

food or less trying to serve more people.

It is pretty clear this is as bad a situation as we have seen in recent memory. One of my constituents told me that he and his wife for years have donated time and money to Cleveland area food banks and soup kitchens. Over time, as his wages did not go up and with the higher cost of transportation, the cost of heating their home and the cost of food, Tim and his wife quit donating money but donate their time to the food banks.

Today, Tim is going to the food bank for food. Tim said: It took great humility in that food bank to ask for food. He said: I used to consider myself middle class, but the salary and cost of living don't make it anymore. The Emergency Food Assistance Program that helps fund our Nation's food banks is the quickest, most efficient way to get food into the hands of people as their last stop emergency measure. But since 2002, because the President has had other priorities—tax cuts for the wealthiest Americans, a \$3-billion-a-week war—the President has flat funded these food banks. Its current level of \$140 million does not come close to taking care of these problems. Think about that. We talk a good game about personal responsibility, we talk about family values, yet for the basic level of nutrition, one in six seniors does not have enough food, and even a higher percentage of children in this society do not have enough food, and people who work full time in this society—forget about health care; we know many of them don't have health care—do not have enough food. Yet the President, because of the \$3-billion-a-week war in Iraq, because he insists, even in his State of the Union Message, on more tax cuts, as Senator CASEY, the Presiding Officer, was talking about earlier today, more tax cuts for the richest people in the country, we continue to spend exactly the same shrinking dollars for the last 5 years because you cannot buy nearly as much food on \$140 million today as you could 5 years ago. We worked with other concerned colleagues to increase funding for food banks to \$250 million in the farm bill. There has been bipartisan agreement there. Unfortunately, the President has threatened to veto this bill, in part because of increased spending on nutrition.

We have also seen the President flatline funding of the Women, Infants and Children program, which is about as pound-foolish and penny-wise as you can imagine. We are going to spend less to keep women who are pregnant, low-income women, healthy, spend less on nutrition for them, so we will have more low birth weight babies, more children not getting what is most important after they are born—at the most important time in their lives, in utero and after they are born—having the kind of nutrition they need—we are not going to fund that? What kind of priority is that?

It is all a question of priorities. Do we give tax cuts to the wealthiest people in this country or do we take care of low-income women who are pregnant and children after they are born? And are we going to fund this \$3 billion-a-week war in Iraq or are we going to look at some other priorities to take care of the 1-in-6 elderly people who have to choose between food and heat or food and the medicine they take? Are we going to continue to do these tax cuts for the wealthy at the expense of the middle class, at the expense of people who can't always help themselves?

Again, most of these people who go to food banks are people who are employed. They are working hard and playing by the rules, and they simply can't quite make it because their incomes haven't kept up with the cost of gasoline in getting to and from work; the cost of heating, to stay warm in the winter; and the increasing cost of food.

The President hasn't called for emergency measures to aid hungry Americans. He has consistently, as I have said before, tried to cut nutrition programs that target populations in desperate need. Indifference to human suffering is a moral failure, a moral failure that obscures our Nation's values and dampens our Nation's potential. Think about that: children in this country who don't have adequate food growing up, pregnant women who don't have the right nutrition. Considering what our other priorities are and how much we are spending on those other priorities, it is clearly something we should be doing in this body and in the House of Representatives.

In the stimulus package that is about to pass the Senate, we have an amendment to provide an increase of \$100 million for emergency food assistance. I know the Presiding Officer supports that, and I know most of my colleagues do. We also fear the Republicans will filibuster that because they do not think we should spend money directly on food programs. Some don't, some do. We know the President has threatened to veto anything in the stimulus package that wasn't his idea.

There are few things in our country more important than making sure seniors, people who have worked all their lives, and children whose parents are working hard and playing by the rules and doing their best should be adequately fed and adequately housed. So I urge that this Congress, in the next couple days, amend the stimulus package to include this food assistance.

