

ring, which he asked her to wear while he was away. Emily Duncan, who would become Emily Dieruf, wore his ring and sent him letters and care packages. When Nich returned from his first tour in July 2003, he asked Emily to replace that promise ring with a wedding band.

The young couple exchanged vows in January of 2004, and on February 18, shared their last embrace before Nich deployed for his second tour in Iraq. In a note Nich sent to Emily from Iraq, he described why he was honored to wear his country's uniform: "If you could see what I see, and compare it to back home," he wrote, "you would see why we are needed."

He was a loving, caring marine who believed deeply in what he was doing, his wife Emily says. Nich was especially proud of the work he and his fellow marines were doing for the Iraqi children.

Nich, who had demonstrated his gift for taking things apart and putting them back together as a boy, planned to enroll in the University of Kentucky's engineering program when he returned.

Then came that fateful day in April. Emily wrote Nich a letter and at the end of the day fell asleep. Shortly after midnight, she was awakened by a knock at the door. Looking outside to see a marine on her doorstep, her first thought was that Nich had come home to surprise her, as he had in the past. Tragically, she learned, instead, that her husband had died earlier that day.

Corporal Dieruf was buried with full military honors at Lexington's Calvary Cemetery on Friday, April 16, 2004. Three years later, we continue to honor his life and his sacrifice, and I am very pleased that some of his family and friends have traveled to Washington to meet with me in the Capitol today.

Nich's beloved family members include his wife Emily, his father Charles, his mother Barbara, his brother Charlie, his brother Matthew, his brother Paul, his sister-in-law Katie, his sister-in-law Court, his nephew Charles R. Dieruf, IV, his grandmother Fran, his mother-in-law Jennifer Duncan, his uncle Thomas Greer, his aunt Wilma Greer, his cousin Ashley Greer, and many others. I ask the Senate to keep them in your thoughts and prayers today. I know they will be in mine.

No words we can say today will ease the pain of the Dieruf family or fill the hole Nich leaves behind. But I hope the reverence and respect this Senate shows Corporal Dieruf can remind them that he lived and served as a hero, and his country will forever honor and remember his sacrifice.

Even after his passing, Nich continues to bring his family and friends together, as he has today, as he did 2 days ago at the Dieruf family farm. Perhaps his mother Barbara said it best when she said, "Nich was the glue that held those he loved together."

The bond Nich formed with those who love him is so strong it holds fast

today, and it will bring his friends and family together again, in his memory, year after year.

#### DRUG SAFETY

Mr. KENNEDY. Mr. President, I wish to address the Senate about a very important subject. Too often it takes a crisis for Congress to take action on a national need. We have had crisis after crisis on drug safety, and yesterday we learned of another. A report published in the *New England Journal of Medicine* showed that the diabetes drug Avandia may increase the risk of heart attacks and death. If further evidence were needed that improving drug safety is an urgent priority, yesterday's report puts the matter beyond doubt. The Senate has approved strong and comprehensive legislation to improve drug safety. That proposal should be taken up by the House and enacted without delay.

Yesterday's report was based on an analysis of clinical trials conducted by a team of physicians and scientists, and I commend them for their skill and perseverance. Why isn't FDA doing this kind of analysis, and why aren't companies required to undertake additional safety tests if there are unanswered questions about their products?

The simple answer is, the FDA does not have the resources to conduct these analyses itself, and it doesn't have the authority needed to require companies to perform them. The legislation the Senate recently approved corrects both of these major flaws.

Our legislation requires FDA to link electronic health care databases to allow for better, faster identification and assessment of safety problems. The bill adds to the fees that drug companies are required to pay and devotes new funds to drug safety.

Unforeseen risks of a drug must be caught as quickly as possible so that effective protections can be implemented before more lives are needlessly put at risk, and our legislation makes that happen.

The *New England Journal* recommended a large prospective trial as the best way to get the answers we need. FDA should have clear authority to require such trials, and our bill provides it.

Some trials studied in the journal report were included in a registry that Glaxo voluntarily maintains. The Senate bill requires the results of clinical trials to be made available to the public in a single, easily accessible database. That will help patients get information about the medicines they take, and it will help scientists identify drug safety problems faster.

