

FEDERAL WAR ON DRUGS THREATENS THE EFFECTIVE TREATMENT OF CHRONIC PAIN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. PAUL. Mr. Speaker, the publicity surrounding popular radio talk show host Rush Limbaugh's legal troubles relating to his use of the pain killer OxyContin will hopefully focus public attention on how the federal War on Drugs threatens the effective treatment of chronic pain. Prosecutors have seized Mr. Limbaugh's medical records in connection with an investigation into charges that Mr. Limbaugh violated federal drug laws. The fact that Mr. Limbaugh is a high profile, and often controversial, conservative media personality has given rise to speculation that the prosecution is politically motivated. Adding to this suspicion is the fact that individual pain patients are rarely prosecuted in this type of case.

In cases where patients are not high profile celebrities like Mr. Limbaugh, it is a pain management physician who bears the brunt of overzealous prosecutors. Faced with the failure of the War on Drugs to eliminate drug cartels and kingpins, prosecutors and police have turned their attention to pain management doctors, using federal statutes designed for the prosecution of drug kingpins to prosecute physicians for prescribing pain medicine.

Many of the cases brought against physicians are rooted in the federal Drug Enforcement Administration (DEA)'s failure to consider current medical standards regarding the use of opioids, including OxyContin, in formulating policy. Opioids are the pharmaceuticals considered most effective in relieving chronic pain. Federal law classifies most opioids as Schedule II drugs, the same classification given to cocaine and heroin, despite a growing body of opinion among the medical community that opioids should not be classified with these substances.

Furthering the problem is that patients often must consume very large amounts of opioids to obtain long-term relief. Some prescriptions may be for hundreds of pills and last only a month. A prescription this large may appear suspicious. But, according to many pain management specialists, it is medically necessary, in many cases, to prescribe such a large number of pills to effectively treat chronic pain. However, zealous prosecutors show no interest in learning the basic facts of pain management.

This harassment by law enforcement has forced some doctors to close their practices, while others have stopped prescribing opioids—even though opioids are the only way some of their patients can obtain pain relief. The current attitude toward pain physicians is exemplified by Assistant U.S. Attorney Gene Rossi's statement that "our office will try our best to root out [certain doctors] like the Taliban."

Prosecutors show no concern for how their actions will affect patients who need large amounts of opioids to control their chronic pain. For example, the prosecutor in the case of Dr. Cecil Knox of Roanoke, Virginia told all of Dr. Knox's patients to seek help in federal clinics even though none of the federal clinics would prescribe effective pain medicine.

Doctors are even being punished for the misdeeds of their patients. For example, Dr. James Graves was sentenced to more than 60 years for manslaughter because several of his patients overdosed on various combinations of pain medications and other drugs, including illegal street drugs. As a physician with over thirty years experience in private practice, I find it outrageous that a physician would be held criminally liable for a patient's misuse of medicine.

The American Association of Physicians and Surgeons (AAPS), one of the nation's leading defenders of private medical practice and medical liberty, has recently advised doctors to avoid prescribing opioids because, according to AAPS, "drug agents set medical standards." I would hope that my colleagues would agree that doctors, not federal agents, should determine medical standards.

By waging this war on pain physicians, the government is condemning patients to either live with excruciating chronic pain or seek opioids from other, less reliable, sources—such as street drug dealers. Of course, opioids bought on the street will likely pose a greater risk of damaging a patient's health than will opioids obtained from a physician.

Finally, as the Limbaugh case reveals, the prosecution of pain management physicians destroys the medical privacy of all chronic pain patients. Under the guise of prosecuting the drug war, law enforcement officials can rummage through patients' personal medical records and, as may be the case with Mr. Limbaugh, use information uncovered to settle personal or political scores. I am pleased that AAPS, along with the American Civil Liberties Union (ACLU), has joined the effort to protect Mr. Limbaugh's medical records.

Mr. Speaker, Congress should take action to rein in overzealous prosecutors and law enforcement officials and stop the harassment of legitimate pain management physicians, who are acting in good faith in prescribing opioids for relief from chronic pain. Doctors should not be prosecuted for doing what, in their best medical judgment, is in their patients' best interest. Doctors should also not be prosecuted for the misdeeds of their patients.

Finally, I wish to express my hope that Mr. Limbaugh's case will encourage his many fans and supporters to consider how their support for the federal War on Drugs is inconsistent with their support of individual liberty and Constitutional government.

RECOGNIZING LUPUS INTERNATIONAL

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize Lupus International for their dedication and commitment to improving the quality of life for individuals living with lupus.

