

PATIENT SAFETY AND FOREIGN
PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to talk about patient safety and the trade policy of this country as it relates to foreign prescription drugs.

If I correctly recall, and do not trust my memory, we can all look it up, back in March of this year this House overwhelmingly approved a bill that would improve patient safety and improve the quality of care delivered in this country. Some of my colleagues have asked us to consider a plan of imported foreign prescription drugs into this country that would run counter to the vote cast by a majority in this House not 4 months ago.

Mr. Speaker, we must approach this problem with thoughtfulness and logic. If we want to address the cost of prescription drugs in this country, we can take several approaches to lower the cost, but any options should not come at the cost of patient safety. Some in this House believe that if Americans had the ability to purchase their drugs from Canada or Mexico or Belize or Europe or Mars, that the United States market would adjust and reflect the importation of cheaper medicines. But let us be clear, foreign countries place price controls on their prescription drugs.

This means that the drugs purchased by Canadian citizens may be priced lower than that which an American citizen will pay for the same compound because of that government's artificial market intervention; but by permitting the reimportation of drugs into this country, we effectively allow the importation of foreign price controls into the United States market as well. This could be shortsighted, and it does run counter to the free market system that is established in this country. If drug reimportation becomes the established policy in this country, the United States would in essence be allowing foreign governments to set the prices for American products.

If we truly believe in the power of the free market, we should remove the market distortion of foreign price controls which ensure that America's seniors and America's uninsured pay the highest price for their medications. And what happens in countries that have adopted price controls? Companies have left those countries. High-skilled jobs are not available, and governments have lost much-needed revenue.

Because of the stranglehold of regulation in European countries, including price controls on pharmaceuticals, Europe is lagging behind in its ability to generate, organize, sustain innovative processes that are increasingly expensive and organizationally complex. The United States biotech industry in the last decade has had a meteoric rise, but we would place a chill on the industry's

development if we allowed foreign drug prices to stymie its growth.

More importantly, if we inject foreign drug prices and controls into the United States, we will see less innovation in this very promising new field of science. Most importantly, underlying all of the complex trade issues is one that ultimately impacts us all, and that is patient safety. We want to ensure that the drugs that our wives, children, mothers, and fathers take are free of dangerous substances and that they work as advertised. Only our FDA in this country can ensure the safety of drugs for American citizens.

I think this House would be shirking its duty if we created a system that relied upon the action of regulatory officials of Canada, Thailand, Belize, or Barbados to ensure the safety of American patients. Allowing drug reimportation from foreign countries would only be a signal to foreign drug counterfeiters that it is open season on the health and safety of American citizens.

Mr. Speaker, I could relate stories from my medical practice where patients had what may be politely termed as therapeutic misadventures by the ingestion of drugs which were imported illegally from Mexico. The House can approach the drug cost issues through far less shortsighted solutions than permitting drug importation from foreign countries.

Make no mistake, the pharmaceutical companies in this country have an obligation to control their costs and be certain that any profits they receive are reasonable. Without this, we will continue to hear the arguments for reimportation nightly on the House floor. The purchasing power of the Federal Government should bring down the cost of safe pharmaceuticals in this country.

Mr. Speaker, we should remember the admonition of a long-ago physician to first do no harm. In this House, that would be wise counsel to heed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

(Mr. CROWLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INFORMED CITIZENRY VERSUS
NEED FOR SECRECY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, a critical problem that demands constant oversight in a democracy is the tension between an informed Congress and an informed citizenry because both are necessary for a democracy. That tension is against the need for secrecy in some instances and in the interest of national security. That is what I wish to draw Members' attention to today.

From Watergate to Iran contra, to the Gulf of Tonkin Resolution, we have seen and experienced and learned from the peril of the executive branch's use of secrecy in the name of national security to accomplish unlawful deception and illegal acts.

We face this issue again now in regard to Iraq's weapons of mass destruction and the flat assertions by the President of the United States that Saddam Hussein's weapons of mass destruction pose an imminent threat to the United States. After all, it was these assertions that led many of the Members of the legislature, both in the House of Representatives and in the other body, to support the war, and so did many Americans.

