The vote was taken by electronic device, and there were—yeas 351, nays 40, not voting 41, as follows:

[Roll No. 430]

YEAS—351

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Ortiz
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NAYS—40

Abercrombie
Baird
Baldwin
Barrow
Berry
Blumenauer
Boswell
Capuano
Castle
Chandler
Conyers
Costello
DeFazio
Ford
Herseth
Hinchey
Kanjorski
Kennedy (RI)
Lewis (GA)
McGovern
Melancon
Michaud
Moore (KS)
Moran (VA)
Oberstar
Obey
Olver
Peterson (MN)
Pomeroy
Skelton
Slaughter
Snyder
Solis
Tanner
Taylor (MS)
Udall (NM)
Velázquez
Watt
Waxman
Wu

NOT VOTING—41

Andrews
Beauprez
Becerra
Bilirakis
Cardin
Cubin
Cummings
Doyle
Drake
Emanuel
Evans
Fattah
Gallegly
Green (WI)
Harris
Hastings (FL)
Hobson
Hyde
Istook
Johnson (IL)
Johnson, Sam
Kirk
Lewis (CA)
McKinney
Miller, Gary
Murphy
Murtha
Nadler
Ney
Nunes
Nussle
Osborne
Owens
Royce
Rush
Sánchez, Linda T.
Sessions
Strickland
Towns
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1114

Messrs. PETERSON of Minnesota, POMEROY, and KENNEDY of Rhode Island changed their vote from ''yea'' to ''nay.''

Mr. MEEHAN changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, due to circumstances beyond my control on Thursday, September 7, 2006, I regrettably missed the vote on H. Res. 981, a bill providing for consideration of H.R. 503, the Horse Protection Act.

H. Res. 981 presents a reasonable rule that made several amendments in order, and allowed adequate time to have a full and fair debate on the underlying bill.

In turn, I would have voted ''yea'' on H. Res. 981, so that we could begin to consider the underlying provisions of H.R. 503.

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed one rollcall vote. Had I been present, I would have voted ''yea'' on rollcall vote No. 430.

Mr. MURPHY. Mr. Speaker, on rollcall No. 430, had I been present, I would have voted ''yea.''

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS IN THE HOUSE AND IN THE COMMITTEE OF THE WHOLE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5122, G.V. ''SONNY'' MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5122), to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Edwards moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5122 be instructed to agree to the provisions contained in section 721 of the Senate amendment (relating to treatment of TRICARE retail pharmacy network under Federal procurement of pharmaceuticals).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. EDWARDS) and the gentleman from Colorado (Mr. HEFLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fiscal year 2007 defense authorization bill passed the House on May 11 and the Senate on

June 22. It is deeply disappointing that during a time of war it has taken the House and Senate Republican leadership over 2½ months to appoint conferees to write the final defense bill, which includes programs vital to our troops and to our Nation's defense. The fact that Speaker HASTERT could take time to campaign in over 40 House districts during the August recess, but could not find time to appoint final defense conferees, represents the kind of misplaced priorities that have Americans demanding that Congress change its way of business. Our troops in Afghanistan and Iraq should not have had to wait 2½ months to see Congress moving ahead on a bill that is vital to them, their mission and their families.

Now that conferees have finally been appointed, the House has a serious responsibility to support a bill that puts our troops and military retirees first. That is what this motion to instruct is all about.

Specifically, this motion would instruct House conferees on the defense bill to accept Senate language that would reduce the cost of prescription drugs for military retirees, including Iraqi war veterans, by hundreds of millions of dollars each year. It would do so by saying that pharmaceutical manufacturers should give the same drug discount at retail pharmacies that is already being given to military retirees who buy their drugs via mail order.

The Veterans Administration saves hundreds of millions of dollars every year by requiring drug manufacturers to offer veterans drug discounts, and applying the same commonsense principle to military retirees will result in huge savings. In fact, this motion, if accepted, would save taxpayers $251 million in fiscal year 2007 and help, even more importantly, up to 1.9 million military retirees by making it unnecessary to pass the unfair House provision, another provision, that would force a 100 percent increase in generic drug copays at local pharmacist for military retirees and a 77 percent increase in brand-name drug copays for military retirees.

