

Whereas the Transitional Administrative Law provides for substantial participation of women in the Iraqi National Assembly and of personnel in all levels of the government;

Whereas the Personal Status Law provides for family and property rights for women in Iraq;

Whereas through grants funded by the United States Government's Iraqi Women's Democracy Initiative, nongovernmental organizations are providing training in political leadership, communications, coalition-building skills, voter education, constitution drafting, legal reform, and the legislative process;

Whereas a 275-member Transitional National Assembly, which is charged with the responsibility of drafting a new constitution, was elected to serve as Iraq's national legislature for a transition period.

Whereas Article 12 of Iraq's Transitional Administrative Law states that "[a]ll Iraqis [are] equal in their rights without regard to gender . . . and they are equal before the law";

Whereas Article 12 of the Transitional Administrative Law further states that "[d]iscrimination against an Iraqi citizen on the basis of his gender . . . is prohibited";

Whereas on May 10, 2005, Iraq's National Assembly appointed a committee, composed of Assembly members, to begin drafting a constitution for Iraq that will be subject to the approval of the Iraqi people in a national referendum;

Whereas the Senate recognizes the need to affirm the spirit and free the energies of women in Iraq who have spent countless hours, years, and lifetimes working for the basic human right of equal constitutional protection;

Whereas the Senate recognizes the risks Iraqi women have faced in working for the future of their country and admire their courageous commitment to democracy; and

Whereas the full and equal participation of all Iraqi citizens in all aspects of society is essential to achieving Iraq's democratic and economic potential: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Iraqi people for the progress achieved toward the establishment of a representative democratic government;

(2) recognizes the importance of ensuring women in Iraq have equal rights and opportunities under the law and in society and supports continued, substantial, and vigorous participation of women in the Iraqi National Assembly and in all levels of the government;

(3) recognizes the importance of ensuring women's rights in all legislation, with special attention to preserving women's equal rights under family, property, and inheritance laws;

(4) strongly encourages Iraq's Transitional National Assembly to adopt a constitution that grants women equal rights and opportunities under the law and to work to protect such rights;

(5) pledges to support the efforts of Iraqi women to fully participate in a democratic Iraq; and

(6) wishes the Iraqi people every success in developing, approving, and enacting a new constitution that ensures the civil and political rights of every citizen without reservation of any kind based on gender, religion, or national or social origin.

#### NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of H.R. 1132, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1132) to provide for the establishment of a controlled substance monitoring program in each State.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I commend our majority leader for bringing the Prescription Electronic Reporting Act to the floor for a vote so quickly, and I commend Senators ENZI, SESSIONS, DURBIN, and DODD for their contributions to this bill and their efforts to prevent the diversion of prescription drugs. Our goal is to help States establish electronic databases to monitor the use of prescription drugs and deal more effectively with the growing national epidemic of prescription drug abuse.

Over 6 million Americans currently use prescription drugs for nonmedical purposes. Thirty-one million people say they have abused such drugs at least once in their lives. The number of people reporting such abuse is higher than the total combined number of people abusing cocaine, hallucinogens, inhalants, and heroin.

The growing trend of prescription drug abuse is alarming. Since 1992, the total number of people abusing prescription drugs has soared by over 90 percent. The number of young adults who abuse prescription pain relievers and other addictive drugs has more than tripled. Prescription drug abuse among youths 12 to 17 has risen by tenfold. Today, 20 percent of teenagers have abused prescription drugs, and 37 percent have a close friend who does.

Better local programs to monitor addictive medications can help curb this abuse. Approximately 20 States have such programs in place, including Massachusetts, but they vary greatly in the collection and storage of data and the methods for using the databases.

The information in the databases can be used to identify physicians and patients who encourage the nonmedical use of prescription drugs. It can help people seek treatment early for their addiction. It can also be used to reduce the diversion of prescription drugs for illegal use.

Our bill authorizes the Secretary of HHS to make grants to States to establish needed monitoring programs. States with existing programs can use the grants to improve their systems and standardize the data to allow easy sharing of the information with other States.

Any such program, however, must include strong safeguards for medical privacy and make certain that the databases cannot be used to put improper pressure on physicians to avoid prescribing essential drugs. The effective treatment of pain is an enormous medical challenge, and good care will be much more difficult if patients fear that their prescription drug records

will not be protected, or if physicians begin to look over their shoulder every time they prescribe pain medication.

We all share the goal of reaching the right balance between the interests of patients, physicians, and law enforcement, and this legislation does that. It requires the Secretary to develop criteria for ensuring the privacy and security of the database, including penalties for improper use. In their grant applications, States must show that they have enacted legislation with appropriate penalties, and explain how they will meet privacy and security criteria, such as by using encryption technology. They must have plans for purging data, and for certifying that requests for information are legitimate. The bill also requires the Secretary to provide a follow-up analysis of the privacy protections within 3 years after funds are appropriated.

