

drugs, devices, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, a month ago I outlined an important issue affecting all Americans who take prescription drugs or use medical devices—the need for greater transparency in the money that drug and device companies hand out to doctors. Today, I am pleased to introduce the Physician Payments Sunshine Act, along with Senator KOHL, chairman of the Special Committee on Aging. This legislation will bring much needed transparency to the financial relationships that exist between the drug and device industries and doctors.

There is no question that the drug and device industries have an intricate network of financial ties with practicing physicians. These financial relationships can take many forms. They can include speaking honoraria, consulting fees, free travel to exotic locations for conferences, or funding for research. Drug and device companies spend billions and billions of dollars every year marketing their products. A good amount of this money goes directly to doctors in the form of these payments.

This practice, and the lack of transparency around it, can obscure the most important question that exists between doctor and patient: What is best for the patient?

As the editorial board of the Des Moines Register wrote recently, and I quote, “Your doctor’s hands may be in the till of a drug company. So how can you know whether the prescription he or she writes is in your best interest, or the best interest of a drug company?” That is an excellent question. Currently, the public has no way of knowing whether their doctor has taken payments from the drug and device industries, and I intend to change that—not just for Iowans but for all Americans.

Payments to a doctor can be big or small. They can be a simple dinner after work or they can add up to tens of thousands and even hundreds of thousands of dollars each year. That is right—hundreds of thousands of dollars for one doctor. It is really pretty shocking.

Companies wouldn’t be paying this money unless it had a direct effect on the prescriptions doctors write, and the medical devices they use. Patients, of course, are in the dark about whether their doctor is receiving this money.

The Physician Payments Sunshine Act sheds light on these hidden payments and obscured interests through the best disinfectant of all: sunshine. This is a short bill, and a simple one. This bill requires drug and device manufacturers to disclose to the Secretary of Health and Human Services, on a quarterly basis, anything of value given to doctors, such as payments, gifts, honoraria, or travel. Along with the money, these companies will have

to report the name of the physician, the value and the date of the payment or gift, its purpose, and what, if anything, was received in exchange. This bill then requires the Department of Health and Human Services to make the information available to the public through a searchable web site.

And this bill has some teeth, too. If a company fails to report, the Physician Payments Sunshine Act imposes a penalty ranging from \$10,000 to \$100,000 for each violation.

Many States are ahead of the curve on this and have passed, or are currently considering, similar measures. In 1993, Minnesota required the Nation’s first public disclosure of gifts and payments from wholesale drug distributors. Vermont passed a similar law in 2003, although much of the information is not publicly available. More recently, the District of Columbia, Maine, and West Virginia have followed suit in requiring disclosure, though not all make the information available to the public through a web site. The General Assembly in my home State of Iowa may soon be requiring disclosure as well.

But this kind of information shouldn’t be available only to Americans who happen to be lucky enough to live in a State already addressing this problem. On the contrary, this information should be accessible to all Americans across the country and it should be updated in a timely manner. I propose to my colleagues that now is the time to act.

I realize that some critics, including many of the drug and device companies, are going to say that creating this sort of national database is too time consuming and too expensive. I can hear the complaints already. But let me remind you again—the drug companies are already reporting their payments to doctors in Minnesota and other States. Companies already have this information available. We aren’t requiring them to go out and obtain it—we are just asking them to share it with the American people.

Perhaps even more telling is that at least one industry leader has taken the goal of increased transparency into its own hands. Although it is not making its payments to doctors publicly available, Eli Lilly has taken important steps to meet the public’s demand for increased sunshine. In response to my investigation of drug company payments for continuing medical education, Eli v Lilly voluntarily created a web site that details payments they make to organizations like patient groups and hospitals. I commend Eli Lilly for taking the lead on that issue, and I look forward to working with them on my latest effort.

This bill is careful not to burden small businesses—it applies only to companies with annual revenues over \$100 million. It is the largest companies who are driving this practice, and for whom disclosure would be least burdensome.

Further, during a meeting on a separate matter with officials from Glaxo Smith Kline in early August, my staff brought up the idea of drug companies reporting payments to physicians. I am happy to say that Dr. Moncef Slaoui, the chairman of research and development for Glaxo Smith Kline, said that he was also interested in a little sunshine. In fact, here are his exact words: “We’re happy for transparency.” I would like to commend Dr. Slaoui for his comments and I look forward to working with him and leaders at other companies on this bill.

It is not only industry leaders who are leading the way on the issue of increased transparency—some of America’s best medical schools are taking steps to prevent conflicts of interest among their physicians. In fact, the Yale University School of Medicine, the University of Pennsylvania, and the Stanford University Medical School have gone so far as to prohibit certain gifts and payments altogether.

