

Please accept this as a formal letter of resignation from the Committees on Agriculture, Resources, and Veterans Affairs.

Best Regards,

DEVIN NUNES,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

#### ELECTION OF MEMBER TO COMMITTEE ON WAYS AND MEANS

Mr. WELDON of Florida. Mr. Speaker, I offer a resolution (H. Res. 264) and I ask unanimous consent for its immediate consideration in the House.

The Clerk will report the resolution. The Clerk read as follows:

H. RES. 264

*Resolved*, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Ways and Means: Mr. Nunes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### THE CLINICAL RESEARCH ACT OF 2005

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

Mr. WELDON of Florida. Mr. Speaker, I am very pleased to join with my colleague today, the gentleman from Pennsylvania (Mr. DOYLE), to introduce the Clinical Research Act of 2005. This bill might be better referred to as the "Curing Humans Rather Than Rats Act of 2005."

This bill will address many of the problems confronting academic health centers as they attempt to leverage enormous biomedical research gains made in the past century and, in particular, in the last decade, by the vast investment of the U.S. taxpayers in the National Institutes of Health.

In 1994, when I was first elected, the NIH budget was just \$10 billion, but today, they get \$29 billion. This is a significant expansion of biomedical research funding. It is resulting in significant breakthroughs in a host of areas to include human genomics, biomedical engineering, molecular biology, and immunology. These have provided an unprecedented supply of information for improving human health.

Research often does not produce results overnight, but as stewards of the taxpayer dollars, we have every right to expect that the fruits of that research will result in better treatments for patients. Reaping the benefits of this bench research requires a Federal commitment to clinical research, including a commitment to ensuring that the infrastructure is capable of translating, in a systematic and rational

way, the fruits of basic science research into improved patient care.

Unfortunately, while we have seen this dramatic increase in NIH funding, the Federal commitment to clinical research has not kept pace with rising costs.

Just what is clinical research? A great example has been the great breakthroughs in the treatment of AIDS in recent years. These new compounds are often developed in a laboratory, tested on laboratory animals, but then, at some point, academic research centers have to start giving these products, these compounds to humans. They interface with the lab and the patients. They bring these new interventions from the bench to the doctors and clinics all over this country.

What has happened to the clinical researchers and why? From 1970 to today, the percentage of clinical researchers and NIH study committees has dropped dramatically. These NIH study groups are the committees that score research proposals and make recommendations on which proposals will be funded. The costs of clinical research have increased dramatically as, obviously, we are working with humans. To many researchers, working with rats and tissues is just much easier. With rats, they show up to work every day, they follow the protocols and, if they die, they will not sue you. You just buy some more rats.

Also, academic health centers, under increased pressure to costs and the need to generate income, are putting increased pressure on the clinical researchers to spend more of their time seeing billable patients and less of their time on their clinical research projects. All of this hinders clinical research and makes it less likely that the cures will move from the lab to the bedside. This is a growing frustration, not just for the clinical researchers that work in this field, but for the patient advocacy groups.

I hear repeatedly from people who advocate for those suffering from kidney disease, heart disease, Parkinson's Disease that we are not moving the scientific information quickly enough into patient care. We have been too slow in getting improved patient therapies and interventions from the enormous investment we have made in basic research. It is important that this Congress step in now and address this challenge.

I believe we can and should do a better job in moving bench research to the bedside. That is what this bill is aimed at doing.

In addition to concerns about how NIH dollars are allocated, we must recognize the significant financial burdens that academic health centers are facing today associated with rising costs, inadequate funding, mounting regulatory burdens, fragmented infrastructure, incompatible databases, and a shortage of both qualified investigators and willing study participants.

