

## **Issa Criticizes FDA Oversight of J&J, McNeil, in Letter to Hamburg**

477 words

9 September 2011

Food & Drug Letter

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English

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In a letter May 20 to Commissioner Margaret Hamburg, Chairman of the **House** Committee on Oversight and Government Reform Rep. Darrell Issa (R-Calif.) criticizes the agency's oversight of McNeil Consumer Healthcare, and cites "great difficulty" in arranging a meeting with **FDA** officials.

During a May 15 to May 17 visit to Puerto Rico, Rep. Issa met with the **FDA's** Puerto Rico district director Maridalia Torres to discuss the **FDA's** role in McNeil's 'silent' recall of its OTC product Motrin.

Last year, after McNeil's so-called phantom recall of Motrin -- in which the company allegedly hired contractors to purchase suspect product instead of issuing a formal recall -- Issa questioned the **FDA's** actions, wondering if the **FDA** knew more about the 'recall' than it let on to Congress.

### Consent Decree

In March, McNeil signed a consent decree with the **FDA** over its closed Fort Washington, Pa., plant and placed oversight over its Lancaster, Pa., and Las Piedras, Puerto Rico, facilities.

Because the committee "encountered great difficulty in gaining access to" Torres, Issa conducted a "fact-finding visit" to Puerto Rico, according to the letter.

"Unfortunately, the **FDA** repeatedly refused to make Ms. Torres available without supervision from the Commissioner's office," Issa notes. In addition to meeting Torres in Puerto Rico, Issa also met there with:

- \* Acting Principal Deputy Commissioner John Taylor;
- \* Assistant Commissioner for Legislation Jeanne Ireland; and
- \* Associate Commissioner for Regulatory Affairs Dara Corrigan.

During the meeting, Torres said **FDA** staff had not visited McNeil's facility since November, according to Issa. Moreover, "Torres and her staff have not even reviewed the corrective actions undertaken by McNeil" and have instead relied on a third-party officer to provide them with updates, Issa notes.

Torres "repeatedly" cited insufficient resources as the reason her team has not more closely monitored McNeil, Issa says, who points out that McNeil agreed to reimburse the **FDA** for any inspections the agency deems necessary as part of its consent decree. "I find this excuse deeply troubling and inconsistent with the resources made available to the **FDA**," Issa says.

### Documentation Required

Because his meeting with district director Torres "raised several questions about the mismanagement of safety concerns" at the **FDA's** San Juan office, Issa requests the **FDA** provide documentation on any employee disciplinary actions the agency might have taken in connection with McNeil's issues.

"McNeil Consumer Healthcare regularly communicates with the **FDA** regarding commitments we have made to the agency," McNeil spokeswoman Bonnie Jacobs told The Food & Drug Letter in reaction to the letter.

The **FDA** will respond directly to Issa, **FDA** spokesman **Jeff Ventura** said in an interview.

The letter from Issa to Hamburg is available at [www.fdanews.com/ext/files/Issa%20Letter.pdf](http://www.fdanews.com/ext/files/Issa%20Letter.pdf).

Release date: Sept. 9, 2011

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## **FDA Approves First Fentanyl Nasal Spray for Opioid-Tolerant Cancer Patients**

387 words

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Drug Industry Daily

DRIDY

Vol. 10, No. 130

English

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The **FDA** has approved Archimedes Pharma's Lazanda, the first fentanyl nasal spray approved in the U.S., to treat breakthrough pain in opioid-tolerant cancer patients.

Because Lazanda is an opioid agonist and a Schedule II controlled substance, the drug was approved with a risk evaluation and mitigation strategy (REMS) in place. Healthcare professionals will be required to enroll in the Lazanda REMS program to dispense the treatment, a requirement that currently cannot be enforced via REMS for opioid products.

In April, the **FDA** released a new REMS for long-acting (LA) and extended-release (ER) opioids. While manufacturers of LA-ER opioids will be required to develop REMS, the **FDA** cannot yet require healthcare professionals to complete an educational program to prescribe the drugs.

That could change, however, due to "the Obama administration's intention to seek legislation to require prescriber education as a condition of obtaining [Drug Enforcement Agency] registration," according to the **FDA** (DID, April 20).

For now, the "REMS for fentanyl products is different than that planned for the long acting/extended release opioids," **FDA spokesman Jeff Ventura** told DID. To prescribe Lazanda, prescribers must enroll in the system and complete a knowledge assessment, Ventura added.

Lazanda will compete with a number of other fentanyl delivery methods already on the market.

Earlier this year, the **FDA** approved ProStrakan's breakthrough pain treatment Abstral, a rapidly-disintegrating sublingual tablet (DID, Jan. 11). Generic giant Teva also manufactures a fentanyl transdermal system (DID, Oct. 22, 2008).

"As the first fentanyl nasal spray in the U.S., Lazanda provides a new approach to managing the often debilitating and inadequately-treated episodes of breakthrough pain that many patients with cancer experience," Lazanda clinical investigator Donald Taylor said.

Lazanda's safety and efficacy was studied in series of Phase III trials, in which the treatment was compared to placebo in more than 500 patients. Lazanda showed a statistically significant improvement in pain intensity at 30 minutes.

The most common adverse events observed "were consistent with opioid treatment and included vomiting, nausea, pyrexia (fever) and constipation," Archimedes says.

This is the first **FDA** approval for the Reading, England company. Lazanda is currently marketed as PecFent in five European countries. -- Kevin O'Rourke

Release date: July 5, 2011

Document DRIDY00020110705e77500002

Health & Science

## **STOP-SMOKING PILL CALLED RISKY HOPKINS STUDY FINDS HEART AILMENTS MORE FREQUENT WITH USE OF CHANTIX THAN PLACEBO**

Meredith Cohn

1,448 words

5 July 2011

The Baltimore Sun

BSUN

Final

1A

English

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A new study led by a Johns **Hopkins** researcher says the popular anti-smoking drug Chantix significantly increases the risk for a heart attack or other serious heart problem in healthy, middle-aged smokers.

Dr. Sonal Singh, the study's lead author, is calling for warnings on the drug to be stronger than those currently required by the Food and Drug Administration.

"People want to quit smoking to reduce the risk of cardiovascular disease, but in this case they're taking a drug that increases the risk for the very problems they're trying to avoid," said Singh, an assistant professor of general internal medicine.

The study, which said the risk increased by 72 percent for healthy, middle-aged smokers, was released Monday in the Canadian Medical Association Journal.

Singh, who reviewed 14 clinical trials, said the risk is significantly higher than the U.S. **FDA** indicated in mid-June when it warned about a small increase in cardiovascular impacts for those on the drug, generically known as varenicline. The **FDA's** warning was based on a study of 700 smokers who already had cardiovascular disease.

**FDA** officials responded by saying that more analysis was needed before the agency would change its position. They have also asked the drug's maker, Pfizer, to conduct another review and to plan its own study. The **FDA** also has asked Pfizer to conduct a large, randomized study of possible psychiatric effects. Reports of depression and suicidal thoughts led two years ago to a boxed warning on the drug's label, its most serious type.

"The recent [**Hopkins**] analysis is consistent with a concern we have already identified," wrote **FDA spokesman Jeff Ventura** in an email response to questions about the study.

In the meantime, the **FDA** cited studies that found Chantix was effective in helping patients quit smoking for as long as a year.

Pfizer said in a statement that the company "strongly believes in and supports Chantix as an important treatment option" and that it disagrees with the interpretation of the data put forth by Singh's study. "The analysis contains several limitations; most notably that it is based on a small number of events, which raises concerns about the reliability of the authors' conclusions," the release said. "The authors acknowledge that their risk 'estimates are imprecise owing to the low event rates.' "

For Carolyn Miller, it's been four years since she quit with the help of Chantix. The echocardiography technician in the cardiology department at Bon Secours Hospital in West Baltimore said she'd tried many times over 32 years to kick the habit using nicotine patches and going to smoking cessation meetings.

Once starting on Chantix, it wasn't even a week before Miller, 55, lost her desire to smoke. When the cravings ended, she stopped taking the drug and has had no cardiac issues.

"The key was being mentally ready," she said. "But I really think the Chantix worked. I still don't have cravings."

The **FDA** says Chantix works by blocking the effects of nicotine in the brain, and eases withdrawal symptoms. It also blocks the effects of nicotine from cigarettes if users resume smoking.

Miller said she is breathing and sleeping better, food tastes better, and she has more energy. But she never would have taken Chantix if she'd known about the **FDA** warning and **Hopkins** research, she said.

She plans to stop recommending it to her heart patients.

"A 70 percent increase in risk is scary," Miller said.

Jordan Buescher isn't as sure what he would have done with the information in the **Hopkins** study. The 33-year-old probation officer for the state of Michigan took Chantix for months to kick his 15-year cigarette habit.

A friend who worked for a cancer awareness group had persuaded him to undertake a complete makeover, from diet to exercise to smoking. He relied on support from friends and family, ran a half-marathon and has been off cigarettes for a year.

He knew that he might have psychological problems from Chantix, and indeed, he had extreme mood swings that prompted him to see a psychologist and made him hard to be around, he said. But he thought his health was worth the trouble.

"If someone said there is a one in two chance you're going to die, you wouldn't take [a drug]," he said. "But sometimes you have to take some risks to live a better life. Maybe that's easy for me to say because I didn't have a heart attack and die."

Knowing about potential risks now, Buescher said, he probably would have done more research, consulted more doctors and tried means of quitting that didn't involve the "wonder drug" first.

Others might also be seeking alternatives, despite such testimonials about effectiveness. Pfizer reported revenue of \$199 million in the first quarter of the year from Chantix, up 5 percent, largely because of international sales. But the company said sales were tempered by labeling in the United States. France also has stopped covering the drug, called Champix in Europe, under its public insurance.

Pfizer says doctors have written 7 million prescriptions for Chantix in the United States and 13 million worldwide since it was approved in 2006. It had a shortened review period because the **FDA** said clinical testing had shown a significant improvement over available therapy.

Singh said he and colleagues from Wake Forest University School of Medicine and the University of East Anglia in the United Kingdom decided to take a closer look at Chantix when one of the doctors reported patients with chest pains.

With a grant from the National Institutes of Health's National Center for Research Resources and the NIH Roadmap for Medical Research, they reviewed 14 clinical trials involving 8,200 healthy people who took Chantix or a placebo. Singh said the extent of the risk for heart attacks and arrhythmias wasn't apparent until all the data were reviewed at once.

There weren't a large number of deaths, according to the study, but the risk for those without heart disease having a cardiac event that required hospitalization was 72 percent higher than for those taking a placebo. The average age of study participants was less than 45.

Singh estimated there have been 62,000 serious cardiac events in the United States from the drug. He now emphasizes the need to quit smoking, but without Chantix.

The **FDA** says smoking kills 1,200 people a day. The American Heart Association calls it the most preventable cause of premature death in the country. It can lead to several chronic diseases including cancer, lung problems and coronary artery disease.

The association supports both drugs and counseling to help tobacco users quit, as does the U.S. Preventive Services Task Force, an independent panel of prevention experts.

Approved drugs include over-the-counter nicotine patches, gum and lozenges, and a prescription nicotine-replacement product, Nicotrol.

Chantix and Zyban, or bupropion, are non-nicotine, prescription pills. Zyban also carries an **FDA** warning about possible psychiatric problems.

"Combination therapy with counseling and medications is more effective than either component alone," the task force recommendation reads.

As part of the campaign against smoking, the federal government is turning to new graphic packaging on cigarettes. And states such as Maryland are maintaining free phone lines.

The state established the Tobacco Quitline, 1-800-QUIT-NOW, in 2006 and also offers free nicotine replacement therapy to callers who register for counseling, said Dawn S. Berkowitz, chief of the state's division of federal and special tobacco control initiatives.

The state reports the percentage of residents who smoke dropped to 15.2 percent in 2010 from 20.5 percent in 2000, and among high school students, the rate dropped to 14.1 percent in 2010 from 23 percent in 2000.

Singh said he encourages his patients to quit through counseling and maybe nicotine patches. He plans to continue lobbying the **FDA** to increase the warnings for, and insurance companies to no longer fund, Chantix. "Patients ask for Chantix because the ads are all over TV," he said. "If they say they want to quit smoking, I'll spend time and counsel them. ... There are too many consequences from this drug."

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Photo(s) 1. Drugmaker Pfizer disagrees with **Hopkins** study, notes the "small number of events." \ 2. Bon Secours Hospital technician Carolyn Miller quit smoking by using Chantix but says, "A 70 percent increase in risk is scary."

Document BSUN000020110705e7750003c

Nation/world

## **FDA to independently review menthol cigarettes**

MICHAEL FELBERBAUM; Published: June 28, 2011

642 words

28 June 2011

The News & Advance

LNCHNA

English

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The Food and Drug Administration is conducting an independent review of research on the public health impact of menthol cigarettes, which are mint-flavored and one of the few growth sectors of the shrinking cigarette business.

The federal agency said Monday that members of its Center for Tobacco Products will gather menthol studies and then submit its review to an external peer review panel next month. The process is expected to be completed in the fall. The results of the review will be available for public comment.

**FDA spokesman Jeff Ventura** said the review is meant to ensure that the "best available science is used to support regulatory and programmatic decision-making."

The review comes after the **FDA** in March received a report from the Tobacco Products Scientific Advisory Committee on the minty smokes. Panels like the tobacco committee advise the **FDA** on scientific issues. The agency doesn't have to follow its recommendations but often does.

The report, which was mandated under the 2009 law giving the agency the authority to regulate tobacco, said removing menthol cigarettes from the market would benefit public health because the flavoring has led to an increase in smokers - particularly among teens, African-Americans and those with low incomes. It also said that they make it harder for them to quit.

The report, however, said menthol smokers are not likely to be at a higher risk of disease or exposed to a greater number of toxins.

The report concluded that more research is needed and the federal agency should develop a program to monitor marketing of menthols.

It also suggested that should the **FDA** choose to recommend a ban or other restrictions, the agency should study the potential for contraband menthol cigarettes, a concern raised by the tobacco industry and other trade groups.

A menthol ban or other restrictions on the flavored cigarettes would fall heavily on Lorillard Inc., whose Newport brand is the top-selling menthol cigarette in the U.S., with about 35 percent of the market. Lorillard, the country's third-largest tobacco company, is based in Greensboro, N.C.

"We continue to strongly believe that an objective, thorough and rigorous scientific review will lead the agency to conclude that menthol cigarettes do not present any more harm than nonmenthol cigarettes," Gregg Perry, a **spokesman** for Lorillard, said in a statement Monday.

Henrico County-based Altria Group Inc., parent company of the nation's largest cigarette maker, Philip Morris USA, said in a statement that the review of menthol in cigarettes should be "science- and evidence-based."

Lawrence Deyton, director of the **FDA's** Center for Tobacco Products, signaled in March that a ban is not a sure thing, saying that the report does not set **FDA** policy or actions. Many analysts believe the **FDA** won't ban menthol, which about 19 million Americans smoke.

Menthol cigarettes are one of the few growth areas in a shrinking cigarette market.

The percentage of cigarette smokers using menthol brands grew from 31 percent in 2004 to 33.9 percent in 2008, according to a study by the federal Substance Abuse and Mental Health Services Administration, with more significant growth among younger smokers.

There's evidence consumers perceive that menthol cigarettes offer some health protection or medicinal benefit that nonmenthol cigarettes don't, according to the report. It also says menthols are disproportionately marketed to blacks and younger smokers.