Information alone is not enough to protect public health. FDA needs the authority to take action where needed. Right now all FDA can do after approval is request a labeling change or request a medication guide or request patient labeling or request a review of drug advertising. Safeguarding the

lives of American patients should not have to depend on requests. Our bill gives the FDA the authority to require those measures and impose civil monetary penalties to enforce them.

Our legislation will make FDA, once again, the gold standard for protecting public health. It should not take a new crisis to bring Congress to act. I look forward to working with our colleagues in the House to see that this legislation is signed into law without delay.

#### TRIBUTE TO BETH SPIVEY

Mr. LOTT. Mr. President, I would like to take this opportunity to bid farewell to my senior legislative assistant, Beth Spivey, who is departing my staff after almost 10 years of outstanding service to the people of Mississippi and the Nation.

Beth has been an integral part of my personal office staff for so many years and we will genuinely miss her when she leaves. She joined my staff as an intern during the summer of 1997 and never left, starting as an employee that September. From the beginning, she demonstrated exceptional skills and confidence. Starting as a legislative correspondent, she showed that she could handle a large volume of mail, promptly answering all letters with well thought out responses.

Beth was eager to learn the substance of large and small issues alike, and it was only a matter of time and an available opening on my staff before she was ready to move up to serve as a legislative assistant. She proved herself adept at handling a range of issues with skill and efficiency; from transportation to telecommunications, and from energy to the environment. She understands the key concerns, organizations, and people for her issues and knows how to bring them together to find common ground in order to advance legislation to become law.

It is the latter quality that I found so valuable in Beth. As my colleagues know, I care about the Senate being productive in matters that are resolvable. While there will always be issues that define the differences between the political parties, the vast majority of bills can be worked out with a minimum of contested votes, or none at all, if Members and their staffs are willing to work hard to reach an agreement. Beth has the skills and the desire to move bills through the legislative process to enactment, sometimes negotiating two or more bills moving through the process at the same time.

Beth excels at multitasking. It has not been uncommon for her to simultaneously work on the highest priority bills of the Commerce, Science, and Transportation Committee and the Energy and Natural Resources Committee. This skill was evident early on as she planned her Mississippi wedding from Washington while working a rigorous schedule. Whether I was chairing a surface transportation subcommittee or an aviation subcommittee, Beth was

my point person for moving nationally significant legislation through the committee and the Senate. When I was the majority leader, she led the Senate Energy Task Force staff efforts.

Beth has been a key figure in the enactment of several important bills into law: the Energy Policy Act of 2005 and its previous incarnations, the Vision 100—Century of Aviation Reauthorization Act, the Aviation Investment and Revitalization Vision Act, and the Safe, Accountable, Flexible and Efficient Transportation Equity Act—A Legacy for Users. She also shepherded the Passenger Rail Investment and Improvement Act of 2005 through the Senate and the Advanced Telecommunications and Opportunities Reform Act through the Commerce, Science, and Transportation Committee during the 109th Congress. During the 110th Congress, she has already guided the Aviation Investment and Modernization Act through the Commerce, Science, and Transportation Committee. Beth always ensured that these bills were good for the Nation and good for Mississippi.

While Beth is as gracious and charming as one would expect from her Mississippi upbringing, she is also assertive and confident, and deserving of respect for her abilities. She never hesitated to take charge of her areas of responsibility or speak up if she felt she or anyone else was being overlooked.

Beth is not just a hard working, skilled staff member. She has been part of my personal office family for almost 10 years. Whether training a new staff member, guiding interns through their Washington experience, or cutting birthday cakes, Beth has been a trusted, steady, and caring colleague. As a former intern, she always ensured that our legislative interns were provided challenging assignments and treated with respect.

Mr. President, Beth has come a long way from Brandon, MS, and the University of Mississippi. In addition to being a seasoned staff member, she also is a wife and a mother. Beth now moves on to a new phase in her life, leaving for the private sector and making more time for her husband Les and young daughter Ann Miller. We all will miss her very much. I wish her the very best as she heads out in a new direction and pray that God will continue to bless her and her family.

#### NOPEC

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of S. 879, the No Oil Producing and Exporting Cartels Act of 2007, or NOPEC. The Judiciary Committee today reports that bill favorably, with an accompanying committee report. This is not the first time the committee has reported this legislation, but it ought to be the last. Indeed, the Senate Judiciary Committee under three different chairmen has now considered and recommended this legislation for passage. It is long past time for this bill to become law.