The problem of prescription drug abuse is growing exponentially and worsens every year. Today, the group most at risk is our children. Now is the time to act to limit the diversion of prescription drugs and protect our most vulnerable citizens from prescription drug abuse.

Physicians want to treat pain without contributing to addiction. Law enforcement officials want to stop the flow of prescription drugs from pharmacies to the streets. A national monitoring program will provide a valuable resource to achieve these goals.

I commend Majority Leader FRIST, Chairman ENZI, and Senator SESSIONS for their leadership on this important health issue, and I urge our colleagues to pass this legislation as a significant step toward ending prescription drug abuse.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1132) was read the third time and passed.

#### NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2005

Mr. FRIST. Mr. President I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 168, S. 501.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 501) to provide a site for the National Women's History Museum in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the Collins amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1646) was agreed to, as follows:

(Purpose: To specify that no Federal funds are to be used to establish, construct, or operate the National Women's History Museum)

At the end, add the following:

#### SEC. 6. FEDERAL PARTICIPATION.

The United States shall pay no expense incurred in the establishment, construction, or operation of the National Women's History Museum, which shall be operated and maintained by the Museum Sponsor after completion of construction.

The bill (S. 501), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

#### REGULATION OF CONTACT LENSES AS MEDICAL DEVICES

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 177, S. 172.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 172) to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

There being no objection, the Senate proceeded to consider the bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 172

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

[Congress finds as follows:

“(1) All contact lenses have significant effects on the eye and pose serious potential health risks if improperly manufactured or used without appropriate involvement of a qualified eye care professional.

“(2) Most contact lenses currently marketed in the United States, including certain plano and decorative contact lenses, have been approved as medical devices pursuant to premarket approval applications or cleared pursuant to premarket notifications by the Food and Drug Administration (“FDA”).

“(3) FDA has asserted medical device jurisdiction over most corrective and noncorrective contact lenses as medical devices currently marketed in the United States, including certain plano and decorative contact lenses, so as to require approval pursuant to premarket approval applications or clearance pursuant to premarket notifications.

“(4) All contact lenses can present risks if used without the supervision of a qualified eye care professional. Eye injuries in children and other consumers have been reported for contact lenses that are regulated by FDA as medical devices primarily when used without professional involvement, and noncorrective contact lenses sold without approval or clearance as medical devices have caused eye injuries in children.

#### SECTION 2. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

[Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following:

“(Regulation of Contact Lens as Devices

“(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

“(2) Paragraph 1 shall not be construed as having any legal effect on any article that is not described in that paragraph.”.]

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(3) FDA has asserted medical device jurisdiction over most corrective and noncorrective contact lenses as medical devices currently marketed in the United States, including certain plano and decorative contact lenses, so as to require approval pursuant to premarket approval applications or clearance pursuant to premarket notifications.

(4) All contact lenses can present risks if used without the supervision of a qualified eye care professional. Eye injuries in children and other consumers have been reported for contact lenses that are regulated by FDA as medical devices primarily when used without professional involvement, and noncorrective contact lenses sold without approval or clearance as medical devices have caused eye injuries in children.

#### SEC. 2. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

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“(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

“(2) Paragraph (1) shall not be construed as having any legal effect on any article that is not subject to such paragraph.”.

Mr. FRIST. I ask unanimous consent that the DeWine amendment be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1647) was agreed to, as follows:

(Purpose: To provide a complete substitute)

In lieu of the matter to be inserted, insert the following:

#### SECTION 1. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

“(Regulation of Contact Lens as Devices

“(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

“(2) Paragraph (1) shall not be construed as bearing on or being relevant to the question of whether any product other than a contact lens is a device as defined by section 201(h) or a drug as defined by section 201(g).”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 172), as amended, was passed.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following individuals as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the 109th Congress: the Honorable JUDD GREGG of New Hampshire; and the Honorable PAT ROBERTS of Kansas.

#### AUTHORITY FOR COMMITTEES TO REPORT

Mr. FRIST. I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Wednesday, August 31, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORITY TO MAKE APPOINTMENTS

Mr. FRIST. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, SEPTEMBER 6, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 225 until 12 noon on Tuesday, September 6.

I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period for morning business until 12:30, with Senators permitted to speak for up to 5 minutes each; provided further that the Senate stand in recess from 12:30 to 2:15 for weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—MOTION TO PROCEED TO S. 147

Mr. FRIST. I ask unanimous consent that at 2:15, the Senate resume the motion to proceed to S. 147, the Native Hawaiians bill.