#### REVISED RULES OF THE COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the revised rules of the Committee on Finance for the 110th Congress, adopted by the committee on

January 30, 2008. I ask unanimous consent to have the rules printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### COMMITTEE ON FINANCE

#### I. RULES OF PROCEDURE

(Adopted January 30, 2008)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or

amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

**Rule 9. Public Announcement of Committee Votes.**—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

**Rule 10. Subpoenas.**—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

**Rule 11. Nominations.**—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

**Rule 12. Open Committee Hearings.**—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

**Rule 13. Announcement of Hearings.**—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

**Rule 14. Witnesses at Hearings.**—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a mem-

ber cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

**Rule 15. Audiences.**—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

**Rule 16. Broadcasting of Hearings.**—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

**Rule 17. Subcommittees.**—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and

question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

**Rule 18. Transcripts of Committee Meetings.**—An accurate record shall be kept of all mark-ups of the committee, whether they be open or closed to the public. A transcript, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript; and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

**Rule 19. Amendment of Rules.**—The foregoing rules may be added to, modified, amended or suspended at any time.

## II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

### RULE XXV

#### STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

\* \* \*

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.
7. Reciprocal trade agreements.
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.
9. Revenue measures relating to the insular possessions.
10. Tariffs and import quotas, and matters related thereto.
11. Transportation of dutiable goods.

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#### RULE XXVI COMMITTEE PROCEDURE

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2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

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5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense

that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

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#### DRUG SAFETY

Mr. GRASSLEY. Mr. President, last May, Senator BAUCUS and I began investigating GlaxoSmithKline regarding their diabetes drug, Avandia.

We began this investigation when Dr. Steve Nissen at the Cleveland Clinic published a study in the New England Journal of Medicine. That study found a link between Avandia and heart attacks.

Shortly after we began our investigation, Dr. Scott Gottlieb, a former Deputy Commissioner at the Food and Drug Administration, wrote an op-ed in the Wall Street Journal. In that article, he insinuated that congressional investigators had obtained a copy of the Nissen study before it was published. Dr. Gottlieb suggested that this action called into question the integrity of both congressional investigators and Dr. Nissen.

Well, congressional investigators did not get a copy of the Nissen study until it became public. But you can imagine my surprise when I learned that one of GlaxoSmithKline's own consultants leaked a copy of the study to GlaxoSmithKline weeks before it was published. The man who did this is Dr. Steven Haffner. He confirmed to my investigators that he faxed a draft of the study to GlaxoSmithKline weeks before it was published.

The New England Journal of Medicine picked Dr. Haffner to peer review the study submitted by Dr. Nissen. That means that Dr. Haffner was supposed to check the study for quality. He was not supposed to pass it back to GlaxoSmithKline.

Not only did Dr. Haffner breach his agreement with the New England Journal of Medicine to properly peer review the Nissen study, but he violated practically every tenet of independence and integrity held sacred by the major medical journals.

Dr. Haffner told my investigators that GlaxoSmithKline did not ask for an early copy of the Avandia study. But the question still remains about what the company did once they had the study. Maybe GlaxoSmithKline's executives returned the study to Dr. Haffner or maybe they contacted the New England Journal of Medicine to report this violation of publishing ethics. I don't know, but I have sent GlaxoSmithKline a letter asking how they behaved after Dr. Haffner leaked the study to them.

But the most troubling aspect of this situation is that the integrity of another aspect of the scientific process is called into question—scientific peer review.

This process ensures that other scientists will judge a study's quality before it is made public and becomes used as a marketing tool.

It is only good quality science that separates modern pharmaceuticals from old-fashioned snake oil.

Over the last few years, my investigations have found that the Food and Drug Administration has a very cozy relationship with drug companies. I have also discovered that drug companies spend big bucks to influence which drugs doctors prescribe.

Finally, I have shown that some drug companies intimidate scientists who speak up about bad drugs. Now it appears that even peer-reviewed science is not completely without its own problems.

Before I close, I would like to ask unanimous consent to have printed in the RECORD my letter to GlaxoSmithKline.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON FINANCE,

Washington, DC, January 30, 2008.

Mr. CHRISTOPHER VIEHBACHER,  
President, U.S. Pharmaceuticals, GlaxoSmithKline, Research Triangle Park, NC.

DEAR MR. VIEHBACHER: As the Ranking Member of the United States Senate Committee on Finance (Committee), I have an obligation to the more than 80 million Americans who receive health care coverage under Medicare and Medicaid to ensure that taxpayer and beneficiary dollars are appropriately spent on safe and effective drugs and devices. This includes the responsibility to conduct oversight of the medical and pharmaceutical industries that provide products and services to Medicare and Medicaid beneficiaries.

The purpose of this letter is to determine what action, if any, GlaxoSmithKline (GSK)