So let me be clear. This bill does not regulate the business of the drug and device industries. I say, let the people in the industry do their business. After all, they have the training and the skill to get that job done. Just keep the American people apprised of the business you are doing and how you are doing it. Let a little bit of sunshine in to this world of financial relationships—it is, after all, the best disinfectant.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 309—COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA, FOR PULLING OFF ONE OF THE GREATEST UPSETS IN COLLEGE FOOTBALL HISTORY

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 309

Whereas, on September 1, 2007, the Appalachian State University Mountaineers of the National Collegiate Athletic Association (NCAA) Football Championship Subdivision (Division 1-AA) beat the University of Michigan Wolverines, ranked 5th nationally, of the NCAA Football Bowl Subdivision (Division 1-A) by a score of 34-32 in front of 109,000 spectators at “The Big House” in Ann Arbor, Michigan;

Whereas no Division 1-AA team has ever previously beaten a nationally ranked Division 1-A team;

Whereas quarterback Armanti Edwards threw for 227 yards and 3 touchdowns while rushing for 62 yards and 1 touchdown;

Whereas the Mountaineers’ receiving core combined for 227 yards of offense with 2 touchdowns from Dexter Jackson and 1 from Hans Baticchon;

Whereas the defense forced 2 critical turnovers in the 2nd half (1 fumble recovery and 1 interception) to guide the Mountaineers toward victory;

Whereas Appalachian State was trailing 32-31 when Brian Quick blocked a Michigan

field goal, setting up what would become the game-winning drive;

Whereas kicker Julian Rauch put a 24-yard field goal through the uprights to move the Mountaineers ahead 34-32 with 26 seconds left in the game;

Whereas Corey Lynch dramatically blocked a Wolverine field goal attempt in the final seconds of the game to seal the victory for the Appalachian State Mountaineers;

Whereas the victory was the 15th straight win for the Mountaineers, which is currently the longest winning streak in the Nation; and

Whereas head coach Jerry Moore put together a masterful game plan and was carried off the field by his players in victory: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineers football team for its upset over the University of Michigan Wolverines and for demonstrating that an underdog anywhere can be victorious with hard work and a great deal of heart;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this historic victory; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2689. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

SA 2690. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2691. Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. KYL, Mr. COLEMAN, Mr. GRAHAM, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2692. Mr. REID (for Mr. OBAMA (for himself, Mr. HAGEL, and Mr. DOMENICI)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2764, supra.

SA 2693. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2694. Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. ENSIGN, Mr. NELSON, of Florida, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 2764, supra.

SA 2695. Mr. MARTINEZ (for himself, Mr. NELSON, of Florida, and Mr. MENENDEZ) proposed an amendment to the bill H.R. 2764, supra.

SA 2696. Mr. MARTINEZ proposed an amendment to the bill H.R. 2764, supra.

SA 2697. Mr. MARTINEZ proposed an amendment to the bill H.R. 2764, supra.

SA 2698. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2699. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2700. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2701. Mr. BROWN (for himself, Mr. BROWNBACK, Mr. DURBIN, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2702. Mr. KYL (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2703. Mr. ALEXANDER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2704. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2705. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2706. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2707. Mr. BROWNBACK (for himself, Mr. MARTINEZ, Mr. VITTER, and Mr. COLEMAN) proposed an amendment to the bill H.R. 2764, supra.

SA 2708. Mr. BROWNBACK (for himself, Mr. CORKER, Mr. MARTINEZ, Mr. VITTER, and Mr. COLEMAN) proposed an amendment to the bill H.R. 2764, supra.

SA 2709. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2764, supra.

SA 2710. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2711. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2712. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2713. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2714. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2715. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2716. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2717. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2718. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2719. Mrs. BOXER (for herself, Ms. SNOWE, Ms. COLLINS, Mrs. CLINTON, Ms. CANTWELL, Mr. MENENDEZ, Mr. DODD, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. FEINGOLD, Mrs. MURRAY, Ms. MIKULSKI, and Mr. OBAMA) proposed an amendment to the bill H.R. 2764, supra.

SA 2720. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2721. Mr. DODD (for himself, Mrs. FEINSTEIN, Mr. CORKER, Mr. COLEMAN, Mr. LAUTENBERG, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2722. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2723. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2724. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2725. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2726. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2727. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2728. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2729. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2730. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2731. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2732. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2733. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2734. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2735. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2736. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2737. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2738. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2739. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2740. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2741. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2742. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2743. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2744. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2745. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 2746. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2747. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2748. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2749. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2750. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.

SA 2751. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra.