

PRESCRIPTION DRUG INFLATION:
WHY WE NEED TO PASS A MEDI-
CARE PRESCRIPTION DRUG PRO-
GRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. STARK. Mr. Speaker, last week, I introduced H.R. 4753, a bill to provide a Medicare prescription drug benefit.

Prescription drug expenses are projected to continue to inflate at a rate far above the general inflation in the economy and in medical care. More and more Americans and Medicare retirees will be facing financial hardship in paying for prescription drugs in the coming years. A national prescription drug insurance program, which would utilize the buying efficiencies of the Medicare program, is the best way to help meet this growing problem.

The September/October 1998 issue of Health Affairs contains a major article by HCFA actuaries and economists entitled, "The Next Ten Years of Health Spending: What Does the Future Hold?" Following are the paragraphs from the article describing anticipated prescription drug spending. Clearly, if these predictions are half correct, Congress should act to help.

Growth in prescription drug spending is expected to continue at a relatively rapid pace, supported by continued declines in our out-of-pocket payments for drugs associated with the shift of Medicare patients into managed care and an acceleration in new product introductions. Drug-price inflation began to rise in early 1998 and is expected to exceed its relatively slow pace of recent years through 2007.

Drugs. Recent rapid growth in drug costs over the past two years has often been cited as a contributing factor to health plans' escalating costs. Recent higher spending growth is almost entirely accounted for by rising utilization (number of prescriptions) and intensity (including changes in size and mix of prescriptions). Drug price inflation (as measured by the CPI for prescription drugs), which has historically been a major factor in rapid growth, has been relatively restrained since 1993. Excess inflation for prescription drugs averaged only 0.5 percent for 1993-1997, following a period (1982-1993) of 5.3 percent average growth.

Response by both consumers and health plans to slower growth in consumers' out-of-pocket payments for drugs has clearly played a role in the recent rise in utilization. In addition to slower drug price inflation, growth in out-of-pocket expenditures has been low since 1993, which reflects the shift to managed care, in which copayments for drugs tend to be much lower.

Growth in drug spending is expected to accelerate moderately through 1998 and to sustain fairly rapid rates of growth through 2007. Real per capita growth is expected to average just below 6 percent, about equal to the average during the 1980's. While drug prices are projected to accelerate from recent lows, average inflation rates are assumed to remain below the exceptionally rapid pace of the 1980's, with excess drug price inflation averaging 1.7 percent for 1998-2007. Rapid growth in use and intensity are expected to continue to account for most of the growth in spending.

AUTHORIZING THE COMMITTEE ON
THE JUDICIARY TO INVESTIGATE
WHETHER SUFFICIENT GROUNDS
EXIST FOR THE IMPEACHMENT
OF WILLIAM JEFFERSON CLIN-
TON, PRESIDENT OF THE UNITED
STATES

SPEECH OF

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CHAMBLISS. Mr. Speaker, "The House of Representatives shall have the sole power of impeachment." I take these words directly from Article I, Section 2 of the Constitution of the United States. Reading further, "The President shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors" (Article II, Section 4). It is this Constitution I swore an oath to uphold as Representative of the people of Georgia's 8th district, and it is the demands of this Constitution that I must interpret as I prepare to vote on this resolution to authorize a full inquiry to determine whether sufficient grounds exist to impeach President William J. Clinton.

Recently, the House of Representatives received the report of the Independent Counsel, Kenneth Starr, as his investigation relates to White House response to certain activities. While I condemn the President's decision to carry on a sexual relationship he has now come to admit, the substance of this relationship is irrelevant to the decision we face today.

The independent Counsel has reported 11 separate counts that may serve as the basis for the impeachment of the President. Among them, they include obstruction of justice, perjury, and witness tampering. Note that not one of the counts reported to the House addresses the right or wrong of the President's relationship with the former intern. The report contains allegations of activity that are inconsistent with the laws of this land, laws the President has sworn to uphold, laws the President and no man are above.