Meanwhile, a tobacco industry report to the **FDA** acknowledges that all cigarettes are hazardous but says there's no scientific basis for regulating menthols differently.

In response to the **FDA's** latest move, Matt Myers, president of the Campaign for Tobacco-Free Kids, said the advisory panel did a thorough and expert job reviewing the science and the March report "deserves great weight."

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National News

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642 words

28 June 2011

Danville Register & Bee

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English

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Document DANRNB0020120114e76s001kz

## **Briefs: Bank prepares to raise funds**

537 words

28 June 2011

The State (Columbia, SC)

STSC

English

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Bank of South Carolina Corp. is loading up its financial bullpen just in case an attractive acquisition opportunity steps up to the plate. The Charleston-based lender last week filed papers with regulators enabling it to sell or issue up to \$10 million in either stock or debt to fund such an investment. The so-called shelf registration statement is good for three years. The move gives the company the option to raise money through one or more public offerings, although it has no current commitments.

### Boeing faces \$1 million penalty

The federal government says Boeing should pay a \$1 million penalty for problems with the emergency oxygen system on its 777 planes. The Federal Aviation Administration says it found the problems when it inspected nine new planes last year. It found problems with the installation of tubes on the passenger oxygen system. Boeing Co. has 30 days to respond to the proposed civil penalty.

### Classic designs get stamp treatment

Remember that colorful Fiesta dinnerware on your mom's or grandma's dinner table? How about the Baby Brownie camera she took snapshots with? Or that heavy, black telephone to chat on? Those and several other classics of American design are featured on a new set of postage stamps being issued Wednesday. The stamps are designated "forever" and will sell for the first-class rate, currently 44 cents. First-day ceremonies for the stamps will be held at the Cooper-Hewitt National Design Museum in New York City on Wednesday, the same day the stamps go on sale nationwide. The set honors a dozen pioneers of American industrial design, with one of their works on each stamp.

### **FDA** examines menthol cigarettes

The Food and Drug Administration is conducting an independent review of research on the public health impact of menthol cigarettes, which are mint flavored and one of the few growth sectors of the shrinking cigarette business. The federal agency said Monday members of its Center for Tobacco Products will gather menthol studies and then submit a review to an external peer review panel next month. The process is expected to be complete in the fall. The results of the review will be available for public comment. **FDA spokesman Jeff Ventura** said the review is meant to ensure the "best available science is used to support regulatory and programmatic decision making." The review comes after the **FDA** in March received a report from the Tobacco Products Scientific Advisory Committee on the minty smokes. Panels such as the tobacco committee advise the **FDA** on scientific issues, but the agency doesn't have to follow the recommendations.

### Investment group buys Facebook stock

Facebook has sold about \$6.6 million worth of its shares to the investment fund GSV Capital Corp. as the company is believed to be preparing for an initial public offering next year. GSV announced that it had purchased 225,000 shares in the world's most popular social network on Monday morning at an average price of \$29.28 a share. The investment makes up about 15 percent of the publicly traded fund's total portfolio.

The (Charleston) Post and Courier, The Associated Press and The Los Angeles Times contributed.

Document STSC000020110628e76s0002z

General News

**FDA to open menthol investigation**

DONALD W. PATTERSON

427 words

28 June 2011

Greensboro News & Record

GRNB

News & Record

A2

English

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GREENSBORO - A **spokesman** for Lorillard Inc. said Monday the Greensboro-based tobacco company is pleased the Food and Drug Administration planned an independent review of research on the public health impact of menthol cigarettes.

The review follows a report in March from an **FDA** advisory committee that the removal of menthol cigarettes from the market would benefit the nation's public health.

A ban or restriction on the flavored cigarettes would have a significant impact on Lorillard, whose Newport is the top-selling menthol brand in the country, with about 35 percent of the market for menthol cigarettes.

"We are gratified that the **FDA's** preliminary findings will be subjected to a peer review," Gregg Perry, a Lorillard **spokesman**, said in a statement. "We are hopeful that the external ... review will be composed of objective, fair-minded scientists."

The **FDA** said members of its Center for Tobacco Products will gather menthol studies and submit its findings to the external panel next month. The process should be completed this fall.

"We continue to strongly believe," Perry said in his statement, "that an objective, thorough and rigorous scientific review will lead the agency to conclude that menthol cigarettes do not present any more harm than non-menthol cigarettes."

Perry added, "We also continue to believe that the agency, as mandated by Congress, should review the unintended consequences of restrictions on menthol cigarettes, including the impact of a sizable illicit market of contraband cigarettes."

**FDA spokesman Jeff Ventura** told The Associated Press that the review would ensure that the "best available science is used to support regulatory and programmatic decision making."

The March report, which resulted from a 2009 law that gave the federal agency the authority to regulate tobacco, said the minty cigarettes have resulted in an increase in usage, particularly among teenagers, African Americans and those with lower incomes.

It also said the menthol brands made it harder for smokers to quit.

However, the report said menthol users are not likely to be at a higher risk of disease or exposed to a greater number of toxins.

The report concluded that more research is needed.

Many analysts don't believe the **FDA** will ban menthol cigarettes, which are used by about 19 million Americans.

Lorillard is the nation's third-largest tobacco company.

The Associated Press contributed to this report.

Contact Donald W. Patterson at 373-7027 or don.patterson @news-record.com

nLorillard says it's happy about the government review of the flavored cigarettes.

Document GRNB000020110628e76s00008



## FDA to conduct independent review of research on public health impact of menthol cigarettes

By MICHAEL FELBERBAUM

AP Tobacco Writer

688 words

27 June 2011

15:01

Associated Press Newswires

APRS

English

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RICHMOND, Va. (AP) - The Food and Drug Administration is conducting an independent review of research on the public health impact of menthol cigarettes ---- which are mint flavored and one of the few growth sectors of the shrinking cigarette business.

The federal agency said Monday members of its Center for Tobacco Products will gather menthol studies and then submit its review to an external peer review panel next month. The process is expected to be completed in the fall of 2011. The results of the review will be available for public comment.

**FDA spokesman Jeff Ventura** said the review is meant to ensure that the "best available science is used to support regulatory and programmatic decision making."

The review comes after the **FDA** in March received a report from the Tobacco Products Scientific Advisory Committee on the minty smokes. Panels like the tobacco committee advise the **FDA** on scientific issues. The agency doesn't have to follow its recommendations, but often does.

The report, which was mandated under the 2009 law giving the agency the authority to regulate tobacco, said removing menthol cigarettes from the market would benefit public health because the flavoring has led to an increase in smokers---- particularly among teens, African Americans, and those with low incomes. It also said that they make it harder for them to quit. The report, however, said menthol smokers are not likely to be at a higher risk of disease or exposed to a greater number of toxins.

The report concluded that more research is needed and the federal agency should develop a program to monitor marketing of menthol cigarettes. It also suggested that should the **FDA** choose to recommend a ban or other restrictions, the agency should study the potential for contraband menthol cigarettes, a concern raised by the tobacco industry and other trade groups.

A menthol ban or other restrictions on the flavored cigarettes would fall heavily on Lorillard Inc., whose Newport brand is the top-selling menthol cigarette in the U.S., with roughly 35 percent of the market. Lorillard, the country's third-largest tobacco company, is based in Greensboro, N.C.

"We continue to strongly believe that an objective, thorough and rigorous scientific review will lead the agency to conclude that menthol cigarettes do not present any more harm than non-menthol cigarettes," Gregg Perry, a **spokesman** for Lorillard, said in a statement on Monday.

In a statement, Richmond-based Altria Group Inc., parent company of the nation's largest cigarette maker, Philip Morris USA, said the review of menthol in cigarettes should be "science-and evidence-based."

Lawrence Deyton, director of the **FDA's** Center for Tobacco Products, signaled in March that a ban is not a sure thing, saying that the report does not set **FDA** policy or actions. But many analysts believe the **FDA** won't ban menthol, which about 19 million Americans smoke.

Menthol cigarettes are one of the few growth areas in a shrinking cigarette market. The percentage of cigarette smokers using menthol brands grew from 31 percent in 2004 to 33.9 percent in 2008, according to a study by the federal Substance Abuse and Mental Health Services Administration, with more significant growth among younger smokers.

There's evidence consumers perceive that menthol cigarettes offer some health protection or medicinal benefit that non-menthol cigarettes don't, according to the report. It also says menthols are disproportionately marketed to African Americans and younger smokers. Meanwhile, a tobacco industry report to the **FDA** acknowledges that all cigarettes are hazardous but says there's no scientific basis for regulating menthols differently.

In response to the **FDA's** latest move, Matt Myers, president of the Campaign for Tobacco-Free Kids, said the advisory panel did a thorough and expert job reviewing the science and the March report "deserves great weight."

"Our hope is that **FDA** will move forward quickly to determine what action follows from those scientific conclusions," Myers said.

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Michael Felberbaum can be reached at <http://www.twitter.com/MLFelberbaum>.

7

Document APRS000020110627e76r002f6

News

**SHOCK & AWFUL FDA'S IMAGES FOR TOBACCO LABELS PART OF GRAPHIC ANTI- SMOKING PUSH ;  
FDA's images for tobacco labels part of graphic anti-smoking push**

1,060 words

22 June 2011

Los Angeles Daily News

LAD

VALLEY

A1

English

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An image of rotted teeth and an abscess-ravaged lip made smoker Collin Chavez squirm.

"That's like, wow, pretty awful," said Chavez, 25, a Woodland Hills resident who was taking a smoke break Tuesday at a local Starbucks. "I don't want my teeth to look like that. What girl would want to kiss me?"

Hoping more smokers feel the same discomfort, the Food and Drug Administration unveiled a series of nine graphic anti-smoking images and messages Tuesday that will appear on every pack of cigarettes beginning next year.

The goal of displaying images of disfigured lips, decayed lungs, and a jagged suture down a corpse's chest is to prevent children from smoking, encourage those who do smoke to quit, and drill into every American's mind that cigarettes cause disfigurement, chronic health problems and death, according to health experts.

"These labels are frank, honest and powerful depictions of the health risks of smoking and they will help encourage smokers to quit, and prevent children from smoking," U.S. Health and Human Services Secretary Kathleen Sebelius said in a statement. "President Obama wants to make tobacco-related death and disease part of the nation's past, and not our future."

The images were proposed in 2010, a year after the Family Smoking Prevention and Tobacco Control Act won support in Congress and was signed into law by Obama. The law also prohibits the use of certain terms such as light, mild, or low in cigarette labeling and advertising.

The change is the most dramatic on cigarette packaging in 25 years, said **FDA spokesman Jeff Ventura**.

"Contrary to what folks think, this is not the **FDA** all of sudden saying we're going to launch this initiative," Ventura said.

The nine images were chosen out of a proposed 36, which were analyzed in a survey of 18,000 people. Comments from 1,700 people also were considered.

The depictions are simulated and not real, Ventura said. Still, the **FDA** found that other countries that used such graphic images saw a drop in cigarette use.

"The photographs are an actual direct reflection of ourselves," Ventura said, which is why they seem to connect with people on an emotional level.

But the big three tobacco companies, including R.J. Reynolds, Philip Morris USA and Lorillard Tobacco Co., call the new labeling requirements unconstitutional. In a lawsuit against the **FDA**, the companies argue that the messages infringe on their First Amendment rights.

"Any government requirement that compels a private entity to carry a message not of its own choosing raises constitutional concerns," according to a brief filed on behalf of the three largest tobacco companies.

"The anti-smoking message is not intended to provide information that smokers and potential smokers can consider rationally in weighing the risks and perceived benefits from smoking.

"Rather, it plainly conveys - through graphic images and designs intended to elicit loathing, disgust, and repulsion - the government's viewpoint that the risks associated with smoking cigarettes outweigh the pleasure that smokers derive from them and, therefore, that no one should use these lawful products."



An estimated 46 million Americans smoke and at least 443,000 die each year of smoking-related causes, according to the federal Centers for Disease Control and Prevention. An estimated \$200 billion is spent on medical costs for chronic illnesses and lost productivity attributed to smoking.

California has led the way in seeing a decline in smoking, thanks in part to state and local laws that prohibit lighting up in restaurants, on beaches and in parks - and in some areas such as Calabasas, nowhere in public.

The new labels will add to messages from the mass media, social networks and local laws, said Dr. Jonathan Fielding, director of the Los Angeles County Department of Public Health.

"I think they are a very good set of graphic, yet realistic depictions of the risks of smoking," Fielding said.

As of 2007, the last year for which data were available, 14.3 percent of Los Angeles County residents smoked. The figure was the same in 2002, which means little has changed, Fielding said.

"It means we have to make more progress," Fielding said. "We have the (tobacco) industry working very hard to market cigarettes. They have a lot more resources, particularly toward young adults."

News of the labels seem to already be having an effect. California's smoker's helpline at 1-800 NO BUTTS drew 87 calls Tuesday, compared to the daily average of 18, said spokeswoman Kristin Harms.

Medical experts and the American Lung Association also celebrated the graphic images.

"These (illustrations) are going to demonize cigarettes which they should (do)," said Dr. Zab Mosenifar, medical director of the Women's Guild Institute at Cedars-Sinai Medical Center.

"The biggest impact will be on people who are starting," Mosenifar said. "The second impact will be on those who are already smokers. It will be a shock to their system, depending on their personality, and level of addiction."

But some smokers taking a break in Woodland Hills on Tuesday afternoon didn't think the graphic depictions would steer them away from tobacco.

"It's not going to change anything," said social smoker Tony Howe, 23. "People who smoke are going to keep smoking."

Danielle Aristizabal, 27, called the image of a corpse too graphic for children, but she agreed with Howe.

"Some may change, but I just feel like we are so desensitized. I just feel people don't take (the warnings) seriously," she said.

Yury Viderman, 25, said smokers already know all the health risks, so adding some graphics on a cigarette carton may make them pause, but not stop.

"Smokers aren't stupid," Viderman said. "They know it's bad for them."

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6 photos; Caption: Photo: (1 -- 4 -- color) The new images to be put on cigarette labels depict in graphic detail the negative health effects of tobacco use. The Associated Press (5 -- color) - YURY VIDERMAN, 25, who says adding some graphics on a cigarette carton may make them pause but not stop. (6) - DANIELLE ARISTIZABAL, 27, who called the image of a corpse too graphic for children

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# Pittsburgh Post-Gazette®

HEALTH, SCIENCE, MEDICINE & TECHNOLOGY  
**FDA ADDS IMAGES TO CIGARETTE WARNINGS**

Madeline Buckley  
795 words  
22 June 2011  
Pittsburgh Post-Gazette  
PPGZ  
SOONER  
A-1  
English

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The Food and Drug Administration revealed nine graphic images Tuesday that will act as warning labels on every pack of cigarettes sold in the United States.

The new warning labels will appear prominently on the cigarette packs, displaying large, graphic images and written warnings about the dangers of smoking. The law represents the most significant change to cigarette labels in 25 years.

The images vary from diseased lungs, to decayed teeth to a baby breathing in cigarette smoke. One displays a corpse with staples running down its chest, and another shows smoke billowing out of a tracheotomy tube in a man's neck.

Warnings such as "Smoking can kill you," and "Cigarettes cause fatal lung disease" appear with each picture.

"These labels are frank, honest and powerful depictions of the health risks of smoking," Health and Human Services Secretary Kathleen Sebelius said in a statement.