The bottom line, Mr. Speaker, is that this motion is good for American taxpayers and good for our military retirees, who are men and women who have served their Nation for 20 or 30 or more years in uniform.

There is just one problem: the pharmaceutical manufacturers do not want military retirees on the TRICARE health plan to be able to buy discounted drugs at local pharmacies. Why? Because it would cut into their already rather substantial profits.

The choice is clear. The motion is a choice between helping our military retirees, including Iraqi war veterans, or helping the pharmaceutical companies make even higher profits. I am confident that the vast majority of Americans would say that the pocketbooks of those who have served our Nation for decades in uniform should take priority over higher profits for pharmaceutical manufacturers.

The real question is whether this House in voting on this motion will reflect the values of our constituents and our military retirees, or will we reflect the special interests of the pharmaceutical manufacturers and their lobbyists.

The choice should be an easy one. But it appears that the House leadership didn't want this provision included in this motion to help our military retirees, and they did not support this language, which the Senate adopted and put in the House bill. That is why we are here today facing this motion. I salute the other body for having put the discounted drug price language in their defense bill, which passed the Senate on an overwhelming bipartisan basis.

I urge support, Mr. Speaker, for this motion. I hope we will receive bipartisan support. Going along with the pharmaceutical manufacturers should not trump saving taxpayers hundreds of millions of dollars, keeping drug costs affordable for our military retirees, up to 1.9 million of them, and allowing our military retirees to have access to their local pharmacist.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), a senior member of the House Armed Services Committee and a great supporter of our servicemen and -women and our veterans and military retirees.

Mr. SPRATT. Mr. Speaker, let's make something clear: the Veterans Health Care Act of 1992 directs drug companies to grant discounts on all drugs that are supplied to the Department of Defense, the Department of Veterans Affairs, the Public Health Service, and the Coast Guard. These are significant discounts. On average they lower the cost to the government for pharmaceuticals provided to beneficiaries by 30 to 40 percent. The Department of Defense is able to take advantage of these discounts in its mail order program and in dispensing drugs in its military treatment facilities, hospitals and clinics.

But the pharmaceutical companies have been balking, refusing to grant these discounts to TRICARE beneficiaries. Those are the families of active duty members and families of reservists deployed. TRICARE beneficiaries, wanting to shop, understandably, with their local pharmacy, their local corner drugstore, they have not been able to obtain the advantages of these discounted drug prices.

The Senate has recognized the problem here and has acted to resolve it by simply providing that in the future, after this bill becomes law, the discounted drug provision will apply not just to military treatment facilities, not just to the mail order program, but to TRICARE beneficiaries going to private drugstores. And it should. Can anybody tell me a reason it should not? Can anybody tell me a reason that TRICARE beneficiaries, our military members, shouldn't be able to shop, when necessary, at their local pharmacy?

That is all we are doing here. The Senate approved this 92–0, and we are simply saying here, let us recede to the Senate provision, let us take a law adopted in 1992 and apply it to all aspects of military health care.

This has a couple of collateral benefits in addition to saving money. One is that the House provision, which raises copays for drugs purchased otherwise at military facilities, will not be necessary because we will save enough money here to make it unnecessary. Another is that the Senate provision, harsh I think, which requires mandatory mail order as opposed to local pharmacies, that provision too can be dispensed with because we will save enough money to do so.

This is a win-win-win proposition. There is no reason the House should not take up the logic and policy of the Senate bill and adopt this same provision. Every Member here should vote to instruct our conferees to recede to the Senate on this critical provision. It will save money and make life better for our TRICARE beneficiaries. There is no reason not to do it. There is every reason to do it. I urge its support.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I hope that the absence of speakers on the other side of the aisle is a reflection that there will be bipartisan support for this motion to instruct the House conferees on the defense bill. If so, then I think that is very good news for our military retirees.

