov. 8, 2005]

HIS NIGHT IN THE SUN

AFTER 25 YEARS, TED KOPPEL IS LEAVING THE SHOW THAT DID IT HIS WAY

(By Howard Kurtz)

Given all the heat Ted Koppel took last year for reading the names of the hundreds of Americans killed in Iraq, he could be forgiven for claiming vindication over the huge coverage when the death toll hit 2,000 late last month.

The "Nightline" anchor believes a meaningless milestone has been overplayed by the media—and is happy to tell you why.

"If the administration was really doing what it ought to be doing, they—everyone from the president on down—would have explained we have to remain in Iraq with such clarity that everyone would understand the sacrifice of 2,000, or even 20,000, lives is essential," he says. "My complaint is that the administration has done a poor job of explaining why we're in Iraq. You don't fight a war and allow just a tiny fraction of the population to carry the burden. It's hard to make the case that the rest of us are sharing in the burden of being at war when our taxes have been cut, not increased. There are no victory gardens. No one is being asked to do anything, really. That's why I thought it was important to show all those photographs and read all those names, not as a way of saying the war is wrong."

It is classic Koppel: tough-minded, eloquent, focused on world affairs and sometimes, it seems, conducting his own foreign policy. As he prepares to relinquish the helm of the ABC program he launched 26 years ago, when his focus was entirely on Iran and the Americans held hostage there, it is hard to avoid the end-of-an-era language that followed the departures of Tom Brokaw and Dan Rather and the death of Peter Jennings.

"This is easily perceived as the fourth 20-year-plus anchor stepping aside, and that's not the case," says Executive Producer Tom Bettag, who plans to launch a reporting venture with Koppel after they leave ABC. Perhaps their greatest accomplishment, Bettag says, is that the program will continue after Koppel's last night, Nov. 22, with an anchor triumvirate of Cynthia McFadden, Terry Moran and Martin Bashir. "A number of people said once Ted goes, there goes 'Nightline.'"

One thing that will be lost with the new incarnation's wide-ranging format is what Koppel, 65, always has boasted about: an in-depth look at one subject each night. Does that bother him? "I don't want to begin by prejudging what's going to be done, because it may be terrific," he says. "I don't want this to be interpreted as Ted saying the new approach ain't going to work."

Koppel announced his resignation in March after ABC News President David Westin decided he wanted "Nightline"—the ratings of which have been slipping in recent years—to be live at 11:35 p.m. Koppel had no desire to work such a schedule, and always has argued that the program is live when it needs to be live and otherwise there is no point in having guests wait around all evening.

"At some point, it would probably be time to pull out anyway," says Koppel, who served notice five years ago that he and Bettag wanted to phase themselves out gradually. Koppel had hoped that Chris Bury would succeed him as anchor—Bury and John Donvan will remain as correspondents, most likely joined by Vicki Mabrey from CBS—and that former producer Leroy Sievers would replace Bettag. But management, which hired British journalist James Goldston to run the program, had other ideas.

"It's their broadcast in the final analysis," Koppel says. "I've always taken the position it's our job to make the program as attractive to the audience as we could possibly make it, but there are limits. You don't bring on dancing girls."

That's not an entirely frivolous comment, given that Koppel's competition includes Jay Leno and David Letterman. In fact, ABC tried to junk the show three years ago by luring Letterman from CBS. Koppel fought back, criticizing ABC and parent company Disney in a New York Times op-ed.

"I never questioned the corporation's right to do that," he says. "This is an industry, it's a business. We exist to make money. We exist to put commercials on the air. The programming that is put on between those commercials is simply the bait we put in the mousetrap."

"If it is true that David Letterman can draw a lot more viewers than 'Nightline' and Ted Koppel, if you can make an extra \$30 million or \$50 million a year, I absolutely understand they not only have the right but the fiduciary obligation to do that. I just don't think they did it the best way in terms of the handling of it. We were among the last to learn about it. You just don't do that to people who have worked hard for you for a long time."

In his 42 years at ABC, and especially in his quarter-century at "Nightline," Koppel seemingly has conducted every kind of interview. He's talked to Nelson Mandela and Mu-

hammad Ali, Larry Flynt and Ginger Rogers, Chuck D and Buzz Aldrin. He famously quizzed Gary Hart about adultery, told Michael Dukakis he just didn't get it and swatted down the racial views of baseball executive Al Campanis, who lost his job over the interview.

He also has reported from around the world—a foray to South Africa in the 1980s made news worldwide—and, more recently, covered the 2003 Iraq war amid the tanks in the desert. Just last week, "Nightline" did a show on Zimbabwe ruler Robert Mugabe's devastating impact on his country—not the sort of thing other programs are clamoring to cover.