The warning must be displayed on the top half of the front and rear panel of each cigarette pack.

Cigarette manufacturers have until September 2012 to comply with the regulation. Several manufacturers have challenged the law, alleging that the labels violate the First Amendment.

The **FDA** picked the nine images out of 36 possible pictures. **FDA spokesman Jeff Ventura** said the images were chosen based on an 18,000-person study and thousands of comments from various interest groups.

"These images ranked highest in several categories used to evaluate the images for effectiveness," Mr. Ventura said.

"From a public health standpoint, this is a good thing."

The introduction of graphic warning labels was required in a 2009 law that, for the first time, gave the federal government authority to regulate tobacco. Tuesday's announcement follows reviews of scientific literature, public comments and results from an **FDA**-contracted study of 36 labels proposed last November.

The U.S. first mandated the use of warning labels stating "Cigarettes may be hazardous to your health" in 1965. The current warning labels -- put on cigarette packs in the mid-1980s -- say more explicitly that smoking can cause lung cancer, heart disease and other illnesses. But the warnings contain no pictures; they consist only of text in a small box.

The **FDA** estimates the new labels will decrease the number of smokers by about 200,000 in 2013, with smaller reductions continuing through 2031. Currently, about 46 million U.S. adults smoke cigarettes.

Brian Carlin, a physician practicing pulmonary medicine and critical care in Pittsburgh, said he believed that the new warning labels would be effective.

"People will start seeing, in real time, pictures of how smoking will affect them in the long run," he said.

Dr. Carlin regularly treats smokers suffering from lung cancer, emphysema and other smoking-related ailments.

"They're going to see [the images] 100 times a week and hopefully seek help somewhere along the line," he said.

Dr. Carlin said a pack-a-day smoker would see the warning images 7,000 times in a year.

Some local smokers expressed outrage at the new law while others were indifferent, but most said the graphic labels wouldn't change their habit.

Gesturing to an image depicting cigarette smoke enveloping a baby, Elizabeth Luna, a longtime smoker from East Liberty, said adamantly that she did not smoke around her grandchildren.

The image's warning label reads: "Tobacco smoke can harm your children."

Ms. Luna said the new warnings were intrusive.

"This is too much. I can smoke. It's my right," Ms. Luna said. "I didn't smoke when I carried my children. I don't smoke around my grandchildren."

Ross Fowler of Mount Washington has been a smoker for about five years.

"I'm going to smoke no matter what. I know it's slowly killing me but it's addictive," Mr. Fowler said.

Yet some smokers said the warning label could have a positive effect.

Alan Gavolas of Mount Washington said the new labels could help prevent teenagers from smoking.

"I think older people are set in their ways, and if they're going to quit, it will be in their own time," he said. "But I think it will affect the younger crowd that just smokes on weekends."

Latasha Howard of Hazelwood said she had health problems related to her smoking habit.

"If you're going to smoke, you should be aware of what you're getting into," Ms. Howard said.

More than 30 countries have introduced similar warning labels on cigarette packs. Smoking rates in Canada have declined about 6 percent since 2000 when the country instituted graphic warning labels.

Madeline Buckley: mbuckley@post-gazette.com. The Associated Press contributed to this report.

INFORMATIONAL GRAPHIC; Caption: INFORMATIONAL GRAPHIC: **FDA**; Post-Gazette: (Government requires labels)

Document PPGZ000020110622e76m0000z

## Issa Letter to Hamburg Criticizes FDA Oversight of McNeil

466 words

6 June 2011

Drug GMP Report

GMPR

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English

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In a letter May 20 to Commissioner Margaret Hamburg, Chairman of the **House** Committee on Oversight and Government Reform Rep. Darrell Issa (R-Calif.) criticizes the agency's oversight of McNeil Consumer Healthcare, and cites "great difficulty" in arranging a meeting with **FDA** officials.

During a May 15 to May 17 visit to Puerto Rico, Rep. Issa met with the **FDA's** Puerto Rico district director Maridalia Torres to discuss the **FDA's** role in McNeil's 'silent' recall of its OTC product Motrin.

Last year, after McNeil's so-called phantom recall of Motrin -- in which the company allegedly hired contractors to purchase suspect product instead of issuing a formal recall -- Issa questioned the **FDA's** actions, wondering if the **FDA** knew more about the 'recall' than it let on to Congress (DGR, Dec. 2010).

In March, McNeil signed a consent decree with the **FDA** over its closed Fort Washington, Pa., plant and placed oversight over its Lancaster, Pa. and Las Piedras, Puerto Rico, facilities (DGR, April).

Because the committee "encountered great difficulty in gaining access to" Torres, Issa conducted a "fact-finding visit" to Puerto Rico, according to the letter.

"Unfortunately, the **FDA** repeatedly refused to make Ms. Torres available without supervision from the Commissioner's office," Issa notes. In addition to meeting Torres in Puerto Rico, Issa also met there with:

- \* Acting Principal Deputy Commissioner John Taylor;
- \* Assistant Commissioner for Legislation Jeanne Ireland; and
- \* Associate Commissioner for Regulatory Affairs Dara Corrigan.

During the meeting, Torres said **FDA** staff had not visited McNeil's facility since November, according to Issa. Moreover, "Torres and her staff have not even reviewed the corrective actions undertaken by McNeil" and have instead relied on a third-party officer to provide them with updates, Issa notes.

Torres "repeatedly" cited insufficient resources as the reason her team has not more closely monitored McNeil, Issa says, who points out that McNeil agreed to reimburse the **FDA** for any inspections the agency deems necessary as part of its consent decree. "I find this excuse deeply troubling and inconsistent with the resources made available to the **FDA**," Issa says.

Because his meeting with district director Torres "raised several questions about the mismanagement of safety concerns" at the **FDA's** San Juan office, Issa requests the **FDA** provide documentation on any employee disciplinary actions the agency might have taken in connection with McNeil's issues.

"McNeil Consumer Healthcare regularly communicates with the **FDA** regarding commitments we have made to the agency," McNeil spokeswoman Bonnie Jacobs told DGR in reaction to the letter.

The **FDA** will respond directly to Issa, **FDA** spokesman Jeff Ventura told DGR.

The letter from Issa to Hamburg is available at [www.fdanews.com/ext/files/Issa%20Letter.pdf](http://www.fdanews.com/ext/files/Issa%20Letter.pdf). -- Kevin O'Rourke

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## Issa Letter to Hamburg Criticizes FDA Oversight of McNeil

470 words

30 May 2011

Washington Drug Letter

WDLT

Vol. 43, No. 22

English

Copyright (c) 2011 Washington Business Information, Inc.

In a May 20 letter to **FDA** Commissioner Margaret Hamburg, Chairman of the **House** Committee on Oversight and Government Reform Rep. Darrell Issa (R-Calif.) criticizes the agency's oversight of McNeil Consumer Healthcare, and cites "great difficulty" in arranging a meeting with **FDA** officials.

Issa met in mid-May in Puerto Rico with District Director Maridalia Torres to discuss the **FDA's** role in McNeil's "silent" recall of its OTC product Motrin.

Last year, after McNeil's so-called phantom recall of Motrin -- in which the company allegedly hired contractors to purchase suspect product instead of issuing a formal recall -- Issa questioned the **FDA's** actions, wondering if the **FDA** knew more about the "recall" than it let on to Congress (WDL, Oct. 4, 2010).

### Puerto Rico Visit

In March, McNeil signed a consent decree with the **FDA** due to manufacturing problems at its now-closed Fort Washington, Pa., plant that allows oversight of its Lancaster, Pa., and Las Piedras, P.R., facilities (WDL, March 14).

Because the committee "encountered great difficulty in gaining access to" Torres, Issa conducted a "fact-finding visit" to Puerto Rico, according to the letter.

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Release date: May 30, 2011

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## Issa Criticizes FDA Oversight of McNeil in Letter to Hamburg

474 words

25 May 2011

Drug Industry Daily

DRIDY

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English

Copyright (c) 2011 Washington Business Information, Inc.

In a letter Friday to Commissioner Margaret Hamburg, Chairman of the **House** Committee on Oversight and Government Reform Rep. Darrell Issa (R-Calif.) criticizes the agency's oversight of McNeil Consumer Healthcare, and cites "great difficulty" in arranging a meeting with **FDA** officials.

During a May 15 to May 17, 2011 visit to Puerto Rico, Rep. Issa met with the **FDA's** Puerto Rico district director Maridalia Torres to discuss the **FDA's** role in McNeil's 'silent' recall of its OTC product Motrin.

Last year, after McNeil's so-called phantom recall of Motrin -- in which the company allegedly hired contractors to purchase suspect product instead of issuing a formal recall -- Issa questioned the **FDA's** actions, wondering if the **FDA** knew more about the 'recall' than it let on to Congress (DID, Oct. 1, 2010).

In March, McNeil signed a consent decree with the **FDA** over its closed Fort Washington, Pa., plant and placed oversight over its Lancaster, Pa. and Las Piedras, Puerto Rico, facilities (DID, March 11).

Because the committee "encountered great difficulty in gaining access to" Torres, Issa conducted a "fact-finding visit" to Puerto Rico, according to the letter.

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The letter from Issa to Hamburg is available at [www.fdanews.com/ext/files/Issa%20Letter.pdf](http://www.fdanews.com/ext/files/Issa%20Letter.pdf). -- Kevin O'Rourke

Release date: May 25, 2011

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## **FDA Asked Pfizer to Resubmit Chantix Adverse Event Reports**

577 words

23 May 2011

Drug Industry Daily

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The **FDA** last year asked Pfizer to resubmit thousands of adverse event reports associated with its smoking cessation drug Chantix (varenicline) because they were not filed in a way that would enable a thorough evaluation, a statement issued by the agency says.

Pfizer initially submitted the adverse event reports in periodic safety summary reports, rather than via the **FDA's** electronic Adverse Event Report System (AERS), the **FDA** says. The problem is not isolated to Pfizer or Chantix, the agency says, adding that it has since clarified its instructions to all drugmakers on how to make AERS submissions.

Approved in 2006, Chantix has been associated with serious neuropsychiatric events, including suicidal ideation, suicide and aggressive behavior.

In addition to resubmitting the adverse event reports, the **FDA** required Pfizer to conduct a large, comparative postmarket clinical trial comparing Chantix safety with that of other smoking-cessation drugs, according to the agency.

The **FDA** has initiated two other observational safety studies of Chantix, with the Veterans Administration and Department of Defense.

Pfizer must complete the postmarket trial by Aug. 23, 2016 and submit a final study report to the **FDA** within the following 12 months, **FDA** spokesman **Jeff Ventura** told DID.

The **FDA** issued the statement to quell any concerns that might have been sparked by a report in the May issue of QuarterWatch that draws attention to 150 Chantix-related suicides that were not made known to the agency until 2010. The report asks the **FDA** to investigate Pfizer's handling of the suicides, some of which date to 2007, as well as numerous suicide attempts and other serious neuropsychiatric events.

According to the article, Pfizer's failure to submit the reports through the agency's Adverse Event Reporting System (AERS) "meant that until July 2010 **FDA** safety analysts were not aware of more than half of the reported suicide cases in which varenicline was the primary suspect drug, and did not have available hundreds of other reported cases of serious psychiatric side effects."

In its response, the **FDA** says it "takes seriously the adverse events associated with all drugs, including Chantix ... [and] continues to monitor for serious and unexpected events associated with Chantix." The agency stressed that there are "no new safety concerns" with Chantix.

In 2008, the **FDA** required Pfizer to include a mandatory medication guide for patients describing the risk of neuropsychiatric events (DID, Feb. 4, 2008). The following year, at **FDA's** request, Pfizer added a boxed warning on the Chantix label highlighting the risks (DID, July 2, 2009).

The QuarterWatch report also maintains that Pfizer should have reported the suicides within 15 days because of the seriousness of the events. However, Ventura pointed out, Pfizer wasn't in the wrong on the 15-day rule because it applies to "serious and unexpected" adverse events, and suicide is included as a possible risk in the boxed label warning.

Last year, worldwide revenues for Chantix were \$755 million -- up 8 percent from 2009, but 17 percent lower than the \$846 million in revenues in 2008, according to Pfizer's 2010 annual report. The company noted a drop in sales following the changes to the product label, mainly in the U.S.

**FDA's** statement on Chantix can be accessed at [www.fda.gov/Drugs/DrugSafety/ucm255918.htm](http://www.fda.gov/Drugs/DrugSafety/ucm255918.htm).

The QuarterWatch article is available at [www.ismp.org/QuarterWatch/2010Q3.pdf](http://www.ismp.org/QuarterWatch/2010Q3.pdf). -- Meg Bryant

Release date: May 23, 2011

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## **Smoke and mirrors: UTC student finding out what's in e-cigarettes**

By Chris Carroll, Chattanooga Times Free Press, Tenn.

McClatchy-Tribune Regional News

766 words

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Chattanooga Times/Free Press (MCT)

KRTTN

English

Distributed by McClatchy-Tribune Information Services

May 17--For \$14.95, a smoker can buy 500 puffs in a single electronic cigarette.

A USB cable makes it electronic -- just like an iPod, users can charge its lithium battery in the middle of paper writing, Amazon surfing, Facebooking.

"Smoking" includes no matches, tobacco or secondhand breath, only a nicotine mist waiting to be inhaled and a tar-free, odorless vapor.

Finally: E-cigarettes glow in the dark -- red, green and blue.

Sounds clean and cool, according to University of Tennessee at Chattanooga associate chemistry professor Gretchen Potts and a student researcher, but they're finding tobacco users' newest product is neither clean nor cool as they investigate e-cigarettes -- something the U.S. Food and Drug Administration hasn't done thoroughly, they said.

"People don't even know what's in them," said Amy Balestrino, a senior chemistry major at UTC doing the research. "They jump on the bandwagon without knowing anything."

Devon Jay, a spokeswoman for SS Choice, an online e-cigarette retailer, said her company plainly lists ingredients and benefits -- "no smoke, smoke anywhere, save money, no burns, no ashes" -- on its website, which also includes smiling college students offering endorsements.

"I don't think we encourage anyone," Jay said by phone from Colleyville, Texas. "We're in business to provide an alternative to someone smoking tobacco cigarettes."

Despite a 2009 **FDA** sampling that found detectable levels of nitrosamines -- cancer-causing compounds found in tobacco -- in two brands of e-cigarettes, the agency recently announced it would not appeal a U.S. Court of Appeals decision stating that e-cigarettes "are not drugs/devices unless they are marketed for therapeutic purposes."

An **FDA** memorandum dated April 25 promises to develop a strategy to regulate this "emerging class of products" as tobacco products under the Family Smoking Prevention and Tobacco Control Act, which would allow the **FDA** to require ingredient listing, user fees and "misbranding provisions," among other controls.

But as of now, e-cigarettes are unregulated, meaning no federal age limit.

Jay, the SS Choice spokeswoman, said the company verifies that each online buyer is 18 or older but said she's "not familiar" with how that process works.

**Jeff Ventura, an FDA spokesman**, said "there's no definitive timeline set up for regulation yet."

"Anyone in the regulatory world knows it's going to take a while," he said. "There's just not a lot of information out there about e-cigarettes one way or another."

Smoke signals at UTC

Balestrino wants to change that, using the means at her disposal.

In lieu of a \$35,000 "smoking machine" -- which is what big labs normally use to test cigarettes -- Potts rigged a plastic squirt bottle to simulate the inhalation of an e-cigarette.