So it is a significant question whether the President's assurance was warranted by the evidence, whether he had something to back up these repeated assertions that the weapons of mass destruction held by the former ruler of Iraq were indeed an imminent threat to the United States.

So where are these weapons of mass destruction? One day the President assured us that they will be found. The next day we are told that he only meant to claim that Iraq had programs to develop weapons of mass destruction, and that program was under way. But then the day after that his spokesman said never mind, even if Saddam had no weapons imminently threatening us, he was a bad and evil person who deserved to be destroyed.

Now, these contradictions have begun to be noted by more and more people, and I want to report that some in the public are changing their view about this war and what brought us into it as American casualties mount in Iraq, as violence and civilian strife grow worse there, and disease and hunger spread in the aftermath of war.

Now, whatever the ultimate final assessment is that will be made about Iraq, the fundamental problem that I bring to Members' attention this evening is if the President deceives the Congress and the public on an issue as sensitive as war or peace, it raises the greatest constitutional issues about whether he is abusing his office, whether he is violating his oath, and whether he is misleading the American people.

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It is particularly critical because this President's doctrine of preventive war, never before employed by any of the preceding Presidents of this great country, suggests that he may or will be trying to persuade America to support other preventive wars in the future. Will that campaign be based on misrepresentation?

MISSING WEAPONS OF MASS DESTRUCTION: IS LYING ABOUT THE REASON FOR WAR AN IMPEACHABLE OFFENSE?

(By John W. Dean)

President George W. Bush has got a very serious problem. Before asking Congress for a Joint Resolution authorizing the use of American military forces in Iraq, he made a

number of unequivocal statements about the reason the United States needed to pursue the most radical actions any nation can undertake—acts of war against another nation.

Now it is clear that many of his statements appear to be false. In the past, Bush's White House has been very good at sweeping ugly issues like this under the carpet, and out of sight. But it is not clear that they will be able to make the question of what happened to Saddam Hussein's weapons of mass destruction (WMDs) go away—unless, perhaps, they start another war.

That seems unlikely. Until the questions surrounding the Iraq war are answered, Congress and the public may strongly resist more of President Bush's warmaking.

Presidential statements, particularly on matters of national security, are held to an expectation of the highest standard of truthfulness. A president cannot stretch, twist or distort facts and get away with it. President Lyndon Johnson's distortions of the truth about Vietnam forced him to stand down from reelection. President Richard Nixon's false statements about Watergate forced his resignation.

Frankly, I hope the WMDs are found, for it will end the matter. Clearly, the story of the missing WMDs is far from over. And it is too early, of course, to draw conclusions. But is not too early to explore the relevant issues.

PRESIDENT BUSH'S STATEMENTS ON IRAQ'S WEAPONS OF MASS DESTRUCTION

Readers may not recall exactly what President Bush said about weapons of mass destruction; I certainly didn't. Thus, I have compiled these statements below. In reviewing them, I saw that he had, indeed, been as explicit and declarative as I had recalled.

Bush's statements, in chronological order, were:

"Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons."—United Nations Address, September 12, 2002.

"Iraq has stockpiled biological and chemical weapons, and is rebuilding the facilities used to make more of those weapons.

"We have sources that tell us that Saddam Hussein recently authorized Iraqi field commanders to use chemical weapons—the very weapons the dictator tells us he does not have."—Radio Address, October 5, 2002.

"The Iraqi regime . . . possesses and produces chemical and biological weapons. It is seeking nuclear weapons.

"We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, VX nerve gas.

"We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas. We're concerned that Iraq is exploring ways of using these UAVS for missions targeting the United States.

"The evidence indicates that Iraq is reconstructing its nuclear weapons program. Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his "nuclear mejahideen"—his nuclear holy warriors. Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past. Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons."—Cincinnati, Ohio Speech, October 7, 2002.

"Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tons of sarin, mustard and VX nerve agent."—State of the Union Address, January 28, 2003.

"Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal

some of the most lethal weapons ever devised."—Address to the Nation, March 17, 2003.

SHOULD THE PRESIDENT GET THE BENEFIT OF THE DOUBT?