Lupus is a chronic autoimmune disease that afflicts 2.8 million people in the United States. The disease affects more people than AIDS, cerebral palsy, multiple sclerosis, sickle cell anemia, and cystic fibrosis combined, yet many people have never heard of the disease. There is no known cure for lupus and there are few treatments specific to the disease.

Founded in 1983, Lupus International is a non-profit organization dedicated to raising public awareness, patient education, and supporting lupus research. For over 20 years, Lupus International has played a vital role in the battle against this destructive disease. I commend Lupus International for their service to millions of Americans suffering from lupus.

Mr. Speaker, by supporting such private efforts as Lupus International, we pay tribute to the victims suffering from this disease. We also honor those whose efforts will one day eradicate lupus as a life-threatening disease.

CONGRATULATING THE CARNEGIE SCIENCE CENTER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate The Carnegie Science Center, one of four Carnegie Museums in Pittsburgh, for being named one of the three recipients of the 2003 National Awards for Museum Service, the country's highest honor for extraordinary community service provided by a museum. The Carnegie Museums empowers the residents of Western Pennsylvania with knowledge in the fields of science and technology.

The team at The Carnegie Science Center is truly committed to their surrounding communities. On January 22, 2004 it was honored in The East Room of The White House by First Lady Laura Bush for their dedication. Those present at the ceremony to receive the award were: Mareena Woodbury-Moore, a ninth grade student at Schenley High School in Pittsburgh and also a standout participant in Mission Discovery—Carnegie Science Center's outreach program. Mareena was joined by Joanna E. Haas, director of The Carnegie Science Center, and Howard J. Bruschi, Chairman of the Carnegie Science Center board of directors.

Since 1994, The Carnegie Science Center has run neighborhood programs that educate local residents, of all ages, about the advantages of technology. Their hard work and dedication has made the city of Pittsburgh a better place.

I ask my colleagues in the House of Representatives to join me in commemorating the efforts of The Carnegie Science Center to improve the quality of life in the City of Pittsburgh. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to recognize the leadership of The Carnegie Science Center.

RECOGNIZING LEON G. KERRY, CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION COMMISSIONER, ON HIS OUTSTANDING LEADERSHIP IN THE PROMOTION OF COLLEGIATE ATHLETICS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of Mr. Leon G. Kerry, Commissioner of the Central Intercollegiate Athletic

Association (CIAA), on his tremendous leadership as head of the nation's oldest African-American college athletic conference.

Mr. Kerry, a resident of Chesapeake, Virginia, is now in his fourteenth year as Commissioner of the CIAA. In that time he has brought the conference from a largely regional entity to a hugely popular and highly respected athletic organization with national appeal.

After graduating from Norfolk State University with a degree in Business Administration, Mr. Kerry served proudly in the United States Army and Army Reserve, rising to the rank of Captain.

Upon completion of his military service, Mr. Kerry rose through the ranks of corporate banking serving as vice president of Sovran Bank.

Mr. Kerry implemented his extensive banking experience as a part-time volunteer with the CIAA, where he restructured the conference's financial organization. Within six months Kerry had left banking behind and became the CIAA business manager.

With a penchant for numbers and a natural business sense, Mr. Kerry became an obvious choice for the position of interim commissioner of the CIAA, a position he took in May of 1989. He later became full-time commissioner in February 1990.

Under Kerry's guidance the CIAA has blossomed and become a leader in athletic competition. Through unwavering support of the conference and its athletes, Mr. Kerry has led unprecedented fundraising efforts to develop the CIAA and increase its accessibility for both student athletes and sport enthusiasts alike.

Quickly becoming one of the nation's premier collegiate competitions, the CIAA basketball tournament is among the region's most highly anticipated annual sporting events. As Commissioner, Mr. Kerry has overseen the growth of the tournament rise from a spectator base of about 10,000 to its current attendance of over 80,000. The tournament now enjoys nationwide television coverage and vast corporate sponsorship.

Because of Mr. Kerry's resounding success, he is now the longest-tenured commissioner of a historically black college or university athletic conference. Mr. Kerry continues to advocate education as well as athletics and the students of the CIAA have benefited immensely from his leadership.

Mr. Speaker, please join me in honoring Commissioner Leon Kerry for his leadership in collegiate athletics, his commitment to student athletes and the many contributions he has made to his community.

PERSONAL EXPLANATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Ms. DUNN. Mr. Speaker, I missed rollcall vote No. 20 because I was unavoidably detained. Had I been here, I would have voted "aye."

SECURE EXISTING AVIATION LOOPHOLES (SEAL) ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. MARKEY. Mr. Speaker, more than two and one-half years after the terrorist attacks on September 11, 2001, dangerous gaps still persist in the Nation's aviation security system. Today, I am introducing the Secure Existing Aviation Loopholes (SEAL) Act to address the pressing security problems that continue to threaten the safety of airline passengers and crew members.

INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT

Twenty-two percent of all the cargo that is shipped by air in the United States is transported aboard passenger aircraft, amounting to about 2.8 million tons of cargo loaded aboard passenger airplanes each year. The Department of Homeland Security does not routinely inspect cargo transported on passenger planes. Instead, the Department relies on paperwork checks of manifests as part of the Department's flawed Known Shipper Program and random physical inspections that are randomly verified by the Department. This cargo loophole in aviation security has been repeatedly exploited. For example, in September 2003, a shipping clerk packed himself inside a wooden crate and shipped himself undetected from New York to Texas aboard a cargo plane, and Pan Am Flight 103 was brought down in 1988 over Lockerbie, Scotland by a bomb contained in unscreened baggage.

The SEAL Act requires 100 percent physical inspection of cargo that is transported on passenger planes. The costs of physical screening, estimated to be comparable to the \$1.8 billion funding level for screening checked baggage, would be offset by a cargo security fee, similar to the fee that passenger pay for security measures when they purchase airline tickets.

FEDERAL AIR MARSHALS

Ten transatlantic flights were canceled over the weekend of January 31–February 1, 2004 due to heightened fears of a possible Al Qaeda attack, and 16 international flights were canceled or delayed over the Christmas and New Year's holidays as a result of specific intelligence that the flights might be terrorist targets. The cancellations resulted when some European carriers such as Air France and British Airways refused to place armed marshals onboard and instead opted to cancel the flights. There are no international standards to define what constitutes proper training for air marshals. Consequently, air marshals on flights that originate overseas and are bound for the U.S. may have different training that could be inconsistent with best practices.

The SEAL Act prohibits foreign air carriers from taking off or landing in the United States unless a Federal air marshal or an equivalent officer of the government of the foreign country is onboard, in cases when the Secretary of Homeland Security requests that an air marshal or officer of a foreign country travel on the flight.

Given intelligence indicating that terrorist may try to commandeer all-cargo planes and crash them into nuclear power plants and

other critical infrastructure in the U.S., the SEAL Act provides authority for Federal Air Marshals to travel aboard cargo aircraft, as needed. The Federal Air Marshal Service does not currently have this authority.

IMPROVED AVIATION SECURITY

Flight Attendants

Flight attendants do not have a discreet, secure and wireless method of communicating with pilots in the cockpit, with air marshals who may be onboard the aircraft or with authorities on the ground. Flight attendants must rely on telephones affixed to the interior of the passenger cabin if they need to communicate with pilots via phone or with authorities on the ground. These phones can be easily disabled. Flight attendants do not have a method of communicating via phone with air marshals onboard. On American Airlines Flight 11, which was crashed into the Pentagon on September 11th, flight attendants were unable to communicate by phone with the cockpit. The Homeland Security Act of 2002 included the directive that carriers' provide flight attendants with a secure, wireless method of communicating with pilots, but this provision was inserted in a voluntary section of the Aviation Transportation Security Act.

The SEAL Act makes mandatory the provision of wireless communication systems for flight crew and air marshals.

Crew Training

Prior to the September 11th terrorist attacks, air carrier responsibilities for security and anti-hijacking training for flight crews were set forth in the Air Carrier Standard Security Program, also known as the Common Strategy. The Common Strategy was originally developed in the 1980s, and it emphasized accommodation of hijackers' demands, delaying tactics, and safely landing the airplane. It advised air crews to refrain from trying to overpower or negotiate with the hijackers. On September 11th, the Common Strategy offered no defense against the tactics employed by the hijackers of Flights 11, 77, 93, and 175.

Enacted on December 12, 2003, Vision 100—Century of Aviation Reauthorization Act (PL 108–176) made voluntary many of the important elements of self-defense training for crew members that had been mandatory in Section 1403 of the Homeland Security Act of 2002 (PL 107–296). Training in the following tactics is voluntary under Section 603 of the 2003 aviation reauthorization, but had been mandatory in Section 1403 of the Homeland Security Act:

The SEAL Act will reinstate the requirement established in the Homeland Security Act to make counter-terror training for aircraft crew mandatory.

International Cooperation on Aviation Security

The cancellation of more than two dozen international flights since December 2003 suggests significant disagreement between the U.S. and some foreign nations over the best way to respond to terrorist threats to aviation security. In January 2003, Asa Hutchinson, Undersecretary of Border and Transportation Security in the Department of Homeland Security, met with European officials to discuss aviation security measures, including the use of air marshals on international flights to the U.S. No agreement was reached with European governments on the placement of air marshals on U.S.-bound flights in cases when intelligence about terrorist threats against flights is received.