"We have the power of the student," Potts joked. "A smoking machine can hold up to 100 cigarettes, but I have my one student working every day, squeezing the bottle."

When Balestrino applies pressure, the bottle "breathes in" the contents of the e-cigarette and a cotton ball absorbs them. After testing dozens of brands, she and Potts plan to investigate the cotton balls with something a bit more high tech -- mass spectrometry and plasma machines -- to identify ingredients.

"We're going to extract from the cotton everything that comes out of the e-cigarette," Potts said.

While research only began last week, early results are rolling in. Most e-cigarette companies claim their products are made of only two compounds -- nicotine and propylene glycol, the liquid that hosts the addictive stimulant.

But when Balestrino tested two replacement solutions for reusable e-cigarettes, she instantly found 2-butanol, which Oxford University classifies as an irritant that "may be harmful by inhalation, ingestion or through skin absorption."

Balestrino said she plans to publish results by July, when she'll present her research at an undergraduate symposium at UTC.

Jay Collum, a tobacco education and control coordinator at the Chattanooga-Hamilton County Health Department, said the results couldn't come any more quickly.

"I have no knowledge of any such e-cigarette regulation here, state or city," he said. "With these things, you get your nicotine and you get it anytime you want to."

Contact Chris Carroll at [ccarroll@timesfreepress.com](mailto:ccarroll@timesfreepress.com) or 423-757-6610.

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To see more of the Chattanooga Times Free Press, or to subscribe to the newspaper, go to <http://www.timesfreepress.com>.

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## Internet groups allow mothers to share breast milk despite FDA concerns

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18 April 2011

The Star  
THSTAR  
English

© 2011 Jordan Press & publishing Co. Provided by Syndigate.info, an Albawaba.com Company All Rights Reserved.

By Rachel Saslow WASHINGTON Women have been nursing other women's babies for hundreds of years; it used to be called wet-nursing.

Now, technology is giving new life to this practice. On the Internet, especially on Facebook, lactating women are forming "milk-sharing" communities where they post if they have a surplus or a deficiency of breast milk.

They then meet in person to give or receive bottles of frozen breast milk. "I thought it was the weirdest thing I had heard of," said Suzanne Terry of Frederick, Md., who found out four months postpartum that she wasn't producing enough of her own milk.

"It just creped me out, giving my daughter someone else's breast milk.

But I didn't want to feed her formula.

I was between a rock and a hard place. "The prevalence of online sharing of breast milk is impossible to quantify, but it has caught the attention of the Food and Drug Administration.

Last fall, the **FDA** released a statement that recommended "against feeding your baby breast milk acquired directly from individuals or through the Internet" because unscreened donor milk could allow the transmission of HIV, chemical contaminants, some illegal drugs and some prescription drugs. Some women's intense desire to breast-feed exclusively may be a result of the "breast is best" message coming from the US surgeon general, the American Academy of Pediatrics (AAP), the Department of Health and Human Services' National Breastfeeding Awareness Campaign and even first lady Michelle Obama.

According to the AAP, breast-feeding decreases the likelihood of a variety of infectious diseases, ear infections and diarrhea, among other benefits. With all this pro-lactation advocacy, "it's a logical outcome that mothers would be extremely nervous if they have an insufficient supply or really don't like breast-feeding," social scientist Joan Wolf said.

In her book "Is Breast Best?" Wolf argues that the benefits of breast-feeding have been overstated. To mothers such as Terry, feeding formula to her baby feels less healthful and therefore more risky than using unscreened milk from a stranger. Terry had been exclusively breast-feeding for four months when her pediatrician concluded that daughter Blossom wasn't gaining enough weight. After being born last August at a healthy 7 pounds, 7 ounces, Blossom weighed only about 10 pounds at four months and had nearly dropped off the height and weight charts.

She would "scream nonstop" during and after feedings, Terry said.

A lactation consultant determined that Blossom was getting only about 1½ ounces of milk each time she nursed.

(Babies of that age drink about 30 ounces a day.) Neither the consultant nor the doctor knew why. "I was in a very dark place the day I bought a can of formula," Terry said.

"I was admitting defeat, that my body had failed to feed my daughter." Terry cried as she fed formula to Blossom for the first time. The lactation consultant had mentioned an online organization called Eats on Feets (a play on Meals on Wheels) that might offer donor breast milk.

Emma Kwasnica, a mother in Montreal, launched the group globally on Facebook in October.

In just four months, Eats on Feets had grown to more than 120 chapters.

(Kwasnica recently left Eats on Feets to start a new organization, Human Milk 4 Human Babies.) While pregnant, Terry had attended meetings of La Leche League, the international breast-feeding support and advocacy group.

"Formula is not what her body was meant to eat," Terry said.

"As mammals, we have mammary glands, and it's my belief, based on what I've learned, that breast milk is not just what's best for the baby, it's what's normal.

It's what they're supposed to be eating." Terry described her situation on the Eats on Feets discussion page on Facebook.

Within a day, a suburban Washington mom offered to pump extra milk for Blossom.

(No money changes hands in transactions arranged through Eats on Feets.) Now Terry drives three hours round-trip weekly to pick it up from Amanda Brewer, who had also received breast milk through Eats on Feets.

Her son had a food allergy, and Brewer wanted milk from a mom who didn't eat dairy while she cleansed her own body of dairy for two weeks. Washington lactation consultant Pat Shelly said that while she doesn't have numbers, she thinks there must be more milk-sharing because, counterintuitively, fewer clients are asking her about it. "The thinking among young people now is 'It must be all right.

Everyone is doing it.

It's on Facebook'," she said.

"They're not looking for validation" from a health-care provider. The **FDA's** statement encouraged women to consider milk banks instead of turning to the Internet.

Milk banks may charge as much as \$6 an ounce; at that price, it could cost about \$150 a day to feed the average 3-month-old baby. The **FDA** does not regulate milk banks or milk-sharing, but it posted facts about these options after realizing that people were turning to the agency for information, **spokesman Jeff Ventura** said. The Human Milk Banking Association of North America (HMBANA) operates nine nonprofit US milk banks in the United States. President Jean Drulis said the banks are designed to serve babies in neonatal intensive but provide milk to healthy babies "when possible".

HMBANA recently announced that all its banks have a critical shortage, making it extremely unlikely that a baby such as Blossom would qualify right now.

Plus, the milk is available only with a doctor's prescription, and only some health insurance plans cover the cost. "The milk banks can only do so much," Drulis says. Breast-feeding, almost universal at the turn of the 20th century, declined until only 22 percent of US mothers nursed their babies by 1972, according to a study in the Journal of Nutrition.

By 2007, though, 75 percent of infants were breast-fed, according to the Centers for Disease Control and Prevention.

Both those statistics include all breast-feeding women, from those who tried it only a few times to those who breast-fed exclusively for months or longer. What changed? Since 1990, nearly 15,000 studies about breast-feeding have been published, and the evidence suggests that the average breast-fed baby has fewer illnesses than the average formula-fed baby, said Wolf, the social scientist. Online milk-sharing communities are based on the idea of informed choice, Kwasnica said.

Participants must do their own research on the risks, but the organizations offer tips on flash-pasteurizing breast milk and questions a recipient should consider asking the donor. Terry was so thrilled when Brewer offered to pump milk for Blossom that she forgot to ask her any such questions.

The next day, she emailed Brewer and asked about her diet and medications, if she used drugs or alcohol, and if she had any diseases, and was reassured by the answers. "I trusted her because it would never occur to me that someone who wasn't taking care of themselves would be posting on an organization like Eats on Feets that they have extra breast milk that they are willing to donate," Terry said.

"That comes from a kind-hearted, generous person." Washington Post photos by Linda Davidson. WPBLOO

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# Pittsburgh Post-Gazette®

## HEALTH, SCIENCE, MEDICINE AND TECHNOLOGY INTERNET 'MILK-SHARING' GROUPS GROWING

Rachel Saslow  
1,279 words  
17 April 2011  
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WASHINGTON -- Women have been nursing other women's babies for hundreds of years; it used to be called wet-nursing. Now, technology is giving new life to this practice.

On the Internet, especially on Facebook, lactating women are forming "milk-sharing" communities where they post if they have a surplus or a deficiency of breast milk. They then meet in person to give or receive bottles of frozen breast milk.

"I thought it was the weirdest thing I had heard of," said Suzanne Terry of Frederick, Md., who found out four months postpartum that she wasn't producing enough of her own milk. "It just creeped me out, giving my daughter someone else's breast milk. But I didn't want to feed her formula. I was between a rock and a hard place."

The prevalence of online sharing of breast milk is impossible to quantify, but it has caught the attention of the Food and Drug Administration. Last fall, the **FDA** released a statement that recommended "against feeding your baby breast milk acquired directly from individuals or through the Internet" because unscreened donor milk could allow the transmission of HIV, chemical contaminants, some illegal drugs and some prescription drugs.

Some women's intense desire to breast-feed exclusively may be a result of the "breast is best" message coming from the U.S. surgeon general, the American Academy of Pediatrics, the Department of Health and Human Services' National Breastfeeding Awareness Campaign and even first lady Michelle Obama. According to the American Academy of Pediatrics, breast-feeding decreases the likelihood of a variety of infectious diseases, ear infections and diarrhea, among other benefits.

With all this pro-lactation advocacy, "it's a logical outcome that mothers would be extremely nervous if they have an insufficient supply or really don't like breast-feeding," social scientist Joan

said. In her book "Is Breast Best?" Wolf argues that the benefits of breast-feeding have been overstated.

To mothers such as Ms. Terry, feeding formula to her baby feels less healthful and therefore more risky than using unscreened milk from a stranger.

Ms. Terry had been exclusively breast-feeding for four months when her pediatrician concluded that daughter Blossom wasn't gaining enough weight.

After being born in August at a healthy 7 pounds, 7 ounces, Blossom weighed only about 10 pounds at four months and had nearly dropped off the height and weight charts. She would "scream nonstop" during and after feedings, Ms. Terry said. A lactation consultant determined that Blossom was getting only about 1 1/2 ounces of milk each time she nursed. (Babies of that age drink about 30 ounces a day.) Neither the consultant nor the doctor knew why.

"I was in a very dark place the day I bought a can of formula," Ms. Terry said. "I was admitting defeat, that my body had failed to feed my daughter." Ms. Terry cried as she fed formula to Blossom for the first time.

The lactation consultant had mentioned an online organization called Eats on Feets -- play on Meals on Wheels -- that might offer donor breast milk. Emma Kwasnica, a mother in Montreal, launched the group globally on Facebook in October. In just four months, Eats on Feets had grown to more than 120 chapters. Ms. Kwasnica recently left Eats on Feets to start a new organization, Human Milk 4 Human Babies.

While pregnant, Ms. Terry had attended meetings of La Leche League, the international breast-feeding support and advocacy group. "Formula is not what her body was meant to eat," Ms. Terry said. "As mammals, we have mammary glands, and it's my belief, based on what I've learned, that breast milk is not just what's best for the baby, it's what's normal. It's what they're supposed to be eating."

Ms. Terry described her situation on the Eats on Feets discussion page on Facebook. Within a day, a suburban Washington mom offered to pump extra milk for Blossom. No money changes hands in transactions arranged through Eats on Feets.

Now Ms. Terry drives three hours round-trip weekly to pick up the milk from Amanda Brewer, who also had received breast milk through Eats on Feets. Her son had a food allergy, and Ms. Brewer wanted milk from a mom who didn't eat dairy while she cleansed her own body of dairy for two weeks.

Washington lactation consultant Pat Shelly said that while she doesn't have numbers, she believes there must be more milk-sharing because, counterintuitively, fewer clients are asking her about it.

"The thinking among young people now is 'It must be all right. Everyone is doing it. It's on Facebook,'" she said. "They're not looking for validation" from a health-care provider.

The **FDA's** statement encouraged women to consider milk banks instead of turning to the Internet. Milk banks may charge as much as \$6 an ounce; at that price, it could cost about \$150 a day to feed the average 3-month-old baby.

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"The milk banks can only do so much," Ms. Drulis said.

Breast-feeding, almost universal at the turn of the 20th century, declined until only 22 percent of U.S. mothers nursed their babies by 1972, according to a study in the *Journal of Nutrition*. By 2007, however, 75 percent of infants were breast-fed, according to the Centers for Disease Control and Prevention. Both those statistics include all breast-feeding women, from those who tried it only a few times to those who breast-fed exclusively for months or longer.

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Ms. Terry was so thrilled when Ms. Brewer offered to pump milk for Blossom that she forgot to ask her any such questions. The next day, she emailed Ms. Brewer and asked about her diet and medications, whether she used drugs or alcohol and whether she had any diseases. She was reassured by the answers.

"I trusted her because it would never occur to me that someone who wasn't taking care of themselves would be posting on an organization like Eats on Feets that they have extra breast milk that they are willing to donate," Ms. Terry said. "That comes from a kind-hearted, generous person."

PHOTO 1; Caption: PHOTO: Linda Davidson/Washington Post: Blossom Terry receives breast milk from a donor because her mother, Suzanne Terry, background, cannot produce enough.

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Health

## Internet groups allow mothers to share breast milk

Rachel Saslow

1,387 words

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Women have been nursing other women's babies for hundreds of years; it used to be called wet-nursing. Now, technology is giving new life to this practice. On the Internet, especially on Facebook, lactating women are forming "milk-sharing" communities where they post if they have a surplus or a deficiency of breast milk. They then meet up in person to give or receive bottles of frozen breast milk.

"I thought it was the weirdest thing I had heard of," says Suzanne Terry of Frederick, who found out four months postpartum that she wasn't producing enough of her own milk. "It just creeped me out, giving my daughter someone else's breast milk. But I didn't want to feed her formula. I was between a rock and a hard place."

The prevalence of online sharing of breast milk is impossible to quantify, but it has caught the attention of the Food and Drug Administration. Last fall, the **FDA** released a statement that recommended "against feeding your baby breast milk acquired directly from individuals or through the Internet" because unscreened donor milk could allow the transmission of HIV, chemical contaminants, some illegal drugs and some prescription drugs.

Some women's intense desire to breast-feed exclusively may be a result of the "breast is best" message coming from the U.S. surgeon general, the American Academy of Pediatrics (AAP), the Department of Health and Human Services' National Breastfeeding Awareness Campaign and even first lady Michelle Obama. According to the AAP, breast-feeding decreases the likelihood of a variety of infectious diseases, ear infections and diarrhea, among other benefits.

With all this pro-lactation advocacy, "it's a logical outcome that mothers would be extremely nervous if they have an insufficient supply or really don't like breast-feeding," says Joan B. Wolf, a social scientist and the author of "Is Breast Best?" In the book, Wolf argues that the benefits of breast-feeding have been overstated.

To mothers such as Terry, feeding formula to her baby feels less healthful and therefore more risky than using unscreened milk from a stranger.

Terry, who works full time at a nonprofit organization, had been exclusively breast-feeding her daughter Blossom for four months when her pediatrician concluded that the baby wasn't gaining enough weight.

After being born last August at a healthy 7 pounds, 7 ounces, Blossom weighed only about 10 pounds at 4 months and had nearly dropped off the height and weight charts. She would "scream nonstop" during and after feedings, Terry says. A lactation consultant determined that Terry had an insufficient supply of milk: Blossom was getting only about an ounce and a half of milk each time she nursed. (Babies of that age drink about 30 ounces a day.) Neither the consultant nor the doctor knew why.