When these statements were made, Bush's let-me-mince-no-words posture was convincing to many Americans. Yet much of the rest of the world, and many other Americans, doubted them.

As Bush's veracity was being debated at the United Nations, it was also being debated on campuses—including those where I happened to be lecturing at the time.

On several occasions, students asked me the following question: Should they believe the President of the United States? My answer was that they should give the President the benefit of the doubt, for several reasons deriving from the usual procedures that have operated in every modern White House and that, I assumed, had to be operating in the Bush White House, too.

First, I assured the students that these statements had all been carefully considered and crafted. Presidential statements are the result of a process, not a moment's thought. White House speechwriters process raw information, and their statements are passed on to senior aides who have both substantive knowledge and political insights. And this all occurs before the statement ever reaches the President for his own review and possible revision.

Second, I explained that—at least in every White House and administration with which I was familiar, from Truman to Clinton—statements with national security implications were the most carefully considered of all. The White House is aware that, in making these statements, the President is speaking not only to the nation, but also to the world.

Third, I pointed out to the students, these statements are typically corrected rapidly if they are later found to be false. And in this case, far from backpedaling from the President's more extreme claims, Bush's press secretary, Ari Fleischer had actually, at times, been even more emphatic than the President had. For example, on January 9, 2003, Fleischer stated, during his press briefing, "We know for a fact that there are weapons there."

In addition, others in the Administration were similarly quick to back the President up, in some cases with even more unequivocal statements. Secretary of Defense Donald Rumsfeld repeatedly claimed that Saddam had WMDs—and even went so far as to claim he knew "where they are; they're in the area around Tikrit and Baghdad."

Finally, I explained to the students that the political risk was so great that, to me, it was inconceivable that Bush would make these statements if he didn't have damn solid intelligence to back him up. Presidents do not stick their necks out only to have them chopped off by political opponents on an issue as important as this, and if there was any doubt, I suggested, Bush's political advisers would be telling him to hedge. Rather than stating a matter as fact, he would say: "I have been advised," or "Our intelligence reports strongly suggest," or some such similar hedge. But Bush had not done so.

So what are we now to conclude if Bush's statements are found, indeed, to be as grossly inaccurate as they currently appear to have been?

After all, no weapons of mass destruction have been found, and given Bush's statements, they should not have been very hard to find—for they existed in large quantities, "thousands of tons" of chemical weapons alone. Moreover, according to the statements, telltale facilities, groups of scientists who could testify, and production equipment also existed.

So there is all that? And how can we reconcile the White House's unequivocal statements with the fact that they may not exist?

There are two main possibilities. One that something is seriously wrong within the Bush White House's national security operations. That seems difficult to believe. The other is that the President has deliberately misled the nation, and the world.

A DESPERATE SEARCH FOR WMDs HAS SO FAR YIELDED LITTLE, IF ANY, FRUIT

Even before formally declaring war against Saddam Hussein's Iraq, the President had dispatched American military special forces into Iraq to search for weapons of mass destruction, which he knew would provide the primary justification for Operation Freedom. None were found.

Throughout Operation Freedom's penetration of Iraq and drive toward Baghdad, the search for WMDs continued. None were found.

As the coalition forces gained control of Iraqi cities and countryside, special search teams were dispatched to look for WMDs. None were found.

During the past two and a half months, according to reliable news reports, military patrols have visited over 300 suspected WMD sites throughout Iraq. None of the prohibited weapons were found there.

BRITISH AND AMERICAN PRESS REACTION TO THE MISSING WMDs

British Prime Minister Tony Blair is also under serious attack in England, which he dragged into the war unwillingly, based on the missing WMDs. In Britain, the missing WMDs are being treated as scandalous; so far, the reaction in the U.S. has been milder.

New York Times columnist Paul Krugman has taken Bush sharply to task, asserting that it is "long past time for this administration to be held accountable." "The public was told that Saddam posed an imminent threat," Krugman argued. "If that claim was fraudulent," he continued, "the selling of the war is arguably the worst scandal in American political history—worse than Watergate, worse than Iran-Contra." But most media outlets have reserved judgment as the search for WMDs in Iraq continues.

