

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.

* * *

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.

* * *

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)

took after receiving a leaked manuscript of a study prior to its publication on May 21, 2007 in *The New England Journal of Medicine* (NEJM). This study reported a link between heart attacks and Avandia, a drug GSK sells to control glucose levels in diabetics.

GSK representatives informed the Committee last summer that a peer reviewer leaked the study to them weeks before it was published. GSK later acknowledged to the Committee that the peer reviewer was Dr. Haffner. Dr. Haffner confirmed this fact noting also that he was peer reviewing the study for NEJM when he faxed the study to GSK. According to documents filed at the FDA, GSK has paid Dr. Haffner around \$75,000 in consulting fees and speaking honoraria since 1999.

Dr. Haffner told Committee investigators that no one at GSK asked him to send them this study about Avandia. Nonetheless, I am interested in what GSK did after receiving the study. Did GSK return the study to Dr. Haffner? Did GSK contact the NEJM to report this violation of publishing ethics? I would appreciate a detailed description of what GSK did after receiving the unpublished study regarding one of their leading drugs. Accordingly, please respond to the following questions and request for documents:

1. Please provide a list of all GSK employees who received and/or learned of the results contained in the leaked copy of the manuscript prior to publication by NEJM.

2. Please provide copies of all documents, records, and recordings of telephone messages regarding the NEJM manuscript that was leaked to GSK before publication.

3. Please provide the following dates:

a. When did GSK first contact the data safety monitoring board of the RECORD trial to begin publication of interim results?

b. When did GSK begin pulling together the interim data of the RECORD trial?

c. When did GSK submit the interim results of the RECORD trial to NEJM for possible publication?

4. Please provide copies of all documents, records, communications, and recordings of telephone messages regarding the publication of the interim results of the RECORD trial.

5. Please provide copies of any other pre-publication study drafts that GSK received about one of its products. Please do not include these drafts if a GSK employee was an author on the study. This request covers the period of January 1, 2000 to the present.

Thank you again for your continued assistance in this matter. I would appreciate receiving the documents and information requested by no later than February 15, 2008. If you have any questions, please feel free to contact Paul Thacker or Emilia DiSanto of my Committee.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

FOREST CONSERVATION IN INDONESIA

Mr. LEAHY. Mr. President, I want to take this opportunity to commend Indonesian President Susilo Bambang Yudhoyono for his statements on December 10, 2007, at the Bali Climate Conference, concerning the Ministry of Forestry's "Strategy and Action Plan for National Conservation of Orangutans."

The President said "the survival of the orangutan is inextricably linked to the survival of its natural habitat: the rainforests. . . . [T]o save orangutans,

we must save the forests. And by saving, regenerating, and sustainably managing forests, we are also doing our part in reducing global greenhouse gas emissions, while contributing to sustainable economic development of Indonesia. Successful orangutan conservation is the symbol of responsible management of the earth's resources."

President Yudhoyono's eloquent words represent an important recognition by the Indonesian Government that preserving orangutan habitat is an environmental imperative, not only to protect this magnificent species from extinction but to help reduce carbon emissions resulting from the destruction of Indonesia's forests.

A decade ago I included funds in the Foreign Operations Act to support programs administered by the U.S. Agency for International Development to protect the orangutan. Those initial funds have evolved into an ongoing program implemented through grants to non-governmental organizations and for training of Indonesian police, and has begun to show encouraging results. Not only are the entities involved in this effort working more cooperatively together, the Indonesian Government is taking steps to curb illegal logging which poses the greatest threat to the orangutan's survival.

The orangutan's fate is far from certain. Far more needs to be done to protect the forests of Borneo and Sumatra where these great apes live. But by recognizing the opportunities this challenge presents for Indonesia and the world, President Yudhoyono has done a great service to this effort and gives us hope that the orangutan can be saved.

I ask unanimous to have an article in the *Telegraph* about President Yudhoyono's announcement of Indonesia's new Strategy and Action Plan printed in the RECORD.

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

[From the *Daily Telegraph*, Dec. 28, 2007]

INDONESIA PLANTS TREES TO SAVE ORANGUTANS (By Ian Wood)

At the Bali climate summit, Indonesia announced a new scheme aimed at protecting its orangutan population.

The plight of the orangutan, driven out because of deforestation and degradation of its rainforest home, has become a potent symbol of the battle to save the forests.

The most recent survey of wild orangutans estimates that there are about 7000 remaining in Sumatra, and about 55,000 in Borneo. However the combined pressures of palm oil, logging and forest fires are having a catastrophic effect on many areas.

Indonesian president Susilo Bambang Yudhoyono said at the launch of the project: "In the last 35 years about 50,000 orangutans are estimated to have been lost as their habitats shrank. If this continues, this majestic creature will likely face extinction by 2050. The fate of the orangutan is a subject that goes to the heart of sustainable forests . . . to save the orangutan we have to save the forest."

For anyone with an interest in protecting Indonesian rainforests these have to be welcome words.

The action plan has taken nearly three years to develop and has included various NGO's and the Indonesian forestry ministry. The American group The Nature Conservancy has represented the coalition of NGO's and has also pledged \$1 million to support the plan. The bold target of the project is to save huge areas of forest scheduled for conversion to palm oil.

"One million hectares of planned forest conversion projects are in orangutan habitat," said Rill Djohani, director of The Nature Conservancy's Indonesia program.

"Setting aside these forests is an important step for Indonesia to sustainably manage and protect its natural resources. It benefits both local people and wildlife while making a major contribution towards reducing global carbon emissions."

Indonesia has made some progress in enforcing forest laws over the last few years and if this plan can be implemented it would be a landmark in Indonesian forest protection.

Dr. Erik Meijaard, a senior scientist with The Nature Conservancy, said: "It could lead to 9,800 orangutans being saved and prevent 700 million tons of carbon from being released."

Although Indonesia has already destroyed huge swathes of rainforest, it still has over 100 million acres left. Both scientists and Indonesian officials hope that the emerging carbon market could provide funds to protect important areas.

"Forest conservation can provide economic benefits for a very long time," said Dr. Meijaard. "If payments for avoided deforestation become an official mechanism in global climate agreements, then carbon buyers will likely compensate Indonesia for its forest protection. Protecting the orangutan will then lead to increased economic development in the country. Such a triple-win situation is not a dream. With some political will, it can soon be reality."

The other target of the project is to return orangutans housed in rehabilitation centres to the forest by 2015. There are currently over 1000 orangutan housed in care centres with more arriving on a regular basis. The majority are ready to be returned to the wild now but there are simply not enough suitable release sites. If carbon trading could achieve the aims of this plan, then these great apes could return to the forests where they belong.

HELSINKI COMMISSION

Mr. SMITH. Mr. President, I rise today to speak on the work of the Helsinki Commission.

The Helsinki Commission yesterday held an important hearing on combating anti-Semitism in the OSCE region. I would like to commend the two panelists who testified, Professor Gert Weisskirchen, MP and Dr. Kathrin Meyer. Professor Weisskirchen serves as the OSCE's chair-in-office personal representative on anti-Semitism, and Dr. Meyer serves as the advisor on anti-Semitism issues in the OSCE's Office for Democratic Institutions and human rights. Both of these scholars have been fighting against anti-Semitism for years, and their good work should be recognized. Modern anti-Semitism is an appalling relic of a past horror; and though it is not yet as acceptable as in ages past, its resurgence today is no less troubling.

We forget, sometimes, just how much the world is indebted to the Jewish