"I was in a very dark place the day I bought a can of formula," Terry says. "I was admitting defeat, that my body had failed to feed my daughter." Terry cried as she fed Blossom formula for the first time.

The lactation consultant had mentioned an online organization called Eats on Feets (a play on Meals on Wheels) that might be able to find Terry donor breast milk. Emma Kwasnica, a mother in Montreal, launched the group globally on Facebook in October. In just four months, Eats on Feets had grown to more than 120 chapters, including a chapter in Northern Virginia and one serving Washington and Maryland. (Kwasnica recently left Eats on Feets to start a new organization, Human Milk 4 Human Babies.)



Despite her initial hesitation about feeding Blossom another woman's milk, Terry felt adamant about not using any more formula. While pregnant, she had attended meetings of La Leche League, the international breast-feeding support and advocacy group, and read up on the health benefits of breast milk.

"Formula is not what her body was meant to eat," Terry says. "As mammals, we have mammary glands, and it's my belief, based on what I've learned, that breast milk is not just what's best for the baby, it's what's normal. It's what they're supposed to be eating."

Terry described her situation on the Eats on Feets discussion page on Facebook. Within a day, a stay-at-home mom in Fort Belvoir offered to pump extra milk for Blossom, and Terry jumped at the chance. (No money changes hands in transactions arranged through Eats on Feets.)

Now, every Saturday, Terry drives three hours round-trip to pick it up. The woman who pumps for her, Amanda Brewer, once received breast milk through Eats on Feets. Her son had a food allergy, and Brewer decided she needed milk from a mom who didn't eat dairy while she cleansed her own body of dairy for two weeks.

Pat Shelly, a Washington lactation consultant who is called "the breast whisperer" by clients, said that while she doesn't have numbers for how much milk-sharing is going on, she thinks there must be more than in the past because, counterintuitively, fewer clients are asking her about it.

"The thinking among young people now is 'It must be all right. Everyone is doing it. It's on Facebook.' That's what I'm seeing now," she says. "They're not looking for validation" from a health-care provider.

The **FDA's** statement encouraged women to consider milk banks instead of turning to the Internet. Milk banks may charge as much as \$6 an ounce; at that price, it could cost about \$150 a day to feed the average 3-month-old baby.

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The Human Milk Banking Association of North America (HMBANA) operates nine nonprofit milk banks in the United States; the one closest to Washington is in Raleigh, N.C.

The banks are designed to serve babies in neonatal intensive care units, says the group's president, Jean Drulis, though they provide milk to healthy babies "when possible." HMBANA recently announced that all of its milk banks have a critical shortage, making it extremely unlikely that a baby such as Blossom would qualify to receive milk right now. Plus, the milk is available only with a doctor's prescription, and only some health insurance plans cover the cost.

"The milk banks can only do so much," Drulis says.

Breast-feeding was almost universal at the turn of the 20th century, but the practice declined until in 1972 only 22 percent of U.S. mothers nursed their babies, according to a study in the *Journal of Nutrition*. By 2007, though, 75 percent of infants were breast-fed, according to the Centers for Disease Control and Prevention. Both of those statistics include all breast-feeding women, from those who tried it only a few times to those who breast-fed exclusively for months or longer.

What changed? Since 1990, nearly 15,000 studies about breast-feeding have been published, and the evidence suggests that the average breast-fed baby has fewer illnesses than the average formula-fed baby, says Wolf, the social scientist.

Online milk-sharing communities are based on the idea of informed choice, Kwasnica says. It's up to the participants to do their own research on the risks, but the organizations offer tips on how to flash-pasteurize breast milk and screening questions a milk recipient should consider asking the donor.

Suzanne Terry was so thrilled when Amanda Brewer offered to pump milk for Blossom that she initially forgot to ask her any such questions. The next day, she e-mailed Brewer and asked about her diet, which medications she took, if she used drugs or alcohol and if she had any diseases, and was reassured by the answers.

"I trusted her because it would never occur to me that someone who wasn't taking care of themselves would be posting on an organization like Eats on Feets that they have extra breast milk that they are willing to donate," Terry says. "That comes from a kind-hearted, generous person."



News

**March of Dimes cuts ties with KV Company's rollback of price hike for prenatal drug to \$690 a shot fails to appease nonprofit.**

By jim doyle jdoyle@post-dispatch.com 314-340-8372

1,352 words

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Since 2006, the March of Dimes has led the campaign for federal approval of a prenatal drug now marketed by KV Pharmaceutical Co., allowing the area drug company to use the charity's good name and logo in promotions.

During those same years, KV and its Massachusetts partner, Hologic Inc., donated nearly \$1.5 million to the nonprofit, the nation's leading philanthropy focusing on the health of pregnant women and babies.

On Friday, that cozy relationship exploded at the height of tension over the \$1,500 price tag KV had slapped on the drug after winning the Food and Drug Administration's blessing - a price a March of Dimes official recently called outrageous. The organization severed its corporate relationship with KV, even as the company tried in vain to appease an onslaught of critics by slashing its price by 55 percent, to \$690.

KV's new price is still more than 45 times more than the \$10 to \$15 price that specialty pharmacies typically charge for a virtually identical compound, 17P, which doctors have prescribed without **FDA** approval in recent years to prevent preterm births. A full course of treatment of KV's drug would still exceed \$10,000 in a typical case.

The March of Dimes released a statement Friday saying that KV's price reduction and expansion of financial assistance to patients are "steps in the right direction" but not enough. In a letter to KV chief executive Greg Divis, March of Dimes President Jennifer Howse asked the company to "immediately cease and desist the use, distribution or publication of or reference to the March of Dimes name and/or logo on any materials or communications in connection with KV Pharmaceuticals," its marketing subsidiary, Ther-Rx Corp., and the drug, Makena.

KV officials voiced disappointment with the March of Dimes' decision, saying in a statement that they had partnered with the nonprofit "because of our shared passion for advancing the health of women and infants." As for the price of Makena, the company said it would offer additional rebates to help reduce the cost of the drug for state Medicaid programs and also provide additional financial aid to patients, saying that "85 percent of patients will pay \$20 or less per injection for **FDA**-approved Makena" with the balance to be picked up by insurance carriers, presuming they agree to pay.

On Feb. 4, Hologic won **FDA** approval for a branded version of the drug, Makena, and transferred marketing rights of the drug to KV in a deal worth nearly \$200 million. The federal blessing came with exclusive marketing rights to sell Makena under an **FDA** designation known as "orphan status," given to companies developing drugs for relatively small markets.

But on Wednesday the **FDA** announced that - because of widespread concerns about KV's high price - it would not take enforcement action against so-called compounding pharmacies that continue to sell 17P. The **FDA** declined to comment through **spokesman Jeff Ventura** about KV's price reduction.

Others said the new price hardly made the drug affordable.

"At a time when rising prices for prescription drugs are stretching the budgets of middle-class families, we can't allow pharmaceutical companies to price gouge pregnant women when it comes to vital medicines," said Sen.

Amy Klobuchar, D-Minn., who joined Sen. Sherrod Brown, D-Ohio, in recently asking the Federal Trade Commission for an investigation into Makena's pricing.

Criticism from the March of Dimes recently has been equally withering, as the organization has abruptly and publicly distanced itself from the company.

The ties between the organizations go back to 2006, when KV's wholly owned subsidiary, Ther-Rx, sponsored a March for Babies checkpoint in Tennessee for \$1,000, said March of Dimes Senior Vice President Doug Staples in an interview Friday.

He described Ther-Rx as one of "15 or 20" national corporate sponsors. The nonprofit, based in White Plains, N.Y., also has numerous local sponsors. "They're a midsized sponsor," Staples said. "They wouldn't wield undue influence, not that the big ones would, either."

Both the March of Dimes and KV Pharmaceutical declined to make available a copy of their corporate sponsorship agreement.

After the Tennessee event, the nonprofit's director of corporate sponsorship, Chad Royal-Pascoe, met with Ther-Rx in St. Louis to explore their interest in a larger partnership, he said.

Staples said that Ther-Rx donated \$75,000 in 2006; \$150,000 in 2007; and \$150,000 in 2008 - which helped finance the organization's program to support neonatal intensive care units, among other efforts. In January 2009, the drug company signed a three-year contract to contribute \$1 million over three years.

Hologic, KV's partner on Makena, has been a sponsor of the March of Dimes' "prematurity campaign," contributing \$150,000 a year since 2008, Staples said. Hologic officials were unavailable for comment.

In all, the March of Dimes foundation - whose mission is to improve the health of babies by preventing birth defects, premature birth and infant mortality - receives more than \$200 million a year in donations. It spends nearly \$100 million on salaries and benefits, according to the organization's filings with the Internal Revenue Service.

Though the March of Dimes was a vocal supporter of Makena's **FDA** approval, Staples said that support did not arise from a "quid pro quo" arrangement in exchange for donations from Ther-Rx and Hologic.

"The contract was not about helping get Makena approved," he said. "We were already on the record as having thought this drug was a good drug before we even met these Ther-Rx people."

Asked why the March of Dimes was taken by surprise when KV announced its \$1,500 list price for Makena, Staples said the drug company had not been forthcoming. "We were asking them early on" about their pricing plans, he said, "but they weren't telling us."

In 2004, the March of Dimes sponsored a symposium to review the medical literature on preventing preterm births. Its statisticians also participated in a research study in 2005 that concluded that about 10,000 babies' lives could be saved by greater use of the drug that KV later would brand as Makena. **FDA** approval would ensure the drug's quality and consistency, giving physicians more confidence in prescribing it, the organization has argued.

"We're going to state the scientific truth as we see it, whether we make a sponsor happy or piss a sponsor off and lose a sponsor," Staples said. "That's what we stand for. That's what we're known for."

He described the organization's support as generic, not company-specific: "We recommend orange juice, not Florida orange juice."

But under its contract, the organization allowed a specific entity - Ther-Rx - to use the March of Dimes name and logo to promote and advertise its products.

"They would have to use it in conjunction with a disclaimer that the March of Dimes does not endorse specific products or brands," Staples said. "They could use it on a website, brochures, sales materials, press releases - those types of things. ... We have to approve everything."

In recent years, the March of Dimes led the campaign for Makena's fast-track approval.

"We began asking the **FDA** to expedite approval in 2006, before Ther-Rx owned the product," Staples said, "and we did that on the basis that there had been a (2003) clinical trial that had demonstrated the effectiveness."

According to its IRS filing, the March of Dimes spends nearly \$2 million a year advocating for various health-related issues through contacts with politicians, their staffs and other government officials, as well as holding rallies, seminars and the like.

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1,351 words

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NEWS

**Pregnancy shot, once \$8, now \$1,500**

SHERRY JACOBSON

Staff Writer sjacobson@dallasnews.com

880 words

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The Dallas Morning News

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English

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Thousands of pregnant women taking weekly hormone shots that help prevent premature deliveries will see the cost of an \$8 injection rise to \$1,500 a dose.

A new but identical version of synthetic progesterone approved by the Food and Drug Administration hit the U.S. market this week under the name Makena.

That means pharmacists who now produce cheaper versions of Makena at \$8 to \$50 a shot will no longer be allowed to so do.

**FDA spokesman Jeff Ventura** cited manufacturing restrictions contained in the Food, Drug and Cosmetic Act of 1997: "A drug product that is essentially a copy of a commercially available drug project may not be compounded regularly or in inordinate amounts."

Between 35,000 and 140,000 U.S. women could end up taking Makena annually, adding \$1 billion to \$4 billion to U.S. health care costs. The drug could cost as much as \$30,000 for a woman who uses it throughout her pregnancy.

"It's ludicrous," said Dr. Jorge Saldivar, a DeSoto obstetrician-gynecologist. "I've been using the compounded pharmacy version for years. Five doses cost a woman only \$36.99."

He said he feared many women would find the drug too costly now, particularly those who are uninsured.

"How can we ask women to suddenly spend \$30,000 for something that's costing them several hundred dollars now?" Saldivar said.

Many doctors are furious at the near 2,000 percent price increase for synthetic progesterone, which has been available since the 1950s.

The **FDA**, which approved Makena last month, said it had no control over the price. The agency "is involved in the review and approval of new drugs, not in the pricing of drugs," Ventura said. "Justification of the cost would have to be directed to the manufacturer."

K-W Pharmaceutical, a St. Louis-based manufacturer, did not respond to questions about the new drug. Its wholly owned subsidiary, Ther-Rx, is producing Makena.

Ther-Rx issued a news release on its website late this week, stating, "We recognize the concerns that have been raised regarding the list price, patient access, and potential cost to payers of this important orphan drug."

The company noted that it has set up a patient-assistance program "with the goal of ensuring that every woman who is prescribed Makena will be able to access and afford it."

However, the company said it had "heard clearly from various stakeholders that we need to do more because the cost of therapy remains a significant concern."

MDs send a letter

Three national physician groups issued a joint statement this week deriding the higher price of Makena and the expected loss of its cheaper versions.

"At \$1,500 per injection, Makena is extremely expensive," noted the letter sent to Ther-Rx and posted on the groups' websites.

"Frankly, in our current climate of controlling health care costs in the United States, an added cost of \$30,000 for as many as 140,000 pregnancies, or \$4.2 billion dollars, is a staggering figure," the letter said.

It was signed by leaders of the American Academy of Pediatrics, American College of Obstetricians and Gynecologists and the Society for Maternal-Fetal Medicine. The groups' combined memberships deliver more than 80 percent of U.S. births annually.

Dr. Brian Iriye, a Las Vegas maternal-fetal specialist, said it was unusual that the three groups felt strongly enough to put out a joint statement.

"It means there's a pretty strong pushback in regards to this price," Iriye said.

One local researcher who tested the injections on pregnant patients at Parkland Memorial Hospital called Makena's price "profiteering at its worst."

"I don't think any of the doctors who studied this drug would have done it if we knew it would result in this kind of price gouging," said Dr. Kenneth Leveno, chief of maternal-fetal medicine at UT Southwestern Medical Center.

It was one of 19 medical centers that took part in the drug's 2003 breakthrough study, which was published in The New England Journal of Medicine.

The study showed a "substantial reduction" in premature births among women who received the drug. The women, who previously had at least one premature birth, were given a weekly shot of synthetic progesterone from the 16th through the 36th week of their pregnancies.

The study found that about 36 percent of those given the progesterone drug had preterm births, compared with 55 percent among those not on the drug.

Premature births, those delivered before 37 weeks gestation, account for 8 percent to 10 percent of U.S. deliveries annually. A normal pregnancy lasts 40 weeks.

When synthetic progesterone was first approved in 1956, it was called Delalutin and was used in women at risk of miscarriage early in their pregnancies. The drug stayed on the market until 2000, when the original manufacturer withdrew it, possibly because studies had detected a higher risk of birth defects in babies whose mothers took the drug.

The 2003 study rejuvenated progesterone's popularity, which also was boosted by a follow-up study that found no increase in birth defects for babies born to mothers who had used it.

Document DAL0000020110319e73j00018

BRIEFING

**Doctors rail against pregnancy drug's cost**

536 words

19 March 2011

The Dallas Morning News

DAL

EDITION1

1

English

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Many doctors are furious at a near 2,000 percent price increase of a weekly hormone shot that helps prevent premature deliveries.

Thousands of pregnant women taking the shots will see the cost of an \$8 injection rise to \$1,500 a dose.