I certainly want to express my respect to my friend and colleague, Mr. HEFLEY, who is a great champion for our military, both those on active duty and our retirees.

What is a little bit disconcerting, Mr. Speaker, is how we can have what at least at this moment might appear to be unanimous support for this provision to save hundreds of millions of dollars for taxpayers and military retirees by reducing the cost of military retiree prescription drugs at pharmacies and have the Senate adopt this provision as well, and yet mysteriously it didn't show up in the markup in the House Armed Services Committee.

I don't know what happened. I have heard some rumors suggesting that the House leadership opposed putting this provision, helping our military retirees and saving taxpayers money, into the bill. Perhaps someone could explain to the House and our colleagues and those listening, Mr. Speaker, why this provision wasn't put in the markup of the bill in the first place. But I am not sure anybody has an explanation that could withstand the light of day.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD), a distinguished veteran himself.

Mr. BOYD. Mr. Speaker, I thank my friend, the gentleman from Texas. I won't take 3 minutes. But I will say this, Mr. Speaker, that any time you have a provision, a legislative proposal that saves in performing our legislative duties and our executive duties, saves the taxpayers money and also enables us to better serve those that we are serving in our communities, that is a plus. That is a win-win, as some have said.

That is exactly what this provision we are discussing that is in the Senate bill does. In this case, obviously, it will save Federal taxpayer money. And we all know the issues that exist today in our budgeting process. We have red ink throughout our future budgeting process as far as the eye can see. There is a structural deficit built into the budgeting process, which has been extended by this administration and this Congress.

□ 1130

So, in this case, we are helping those that are our military retirees, those who we have asked to put on the uniform and go into battle, and many of them come back wounded, injured, and then the taxpayer has responsibility for seeing that those folks are cared for the balance of their lives. This is not a new debate about military retirees and how we provide them medical services.

So if we can do a better job of that back home, and the Senate has a better idea in this case, then we should go to it. I think that is what we are asking the folks to do. We are saving money, and we are providing a better service, better quality services to the folks that we have asked to wear the uniform.

I thank the gentleman for bringing the motion to instruct.

Mr. HEFLEY. Mr. Speaker, there is an old saying in the gentleman from Texas' home State, when you have struck oil, stop drilling.

And you have struck oil here, and we are not objecting. Trying to take care of our veterans in the best way we possibly can is not a Democrat or a Republican thing. It is not a partisan thing. It is a thing that I think both sides of the aisle feel very, very strongly about.

With that, I don't think I have any further speakers. I reserve the balance of my time, unless you are ready to wind this up.

Mr. EDWARDS. Mr. Speaker, I have one more speaker, Mr. BERRY of Arkansas, whom I would like to recognize. I would like to say that Mr. BERRY led the charge to send a letter to the chairman and the ranking member of the Armed Services Committee urging the adoption of this language, and I salute him for his leadership on that effort.

Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas, and I thank him for his leadership in all matters pertaining to the military and certainly to our veterans in their care, and they are entitled to the best that this country has to offer. I appreciate him, and I also appreciate the gentleman from Colorado.

He is absolutely right. This is not a partisan issue. We should do everything within our power to see that the taxpayers get a good deal, but we have an obligation to our veterans and our retired military that should not be usurped by anyone, any time, any place. They should get the best that we have.

I am amazed that we have even got to deal with this on the House floor. This should have been taken care of a long time ago, and many of us felt like it was taken care of in the Veterans Health Care Act of 1992.

But the amazing thing to me is that we would even consider giving mail order, large corporation pharmacies a huge advantage over the local retail pharmacies, especially in rural America and in the neighborhoods. This is what is going to happen if we don't put this in this final defense authorization bill.

Our veterans should be able to go to any local pharmacy that is the front line health care provider for every community. They should be able to go to those local pharmacies and take advantage of generally free services by well-trained and accomplished professionals that know them and know their health needs and know what medicine they are taking, and those retail establishments should be able to get their pharmaceuticals at the same price that DOD gets them and the same price that the mail order companies get them and be able to provide this service to our veterans.

