PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed seven votes on December 7, 2005. Had I been present I would have voted "yes" on S. 467 (Terrorism Risk Insurance Extension Act of 2005); "yes" on H.R. 4096 (Stealth Tax Relief Act of 2005); "yes" on H. Con. Res. 196 (Honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program); "no" on the Motion to Table the Appeal of the Ruling of the Chair regarding H.R. 3010; "no" on H.R. 4340 (United States-Bahrain Free Trade Agreement Implementation Act); "yes" on H.R. 4388 (Tax Revision Act of 2005); and "yes" on H.R. 4440 (Gulf Opportunity Zone Act of 2005).

APPOINTMENT OF CONFEREES ON S. 467, TERRORISM RISK INSURANCE EXTENSION ACT OF 2005

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Financial Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BAKER, Ms. PRYCE of Ohio, Mrs. KELLY, Messrs. KANJORSKI, CAPUANO, and CROWLEY.

Provided that Mr. ISRAEL is appointed in lieu of Mr. CAPUANO for consideration of sections 4, 5, and 7 of the Senate bill, and sections 103 and 105 of the House amendment, and modifications committed to conference.

From the Committee on the Judiciary, for consideration of sections 2 and 6 of the Senate bill, and modifications committed to conference: Messrs. SENSENBRENNER, GOODLATTE, and CONYERS.

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SESSIONS.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, WALSH, LEWIS of California, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

There was no objection.

COMMUNICATION FROM DISTRICT REPRESENTATIVE OF HON. GARY G. MILLER OF CALIFORNIA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Pat Fabio, District Representative of the Honorable GARY G. MILLER of California, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the Superior Court of Orange County, California, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PAT FABIO,
District Representative.

PERSONAL EXPLANATION

Mr. GERLACH. Mr. Speaker, due to a long-scheduled meeting with the Secretary of Veterans Affairs this afternoon regarding the future of the Southeastern Pennsylvania Veterans Cemetery, I was unable to be present on the floor during rollcall votes 612, 613, and 614. Had I been present, I would have voted ''yea'' on rollcall No. 612, ''yea'' on rollcall No. 613, and ''yea'' on rollcall No. 614.

REDISTRICTING IN THE STATE OF TEXAS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last 48 hours a number of us had the displeasure of reading in The Washington Post an article detailing the antics of the process of redistricting in the State of Texas. Many of us who were engaged in that process a good year or two years ago remember sitting down and presenting a very fair case to the Justice Department lawyers that the plan that was offered by Texas Republicans would undermine the Voting Rights Act and be discriminatory.

Lo and behold, though we presented a very fair case, and the Justice Department lawyers agreed with us and wrote accordingly, what came out of the Justice Department was completely different. I cannot imagine any greater abuse of power than what happened in the Texas redistricting plan, where the lawyers for the Justice Department, civil servants who did their work and indicated that the plan would violate the Voting Rights Act of 1965, were not allowed to prevail.

I would ask the Attorney General present now to investigate what occurred with respect to the Texas redistricting plan. We all know politics are in play, but they should not be in play in the works of our various executive agencies to provide the truth to the American people.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUSTICE FOR MURDER VICTIMS

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, Kenneth Lee Boyd committed a violent and vicious crime on the evening of March 4, 1988, in North Carolina. On that night, Boyd armed himself with a .357 Magnum pistol and committed cold-blooded murder against members of his very own family.

On that evening, Boyd picked up his children from his father-in-law's home and told the boys they were going for pizza. But that was a lie. With the pistol sitting in the seat of the car between Boyd and his children, he went back to his father-in-law's home, a place where his estranged wife was staying.

His 13-year-old son, Christopher, sensing something was up, tried to hide that pistol. And when Boyd pulled up to his father-in-law's driveway, Christopher, frightened, jumped from the car and ran to warn his grandparents and his mother.

Boyd then approached the house and began his shocking shooting spree. He first shot and killed his father-in-law, Thomas Curry, through the door. He then found his estranged wife in the doorway of her bedroom. He shot her several times and then went outside and reloaded his murder weapon, came back and shot her some more. In the end, it was decided Julie Boyd was shot a total of eight times.

Boyd went back outside, shot some more, and this time at his brother-in-law, Craig Curry, who was moving Boyd's children and a nephew to a wooded area to safety. The bullet missed Craig, who was trying to hide in the woods.

Boyd then returned to the home, called 911, informed the operator he had just killed his wife and father-in-law and told them to come get him. When the police arrived, he surrendered.

Last week, finally, Kenneth Boyd became the 1,000th execution to take place in the United States since the Supreme Court allowed the death penalty to resume in 1976. Last week, Kenneth Boyd was finally punished for his sins and crimes that he committed over 17 years ago.

Last week, when justice was served, the weak-kneed do-gooders and media had a heyday. Headlines surfaced and everyone focused on the number 1,000. Boyd was portrayed as a martyr. If the media was so gung ho keeping score, why did very few of them also report the number 558,000?

Mr. Speaker, this higher number is the total number of murder victims since the ruling in 1976. That is 558,000 people murdered by killers here in the United States. And who is carrying the torch for their cause? We continuously hear about the murderers, but we hear very little about the victims of crime.

Mr. Speaker, as a former judge and prosecutor, I have witnessed firsthand how victims are being treated in the justice system. Being a victim is a terrifying and unforgettable nightmare; then to become a victim at the hands of the criminal justice system is shameful, especially in a system that claims to have justice for all. The first duty of government must be to protect its citizens and victims, and victims should never be ignored to the benefit of criminals.