A new, identical version of synthetic progesterone, which has been available since the 1950s, was approved by the Food and Drug Administration and hit the U.S. market this week under the name Makena.

That means pharmacists who now produce cheaper versions of Makena at \$8 to \$50 a shot will no longer be allowed to do so.

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DMN

Document DAL0000020110319e73j0000e

## Cigarette Maker Claims Conflicts of Interest in Suit Against FDA

501 words

14 March 2011

Drug Industry Daily

DRIDY

Vol. 10, No. 51

English

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A tobacco company is suing the **FDA** over what it sees as conflicts of interest from advisory committee members who were paid by pharmaceutical companies.

After months of having its complaints ignored by the agency, R.J. Reynolds filed a complaint in federal court in Washington, D.C., saying the **FDA** is violating the Federal Advisory Committee Act by appointing members with bias. Specifically, four of the eight members carry financial ties to drug companies and have testified in tobacco-product litigation, the suit says.

"Over the past eight months, R.J. Reynolds Tobacco Co. has sent the **FDA** seven letters raising concerns about conflicts of interest among several members of the Tobacco Products Scientific Advisory Committee," Martin Holton, the company's executive vice president and general counsel said. "The **FDA** has not provided a response to the specific arguments presented in our letters. We believe the only way now to have our concerns taken seriously is through the courts."

Reynolds filed 22 supporting documents in addition to its 73-page complaint. Among the supporting exhibits is a March 22, 2010 letter from Philip Morris' parent company, Altria, to **FDA** Commissioner Margaret Hamburg and Lawrence Deyton, director of the agency's Center for Tobacco Products, that outlines its concerns with four advisory committee members. Three out of the four are still on the committee.

In addition to his compensation as an expert witness in anti-tobacco trials, Altria claims Neal Benowitz received payments from Pfizer, GlaxoSmithKline (GSK), Novartis and Aradigm for development of smoking cessation products. Pfizer manufactures Chantix (varenicline) and GSK makes Zyban (bupropion), both smoking cessation drugs.

Gregory Connolly testified before the U.S. Senate and advocated for tobacco product standards that would effectively ban all commercially available cigarettes, Altria alleges. He is no longer listed as a member.

Altria's letter states Jack Henningfield's employer, Pinney Associates "has received on average more than \$2 million per year from pharmaceutical companies, more than half of which relates to smoking cessation products. Dr. Henningfield is also a partner in a company that holds at least one patent for a nicotine-replacement product."

Altria claims Jonathan Samet has received grants from GSK and directed the Institute for Global Tobacco Control, which was funded by pharmaceutical companies.

When asked to comment on the lawsuit, **FDA** spokesman **Jeff Ventura** said, "As a general matter of policy, the **FDA** does not comment on potential, pending or ongoing litigation."

Removing conflicts of interest amongst its advisory committee members has been an ongoing topic for the **FDA**. The agency issued guidance last April stating advisory committee members should list the company or institution name of conflicts of interest, not just whether or not they exist (DID, April 22, 2010).

Shortly after that guidance, two consumer groups called on the **FDA** to limit issuance of waivers to advisory committee members who have conflicts of interest (DID, June 29, 2010). -- David Pittman

Release date: March 14, 2011

Document DRIDY00020110313e73e00002

## Colo. lawmakers considering limits on e-cigarettes

Kristen Wyatt The Associated Press

674 words

7 March 2011

Charleston Gazette

CGAZ

P6A

English

(Copyright 2011)

DENVER - Orange, strawberry and chocolate are a few of the nicotine flavors for sale at a suburban Denver store selling electronic cigarettes - battery-operated inhalers advertised as a better alternative to smoking because the nicotine is delivered through vapor, not smoke.

While tobacco can't be sold to anyone younger than 18 in Colorado, there's no legal minimum age for e-cigarettes. That may change: Health concerns over so-called nicotine "vaping" by kids has Colorado considering age requirements for the nicotine devices popping up at marts and mall kiosks.

"We consider this either a quitting aid or a healthier way to smoke," said Blair Roberts, a 22-year-old sales associate at Colorado E-Smokes. Like many in the e-cigarette business, Roberts welcomes a legal age restriction on e-cigarettes.

"Just like with regular cigarettes, nicotine is very harmful and addictive. This is not for children," Roberts said.

Invented in China, electronic cigarettes are touted by users as a way to enjoy nicotine without smoke. A liquid nicotine solution is dropped into a vaporizer inside a device designed to look like a cigarette, cigar or pipe. Users inhale nicotine vapor and exhale what looks like smoke but has no odor.

E-cigarettes can be smoked in an office cubicle or an airplane restroom without triggering smoke alarms. Anecdotal evidence abounds from former smokers who insist e-cigarettes helped them kick the habit.

Legislation to impose an age requirement on sales has little opposition so far. The **House** approved a bill earlier this month, and the measure now awaits Senate action before heading to the governor.

The bill expands the definition of "tobacco products" to include e-cigarettes, meaning it would be illegal to sell them to minors. Violators would face the same penalty as selling traditional cigarettes to minors, a \$200 fine. Minors could be fined \$100 for possessing an e-cigarette.

New Jersey is currently the only state with e-cigarette age restrictions, though age limits are pending this year in many more state legislatures, including Arizona, Illinois and New Hampshire. New York is considering a statewide ban on e-cigarettes for all, including adults. California's Legislature approved an e-cigarette ban for all in 2009, but it was vetoed by then-Gov. Arnold Schwarzenegger.

The federal government is starting to address e-cigarettes, too. The U.S. Food and Drug Administration tried unsuccessfully last year to treat e-cigarettes as drug-delivery devices, not tobacco. The agency currently has no jurisdiction over e-cigarettes, and **spokesman Jeff Ventura** said it has not decided how to proceed.

The U.S. Department of Transportation has said it plans to ban the use of e-cigarettes on airplanes this spring.

Some health advocates say age requirements are the least states should do while federal authorities decide how to regulate e-cigarettes.

A prominent critic of e-cigarettes, George Washington University law professor John F. Banzhaf, says they may be more dangerous than the old candy cigarettes because e-cigarettes are legal for kids in most places, they deliver nicotine and they advertise themselves as safer than smoking.

"In addition to coming in lots of interesting kid-friendly flavors, they're much more realistic" than candy cigarettes, Banzhaf said. "They give you the same nicotine kick as a real cigarette. They look exactly like smoking."

The Colorado chapter of the American Lung Association hasn't backed the age limit. The group believes e-cigarettes should not be regulated like tobacco but rather should be banned altogether, said spokeswoman Wendy Morrison.

One of the sponsors of the Colorado legislation, Republican Rep. Ken Summers of Lakewood, calls an age requirement a good starting point while states await federal action.

"If we're trying to keep nicotine products out of the hands of minors, that should include e-cigarettes," Summers said. "Bottom line, we want to discourage nicotine use among teens, in whatever form."

Online:

Read **House** Bill 1016: <http://goo.gl/CPf3L>

Document CGAZ000020110308e7370004x

## Colorado latest state considering making e-cigarettes off-limits to minors

By KRISTEN WYATT

Associated Press

680 words

6 March 2011

16:47

Associated Press Newswires

APRS

English

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Online:

Read **House** Bill 1016: <http://goo.gl/CPf3L>

7

Document APRS000020110306e736003ta

Front Section

**Pryor warns U.S. cuts imperil center near PB**

ALEX DANIELS ARKANSAS DEMOCRAT-GAZETTE

989 words

3 March 2011

The Arkansas Democrat Gazette

AKDG

1

English

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WASHINGTON - U.S. Sen. Mark Pryor warned Wednesday that federal spending cuts passed by the **House** of Representatives and now before the Senate would result in the loss of hundreds of jobs at a national research center near Pine Bluff.

As part of the legislation passed by the **House** last month that would fund the federal government through the end of the current fiscal year, lawmakers reduced the annual budget for the National Center for Toxicological Research in Jefferson from \$59 million to \$35 million.

This week, the Senate began scrutinizing the House-passed cuts. The senators are attempting to trim the federal budget, while simultaneously protecting projects and jobs in their states.

Congressional aides said work at the Arkansas center would grind to a halt if its budget is reduced by as much as proposed, because without assurances of future funding, the agency would have to stop paying its contractors and lay off nearly half of its staff.

The center, which is part of the U.S. Food and Drug Administration, conducts and coordinates research on the health effects of toxins, which are poisonous substances produced by living cells or organisms.

Pryor, a Democrat from Arkansas, fears that the center, which he said employs 500 people, will have to be closed if the budget cuts aren't stopped.

"I'm going to fight tooth and nail to make sure that doesn't happen," Pryor said.

U.S. Sen. John Boozman, an Arkansas Republican, said the **House**-passed bill is a "good start" on reducing spending but that he will fight to protect the Arkansas center's funding.

"American families are tightening their belts, and the federal government is going to have to do the same," he said.

He stressed that the **House** bill focused on cutting a specific amount of money - \$61 billion. Individual programs, he said, would receive more debate as the legislative process continues.

"A lot of this was decided very quickly," Boozman said. He predicted that if the Senate passes its own version of the bill, decisions on individual programs would be made during a **House**-Senate conference to reconcile the two versions of the legislation.

He said, that's where legislators will ask "'Did we go too far in this area?' and in other cases they'll say 'We didn't go nearly far enough.'" Boozman said programs that have merit, including the National Center for Toxicological Research, will survive that process.

"That is a very good program that needs to be supported," he said.

**Jeff Ventura**, an **FDA spokesman**, said the proposed cuts "would jeopardize the health of every American." In a written statement, Ventura said that if proposed cuts in the **FDA** - in addition to those for the Arkansas center - are carried out, the agency "would lose necessary resources to: identify, assess and rapidly respond to food-related health threats; protect patients from faulty or substandard and otherwise unsafe drugs, vaccines, devices and other medical products; evaluate the safety and effectiveness of new vaccines against infectious disease, including diseases terrorists could use as bio weapons; keep vaccines stockpiled; and protect the nation's blood supply." The center is in U.S. Rep. Mike Ross' district. Ross, a Democrat, opposed the spending bill in the **House**.

"I believe we must cut spending," he said, "but not at the expense of hundreds of jobs in Arkansas and not at the expense of important scientific research that can help all Americans live longer, healthier lives." Pryor predicted a lot of "smoke and fire" over the next two weeks as Congress attempts to avoid a government shutdown and pass a bill to extend spending for this fiscal year, which ends Sept. 30.

He said a shutdown would be bad, but he's "equally concerned" about the spending cuts in the bill that the **House** passed in February.

Calling the **House**-passed bill "draconian," Pryor listed other potential cuts in federal programs in Arkansas that he opposed, including the loss of 100 jobs at the U.S. Department of Agriculture Cooperative Extension System offices, cuts in the state revolving funds that water districts use to build and maintain drinking-water projects, and a temporary shutdown of the weather station in North Little Rock.

Pryor said he will offer legislation as early as today that outlines cuts that are more sensible: getting rid of excess federal property for a one-time revenue gain of \$100 million; limiting federal travel for a savings of \$1.1 billion over 10 years; shutting down TV Marti, which broadcasts to Cuba, for a \$30 million annual savings; and giving the Internal Revenue Service authority to garnishee wages from Medicare contractors who owe back-taxes, which would produce a projected total of \$1.5 billion over 10 years.

The budget fights promise to continue as Congress takes up President Barack Obama's proposed budget for the next fiscal year, which begins Oct. 1.

Boozman said there is a "tremendous gulf" between Obama's proposed budget and the wishes of congressional Republicans, who want deeper spending cuts.

"The president just doesn't get it," Boozman said.

A big uncertainty looming over the budget debate is the effect that federal spending cuts would have on the public-sector work force and private-sector jobs that support the government.

This week, Moody's Analytics, an economic research firm, projected that the **House**-passed bill would result in 700,000 lost jobs.

Ben Bernanke, chairman of the Federal Reserve, countered in congressional testimony that the cuts would have a smaller effect, resulting in the loss of "a couple hundred thousand jobs," according to The Associated Press.

That, Pryor said, could translate into a second economic decline.

"If we cut too many jobs too quickly, I'm concerned we might see a double-dip recession," Pryor said.

This article was published 03/03/2011

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Front Section

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This article was published 03/03/2011

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**Lorillard, Reynolds sue FDA over menthol cigarettes**

By Susan Heavey  
475 words  
28 February 2011  
Reuters Health E-Line  
ELINE  
English

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WASHINGTON (Reuters) - Two tobacco companies went to court against U.S. health regulators on Friday, seeking to block consideration of an imminent advisory panel report that could recommend a ban on menthol-flavored cigarettes.

Lorillard Inc and Reynolds American Inc's R.J. Reynolds Tobacco Co unit filed a lawsuit against the Food and Drug Administration charging there were "conflicts of interest and bias among members" of the **FDA** advisory panel.

The advisers have been weighing the health impact of mint-flavored cigarettes and are expected to deliver their final report on March 23.

Mentholated cigarettes make up roughly 30 percent of U.S. annual cigarette sales of more than \$83 billion, according to Euromonitor International.

The top-selling menthol cigarette is Lorillard's Newport brand. R.J. Reynolds sells the Kool brand and a menthol version of its Camel product.

A 2009 law gave the **FDA** regulatory power over tobacco products and specifically banned chocolate, fruit and other flavorings that lawmakers said enticed children to start smoking.

The legislation called on the **FDA** to seek advice from a panel of outside experts before determining whether menthol cigarettes should also be taken off the U.S. market.

The lawsuit filed in U.S. District Court for the District of Columbia accuses three tobacco advisory panel members of having "severe financial and appearance conflicts of interest and associated biases."

The suit says these advisers have received funding for research or consultation work from drugmakers that make smoking-cessation products.

Two others on a panel subcommittee also have biases, according to the suit, because they have served as paid expert witnesses in lawsuits against tobacco companies.

Health advocates denounced the lawsuit as a frivolous attempt to keep the **FDA** panel's recommendation from coming to light.

"They fear that the committee, having examined the evidence, will recommend effective actions that reduce or eliminate the lucrative market for menthol cigarettes, said Matthew Myers president of the Campaign for Tobacco-Free Kids. "Once again, they are putting profits ahead of lives and health."

Altria Group Inc's Philip Morris unit, which is not part of the lawsuit, also sells a menthol version of its Marlboro cigarette.

All three companies have spoken out against any menthol ban since the **FDA's** panel began holding meetings last year. The advisers are scheduled to meet on March 2 and March 17 ahead of issuing its report.

As with other advisory panels, the **FDA** is not bound to follow its recommendations. The law did not set a deadline for any action on menthol.

**FDA spokesman Jeff Ventura** said: "As a matter of general policy, the **FDA** does not comment on possible, pending or ongoing litigation."

Last Updated: 2011-02-28 11:17:15 -0400 (Reuters Health)

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Document ELINE00020110228e72s0005m

**Teva seeks full non-prescription status for morning-after pill; Currently in the US, women over 17 can buy the high-dose birth control pill over the counter, but women younger than 17 need a prescription.**

Inbal Omer  
238 words  
27 February 2011  
Israel Business Arena  
AIWIBA  
English

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Teva Pharmaceutical Industries Ltd. (Nasdaq: TEVA; TASE: TEVA) has applied to the US Food and Drug Administration (**FDA**) to grant its Plan B One-Step morning-after pill full nonprescription status for women of all ages, US media reports.

Currently in the US, women over 17 can buy the high-dose birth control pill over the counter, but women younger than 17 need a prescription.