So I am delighted to hear the gentleman from Colorado say that they have no objections. I think that is a very wise thing.

Again, I thank my colleagues on both sides of the aisle for doing good work, and let us move this forward, and let us see that our veterans get the care that they deserve, and our retired military and their families get the care that they deserve, and let us move on to the other problems that we can solve in this same way, working together for the common good.

Mr. EDWARDS. Mr. Speaker, could I ask the gentleman from Colorado if he has any speakers on this?

Mr. HEFLEY. I may have one speaker who has just arrived.

Mr. EDWARDS. Okay. Since we have used more of our time, and since we may not have to use the entire time allotted, could I yield back, not my time, but to the gentleman from Colorado for the purposes of his speaker being recognized.

Mr. HEFLEY. I yield 6 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I am just now reading this. Mr. EDWARDS, this is a very bad idea. If you support increasing the cost of medications to veterans, then support this motion to instruct.

If you support increasing the cost to veterans to obtain access to their drugs, support this motion to instruct.

Over the years, those of us have guarded, guarded the Federal Supply Schedule. Now, why did Congress pass the Federal Supply Schedule? Because we said, you know, we have said to veterans out there, whom are disabled, we recognize that they are a precious part of our society, so we create the Federal Supply Schedule, which is really the government mandating a particular price, and then we jealously guard that. We jealously guard that. Why? Because everybody wants to gain access to the FSS, the Federal Supply Schedule.

I have to come to the floor, as chairman of the Veterans' Affairs Committee, appalled, appalled. I am just dumbfounded that we are, what, going to vote on a motion to instruct that we should accept what the Senate does?

It seems that some people in this body are possessed in their fight against drug companies. Oh, my gosh, these drug companies are trying to seek all kinds of profits. I like to beat up on drug companies, until you get sick yourself, and then you want to gain access to all these types of drugs whether it is for Medicare pricing or Medicaid pricing, DOD.

I created the retail TRICARE pharmacy program. It took me 3 years to do that. If I ever intended for FSS pricing to be included, I would have included it in the bill. It is a retail program. As a matter of fact, I created the out-of-network retail pharmacy network to give these veterans a choice, the military retirees, so that they can gain access to some new blockbuster drug and pay a little bit more money for it.

But, please, my colleagues, do not, just before an election, open up the Federal Supply Schedule. Do not do this. We do this to protect very important members of our society who have been injured, and the disabled.

Now, what has been challenging to us is that Congress then, subsequent to having passed this, the Federal Supply Schedule, to gain access to lower cost medications for these disabled veterans, we opened up access to the VA. You have individuals who have gained greater access into the VA.

That begins an erosion. I understand that. Now we say, oh, my gosh, if these veterans are gaining access to the Federal Supply Schedule, then what about members to DOD. Oh, by the way, let's do it for Medicare and let's do it for Medicaid.

As you increase the pool of people, you are increasing the price of the medications to the very same people that you originally sought to protect. This is one of those moments where you have to scratch your head and say, what are we doing?

I make an appeal. I come to the floor and appeal to your good conscience and

to your senses: Do not support this motion to instruct.

Now, I warned the Department of Defense. I knew that if they didn't have authority to do what they wanted to do, they wanted to gain access to rebates, I understand what they sought to do. You see, I put it in the bill that asked them to go after best business practices.

Well, the best business practices, they then interpret that is that they get the same types of rebates that they get in the private sector. So they created something called a warehousing, a virtual warehouse. They had to create the virtual warehouse because we in Congress gave them no authority, no authority to warehouse to gain access to the rebates under the Federal Supply Schedule. It just blows my mind.

I warned DOD about this. I had my conversations with Dr. Winkenwerder. But, you know what, he felt like he was on solid ground. I believe he built a house of cards. It has all fallen around him. He bet on the budget. He is short. He turns to Congress. He asks all of you to try to help him out of the jam he has got himself in.

I knew a lawsuit was coming. I knew that a lawsuit was going to come because the DOD was doing this without any express authority of Congress.