Television executives, Koppel says, "live under the misapprehension that Americans don't care about foreign news. They don't care about boring news. If you present it in a boring fashion, then they don't care about foreign news. What really dictates here is the cost of foreign news. At a time that we really have to worry about what's going on in the rest of the world, what people in other countries think of us, we are less well informed by television news than we have been in many years."

"If the only time you cover foreign news is when you send someone, every foreign story is going to cost you a lot of money when you do it and likely to be less well informed than in the days when you had people who lived in the country for two, three, five, 10 years and understand the culture."

In a been-there-done-that media culture, Koppel relished the idea of returning to his signature issues again and again: the Middle East, South Africa, AIDS, racism, crime and punishment. Asked whether evening newscasts do the same thing, he says: "There's a huge difference between coming back to a story and devoting 2½ minutes to it, and the next time 1:45, and what we have done when we focused on an issue for two, three or four programs." Taking the show to such places as Congo—which Koppel says has "an invisible war which barely exists even in newspapers"—boosted the ratings and burnished the program's reputation. "But it's a very expensive thing to do and it's also thoroughly exhausting."

Koppel relishes the contrarian role. In 1996 he created a major stir by packing up and leaving the Republican National Convention in San Diego, saying no news was being committed there. "In the intervening years," he says, "guess what? Everyone's come to the conclusion that conventions really aren't worth covering, except on cable."

Last week Koppel committed news himself when he appeared to endorse Charlie Gibson, the "Good Morning America" co-host who has been doing part-time duty on the evening news, as ABC's next anchor. Koppel says he was just responding to a specific question about Gibson from a TV Guide reporter.

"I do think Charlie Gibson would make an absolutely splendid anchor," he says. But noting the rise of "GMA" under Gibson and Diane Sawyer, he says, "Those morning shows are moneymaking machines. Changing such a successful equation could cost you tens of millions of dollars."

Koppel and Bettag say they will not make a deal with another media outlet until their departure—although they have had talks with HBO—but say there is a vacuum in long-form reporting that they intend to fill. Still, they are leaving a very big stage.

"You can't help but have mixed feelings," Bettag says. "Trying to wean yourself away from the daily news adrenaline is no small thing. But this is something we've planned for a very long time. Ted is very much at peace with this."

Koppel plans to take a few months off, but "I'm not going to slide into semi-retire-

ment," he says. "Nothing lights my fire more than a big story out there and going out to cover it."

TRIBUTE TO ALAN A. REICH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I announce to my colleagues in the House the sad news of the passing of one of our Nation's great leaders for rights of the disabled, my friend Alan A. Reich. I offer our heartfelt condolences to his family.

Mr. Speaker, my wife Annette and I consider ourselves blessed to count Alan among our good friends. He inspired both of us with his deep compassion, his energy and humor, as well as his determination to overcome obstacles no matter how insurmountable they appear. Alan was a true American visionary, a person who never let circumstance define or defy him. This perspective enabled him to implement a new understanding of disability rights and human rights, which included both and united them.

Mr. Speaker, only a few months ago, I informed my colleagues that Alan had retired as President of the National Organization on Disability (N.O.D.), which he founded. For the past 23 years, he provided extraordinary leadership as the head of N.O.D., one of the leading non-governmental organizations promoting disability rights in the United States and around the world. Alan Reich was an outstanding human rights and disability rights leader, whose courageous work has had an impact on people with disabilities around the world.

In recognition of his leadership, President George H.W. Bush awarded Alan the George Bush Medal, an award that recognizes leaders in the fight to fulfill the promise of the Americans with Disabilities Act (ADA). Alan certainly epitomized the ambitious goals of the ADA, and I cannot imagine a more fitting recipient of this award. In commenting on Alan's extraordinary leadership, former President Bush said: "As the Honorary Chairman of N.O.D. and its World Committee, I've observed first-hand Alan's tenacious commitment to providing hope and opportunity for millions of people with disabilities, not only in this country but also worldwide."

Mr. Speaker, Alan Reich joined the disability community over 40 years ago as a result of a swimming accident, and he has used a wheelchair since that time, but he refused to permit his disability to constrain his boundless energy and commitment to worthy causes. Alan has been at the center of progress on disability issues, including public awareness, disability programs and promoting important legislation, and he has made groundbreaking contributions toward uniting and engaging the community of people with disabilities. His outstanding abilities to move disability rights issues forward first became apparent as the founder of the U.S. Council for the International Year of Disabled Persons in 1981. He was the first wheelchair user to address the United Nations General Assembly when he called on the international organization to declare 1981 the U.N. International Year of Disabled Persons.