

Fly fearlessly, no matter the weather. When we failed in our efforts, God allowed you to be close enough and live long enough to pick us up again.

We know we fall down sometimes. We got back up again. Again and again. Because you reminded us nothing is too hard for God. You showed us the power of right over might, the power of moral authority, the power stronger than guns and wealth, just by being available to do God's will.

You have been the wind beneath our wings. The Lord promised that they who wait upon the Lord shall renew their strength; they shall mount up with wings like eagles, they shall run and not be weary; they shall walk and not feint.

The writer promised this morning this great morning, one glad morning, we can fly away. You are faithful over a few things. Now He has called you up higher. Keep looking up to those stars, in their silver sockets of glory, to that place in the sky.

Now, Mother Eagle, God today has called you back to the big nest in the sky. This morning, Sweet Angel, take your rest, take your rest. Take your heavenly flight. You made your reservations. You prepaid your ticket. Now you can sit where you choose to sit. You have a reserved seat at the welcome table. When you get tired of sitting, you can just walk around heaven all day.

By the way, stop by and give Dr. King our highest regards. Tell Fannie Lou Hamer, howdy. Pluck those bullets out of Medgar Evers' back. Tell Emmett Till what he meant to you. Sit down with Daisy Bates.

Stop by and see Schwerner, Goodman and Chaney.

By the way, thank John Johnson for telling our story. Tell Mahalia. We are all moving up a little higher. And don't forget to tell Rev. C.L. Franklin thanks for teaching us how eagles stir their nests.

Make room for us. It won't be long now. We are too close to turn around now. We've wept bitter tears, but joy keeps coming. Sit where you want to now. There will be no arresting officers. No signs of disrespect. No more handcuffs. We thank you for your hope. We thank you for your healing. We thank you for being available. Good night, Sweet Angel. We will see you in the morning. You served us well. You've done God's will.

HEARING: THE NATIONAL PANDEMIC INFLUENZA PREPAREDNESS AND RESPONSE PLAN: IS THE U.S. READY FOR AVIAN FLU?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. KUCINICH. Mr. Speaker, is the U.S. ready for avian flu? I don't think there is any question that answer is a clear "no." The question is, what are we doing about it? The administration finally released its plan this week under tremendous public pressure. It got underwhelming reviews from experts because it is deficient on several fronts that will be collectively necessary for us to fight this disease. It is especially weak on efforts to stockpile anti-virals.

Our best anti-viral bet will be Roche's Tamiflu. It is well established that it will take Roche years to produce enough to satisfy American stockpile needs. We have enough for less than 1% of the U.S. population. We need at least enough for 25% of the U.S. Even after promised increases in production capacity, Roche's supply is far less than our stockpile needs. The same goes for countries around the world, including those where the outbreak is likely to originate if the virus mutates to pass easily from human to human. And yet there are plenty of production facilities to solve the problem. In fact, over 100 companies have expressed interest in "helping (Roche) meet production challenges," according to one of Roche's own advertisements. So what is the problem?

The problem is that Roche has a monopoly on Tamiflu. We are very familiar with what happens when a company has a monopoly on a product the world needs. They control supply. And that is exactly what Roche is doing.

But choking world supply is not the only consequence of Roche's monopoly. If we need a reminder about the perils of concentrating production in the hands of a few, we only need to look to last year. Chiron was forced to scrap half of the U.S. flu vaccine supply when their manufacturing facility failed to meet safety standards. That was for the

conventional flu. Imagine what would happen if we lost half of our Tamiflu supply in the middle of an avian flu outbreak. And yet, at the cusp of a potentially far more devastating avian flu epidemic, we are about to repeat our mistake. But there is a solution. Compulsory licensing.

HHS has the authority to issue a compulsory license to get rid of this dangerous shortage by allowing other companies to make Tamiflu. Roche would get compensation. That authority exists specifically to prevent the most predictable scenario—a pharmaceutical company holding a drug hostage when it is needed to protect public health, in order to increase profits. That is exactly what we're seeing here.

Roche revenues increased 17% last quarter. Tamiflu sales more than doubled to \$215 million in three months. They expect to make almost \$1 billion from Tamiflu sales this year. Of course they would want to hang on to this monopoly. Their ultimate responsibility is to their shareholders, not to the public.

We have heard a lot of promises from Roche that they are willing to negotiate with other companies to sublicense production, but I have not heard anything about a firm agreement to do so. Roche can keep fees too high in order to make it unprofitable for an outside company to manufacture Tamiflu. They can stipulate, and have indicated their willingness to do so, that any Tamiflu made by a company other than Roche would not be available for sale in the U.S. In other words, they can continue to restrict world supply.

And to top it off, the administration boasts that it wants to throw a billion dollars into buying anti-virals. But the drugs aren't there. There's nothing to buy and, as it stands, there won't be anything to buy in the near future. We may not have that kind of time. But the administration is still sitting on its hands while Roche's profits skyrocket and Tamiflu production does not. This is a clear choice of profits over public health.

As you know, Secretary Leavitt, last month nine of my colleagues and I sent you a letter requesting compulsory licensing. We have given Roche plenty of time to act appropriately and they have failed to do so. In order to protect public health, we must issue a compulsory license for Tamiflu immediately.