So let me just include an appeal, once again, to the good senses of my colleagues: Do not extend FSS pricing to other departments or agencies of government. Protect the veterans; protect those who are disabled. I just appeal to you. Don't do this.

Actually, Mr. EDWARDS, I would ask you to withdraw the motion to instruct.

Mr. EDWARDS. Mr. Speaker, I yield myself 10 minutes.

I have great respect for my colleague, the Chairman of the Veterans' Affairs Committee. He and I have worked together for many years on veterans' programs. I have never questioned his motivations; I just question his judgment in this particular case.

But he asked a fair question: What are we doing? Let me answer that question. What this motion to instruct would do is allow military retirees, up to 1.9 million of them, to get the same discounted drug prices at a retail pharmacist that the law already ensures they receive if they buy those drugs via mail order or if they go into a dispensary at a DOD hospital somewhere.

What are we doing? We are saving, according to estimates, $251 million this year for taxpayers, lowering the cost of prescription drugs for these vast numbers of military retirees.

What are we doing? We are perhaps saving enough money so that the Defense conferees don't have to actually force a 100 percent increase in the copay for generic drugs to military retirees and a 77 percent increase in the copay for military retirees to buy name-brand drugs. That is what we are doing.

What we are doing is taking a law that was passed in 1992 that the Veterans Administration in 2002 said provides the authority to provide this discount to retail pharmacies and just clarifying that law.

Apparently, it wasn't the Department of Defense or Veterans' Administration that opposed the kind of language I am supporting; it was the drug companies who filed lawsuits in this matter, to prevent military retirees for getting cheaper prices. I don't find the pharmaceutical manufacturers filing lawsuits so that they could make less money.

Mr. BUYER. Would the gentleman yield?

Mr. EDWARDS. I would be happy to yield to you.

Mr. BUYER. The rebates go to the government, they do not go to the military retiree. Therefore, the price is not affected by the military.

Mr. EDWARDS. I appreciate the gentleman pointing that out. That is why I say this $251 million in savings in fiscal year 2007, that is projected to be over $300 million in savings in fiscal year 2009, can be used by the House-Senate conferees to reduce the copay that was put in the House bill that some may have felt was necessary for financial reasons.

But if we can find savings to the taxpayers in the Department of Defense, let's pass on those savings to our military retirees. I don't think Members of Congress are being asked during a time of war to pay 100 percent more copay for our prescription drugs. I don't think military retirees ought to be asked to pay 100 percent increase in their copays.

Mr. BUYER. Would the gentleman yield?

Mr. EDWARDS. I would be glad to yield.

Mr. BUYER. That is a valued argument from your position, given how you have drafted the motion to instruct. That is a valued argument.

I would just ask of the gentleman that when we extend price controls to a greater population, as we contend, whether it is military retirees as you are talking about or whether we go to Medicaid or Medicare, what happens is we begin, at some point, we begin to dull our efforts on research and development and going after whatever the new blockbuster drug is that presses the bounds of science that our society gets to enjoy, improves the quality of our lives.

□ 1145

Mr. EDWARDS. Mr. Speaker, I would say, at some point, if the drug companies are not making a reasonable profit, it could significantly impact the money they invest in research. But I don't think many in this country today would doubt that the drug companies are making very healthy profits. And I do salute them on the research that they put into coming up with new miracle drugs, but at the same time, I think it is a fact that they spend more on advertising on television on the drugs than they spend on research and development for their drugs.

So out of the multibillion-dollar profits that all of our drug companies make on their drugs, I have a hard time thinking that allowing us to save $251 million this coming year on the cost of retail drugs for military retirees is going to put a significant crimp in the ability of drug companies to invest in future drugs.

I agree with the gentleman, the drug companies ought to be able to make a reasonable profit. I think they are making a reasonable profit. Many Americans think that they are making more than a reasonable profit.