Teva USA senior director of corporate communications Denise Bradley said, "Our 2003 Plan B application and our current application for Plan B One-Step is seeking over-the-counter status for the product based on data that demonstrate the product meets the scientific criteria that **FDA** has established for over the counter products. Label comprehension and safety data show that all women are able to safely and effectively take this product. It is not typical for any women's health product to have age restrictions."

**FDA spokesman Jeff Ventura** said, "The application will go through the normal **FDA** review process. It will be evaluated against the same scientific and regulatory criteria as all other over-the-counter switch applications."

Published by Globes [online], Israel business news - [www.globes-online.com](http://www.globes-online.com) - on February 27, 2011

2011

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A

**Tobacco firms sue over panel**

RICHARD CRAVER; JOURNAL REPORTER

Winston-Salem Journal

944 words

26 February 2011

Winston-Salem Journal

XWSJ

DAILY

1

English

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R.J. Reynolds Tobacco Co. and Lorillard Inc. have sued two federal agencies, including the Food and Drug Administration, charging that a tobacco-advisory panel has members with "conflicts of interest and fixed views."

The lawsuit, filed Friday in U.S. District Court for the District of Columbia, also targets the U.S. Department of Health and Human Services, the agencies' administrators and the head of the **FDA's** Center of Tobacco Products.

The **FDA** began regulating tobacco products and marketing in June 2009, but it cannot ban nicotine or tobacco.

The manufacturers want the court to stop the **FDA** "from receiving or relying on recommendations," particularly about menthol and smokeless products, from the Tobacco Products Scientific Advisory committee. The committee is made up primarily of officials with tobacco-control or health-advocacy expertise.

The menthol issue is pivotal to both manufacturers. Lorillard is the maker of Newport, the best-selling menthol cigarette in the United States. Reynolds has gained market share in recent years with its Camel menthol styles.

The committee is expected to submit a nonbinding recommendation on the use of menthol in cigarettes by March 23.

"We are filing this lawsuit to challenge the composition and the process of the committee, not the content of any recommendations the committee may make," said David Howard, a Reynolds **spokesman**. "To underscore that, we chose to file the suit before any recommendations from the committee are issued."

**Jeff Ventura**, an **FDA** press officer, said that "as a matter of general policy, the **FDA** does not comment on possible, pending or ongoing litigation."

The manufacturers also want to keep the **FDA** from offering to the committee any trade secrets or confidential commercial documents until the committee is lawfully in place.

The filing of the lawsuit is not surprising, analysts said.

Even before the committee was formed in March 2010, both manufacturers expressed concerns about whether some members could be open-minded about menthol flavoring and smokeless tobacco because they previously had opposed such products.

The committee is also charged with evaluating applications for new "modified-risk" tobacco products, such as Reynolds' dissolvable smokeless products.

An unbiased review of smokeless tobacco products is pivotal, the tobacco manufacturers say, because makers of nicotine-replacement and other smoking-cessation products, such as pharmaceutical companies, "are in direct competition with tobacco-product manufacturers for the purchasing choices of adult smokers."

Martin Holton III, the general counsel for Reynolds, said that the company had sent seven letters to the **FDA** since July expressing its concerns about conflicts of interest. Philip Morris USA and US Smokeless Tobacco Co. LLC also have filed letters expressing conflicts of interest.

"The **FDA** has not provided a response to the specific arguments presented in our letters," Holton said. "We believe the only way now to have our concerns taken seriously is through the courts."

The companies said that three of the eight voting members of the committee -- Dr. Neal Benowitz, Jack Henningfield and Dr. Jonathan Samet -- all have conflicts "because they have made tens of thousands of dollars as paid expert witnesses in litigation against tobacco-products manufacturers." The lawsuit also cites their "continuing financial relationships with pharmaceutical companies that make smoking-cessation products."

Another voting member of the committee, Dr. Gregory Connolly, resigned in January. He did not cite conflict of interest as the reason.

The lawsuit offers an example of the potential for conflict. In October, the consumer health-care division of GlaxoSmithKline requested that the **FDA** take Reynolds' dissolvable tobacco products out of test markets.

GSK sells the nicotine-replacement therapy products Nicorette and NicoDerm. Reynolds' Camel dissolvable orbs, film strips and sticks are under review by the committee.

The manufacturers said in the lawsuit that Benowitz, Henningfield and Samet have done advisory or consulting work for GSK and received grant research funding from the company.

The members "might expect that a ban or restrictions on menthol in cigarettes would induce large numbers of menthol smokers to try to quit smoking altogether and thereby might result in increased demand for smoking-cessation products, including those of their consulting clients," according to the lawsuit.

The manufacturers said that the Federal Advisory Committee Act requires the committee be "fairly balanced in terms of the points of view represented."

The issue of smokeless-tobacco products has divided the anti-smoking advocacy sector. One set says smokeless products serve as gateways for teenagers to cigarettes. The other set sees the products as a way to reduce the risk of tobacco use compared with cigarettes.

"Four of the eight members of the committee have publicly opposed a current role for smokeless products in tobacco-harm reduction," Holton said. "No one on the committee represents the opposing view in the public-health and tobacco-control communities."

Matt Myers, the president of the Campaign for Tobacco-Free Kids, said the manufacturers "acted out of panic" in filing their lawsuit.

"They fear that the committee, having examined the evidence, will recommend effective actions that reduce or eliminate the lucrative market for menthol cigarettes," Myers said.

"Once again, they are putting profits ahead of lives and health."

Dr. Elizabeth Whelan, the president of the American Council on Science and Health, said the committee is trying to tackle "sociopolitical arguments rather than scientific arguments."

"They are arguing that African-Americans will smoke less if you take menthol away from them," Whelan said. Opponents of menthol cigarettes say that they disproportionately appeal to blacks and youths because of the flavoring.

"There is no reason to ban menthol uniquely because there is no unique health benefit from doing so," Whelan said.

Document XWSJ000020110227e72q0000h

**CORRECTED - Lorillard, Reynolds sue FDA over menthol cigarettes**

532 words

26 February 2011

13:09

Reuters News

LBA

English

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(Corrects brand name in paragraph 13 and adds brand name to paragraph 5)

\* Companies cite bias among **FDA** advisory panel members

\* Health advocates say lawsuit is frivolous

\* **FDA** panel's report due March 23 (Rewrites with details from suit, adds reaction, byline)

By Susan Heavey

WASHINGTON, Feb 25 (Reuters) - Two tobacco companies went to court against U.S. health regulators on Friday, seeking to block consideration of an imminent advisory panel report that could recommend a ban on menthol-flavored cigarettes.

Lorillard Inc and Reynolds American Inc's R.J. Reynolds Tobacco Co unit filed a lawsuit against the Food and Drug Administration charging there were "conflicts of interest and bias among members" of the **FDA** advisory panel.

The advisers have been weighing the health impact of mint-flavored cigarettes and are expected to deliver their final report on March 23.

Mentholated cigarettes make up roughly 30 percent of U.S. annual cigarette sales of more than \$83 billion, according to Euromonitor International.

The top-selling menthol cigarette is Lorillard's Newport brand. R.J. Reynolds sells the Kool brand and a menthol version of its Camel product.

A 2009 law gave the **FDA** regulatory power over tobacco products and specifically banned chocolate, fruit and other flavorings that lawmakers said enticed children to start smoking.

The legislation called on the **FDA** to seek advice from a panel of outside experts before determining whether menthol cigarettes should also be taken off the U.S. market.

The lawsuit filed in U.S. District Court for the District of Columbia accuses three tobacco advisory panel members of having "severe financial and appearance conflicts of interest and associated biases."

The suit says these advisers have received funding for research or consultation work from drugmakers that make smoking-cessation products.

Two others on a panel subcommittee also have biases, according to the suit, because they have served as paid expert witnesses in lawsuits against tobacco companies.

Health advocates denounced the lawsuit as a frivolous attempt to keep the **FDA** panel's recommendation from coming to light.

"They fear that the committee, having examined the evidence, will recommend effective actions that reduce or eliminate the lucrative market for menthol cigarettes, said Matthew Myers president of the Campaign for Tobacco-Free Kids. "Once again, they are putting profits ahead of lives and health."

Altria Group Inc's Philip Morris unit, which is not part of the lawsuit, also sells a menthol version of its Marlboro cigarette.

All three companies have spoken out against any menthol ban since the **FDA's** panel began holding meetings last year. The advisers are scheduled to meet on March 2 and March 17 ahead of issuing its report.

As with other advisory panels, the **FDA** is not bound to follow its recommendations. The law did not set a deadline for any action on menthol.

**FDA spokesman Jeff Ventura** said: "As a matter of general policy, the **FDA** does not comment on possible, pending or ongoing litigation." (Reporting by Susan Heavey; Editing by Carol Bishopric and Tim Dobbyn)

LORILLARD-FDA/LAWSUIT (UPDATE 2. CORRECTED)|LANGEN|G|RBN|ABN|E|U|RNP|DNP|PGE|PCO

Document LBA0000020110226e72q000bt

## **RJR and Lorillard sue federal agencies**

By Richard Craver, Winston-Salem Journal, N.C.

McClatchy-Tribune Regional News

986 words

26 February 2011

Winston-Salem Journal (MCT)

KRTWN

English

Distributed by McClatchy-Tribune Information Services.

Feb. 26--R.J. Reynolds Tobacco Co. and Lorillard Inc. have sued two federal agencies, including the Food and Drug Administration, charging that a tobacco-advisory panel has members with "conflicts of interest and fixed views."

The lawsuit, filed Friday in U.S. District Court for the District of Columbia, also targets the U.S. Department of Health and Human Services, the agencies' administrators and the head of the **FDA's** Center of Tobacco Products.

The **FDA** began regulating tobacco products and marketing in June 2009, but it cannot ban nicotine or tobacco.

The manufacturers want the court to stop the **FDA** "from receiving or relying on recommendations," particularly about menthol and smokeless products, from the Tobacco Products Scientific Advisory committee. The committee is made up primarily of officials with tobacco-control or health-advocacy expertise.

The menthol issue is pivotal to both manufacturers. Lorillard is the maker of Newport, the best-selling menthol cigarette in the United States. Reynolds has gained market share in recent years with its Camel menthol styles.

The committee is expected to submit a nonbinding recommendation on the use of menthol in cigarettes by March 23.

"We are filing this lawsuit to challenge the composition and the process of the committee, not the content of any recommendations the committee may make," said David Howard, a Reynolds **spokesman**. "To underscore that, we chose to file the suit before any recommendations from the committee are issued."

**Jeff Ventura**, an **FDA** press officer, said that "as a matter of general policy, the **FDA** does not comment on possible, pending or ongoing litigation."

The manufacturers also want to keep the **FDA** from offering to the committee any trade secrets or confidential commercial documents until the committee is lawfully in place.

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The committee is also charged with evaluating applications for new "modified-risk" tobacco products, such as Reynolds' dissolvable smokeless products.

An unbiased review of smokeless tobacco products is pivotal, the tobacco manufacturers say, because makers of nicotine-replacement and other smoking-cessation products, such as pharmaceutical companies, "are in direct competition with tobacco-product manufacturers for the purchasing choices of adult smokers."

Martin Holton III, the general counsel for Reynolds, said that the company had sent seven letters to the **FDA** since July expressing its concerns about conflicts of interest. Philip Morris USA and US Smokeless Tobacco Co. LLC also have filed letters expressing conflicts of interest.

"The **FDA** has not provided a response to the specific arguments presented in our letters," Holton said. "We believe the only way now to have our concerns taken seriously is through the courts."

The companies said that three of the eight voting members of the committee -- Dr. Neal Benowitz, Jack Henningfield and Dr. Jonathan Samet -- all have conflicts "because they have made tens of thousands of dollars as paid expert witnesses in litigation against tobacco-products manufacturers." The lawsuit also cites their "continuing financial relationships with pharmaceutical companies that make smoking-cessation products."

Another voting member of the committee, Dr. Gregory Connolly, resigned in January. He did not cite conflict of interest as the reason.

The lawsuit offers an example of the potential for conflict. In October, the consumer health-care division of GlaxoSmithKline requested that the **FDA** take Reynolds' dissolvable tobacco products out of test markets.

GSK sells the nicotine-replacement therapy products Nicorette and NicoDerm. Reynolds' Camel dissolvable orbs, film strips and sticks are under review by the committee.

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The issue of smokeless-tobacco products has divided the anti-smoking advocacy sector. One set says smokeless products serve as gateways for teenagers to cigarettes. The other set sees the products as a way to reduce the risk of tobacco use compared with cigarettes.

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Matt Myers, the president of the Campaign for Tobacco-Free Kids, said the manufacturers "acted out of panic" in filing their lawsuit.

"They fear that the committee, having examined the evidence, will recommend effective actions that reduce or eliminate the lucrative market for menthol cigarettes," Myers said.

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"There is no reason to ban menthol uniquely because there is no unique health benefit from doing so," Whelan said.

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News

## Lawmaker wants to ban sale of electronic cigarettes to kids

Tessa Muggeridge; Cronkite News Service

616 words

25 February 2011

Sierra Vista Herald

SVHLD

English

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PHOENIX — A state senator wants to keep electronic cigarettes out of kids' hands by making it a petty offense for merchants to sell them to minors and for minors to buy them.

"If we're going to say minors can't buy regular cigarettes, it doesn't seem valid to say they can have access to electronic cigarettes," said Sen. Steve Yarbrough, R-Chandler. "Hopefully a few less young people will suffer nicotine addictions with this ban."

The so-called e-cigarettes are battery-powered plastic and metal devices that heat a liquid nicotine solution that users inhale as a mist. They're available in hundreds of flavors, including cherry, chocolate and beer, as well as the flavors of popular cigarette brands.

Though companies often claim they don't sell to buyers under 18 or that the e-cigarettes are used to help smokers quit, Arizona youth can legally purchase them even though they can't buy tobacco products.

SB 1280 won preliminary approval this week from the Senate Committee of the Whole, setting up a final vote that would send it to the **House**. The penalty for a petty offense is a fine up to \$300.

Supporters of the bill say the fruity flavors are one reason why e-cigarettes are popular among young people.

Arizona Attorney General Tom Horne, whose office pushed for a ban and registered its support for the bill, said e-cigarettes can lead children into addiction.

"It seems like another way to get young people addicted to nicotine is by using these flavors to entice them to use these products," Horne said.

David Goerlitz, president of the Tobacco Vapor Electronic Cigarette Association, which is based near Atlanta, said the industry supports banning e-cigarettes for minors.

"Businesses that sell to kids, shame on them," he said. "They should lose their license and be fined severely, just like you would for tobacco. Any law that prevails for tobacco should also prevail for electronic cigarettes."

James Sanders, who owns A-Z Smoke Free, an electronic cigarette business run online and out of his Goodyear home, said he doesn't encourage nicotine use by minors in any form.

His website requires patrons to check a box saying they're 18 before they make a purchase.

"If they're online and they're using a credit card and they say they're 18, I would like to trust that they are," Sanders said.

When customers make purchases at his home, Sanders said he asks them for ID if they appear to be younger than 18, though most of his patrons are older people who choose e-cigarettes as an alternative to smoking.

The U.S. Food and Drug Administration has attempted to regulate e-cigarettes as unapproved drug-delivery devices and stop them from being imported into the country without further testing, but several e-cigarette companies challenged the **FDA's** authority. The **FDA** lost in federal court in Washington, D.C., in December, and on Jan. 24 a request to appeal the decision was denied.