Let me add that some of my colleagues have suggested that NIH

should focus on basic research and that private industry will focus on clinical applications. Those suggesting this lack a full understanding of the issues at hand. Industry is much less likely to dedicate tens of millions of dollars to research clinical applications to address the needs of millions of Americans who suffer from one of the hosts of small and less profitable to treat diseases. Industry does not, nor will it, spend tens of millions of dollars on nonpatentable therapies and interventions. If you cannot patent it and you will not make a profit, industry just will not fund it.

Of note, however, is that the NIH will and does devote significant taxpayer funding in partnerships with industry to develop patentable compounds and interventions. Absent the resources provided in this bill, patients will continue to suffer, I believe needlessly, from diseases for which we could and should develop definitive treatments.

The bill that the gentleman from Pennsylvania (Mr. DOYLE) and I are introducing today, and that Senator SANTORUM is preparing to introduce in the Senate, will provide our Nation's academic health centers with the crucial resources they need and the opportunity to meet the public's expectation.

If we are going to reap the full benefit of the enormous investment of taxpayer dollars in biomedical research, it is important that we move this legislation forward. I would say to my colleagues, if you think that we have cured enough rats and believe it is time that we look to cure a few more humans, join me and the gentleman from Pennsylvania (Mr. DOYLE) in the bipartisan Clinical Research Act of 2005.

#### HONORING CINCO DE MAYO

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

Mr. POE. Mr. Speaker, I rise today in honor of Cinco de Mayo. I rise to recognize and remember the importance of this day and salute the millions of Mexicans and Americans of Mexican descent that will celebrate throughout the Americas this day, this important day.

While the War Between the States was raging in the 1860s, at the same time, on May 5 in 1862 an undersized, inadequately armed band of Mexicans determined to defend their land, fought a lopsided contest against their oppressors, those oppressors who were invading their homes.

Many people assume that Cinco de Mayo is Mexico's Independence Day from Spain, but that is not correct. Mexico's actual Independence Day is September 16, 1821. Some 40 years after Mexico achieved independence from Spain, their country was once again threatened, this time by the French. And that year, Napoleon III sent a massive, mighty military force to Mexico to unseat President Benito Juarez.

The French plan was to overthrow Juarez and take over the country. However, their overconfidence brought about their proudful downfall. They even brought along a Hapsburg prince, Maximilian, to be the new king over the Mexican empire. They were sorely mistaken in their ideal.

Napoleon's French army had not been defeated in 50 years and did not expect to lose this battle with these people. This distinguished, well-trained Army marched in with the finest equipment and the arrogance to go along with it. The French were not afraid of anything, but they should have been. Little did they know that the Mexicans would give them a fight to remember.

On May 5, 1862, the French Army left the Port of Vera Cruz to attack Mexico City. The French assumed that if they could take down the capitol, all of Mexico and their people would surrender.

The Mexicans were under the command of a Texas-born general, General Ignacio Seguin Zaragosa, and they waited and waited for the French, determined, diligent, and dedicated to defending this land. As the French Army headed to Mexico City, they were halted on the way. On May 5, 1862, while the cannons roared and rifle shots rang out, the French attacked 2 Mexican forts. Before the day was over, more than 1,000 French soldiers were dead. Against all odds, this hastily-assembled Mexican Army had routed the French imperialism in the city of Puebla, despite being outnumbered 2 to 1. The French left Mexico, and they have never returned.

So Cinco de Mayo is a day of celebration in Mexico as well as the United States. In my home State of Texas, where there are over 6 million Americans of Mexican descent, there are numerous celebrations taking place all over the State and in towns on this date. Cinco de Mayo is a wonderful opportunity to salute the contributions being made by all Hispanics in the Lone Star State and all of America. In my district, the second district of Texas, we have over 80,000 Hispanic members of the community. I feel fortunate to represent and live in a community that benefits from the dynamic presence of this richly proud culture.

So, Mr. Speaker, I rise to join all Americans and all Mexicans in recognition of this important day in history. The Mexicans who fought and died on a battlefield near Puebla 143 years ago represent the ideal and spirit of all humans, no matter what their race or their culture, to be free and be a free people.