The decision we face today is as follows: Based on the report of the Independent Counsel, should the House of Representatives direct its committee on the Judiciary to make such investigation as is necessary to determine whether the facts warrant the bringing of articles of impeachment to the full House. Having had the opportunity to review the report of the Independent Counsel, my answer must be 'yes.'

While I regret much of the detail associated with this inquiry, the responsibility for it may not be laid at the foot of the Congress or the Independent Counsel. I am confident that this House can and will pursue this inquiry with the import and dignity that will be demanded by the American people and the Constitution, itself. I do not take this action lightly, but if this Nation is to continue as the beacon of freedom, the seat of democracy, and if it is to continue to be in the words of Abraham Lincoln a "Government of the people, by the people, and for the people," we must not shy away from our responsibility. Over its history this great Nation has many times offered the ultimate sacrifice of its sons and daughters to protect our constitutional form of government.

If for no other reason, it is for those fallen Americans that we must enforce the rule of law today.

Mr. Speaker, it is with a sad, yet resolved, heart that I support the resolution before us today to authorize the inquiry into whether sufficient grounds exist to impeach President William J. Clinton.

IN PRAISE OF CHARLOTTE, NORTH
CAROLINA'S "UNITY AGAINST
HUNGER AND POVERTY"

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. MYRICK. Mr. Speaker, I rise today in support of Charlotte, North Carolina's "Unity Against Hunger and Poverty." For years, this coalition of Charlotte area anti-hunger and homelessness programs has worked hard to care for the needy of Charlotte-Mecklenburg. Recently, the members of "Unity Against Hunger and Poverty" sent a letter to my colleague, Representative TONY HALL of Ohio, praising Mr. HALL for his tireless efforts to secure full federal funding for The Emergency Food Assistance Program (TEFAP). I am submitting the text of the group's letter for the CONGRESSIONAL RECORD because it serves as a suitable tribute to both the work of my friend, Mr. HALL, as well as to the dedication and efforts of "Unity Against Hunger and Poverty."

I will always support full funding for the TEFAP program. TEFAP provides vital assistance to our nation's local anti-hunger programs, providing food banks with 20% of the food they need every year. At the same time, TEFAP is a model of government efficiency. While the food stamp program returns only four cents of every dollar to agricultural producers, the TEFAP program returns eighty-five cents of every dollar back to America's farmers. It simply makes sense for the government to purchase excess agricultural commodities to distribute to food banks. By doing so, we can help families get through hard times and can help farmers deal with low commodity prices.

AUGUST 13, 1998.

Hon. TONY P. HALL,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HALL: For over twenty years, you have led the fight against domestic and international hunger in the halls of Congress. So often you must have felt alone and discouraged, but still you persevered. People you will never know have benefited from your work and the battles you have fought.

Today we, the members of Unity Against Hunger and Poverty in Charlotte, send this letter to express our heartfelt gratitude. Your beacon has led us, pointing the way as we battled the darkness of hunger and poverty in our daily work.

Your leadership transcends Ohio's Third Congressional District. Indeed, your spirit has touched us here in North Carolina. We are better as professionals and as human beings because you inspired us with your example of hope laced with action.

Thank you for bearing the standard when so many others have fallen aside. We pray that you will be given the strength to continue.

Sincerely, the undersigned members,
Unity Against Hunger and Poverty:

LYN MORTON,

Loaves & Fishes.
 KEN M. MONTAPUT,
 Charlotte Emergency
 Housing.
 BETSY VAN WIER,
 Second Harvest Food
 Bank of Metrolina.
 FRANCES DANIEL,
 Church World Serv-
 ice/CROP.
 MARY ANN PILCE,
 Urban Ministry Soup
 Kitchen.
 BONNIE WHIT,
 Community Food
 Rescue.
 MARILYN MAAS,
 Society of St.
 Andreu/Gleaning
 Network.
 E.J. UNDERWOOD,
 Charlotte Rescue
 Mission.
 FRANK MANFIELD,
 Uptown Shelter for
 Homeless Men.
 LUCY BUSH,
 Friendship Trays.
 MARCIA MORTON,
 Presbytery of Char-
 lotte.
 BEF HOWARD,
 Loaves & Fishes.