I don't consider what the Senate adopted and what I am recommending and what I hope will pass on maybe not a unanimous basis but on a bipartisan basis today, I don't see this as price controls. I see this as the Federal Government having a right to make a contract with drug companies, just like the VA does that every day, as the gentleman knows. It says to the drug companies, if you want to sell us drugs at the Veterans' Administration, we would like to buy them, but we are going to require a 30 to 40 percent discount on those drugs.

One might make the argument that doing that hurts the profits of the drug companies, and therefore, they cannot invest in new drugs. I don't think the present policy of the Veterans' Administration saving hundreds of millions of dollars by negotiating, not price controls, negotiating reasonably discounted prices for drugs when you are representing millions of consumers, in this case veterans, I don't think that has hurt the drug companies. In fact, it looks to me as if they welcome the opportunity to sell millions of dollars of drugs every year to the Veterans' Administration.

I am saying, we should apply that principle not to some other unrelated agency but rather to the Department of Defense. It is the Veterans Secretary, the VA Secretary, that has said in the past, in his judgment, the 1992 law, in the VA's opinion, allowed discounted drugs at pharmacies, but it is the pharmaceutical manufacturers who have filed the lawsuits to stop this from happening.

I respect the gentleman greatly. I don't challenge, not for a second, his motivations. We ought to be concerned about the formulary prices staying low for veterans. I just don't see helping military retirees who have served our country for 20 to 30 years, some of them for more than 30 years, letting them go to local pharmacists and get a discounted drug price rather than paying full retail value is really going to hurt veterans.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. BUYER. I follow the logic of your argument until you say it is going to help the military retirees because

the military retirees don't get a specific benefit.

I concur with you when you say, Steve, let DOD gain access to FSS pricing, let them get their rebates. I get DOD savings, and with those savings, I can buy equipment and other things. That's your argument.

To say it is going to help the military retirees gain access through the formulary to lower drug prices is not true.

Mr. EDWARDS. Let me address why I respectfully disagree with the gentleman and why I think it is true.

I am the ranking member, as the gentleman knows, of the Military Quality of Life and Veterans' Affairs Appropriations Subcommittee in the House. Because of the budget limitations and the cost of Department of Defense and TRICARE programs this year, the House passed a bill that cuts about $730 million out of the President's request for DOD and TRICARE health care programs. We have to make up that hole somehow. By saving $250 million this year through this motion, if the House and Senate conferees agree to it, we help plug a large part of that huge hole. If we don't plug that hole, we are going to have to cut health care services for military retirees and possibly, I hope we would not, but possibly even active duty service men and women.

So this does help the military retirees. It helps us maintain the present level of health care services under TRICARE and gives them access to their local pharmacist, which many military retirees prefer. They trust their local pharmacist. They would prefer to go to that person and get advice and buy the discounted drugs under TRICARE.

It helps us have a chance to get rid of the 100 percent increase in copays for military retirees. I think this motion, if adopted into the bill, would help military retirees very significantly.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to Mr. BUYER.

Mr. BUYER. Mr. Speaker, I thank Mr. EDWARDS for yielding to me and having this conversation. This is important.

Members are going to be walking in here, Mr. EDWARDS, and they are not going to know completely what happened with this debate. It would not be right for Members to walk in here and think I will vote for Mr. EDWARDS' motion to instruct because I will help a military retiree lower his drug cost when he goes to the retail pharmacy. That is just not true. So I want the offices that are listening to this debate to understand that.

My greatest concern is opening up the Federal Supply Schedule. So I do not want to open up the Federal Supply Schedule to other departments or agencies of government, whether it is DOD, whether it is the Medicare or Medicaid program, and we can debate each of those. We might disagree on things. That is the only point I wanted to make.

The plausible arguments in defense of your motion, I disagree with what you are trying to do here today, and I just wanted to make sure that I made that point.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out something here today. I think we have seen something we rarely see on this floor with Mr. EDWARDS and Mr. BUYER; we have seen an actual discussion of the issue where we actually debate the issue, and on both sides, you have intelligent comments being made rather than people getting up and reading a statement and talking past each other. I just want to commend both of these gentlemen for the quality of debate that we have just heard on the floor of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Colorado (Mr. HEFLEY) for the comment about the debate. I think these are the kinds of issues we ought to debate. I welcome this kind of debate and honest differences of opinion. That is part of my criticism of the congressional process these days. It seems like so many times decisions get made behind closed doors, and the public does not know how those decisions are made. I think this is a healthy debate.