A Federal judge in Houston is now playing his role in overlooking the victims of crime as well. In June 1994, Charles Raby was sentenced to death for the 1992 slaying of 72-year-old Edna Franklin. Her throat was slit twice, her ribs were broken, and her body was stabbed numerous times with a knife. Charles Raby is currently on death row waiting to be executed, but he has filed another lawsuit challenging the constitutionality of lethal injection on the grounds it is cruel and unusual punishment.

U.S. District Judge Lynn Hughes recently denied a motion by the State Attorney General to dismiss Raby's ridiculous claim, and now he will be given access to State documents and employees to try to prove this worthless claim. This man brutally killed a 72-year-old woman with a knife and Judge Hughes is concerned his execution may be painful. Where was this Federal judge when Edna Franklin was brutally executed? This ought not to be.

Mr. Speaker, victims deserve to be treated better than this. We as a culture must not stand by and do nothing while those 558,000 were murdered and others hurt in our country. We must support victims of crime, and we must make sure the criminals who commit crimes against them pay for those acts of violence.

There are too many victims who cannot stand up for their own rights, and so it is up to us as concerned citizens, justice officials, public policymakers, and Members of this Congress to stand up for the rights of every homicide victim in this Nation to honor their memories through action. By continuing our commitment to helping the families and friends of murdered victims, and promoting a crime policy that ensures a place at the table of justice for them, we honor those lives that were stolen by senseless violence.

The theme of the 2005 National Crime Victims Week put it best: Justice is not served until crime victims are. That is just the way it is.

MEDICARE PRESCRIPTION DRUG BENEFIT

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

Mr. EMANUEL. Mr. Speaker, on December 8, 2003, President Bush signed the Medicare drug benefit act into law. At the signing, the President hailed the law as the greatest advance in health care coverage for America's seniors since the founding of Medicare. Here we are 2 years later, less than a month before the program begins, and so far the benefit as it relates to the consumer, i.e. the senior citizens, the 42 million senior citizens across this country, is an absolute failure.

It has failed because my colleagues on the other side who wrote this bill refuse to adhere to the number one rule of any business, which is that the customer comes first. And that customer in this case is senior citizens.

This bill was never designed with senior citizens in mind. It was designed with the pharmaceutical industry and the private insurers in mind, who are making on average $130 billion to $132 billion over the next 10 years in more profits than they would have made had this bill not been in place.

Senior citizens all over this country, regardless of district, regardless of region, regardless of income, regardless of education are all saying the same thing, that the bill is too complex. Part D, as it relates to prescription drugs, is way too complex. This is a case where simplicity trumped choice. We have given them so much choice, it is so complicated that nobody can figure out how to get the ''benefit'' of the prescription drug.

In fact, the drug manufacturers will see an extra $130 billion in profits over the next 10 years. Private insurers, we actually have an HMO slush fund where private insurers are rewarded with up to $130 billion in additional profits over the next 10 years because of overpayments.

□ 1800

So it is not just bad for our senior citizens, but because we are paying more, it is bad for our taxpayers. We could be doing better.

There are also three other provisions in this bill that left the basic principles of the private sector out.

First, competition. We should have allowed the reimportation of pharmaceutical products from Canada and Europe. That competition of pricing that goes on in Canada, France, Germany, England, Ireland, with what happens here in the United States, we would have had prices that are 50 percent cheaper. That is good for our senior citizens and good for our taxpayers who are being asked to pay for a pharmaceutical bill that is $800 billion over 10 years, not the $400 billion as advertised.

Second, the legislation designed by the Republicans specifically prohibits the Federal Government from negotiating lower prices. Just like Sam's Club does, just like Target does, just like any business that negotiations with their services, they get the best price because of competition, this legislation left the number one principle of private sector, negotiate for the best price.

So what has happened? According to the Government Reform Committee, they found that the new Medicaid drug benefit has done nothing to hold prices down. In fact, today, Medicare prices are 61 percent higher than the average price in Canada for the same medication, and 84 percent higher than the federally-negotiated prices that we do under the Veterans Administration. There is no price system, no competition in this bill as it relates to reimportation and as it relates to negotiation of price.

Third, it puts more barriers in place to getting generics into the market to compete against name-brand drugs. If we followed those three principles: Reimportation to allow competition and choice; negotiation between the government and the prescription drug companies just like the VA does, just like Sam's Club does, just like Target does, just like any company that negotiates with its sources and suppliers to get the best price; and third, allow generics into the market quicker, the taxpayers would have saved money and we would have delivered a better product to our senior citizens, and we would have had price control.

Right now, the only beneficiary out of this are the pharmaceutical companies and the insurance companies. The senior citizens and the taxpayers are being left behind. This bill never had the number one person in mind, the customer, the taxpayer and the senior citizen in mind, when drafting this bill.

It also failed at having a discount card. So few seniors signed up because there was no discount. In the greatest expansion of Medicare in terms of an entitlement, we were originally told this bill was going to cost $400 billion. It is going to cost $800 billion, and it is mounting and there has been nothing done to control the prices.

Once the errors were discovered, CMS directed seniors to Medicare's Web site, even though over 75 percent of the seniors have never used the Internet. There are serious and widespread problems, according to the Government Accountability Office.

Mr. Speaker, the Medicare prescription drug benefit is a failure because it was never designed with a customer in mind.

PANDEMIC PREPAREDNESS

The SPEAKER pro tempore (Mr. MCCAUL). Under a previous order of the