Still, signs do not look good. Last week, the Pentagon announced it was shifting its search from looking for WMD sites, to looking for people who can provide leads as to where the missing WMDs might be.

Under Secretary of State for Arms Control and International Security John Bolton, while offering no new evidence, assured Congress that WMDs will indeed be found. And he advised that a new unit called the Iraq Survey Group, composed of some 1,400 experts and technicians from around the world, is being deployed to assist in the searching.

But, as Time magazine reported, the leads are running out. According to Time, the Marine general in charge explained that "[w]e've been to virtually every ammunition supply point between the Kuwaiti border and Baghdad," and remarked flatly, "They're simply not there."

Perhaps most troubling, the President has failed to provide any explanation of how he could have made his very specific statements, yet now be unable to back them up with supporting evidence. Was there an Iraqi informant thought to be reliable, who turned out not to be? Were satellite photos innocently, if negligently, misinterpreted? Or was his evidence not as solid as he led the world to believe?

The absence of any explanation for the gap between the statements and reality only increases the sense that the President's

misstatements may actually have been intentional lies.

INVESTIGATING THE IRAQI WAR INTELLIGENCE REPORTS

Even now, while the jury is still out as to whether intentional misconduct occurred, the President has a serious credibility problem. Newsweek magazine posed the key questions: "If America has entered a new age of pre-emption—when it must strike first because it cannot afford to find out later if terrorists possess nuclear or biological weapons—exact intelligence is critical. How will the United States take out a mad despot or a nuclear bomb hidden in a cave if the CIA can't say for sure where they are? And how will Bush be able to maintain support at home and abroad?"

In an apparent attempt to bolster the President's credibility, and his own, Secretary Rumsfeld himself has now called for a Defense Department investigation into what went wrong with the pre-war intelligence. New York Times columnist Maureen Dowd finds this effort about on par with O.J.'s looking for his wife's killer. But there may be a difference: Unless the members of the Administration can find someone else to blame—informants, surveillance technology, lower-level personnel, you name it—they may not escape fault themselves.

Congressional committees are also looking into the pre-war intelligence collection and evaluation. Senator John Warner (R-VA), chairman of the Senate Armed Services Committee, said his committee and the Senate Intelligence Committee would jointly investigate the situation. And the House Permanent Select Committee on Intelligence plans an investigation.

These investigations are certainly appropriate, for there is potent evidence of either a colossal intelligence failure or misconduct—and either would be a serious problem. When the best case scenario seems to be mere incompetence, investigations certainly need to be made.

Senator Bob Graham—a former chairman of the Senate Intelligence Committee—told CNN's Aaron Brown, that while he still hopes they find WMDs or at least evidence thereof, he has also contemplated three other possible alternative scenarios: "One is that [the WMDs] were spirited out of Iraq, which maybe is the worst of all possibilities, because now the very thing that we were trying to avoid, proliferation of weapons of mass destruction, could be in the hands of dozens of groups. Second, that we had bad intelligence. Or third, that the intelligence was satisfactory but that it was manipulated, so as just to present to the American people and to the world those things that made the case for the necessity of war against Iraq."

Senator Graham seems to believe there is a serious chance that it is the final scenario that reflects reality. Indeed, Graham told CNN "there's been a pattern of manipulation by this administration."

Graham has good reason to complain. According to the New York Times, he was one of the few members of the Senate who saw the national intelligence estimate that was the basis for Bush's decisions. After reviewing it, Senator Graham requested that the Bush Administration declassify the information before the Senate voted on the Administration's resolution requesting use of the military in Iraq.

But rather than do so, CIA Director Tenet merely sent Graham a letter discussing the findings. Graham then complained that Tenet's letter only addressed "findings that supported the administration's position on Iraq," and ignored information that raised questions about intelligence. In short,

Graham suggested that the Administration, by cherry-picking only evidence to its own liking, had manipulated the information to support its conclusion.