Despite my great respect for Mr. BUYER, I think this motion, if adopted into the final Defense bill for fiscal year 2007, would benefit hundreds and hundreds of thousands of our military retirees by letting them have access to low-priced prescription drugs at their local pharmacy by perhaps allowing us not to follow through with what I think is an unfair proposal from the House to double, to increase by 100 percent the copays that our military retirees pay for their drugs. We are not asking Members of Congress to double our copays for our prescription drugs this year during a time of war. I don't think we should ask our military retirees, many who have served 20 or 30 years in the military, to have an increase in copay for their drugs. We are not willing to ask ourselves to do that.

I think this is a beneficial motion. I believe it will be accepted with, not unanimous support, but with bipartisan support.

The only caution I want to urge, the good advice of my Texas colleague, mentioned by my friend from Colorado, when you have hit oil, you can stop drilling. I think the real test of whether we have hit oil or whether we have hit a dry hole is whether the language adopted already by the Senate, the language we will hopefully support on a bipartisan basis today on my motion, actually gets put in the final defense authorization bill.

I would issue a warning that oftentimes we pass motions to instruct conferees on an overwhelming basis if not unanimous basis in this House, and somehow, behind closed doors, the interest of those we care about, in this case the interest of military retirees, seems to somehow not be considered as carefully as the interest of other special interests.

I think this is a good motion. I know the pharmaceutical companies have filed lawsuits to stop the discount pricing of drugs at retail pharmacies. They have a right to do that. Congress has the right and the responsibility today to say that, in 1992, we made a decision saying that our retirees ought to have access to discounted drugs at pharmacists as well as via mail order.

I urge bipartisan support of this motion to instruct. Unless the gentleman from Indiana wants to continue an honest debate, I would yield back.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I only wanted to respond to Mr. EDWARDS' comments that he understands there is a lawsuit because the drug companies do not want to give discounts on their drugs to the retail pharmacies, paraphrasing what I believe you said. That is not what the lawsuit is. That is not what the lawsuit is about.

What the lawsuit is about, as I understand this, is that DOD created a virtual depot, and they created this virtual depot or warehouse because they had no authority under the statutes to do this. They needed to create a warehouse so they could obtain access to rebates that are being done out in the private sector. So it was clever. It was smart and clever, but they had no authority to do this.

I warned DOD, and I spoke to Dr. Winkenwerder. I said, please don't do this. If you do this, there are going to be lawsuits because you have no authority to do this at all. He felt that he did. That is what the lawsuit is about.

Mr. EDWARDS. I appreciate the gentleman's comments. Just to summarize, the Military Officers Association of America urges support for this change in the law. If the drug manufacturers would like to join with military retirees and the largest organization in America representing those retirees, I would welcome that support.

I urge bipartisan support for this motion to instruct conferees on the Defense authorization bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself the balance of my time.

I want to commend Mr. BUYER and Mr. EDWARDS on their sincere concern for the welfare of our veterans. They see things differently on this particular issue, but that doesn't take away from the concern that both have. They are good friends, and I know where their heart is on this, and it is in the right place.

As I said earlier, we have had the kind of debate I wish we could have

more often here in the House of Representatives.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support the Motion to Instruct Conferees on H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

The motion to instruct offered by my colleague, Representative CHET EDWARDS, would instruct House conferees to insist on Senate-passed language regarding the TRICARE retail pharmacy program. That language would allow TRICARE beneficiaries to purchase prescriptions from their local pharmacies at the same cost as through mail-order services, ensuring that our veterans and military retirees are not forced to pay more merely to visit their neighborhood drug store.