Their determination embodied a spirit of freedom and patriotism. Cinco de Mayo is a chance for everyone to remember how essential our freedom is, how difficult it is to obtain, and how vigilant we must remain to defend it, no matter the cost.

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The SPEAKER pro tempore (Mr. INGELIS of South Carolina). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

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

#### SUPPORT FOR THE NOMINATION OF JANICE ROGERS BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I rise in support of the nomination to the District of Columbia Circuit Court of Appeals of Janice Rogers Brown. Janice Rogers Brown is a member of the California Supreme Court, a former member of perhaps our most distinguished district court of appeals that meets in Sacramento, a former distinguished top legal advisor to then Governor Pete Wilson, formerly a distinguished deputy attorney general in the office of the California attorney general's office, one who has come from humble beginnings.

An Alabama sharecropper's daughter who attended segregated schools while she was growing up, graduated from UCLA, has practiced law in the private sector, but has spent most of her time in the public sector, either as the attorney representing the State, as a legal advisor to the Governor of the State, or as one who has served well as a member of the judicial branch in the State of California.

Her nomination is one of those that has been held up in the other body. Hers is one that has been suggested as the price of the President receiving consideration of his other nominations, that is, the suggestion is made that hers is one of the nominations that should be withdrawn because she is, "out of the mainstream."

Well, Mr. Speaker, in the short time I have available, I would like to speak to that point. In the State of California, we have a requirement that when one is nominated by the Governor of the State to either the appellate court or the California Supreme Court, they must undergo a rigorous review, which is concluded by a confirmation hearing and vote by a confirmation panel made up of three members: the chief justice of the California Supreme Court; the attorney general of the State of California; and in the specific instance of someone being nominated to the appellate bench, the chief presiding officer of that appellate bench. And for one who is being nominated to the California Supreme Court, that third person would be the senior-most serving presiding officer of any of the appellate benches in the State of California.

On two occasions I had the opportunity, as the attorney general of Cali-

fornia, to be a member of that panel and had the opportunity to review her consideration, her nomination. And in both of those nomination processes, she received a unanimous vote of the 3-member panel.

When we considered her past legal work, when we considered her past judicial work, when we considered her qualifications, her education, her character, her philosophy, that is, whether or not she was committed to doing the job that judges are supposed to do, that is, interpreting the law as opposed to making the law, being constrained by the Constitution of the United States, by the Constitution of the State of California and by the statutes of the State of California, and where they apply, the statutes of the United States.

In that instance, she received a 100 percent vote from us in both cases. It is interesting that in the State of California, once one receives such an appointment, one has to go before the people of the State of California in a vote. And in that vote, when she was considered, after she had rendered opinions, after she had had her opinions published, when she was considered by the people of the State of California, she received, I believe it is, more than a 75 percent vote of the people.

Some say, well, that happens all of the time. Well, in my memory, we have had at least three members of the California Supreme Court basically voted down by the people. So there is a real contest; there is a real review by the people of the State of California.

Approximately 75 percent of the people of the State of California, when given the chance, upheld her continued activity on the court, that is, the Supreme Court of California. Now she has been nominated to serve the District of Columbia Circuit Court of Appeals by the President.

To this day, there has been reluctance, if not refusal, on the part of the other body to have her considered before the whole body. There has been the suggestion that rather than being submitted to the entire body and a vote up or down where a majority would prevail, she is being subjected to a 60-vote rule, a 60-percent rule. One searches in vain in the Constitution to find any reference to that.

I would suggest, as a matter of fact, it is questionable whether the Constitution would allow that kind of constraint on the prerogative of the President, as to whether or not advice and consent means that.

But be that as it may, it is interesting that the two representatives from the State of California who will have a vote in that body have chosen not to support her. And while they have been elected and reelected by the people of the State of California, that very same electorate has voiced their opinion in an official vote by giving her a mandate of 75 percent. That hardly