NOPEC will hold certain oil producing nations accountable for their collusive behavior that has artificially—and drastically—reduced the supply and inflated the price of fuel. It authorizes the Attorney General to take legal action against any foreign state, including members of the Organization of Petroleum Exporting Countries, OPEC, for price fixing and artificially limiting the amount of available oil.

Just this morning, I read in the Washington Post that the Energy Department declared that “gasoline prices last week came within a half penny of tying the modern era’s inflation-adjusted record set in March 1981,” and that the nationwide average price at the pump is \$3.218 a gallon. That is a rise of more than 11 cents a gallon just in the last week, according to the Energy Information Administration. These increases in price have led to renewed calls for investigation into their causes, but we already know well one significant cause: anticompetitive conduct by oil cartels.

While OPEC actions remain protected from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy remains unchecked. If OPEC were simply a collection of foreign businesses engaged in this type of behavior, they would already be subject to the antitrust laws.

I am disappointed that the administration recently announced it would oppose this bill and recommend that the President veto it. When entities engage in anticompetitive conduct that harms the American consumers it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments.

Americans deserve better, and it is time for Congress to act. With the summer months approaching, there is no end in sight to the rise in gas prices. I am hopeful that the Senate will take up and pass this legislation in June. I thank Senator KOHL for his leadership on this important issue.

#### REVEREND JERRY FALWELL

Mr. HATCH. Mr. President, I want to say a few words about Reverend Jerry Falwell, who passed away last week. Reverend Falwell loved God, loved people, and loved his country. He not only spoke about what he believed, he acted on what he believed and worked to help people and to make this country better.

Jerry Falwell led a remarkable and inspiring life. He was born in Lynchburg, VA, the son of a nonreligious bootlegger and the grandson of a staunch atheist. This family background makes all the more real, some might say dramatic, his conversion to Christianity and his lifelong unwavering commitment to Christ.

In 1956, he founded Thomas Road Baptist Church. Just 35 people attended its first meeting in the local elementary school. Although Reverend Falwell became known to most for his national political efforts, he was in his heart a local church pastor and he led that congregation for more than 50 years, seeing it grow to more than 24,000 members.

Reverend Falwell knew that faith cannot be segregated from life and that Christ calls us to be doers, rather than simply hearers, of the Word. Reverend Falwell founded the Elim Home in 1959 as a residential program providing spiritual restoration and help for those battling alcohol and drug addiction. The home still operates today, just north of Lynchburg.

Proverbs 22:6 says to train up a child in the way he should go and so, in 1967, Reverend Falwell founded Lynchburg Christian Academy for children from kindergarten through high school. Four years later, he founded Lynchburg Bible College with just 154 students and 4 full-time faculty. Today, Liberty University is the largest evangelical college in the world, fully accredited with more than 20,000 students from around the world. In recent years, Reverend Falwell returned to this mission of Christian education and he was at work in his office when he passed away. His vision there continues to unfold. Liberty University Law School, which achieved provisional ABA accreditation in just 18 months, graduated its first class this year and a medical school is on the drawing board.

When it came to issues such as the sanctity of human life, Reverend Falwell once again put action to his words. He founded the Liberty Godparent Foundation in 1982, opening a home for unwed mothers while other evangelicals were content simply to protest abortion. I certainly agree that abortion is wrong because of what abortion is and does, but Reverend Falwell demonstrated that there is more to being pro-life than simply being opposed to death. He set an inspiring example, and today there are more crisis pregnancy centers than abortion clinics in America.

Reverend Falwell is perhaps best known for what launched him onto the national stage, founding the Moral Majority organization in 1979. This effort brought millions of Americans into the political process and made them more informed, more active citizens. In 1995, he launched a monthly magazine, the National Liberty Journal, which reaches hundreds of thousands of pastors and Christian citizens. The author of more than a dozen books over nearly 30 years, Reverend Falwell continued to write his own e-mail newsletter and columns distributed widely through the world.

Reverend Falwell certainly gained his share of notoriety for positions on certain issues or particularly controversial statements. That happens to people who speak out, especially those