The Veterans Health Care Act of 1992 requires drug manufacturers to grant a Federal pricing discount on all drugs provided to the Department of Defense, Veterans' Administration, the Public Health Service and the Coast Guard. Unfortunately, not all drug manufacturers grant this discount on drugs provided to retail pharmacy stores, instead only applying the discount to mail-order prescriptions.

It is understandable that the Department of Defense would want to contain growing prescription drug costs. However, forcing TRICARE beneficiaries to obtain prescriptions by mail-order is not the solution—rather, we need to clarify that drug manufacturers must provide Federal pricing for all medications dispensed through the TRICARE retail pharmacy network. Section 721 of the Senate version of the Defense Authorization bill would do just this.

Representatives of the Department of Defense have acknowledged that Federal pricing for pharmaceuticals dispensed through the TRICARE retail pharmacy network would "significantly" contain growing prescription drug costs. It has been estimated that if the Senate provision is enacted, it could save taxpayers up to $251 million in fiscal year 2007, and more than $300 million annually by fiscal year 2009, by requiring Federal pricing discounts to be applied to these TRICARE retail pharmacies.

I have heard serious concerns expressed by veterans and military retirees in my district about this issue many times this summer. There are times when it is not possible to wait for a mail order to come before a person might need to begin taking their prescriptions. In those cases, for example, the men and women who have bravely served our country should not be punished for buying their prescriptions down the block. Our veterans, military retirees and their families deserve to have the option to use a pharmacy, and the services of a pharmacist, when they have questions regarding their prescriptions and their health. Passing this motion to instruct allows them that option.

We must ensure that our veterans and military retirees receive the benefits they have so courageously earned, and this motion to instruct will help guarantee they are not penalized for doing so. I support this motion to instruct, and strongly urge my colleagues to do as well.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. EDWARDS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2066. An act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 503, and to insert extraneous material on the bill.

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

There was no objection.

AMERICAN HORSE SLAUGHTER PREVENTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 981 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 503.

□ 1200

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

As designees of the majority leader, the gentleman from Texas (Mr. BARTON), the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Virginia (Mr. GOODLATTE), and the gentleman from New York (Mr. SWEENEY) each will control 10 minutes.

As designees of the minority leader, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that H.R. 503 is an emotional issue for many people. It is my hope that this debate will give us a chance to look beyond the emotion and actually explore the facts of the issue in this particular bill. It is important that this discussion be fair, that it be open; and to that end the committee that I chair, the Energy and Commerce Committee, held a hearing a month ago that included witnesses from both sides and was fair and balanced. We put together a completely balanced hearing; and at the end of that hearing, it was clear to me that the majority of the experts have spoken, and they have spoken that H.R. 503 is bad policy and that it is bad for horses.

It is not a secret that I am opposed to the bill in its current form. Despite what may have been said, it is not because I do not like horses. It is not because I had some bad experience when I was young. In fact, I had and continue to have very positive experiences with horses. My opposition to this bill stems from the simple fact that it comes with negative consequences that I believe are being overlooked.

Ever since the bill has been introduced, I have been bombarded by calls, letters, and meeting requests from people both in my district and all over the country on both sides of the issue. I have heard from ranchers and horse owners as well as the American Quarter Horse Association, the American Veterinary Medical Association, the American Association of Equine Practitioners, American Farm Bureau, National Cattlemen's Beef Association, the Texas and Southwestern Cattle Raisers Association. The list goes on and on. I have also been approached by proponents of the bill that are very supportive and very emotionally and strongly attached to this particular bill. Unfortunately for those folks, I must say that I am opposed to the bill because the majority of the evidence is that it is a bad bill. In fact, over 200 national organizations oppose the bill. Yesterday, even the United States Department of Agriculture came out in opposition to the bill. These are groups that, frankly, I consider to be representative of rural America, and they have all said the same thing: H.R. 503 will lead to a miserable existence for thousands of horses and is an outright attack at animal agriculture.

The care and the overall health of the animals, and notably the rights of their owners, should always be the primary concern when taking up legislation of this nature. Processing unmanageable and unwanted horses provides a humane alternative to continuing a