the government's defense of its stifling, moribund regulatory approach as ''almost frivolous.'' Our law and regulatory systems cannot continue to block or excessively delay delivery of truthful, non-misleading information to American consumers.

To its great credit, the FDA has recently started to issue enforcement discretion letters. that indicate the agency would not take enforcement action against particular qualified health claims that it has determined are truthful and non-misleading, even though those, claims have not been approved pursuant to the excruciatingly slow NLEA process. While I have reservations about this approach, it is clearly a reasoned attempt to be less obstructive of truthful, non-misleading food label statements. For its part, this FDA initiative is likely to improve public health. However, it appears that Congress could do more.

Some of these observations are not new. In 1997, Congress enacted the Food and Drug Administration Modernization Act (FDAMA), which provided for streamlined procedures for allowing certain products and claims to get to market. Simply put, FDA can say ''no'' with relative ease and speed, but has extensive clearance procedures with correspondingly long time requirements to say ''yes'' to any petition. So, FDAMA provided for notifications for indirect food additives, as well as for health claims and nutrient content claims based upon authoritative statements of certain scientific bodies or the National Academy of Sciences. Under that system, if FDA does not object to a notification within a specified period, the FDAMA requirements are deemed satisfied and the product or claim approved. Thanks to addition of these provisions, FDA has more expeditiously approved health claims that have provided consumers helpful information regarding the relationships between potassium and the risk of high blood pressure and stoke, and between whole grain foods and the risk of heart disease and certain cancers, as well as nutrient content claims identifying foods that are significant sources of choline and of DHA, EPA, and ALA, specific omega–3 fatty acids. Broader use of this concept must be considered if we are to continue to allow FDA to block a product or claim before it gets to market, but expect advances in science to reach market without delay that is unacceptably costly in terms of public health and capital investment.

Finally, FDA pre-market responsibilities regarding foods are extensive and include a number of matters that are not critical to public health protection, such as temporary permits for test marketing of a food in contemplation of amending its regulatory standard of identity. Often, FDA has explained that they are not handling such matters with a responsible pace because they are low priorities. As a matter of public health protection, such prioritization makes sense. However, it is time for us to review provisions of law and regulation that require agency pre-market approvals regarding low priority matters. If pre-market regulatory scrutiny needs to be maintained regarding such matters, consideration should be given to substituting notification procedures for the dysfunctional processes in place at this time.

Mr. Speaker, I share these observations so that my colleagues may consider them prior to initiating work of the next Congress and in hopes of stimulating debate on the subject.

IN MEMORY OF THOMAS LAUBACHER, SR.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the memory of Thomas Laubacher, community leader and elected official from my district who passed away September 26 at the age of 91.

Tom Laubacher was a native son of Ventura County, California, having been born to a pioneering Oxnard family on August 29, 1913. During his life, Tom Laubacher was a farmer on his family's 150–acre farm, located between Doris Avenue and Teal Club Road; an oilman for Union Oil Company; and a B–26 pilot instructor for the U.S. Army Air Corps.

In 1954 he took over Laubacher Insurance Agency and Real Estate, which his father had founded in 1903. It remains in the family today. Tom Laubacher's son, Thomas Laubacher, Jr., now runs the business.

In 1964, Tom Laubacher ran for the Board of Supervisors for the same reason I ran for the Simi Valley City Council 15 years later: a belief that the business community needed better representation in government. He served three terms on the Board of Supervisors and I had the privilege of serving with him on the Regional Sanitation Board about 25 years ago.

Integrity is the word most associated with his public service, his business dealings and his community work.

A devout Catholic—his Uncle John was the first assistant pastor at Santa Clara Parish—Tom was a member of Oxnard Council 750 of the Knights of Columbus and served as the grand knight and district deputy. In 2002, he received the cardinal's award in recognition of a lifetime of service to his church and community.

Tom Laubacher also maintained a long relationship with the Sisters of Mercy and St. John's Regional Medical Center. He became the first lay member of its board of directors and later the board's first lay president.

Tom Laubacher is survived by his wife of 60 years, Helen, four children and 17 grandchildren.

Mr. Speaker, I know my colleagues join me in sending our condolences to Helen ''Holly'' Laubacher, their children and grandchildren, and pause in remembering a man for whom integrity was a way of life. Godspeed, Tom.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes:

Mrs. LOWEY. Mr. Chairman, 3 months ago, the bipartisan September 11 Commission provided Congress with 41 recommendations to help keep our Nation secure and our people safe in the face of rising dangers and threats throughout the world.

These recommendations were targeted at eliminating terrorist organizations, at preventing the continued growth of fundamentalist Islamic terrorism, and at protecting against and preparing for future attacks.

In my judgment, the 9/11 Commission report should have made our job easy. But instead, we find ourselves faced with a bill that dangerously ignores some of the Commission's most important recommendations, and adds hundreds of pages of extraneous and controversial provisions that may do little or nothing to better secure our nation.

Let me be clear. I do support the bill's provisions that identify the target terrorist sanctuaries; that focus U.S. efforts on some of the most critical parts of the world in the war on terrorism, such as Pakistan and Saudi Arabia; and that reform the homeland security grant process to ensure that higher threat cities receive more funds.

I'd like to emphasize that last point.

As I travel through my District and New York State, what I hear most from police officers and firefighters is that we need to change the funding formula to ensure that areas facing the highest threats—like New York—will get the increased funding need to face those threats head-on. We don't have another 3 years to get this done—it needs to get done now. As long as a State like Wyoming gets seven times the amount of funding that New York receives, changing the funding formula must be this Congress's priority.

I believe this bill makes important changes to the funding formula and I am proud to have helped to craft a number of these provisions and to serve on the committee that guided the bill through the legislative process.

But, unfortunately, I have serious objections to many other provisions included in this bill that do not have anything to do with intelligence reform and other 9/11 Commission recommendations.

In my judgment, there are more effective and efficient ways of protecting our national security without infringing on the rights or civil liberties of our Nation's citizens and immigrants.

While the 9/11 Commission report made several recommendations regarding border security and immigration policy, it did not call for the undermining of the due process rights of many immigrants by significantly expending expedited deportation laws; raising the bar substantially for a grant of asylum; or authorizing the government to deport foreign nationals to countries that lack a functioning government—or worse—condone and permit torture.

And, while the 9/11 Commission report recommended that we improve FBI counterintelligence capabilities, it did not recommend that Congress allow the government to secretly investigate an individual suspected of terrorism without having to prove that person is connected to a foreign power.

And finally, while the 9/11 Commission Report called for federal standards for identification documents, including drivers' licenses, it did not recommend that immigrants should be denied a driver's license.

While I do believe that the Federal Government should have a role in helping States to coordinate efforts to strengthen the security of