

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 stroke, 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 pro-

vided 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 expediting 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

drivers' licenses, this bill would unnecessarily take away the power of States to set eligibility and documentation criteria for drivers' licenses.

My colleagues, the focus on immigrants and the expansion of federal powers of surveillance since September 11 has diverted attention from other critical security lapses that should be addressed in this bill, such as unfunded State and local homeland security needs, lack of adequate security at our nation's airport, intelligence gathering failures, and the substantial evidence of incompetence and lack of coordination at the Department of Homeland Security.

However, at the end of the day, I believe that Congress has an obligation to act as expeditiously as possible to make this country, and indeed the world, a safer place. I don't believe that this should be done on the backs of immigrants and law-abiding American citizens, and I'm going to work to make sure that doesn't happen.

But I don't want a single New Yorker, or American, to lose sleep at night because Congress failed to accomplish what we all agree is our highest priority—protecting America. We are 3 years after the attacks of September 11 and 3 months after the Commission issued its recommendations. We simply cannot wait any longer to move forward on these critical reforms.

So, my vote today is only a vote to protect the changed funding formula that prioritizes high-risk areas like New York, my home state, and to move this measure to conference with the Senate, which has passed a bill that more closely embodies the 9/11 Commission recommendations. And I can assure you that if the conference report that comes before our House is not significantly improved from what we have today, I will vote against it.

But for today, we must move this process forward to ultimately try to enact legislation that will truly and comprehensively improve our national intelligence structure.

IN RECOGNITION OF DON DREYER,
RECIPIENT OF SECRETARY OF
HEALTH AND HUMAN SERVICES
DEPARTMENT AWARD

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to recognize Don Dreyer of Rockville Centre, NY.

I am extremely honored to congratulate Mr. Dreyer upon being named by Health and Human Services Secretary Tommy Thompson as one of the eight people nationwide to receive the prestigious Secretary Recognition Award. Receipt of such an honor is testament to Don's impressive record of over thirty years of work on behalf of disabled persons.

Born with brittle bone disease, Don Dreyer was homebound until the age of 15. He has never let the fact that he is in a wheelchair be a handicap. Instead, he has spent much of his life seeing to it that the twenty percent of our nation's population who are disabled do not see themselves as handicapped either.

Don began his crusade for the disabled in 1971 when he served as Director of Media

and Public Relations at the National Center for Disability Services. Among his duties was the planning of foundation fund-raisers, including the Center's Annual Celebrity Sports Night Dinner. Don was also responsible for securing corporate and foundation grants for the education of young children with severe disabilities.

For over 25 years, Don has served as Director of the Nassau County Office for the Physically Challenged where he has always exhibited consummate diligence and tireless effort. In this capacity, he has worked to enact State and Federal legislation to enhance the lives of both disabled children and adults. The pinnacle of Don's career was in 1990 when his efforts led to the passage of the Americans with Disabilities Act. Today, he continues to support civil rights policies for the inclusion of disabled persons in the workplace, commerce, transportation, education, and health care.

During October, which is Disability Employment Awareness Month, the Department of Health and Human Services seeks to recognize the efforts of those who have made a contribution to the disabled in both the public and private sectors. Although Don has received numerous distinctions in the past, this award distinguishes the national impact that he has had over the past three decades.

Mr. Dreyer's tireless commitment to his job has made a difference in the lives of many. Once again, I would like to offer my congratulations to him on this well-deserved national recognition and wish him the best of luck in his future endeavors.

DISASTER AREA HEALTH AND ENVIRONMENTAL MONITORING ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mrs. MALONEY. Mr. Speaker, today I am introducing the Disaster Area Health and Environmental Monitoring Act with my colleagues Representatives TIM BISHOP, SHAYS, SERRANO, MCINTYRE, McDERMOTT, and SCHAKOWSKY.

During a disaster our first responders heroically rush to the disaster area with little regard for their personal safety in hopes of saving others. We owe it to them to at least monitor their health when it has been put at risk. Unfortunately, no such program exists. There is no better example of this than what has happened in the aftermath of 9/11.

Today, more than 3 years after 9/11, there are literally thousands of individuals who are still sick as a direct result of their work in and around Ground Zero. Included in the sick are police officers, firefighters, volunteers, residents, and area workers. Despite a clear need, there is still no one in the Federal Government in charge of caring for these individuals, there are no coordination among programs established to screen these illnesses and there is no Federal program that provides anyone with any treatment. This is why we are introducing the Disaster Area Health and Environmental Monitoring Act. This is the companion to S. 1279, which was introduced by Senators VOINOVICH and CLINTON in the Senate and passed by unanimous consent.

The Disaster Area Health and Environmental Monitoring Act would create a standard

for a monitoring program following a disaster when the President determines a monitoring program is needed. This monitoring program would be set up to screen the health of affected individuals. By creating a coordinated monitoring program we can provide valuable information to affected individuals and we can assure our first responders that we will continue to care about the health affects after the disaster. I urge my colleagues to support this legislation.

TRIBUTE TO THE MEN OF 2ND
BATTALION 7TH MARINES

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. CAMP. Mr. Speaker, I rise today to pay special tribute to men of the 2nd Battalion 7th Marines (2/7) that have recently returned from their tour of duty in Iraq. Specifically, I would like to honor Corporal Justin Perez, Lance Corporal Andrew Kingscott, Lance Corporal Justin Sebring, and Lance Corporal Ben Gunderson, of my district, for their outstanding service in support of Operation Iraqi Freedom.

These proud Marines exemplify the honor and tradition that the Marine Corps stands for. These men have offered their lives for an idea greater than any one of us as individuals—the right of all God's children to live in freedom. Through their courage, the flame of freedom has been lit; through their bravery its warmth and light continue to shine on America; and through their courage its rays of hope and opportunity now reach a nation of people. Their actions laid the groundwork for a safe and democratic Iraq, which will ultimately make the United States and the world a safer place.

Their character is measured not only by their efforts in the field; it is measured by the freedom they brought to the terrorized, and the bravery and fortitude with which they completed their mission. I am honored today to recognize Corporal Justin Perez, Lance Corporal Andrew Kingscott, Lance Corporal Justin Sebring, and Lance Corporal Ben Gunderson for their exemplary service on behalf of their country, and thank them for their work.

COMMENDING DR. ROBERT
STUART

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. BROWN of South Carolina. Mr. Speaker. I am pleased to have the opportunity to talk about a positive, life-affirming journey which represents the best and the brightest of my district. It is with tremendous pride that I rise today to commend Dr. Robert Stuart from Charleston, SC, for being one of the 20 cyclists to participate in the Bristol-Myers Squibb Tour of Hope™.

The Tour of Hope is a grueling eight-day bike journey across America that is designed to help raise awareness about the need for increased participation in cancer clinical trials. The cross-country tour is the brainchild of