MAKAH WHALING EFFORT

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. METCALF. Mr. Speaker, I rise today to briefly discuss the ongoing Makah whaling effort. As you may know, the Makah tribe have begun their efforts to hunt gray whales inside the Marine Sanctuary off the coast of Washington State. I continue to stand opposed to the slaughter of these whales, and have grave concerns about the effects that this hunt will have on the whale watching industry in my region and the precedent it sets world wide.

I ask unanimous consent to include this letter in the section for Extension of Remarks, written to NOAA by Mr. Will Anderson of the Progressive Animal Welfare Society (PAWS), an organization in Washington State. The letter brings forward some very interesting and provocative points against the whale hunt, and I would like to submit the text for consideration by the Members of the House and the public.

PAWS,

Lynnwood, WA, September 29, 1998.

D. JAMES BAKER,
 Under Secretary for Oceans and Atmosphere,
 Washington, DC.

DEAR DR. BAKER: As you know, the Makah have declared in the media that they will hunt gray whales anytime after October 1, 1998. This letter is a petition and notification on behalf of the members and supporters of the Progressive Animal Welfare Society (PAWS), a nonprofit organization based in Lynnwood, Washington. The subject of this letter concerns three documents created by agencies within the Department of Commerce.

However, before I describe our concerns regarding those documents, I need to first bring up the question of the Makah whaling season and their agreement, in the Makah Management Plan, to not kill resident whales.

I have read your letter to Mr. Ben Johnson, Chairman of the Makah Tribal Council,

dated March 6, 1998. In that letter, with one reservation, you approved the Management Plan For Makah Treaty Gray Whale Hunting For The Years 1998-2002 (the Plan) and indicated that the Plan was understood by your agency to mean that only migrating gray whales would be targeted by Makah hunters. PAWS concurs with your finding that migrating gray whales are unlikely (we believe there is zero chance) to be in the area of Neah Bay until November. However, we are also aware of ample research data from both the United States and Canada that states the southward migration of gray whales will not arrive in Washington waters until December. Until that time, resident whales predominate. I recently confirmed this with Dr. Jim Darling, whose data the U.S. attorneys used in *Metcalf versus Daley* recently.

Unfortunately, the Makah seem intent on breaking the Agreement Between NOAA and the Makah Tribal Council (the Agreement). They have given clear signals to the media that they intend to kill whales on October 1, or shortly thereafter. Only "resident" whales will be there at that time.

So, we have two immediate problems: The first is that the Makah appear prepared to break the Agreement, perhaps within 48 hours, with Commerce's pre-knowledge. The second is the March 16 letter that asserts that the migration will be passing through Washington in November. Additionally, to my knowledge, as of today, the Makah have neither consulted with Commerce/NMFS that they believe a migration is under way, as is provided by the Whaling Plan and your March 16 letter, nor does NMFS have any idea of what that consultation would consist of or who would make that decision (personal communication with NMFS Seattle, this date).

Dr. Baker, I respectfully request that you immediately inform the Makah Whaling Commission and the Makah Tribal Council that it is a violation of the Agreement to kill the resident gray whales who transit between SE Washington harbors, to Neah Bay waters and Vancouver Island, Canada. More appropriately, the Makah hunt should not be done in the fall, even December, since the first of the migrating southbound whales are characteristically pregnant females.

Because the Makah are going back on their stated intent to only kill migratory gray whales and they appear to be violating the understanding as expressed in your March 6 letter, resident whales will be killed. (It should be noted that it will be impossible to tell the difference between migrants and residents during the migration because the two categories intermingle at those times. Only the odds of killing a resident change.)