Recent statements by one of the high-level officials privy to the decisionmaking process that lead to the Iraqi war also strongly suggests manipulation, if not misuse of the intelligence agencies. Deputy Secretary of Defense Paul Wolfowitz, during an interview with Sam Tannenhaus of Vanity Fair magazine, said: "The truth is that for reasons that have a lot to do with the U.S. government bureaucracy we settled on the one issue that everyone could agree on which was weapons of mass destruction as the core reason." More recently, Wolfowitz added what most have believed all along, that the reason we went after Iraq is that "[t]he country swims on a sea of oil."

WORSE THAN WATERGATE? A POTENTIAL HUGE SCANDAL IF WMDs ARE STILL MISSING

Krugman is right to suggest a possible comparison to Watergate. In the three decades since Watergate, this is the first potential scandal I have seen that could make Watergate pale by comparison. If the Bush Administration intentionally manipulated or misrepresented intelligence to get Congress to authorize, and the public to support, military action to take control of Iraq, then that would be a monstrous misdeed.

As I remarked in an earlier column, this Administration may be due for a scandal. While Bush narrowly escaped being dragged into Enron, it was not, in any event, his doing. But the war in Iraq is all Bush's doing, and it is appropriate that he be held accountable.

To put it bluntly, if Bush has taken Congress and the nation into war based on bogus information, he is cooked. Manipulation or deliberate misuse of national security intelligence data, if proven, could be "a high crime" under the Constitution's impeachment clause. It would also be a violation of federal criminal law, including the broad federal anti-conspiracy statute, which renders it a felony "to defraud the United States, or any agency thereof in any manner or for any purpose."

It's important to recall that when Richard Nixon resigned, he was about to be impeached by the House of Representatives for misusing the CIA and FBI. After Watergate, all presidents are on notice that manipulating or misusing any agency of the executive branch improperly is a serious abuse of presidential power.

Nixon claimed that his misuses of the federal agencies for his political purposes were in the interest of national security. The same kind of thinking might lead a President to manipulate and misuse national security agencies or their intelligence to create a phony reason to lead the nation into a politically desirable war. Let us hope that is not the case.

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONTROVERSY INVOLVING TEXAS LEGISLATURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I find it a little astounding that I come here to

ask the question of what is happening to our government. Why are our fellow citizens withholding information from us, even from Members of Congress? Why are some of the agencies that are designed to help us seemingly working against us? It is all our government.

I am a little bit astounded at having to come here and again tell the story about what happened when the Texas legislature ran amuck, when members of that legislative body began to respond to actions there that have been reflective of what the United States House of Representatives has been, very divisive, very unfortunate, where people get to the point where they feel like they are not allowed to be a part of the process and they have to rebel against the system by looking for parliamentary procedure to try to send their point or make their point or get their message out. Fifty-five brave men and women allowed their backs to be pushed up against the wall for months and finally could take it no more and broke the quorum of the Texas legislature to stop that from happening there. And then, lo and behold, what happened following it started all sorts of things to happen that include Federal agencies becoming involved in investigations to look for missing Texas legislators.

The people of this country ought to be outraged that Federal agencies designed to protect us, designed to do good for us, were called into a political fray in the State of Texas, and since that time Members of Congress have asked repeatedly of the Department of Homeland Security, the Justice Department, and the transportation agency for information that would give us a better understanding of who played what role in this Federal Government being involved in an issue that was a political one in the State of Texas and finding funds that we know are already very short for us. We do not know how we are going to be paying for all of the many, many needs that our homeland security faces. We are very short-funded as it is.

Yet we could find the money, the time, the effort, the personnel, the equipment to track an airplane across the country of a member, a little cotton farmer out in west Texas who was going off to Ardmore, Oklahoma, and stopped off to see his mother. If he had not done that, they would have probably found him. To have agencies respond in the way that they have, there is something wrong with this picture. The people of this country truly ought to be outraged.

It has been over 3 weeks now since we began to ask formally of these agencies, give us the information that you have, show us surveillance tapes, give us tapes of phone messages. Even the Director of Homeland Security indicated that it was a potential criminal investigation that is going on and that was the excuse for not turning over some of this information at the time.

Ladies and gentlemen, it is time for us as a body, as a Congress, to stop this