PAWS urges you to rectify these matters by stating that, at the least, whaling will not be allowed to commence until December and that no whaling permits should be issued until that time. Furthermore, PAWS requests that you notify NMFS Seattle and instruct them to not declare a migration is in progress. It is scientifically untenable to do so.

The second overriding problem is that it appears Commerce has approved a Plan and entered into an Agreement which are both materially insufficient, at the least. There is a direct linkage beginning with 50CFR, Part 230 that describes what each document is to accomplish and what it is to contain. What follows is a review of three key documents that are the foundation of the Commerce Department's pro-Makah whaling program. The documents are. Federal Register/Vol. 61, No. 113/Tuesday, June 11, 1998/Rules and Regulations which is the publication of 50 CFR, Part 230, the revised domestic whaling regulations enabling the Inuit and Makah to hunt; the Agreement Between The National

Oceanic And Atmospheric Administration And The Makah Tribal Council (the "Agreement"); and the Management Plan For Mikah Treaty Gray Whale Hunting For The Years 1998-2002 (the Plan).

FEDERAL REGISTER ("FR"), 6/11/98: 50 CFR, PART 230

There are a number of "promises" made by the Department of Commerce/NMFS in both the preamble discussion and the final Rule. Both Toni Frohoff, representing the Humane Society of the United States (HSUS) and I, representing the Progressive Animal Welfare Society (PAWS) submitted comments on the revised regulations. Quotes from the Federal Register are in quotation marks and italicized.

(A) FR, page 29630, bottom half of second column, "Nevertheless, NMFS will initiate research this summer on gray whales in the Makah area and in Puget Sound. This research is intended to help differentiate resident whales which may swim near Seattle and other local whale watching areas, from whales that are migrating past Neah Bay." Comment: Aside from the known fact that any whales killed in October will not be migrants, and the fact that we know John Calamokidis has an ongoing research program of Washington's gray whales funded by NMFS, has the research been completed? Does this research cited in Commerce's response really give us the ability to differentiate between residents and migrants?

(B) FR, page 29630, bottom of second column to top of third column, "If the IWC authorizes whaling by the Makah Tribe, NMFS will re-assess its obligations under the National Environmental Policy Act." Comment: Was there a formal re-assessment for this action?

(C) It should be noted that historically, IWC requirements for aboriginal whaling were stated in terms of cultural and subsistence need. Previous to the revision, that is how US regulations stated the requirements. In this 50 CFR, Part 230 revision, Commerce began stating that it was cultural and/or subsistence need. My comment in the FR, page 29629, third column, half-way down "Comment" the definition of whaling village should be changed to read 'any U.S. village having a cultural and subsistence need for whaling' instead of having a cultural and/or subsistence need for whaling: Their "Response: NMFS believes that the current language more accurately reflects the interpretation of the IWC of the requirements for aboriginal whaling." Comment: This is an arbitrary decision that has had an important effect on US conservation strategy and actions, domestically and internationally. The Commerce change of the word "and" to "and/or" was essential to the overall strategy to get the Makah approved as cultural whalers. The and/or decree appears to be a major administrative rule change that has the effect of law, yet there appears to be no formal administrative procedure(s) nor NEPA process.

(D) FR, page 29629, bottom of third column top of next page, 29630. Here is a discussion of Penalties. A commenter stated that penalties should be in CFR 50, Part 230. The Commerce response was that the "Cooperative Agreement may delegate some enforcement functions to the Native American whaling organizations." They also state that, ultimately, the whalers are subject to the Whaling Convention Act (WCA) and the MMPA, and that Commerce has specific responsibilities under the law that would be enforced after failure of tribal efforts and consultation with tribes. However, in the Agreement and Plan, all penalties are tribal and no mention is made of any other provision. The Makah, operating under a treaty right, are exempt from the MMPA—or so it appears. The WCA may be the only enforcement mechanism, but this