"Right now, we're considering our next steps in terms of what we're going to do moving forward," said **Jeff Ventura**, a **spokesman** for the **FDA** Center for Tobacco Products.

Because e-cigarettes are unregulated on the federal level, states and municipalities are weighing in on the issue, he said.

Several other states are considering banning e-cigarettes for minors, and Washington recently passed a ban.

The U.S. Department of Transportation said this month that it plans to issue an official ban of electronic cigarettes on airplanes in the spring.

Document SVHLD00020120116e72p000t9



**UPDATE 2-Lorillard, Reynolds sue FDA over menthol cigarettes**

511 words

25 February 2011

17:21

Reuters News

LBA

English

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\* Companies cite bias among **FDA** advisory panel members

\* Health advocates say lawsuit is frivolous

\* **FDA** panel'S report due March 23 (Rewrites with details from suit, adds reaction, byline)

By Susan Heavey

WASHINGTON, Feb 25 (Reuters) - Two tobacco companies went to court against U.S. health regulators on Friday, seeking to block consideration of an imminent advisory panel report that could recommend a ban on menthol-flavored cigarettes.

Lorillard Inc and Reynolds American Inc's R.J. Reynolds Tobacco Co unit filed a lawsuit against the Food and Drug Administration charging there were "conflicts of interest and bias among members" of the **FDA** advisory panel.

The advisers have been weighing the health impact of mint-flavored cigarettes and are expected to deliver their final report on March 23.

Mentholated cigarettes make up roughly 30 percent of U.S. annual cigarette sales of more than \$83 billion, according to Euromonitor International.

The top-selling menthol cigarette is Lorillard's Newport brand. R.J. Reynolds sells the Kool brand.

A 2009 law gave the **FDA** regulatory power over tobacco products and specifically banned chocolate, fruit and other flavorings that lawmakers said enticed children to start smoking.

The legislation called on the **FDA** to seek advice from a panel of outside experts before determining whether menthol cigarettes should also be taken off the U.S. market.

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Two others on a panel subcommittee also have biases, according to the suit, because they have served as paid expert witnesses in lawsuits against tobacco companies.

Health advocates denounced the lawsuit as a frivolous attempt to keep the **FDA** panel's recommendation from coming to light.

"They fear that the committee, having examined the evidence, will recommend effective actions that reduce or eliminate the lucrative market for menthol cigarettes, said Matthew Myers president of the Campaign for Tobacco-Free Kids. "Once again, they are putting profits ahead of lives and health."

Altria Group Inc's Philip Morris unit, which is not part of the lawsuit, also sells a menthol version of its Camel cigarette.

All three companies have spoken out against any menthol ban since the **FDA's** panel began holding meetings last year. The advisers are scheduled to meet on March 2 and March 17 ahead of issuing its report.

As with other advisory panels, the **FDA** is not bound to follow its recommendations. The law did not set a deadline for any action on menthol.

**FDA spokesman Jeff Ventura** said: "As a matter of general policy, the **FDA** does not comment on possible, pending or ongoing litigation." (Reporting by Susan Heavey; Editing by Carol Bishopric and Tim Dobbyn)

LORILLARD-FDA/LAWSUIT (UPDATE 2)|LANGEN|G|RBN|ABN|E|U|RNP|DNP|PGE|PCO

Document LBA0000020110225e72p001md

## **Cigarette makers sue to stop FDA from using tobacco panel's recommendations, alleging bias**

By MICHAEL FELBERBAUM

AP Tobacco Writer

505 words

25 February 2011

17:50

Associated Press Newswires

APRS

English

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RICHMOND, Va. (AP) - Two of the nation's largest cigarette makers on Friday asked a federal court to stop the Food and Drug Administration from relying on recommendations made by an advisory panel on issues such as menthol cigarettes.

In the suit filed in U.S. District Court in Washington, Lorillard Inc. and R.J. Reynolds Tobacco Co. allege financial conflict of interest and bias by several members of the Tobacco Products Scientific Advisory Committee.

The panel, which is tasked with advising the agency on various tobacco-related issues, is set to release a report in March on the public health impact of menthol cigarettes, a key area for growth for tobacco companies in a shrinking cigarette market.

The **FDA** won the authority to regulate tobacco in June 2009. The law doesn't let the **FDA** ban nicotine or tobacco, just regulate what goes into tobacco products, require the ingredients be publicized and limit how tobacco is marketed, especially to young people. The agency's panels advise it on scientific issues. It doesn't have to follow their recommendations, but usually does.

According to the suit, on issues relating both to menthol in cigarettes and smokeless tobacco products, the panel fails to meet the federal requirements that committee members should be fairly balanced and not inappropriately influenced by any special interest.

The suit specifically alleges that three committee members have conflicts of interest because they were paid expert witnesses in anti-tobacco lawsuits and have financial ties to pharmaceutical companies that make smoking-cessation products.

"There will be no way for the defendants or the public to have confidence that the Committee's report and recommendations with respect to menthol are the product of an unbiased assessment of the relevant science, uninfluenced by special interests and by the prospect of financial gains," according to the suit.

**FDA spokesman Jeff Ventura** said the agency does not comment on pending litigation.

Several cigarette makers, including Altria Group Inc., parent company of Philip Morris USA, had previously asked the federal agency to remove members of the panel for conflicts of interest. Altria Group is not part of the suit filed Friday.

Lorillard, based in Greensboro, N.C., holds about 35 percent of the U.S menthol market with its top-selling Newport brand. R.J. Reynolds and its parent company, Reynolds American Inc., based in Winston-Salem, N.C., sell brands like Camel and Pall Mall.

Opponents say the minty flavor of menthol cigarettes can entice young people to start smoking and may make it harder to quit. They are also disproportionately smoked by African-American smokers.

U.S. cigarette makers have gone on the offensive amid the menthol review, saying scientific evidence does not show that menthol cigarettes create greater health risk than non-menthol cigarettes. Lorillard also has said it believes that a ban on menthol would lead to a black market for contraband smokes.



## Republicans' Proposed Cuts Could Put FDA in Tough Position

366 words

16 February 2011

Generic Line

GNLN

Vol. 28, No. 4

English

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The **FDA** could see \$220 million cut from its current budget if Republicans on the **House** Appropriations Committee have their way.

The Feb. 9 announcement of the cuts is the first political salvo fired by **House** Republicans ahead of President Barack Obama's proposed federal budget for fiscal 2012.

The cuts, to be included in a continuing resolution bill for the rest of fiscal 2011, would come from the more than \$2.5 billion in Obama's budget request for the current year.

The **FDA** and other federal agencies have been operating under a continuing resolution that maintained fiscal 2011 funding at the same level as fiscal 2010.

The agency declined to comment on how the cuts might affect agency performance. "We're still revising the impact," agency **spokesman Jeff Ventura** told Generic Line.

But Peter Pitts, a former **FDA** associate commissioner and now president of the Center for Medicine in the Public Interest, said the cuts could result in layoffs and limited hiring in by the **FDA** in the future.

"The problem with non-user fee spending is it's bare bone as it is. It's staff and school supplies," Pitts told Generic Line.

Steven Grossman, deputy executive director of the Alliance for a Stronger **FDA**, shared Pitts' concerns.

"Imports keep increasing, and the **FDA** regulated industries are still growing. These are things that require manpower," Grossman told Generic Line. "Dealing with companies, inspections, all of those will be hard pressed."

New programs such as the Advancing Regulatory Science Initiative could be scrapped altogether, he added.

The proposed cuts to the **FDA** are part of \$74 billion **House** Appropriations wants trimmed across all federal programs for fiscal 2011.

But there's no telling exactly what these figures will look like when the continuing resolution is finally passed, Grossman said, as the bill will be subject to a comments and amendments over the next several months.

"This is a number that's going to change at least a couple of more times in the process, maybe five or six more times if it bounces around the Senate," he added.-- Wilson Peden

Release date: Feb. 16, 2011

Document GNLN000020110217e72g00009

## Republicans Eye \$220 Million in Cuts in Current FDA Budget

440 words

14 February 2011

Washington Drug Letter

WDLT

Vol. 43, No. 7

English

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Treasury Secretary Timothy Geithner told Congress recently that the country's \$14.3 trillion debt ceiling could be reached as early as March 31. Some Republican leaders have said they need to match spending cuts with an increase in the debt ceiling.

The **FDA** declined to comment on how the cuts might affect agency performance. "We're still revising the impact," agency **spokesman Jeff Ventura** told WDL.

But Peter Pitts, a former **FDA** associate commissioner and now president of the Center for Medicine in the Public Interest, said the cuts could result in layoffs and limited hiring by the **FDA** in the future.

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Other health-related agencies that Republicans are targeting for budget cuts include the NIH (\$1 billion) and the Centers for Disease Control and Prevention (\$755 million).

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"This is a number that's going to change at least a couple of more times in the process, maybe five or six more times if it bounces around the Senate," he added. -- Wilson Peden

Release date: Feb. 14, 2011

Document WDLT000020110214e72e00005

## Proposed \$220 Million Budget Cut Threatens FDA Manpower

419 words

14 February 2011

Device & Diagnostic Letter

DNDL

Vol. 38, No. 7

English

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Steven Grossman, deputy executive director of the Alliance for a Stronger **FDA**, shared Pitts' concerns.

"Imports keep increasing, and the **FDA** regulated industries are still growing. These are things that require manpower," Grossman told D&DL. "Dealing with companies, inspections, all of those will be hard pressed."

New programs, such as the Advancing Regulatory Science Initiative could be scrapped altogether, he added (D&DL, Oct. 11, 2010).

The proposed cuts to the **FDA** are part of \$74 billion **House** Appropriations wants trimmed across all federal programs for fiscal 2011.

But there's no telling exactly what those figures will look like when the continuing resolution is finally passed, Grossman said, as the bill will be subject to comments and amendments over the next several months.

"This is a number that's going to change at least a couple of more times in the process, maybe five or six more times if it bounces around the Senate," he added. -- Wilson Peden

Release date: Feb. 14, 2011

Document DNDL000020110214e72e00003

## Proposed Spending Cuts Could Put FDA in Difficult Position

414 words

11 February 2011

Drug Industry Daily

DRIDY

Vol. 10, No. 30

English

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The **FDA** could see \$220 million cut from its current budget if Republicans on the **House** Appropriations Committee have their way.

Wednesday's announcement of the cuts is the first political salvo fired by **House** Republicans ahead of President Barack Obama's proposed federal budget for fiscal 2012, expected to be released Feb. 14.

The cuts, to be included in a continuing resolution bill for the rest of fiscal 2011, would come from the more than \$2.5 billion in Obama's budget request for the current year.

The **FDA** and other federal agencies have been operating under a continuing resolution that maintained fiscal 2011 funding at the same level as fiscal 2010.

Treasury Secretary Timothy Geithner told Congress recently that the country's \$14.3 trillion debt ceiling could be reached as early as March 31. Some Republican leaders have said they need to match spending cuts with an increase in the debt ceiling.

The **FDA** declined to comment on how the cuts might affect agency performance. "We're still revising the impact," agency **spokesman Jeff Ventura** told DID.

But Peter Pitts, a former **FDA** associate commissioner and now president of the Center for Medicine in the Public Interest, said the cuts could result in layoffs and limited hiring in by the **FDA** in the future.

"The problem with non-user fee spending is it's bare bone as it is. It's staff and school supplies," Pitts told DID.

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"Imports keep increasing, and the **FDA** regulated industries are still growing. These are things that require manpower," Grossman told DID. "Dealing with companies, inspections, all of those will be hard pressed."

New programs such as the Advancing Regulatory Science Initiative could be scrapped altogether, he added (DID, Oct. 7, 2010).

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Release date: Feb. 11, 2011

Document DRIDY00020110211e72b00001



**WSJ: FDA Tobacco Adviser Resigns**

By David Kesmodel  
Of THE WALL STREET JOURNAL

484 words

5 January 2011

14:55

Dow Jones News Service

DJ

English

(c) 2011 Dow Jones & Company, Inc.

A member of a key tobacco-advisory committee for the Food and Drug Administration who came under industry criticism has stepped down.

Gregory N. Connolly, a Harvard School of Public Health professor, no longer is a member of the panel. He didn't respond to requests for comment.

In an email, **FDA spokesman Jeff Ventura** said: "Dr. Connolly has resigned from the Tobacco Products Scientific Advisory Committee. His departure will not impede the schedule or progress of the Committee."

The **FDA's** website says the 12-member committee has one vacancy.

(This story and related background material will be available on The Wall Street Journal website, WSJ.com.)

It is unclear why Mr. Connolly left the Tobacco Products Scientific Advisory Committee, which was created in the wake of landmark legislation in 2009 empowering the **FDA** to regulate tobacco products.

Early last year, the agency rejected a request by cigarette giant Philip Morris USA to remove Mr. Connolly and three other members of the 12-member committee after the company said the men had extensive conflicts of interest.

The Marlboro-cigarette maker, a unit of Altria Group Inc. (MO), said Mr. Connolly and the other panelists had financial and other conflicts that would undermine the panel's credibility. The company said Mr. Connolly had provided deposition or trial testimony in lawsuits against the industry and had made "highly inflammatory statements to the media" regarding menthol cigarettes.

Mr. Connolly's departure comes a few months before the advisory committee is scheduled to issue a report on an issue crucial to the tobacco industry--whether menthol smokes should be banned. The **FDA** doesn't have to follow the panel's recommendation and faces no deadline to act. Menthol cigarettes account for about 30% of industry sales.

Morgan Stanley analyst David Adelman, in a research note Wednesday, said Mr. Connolly's absence makes him more confident the **FDA** will ultimately decide not to ban menthol as a cigarette flavoring.

Mr. Connolly's absence "removes an individual who was the dominant anti-tobacco voice in the menthol hearings so far, and who we believe many assumed would have potentially advocated for the recommendation of a ban on menthol," Mr. Adelman wrote.

The issue is of paramount importance to Lorillard Inc. (LO), the maker of the leading menthol brand, Newport. The product accounts for roughly 90% of the Greensboro, N.C., company's sales.

The tobacco-advisory panel is scheduled to issue its report and recommendations on menthol cigarettes to the **FDA** in March. It could make less-onerous recommendations than a ban, such as new restrictions on advertising.

Mr. Connolly's resignation was reported earlier on a tobacco-news blog published by Boston University professor Michael Siegel.

-By David Kesmodel, The Wall Street Journal;312-750-4115; David.Kesmodel@wsj.com [ 01-05-11 1455ET ]

Document DJ00000020110105e715000hu

**FDA scientific adviser on tobacco panel resigns**

208 words

5 January 2011

16:13

Associated Press Newswires

APRS

English

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RICHMOND, Va. (AP) - A member of a scientific panel appointed by the Food and Drug Administration to advise the agency on tobacco and public health issues has resigned, saying the way **FDA's** advisory panels operate is too "rigid."

The **FDA** said Wednesday that Dr. Gregory Connolly, a professor at Harvard University School of Public Health and tobacco control expert, is no longer a member of the agency's Tobacco Products Scientific Advisory Committee.

Connolly told The Associated Press that he believed he could be more effective working outside the "rigid environment" of the committee. He said he plans to remain involved in tobacco issues with the **FDA**, specifically the public health impacts of menthol in cigarettes.

The **FDA** named the 12 committee members last year. The panel is tasked with advising the agency on various tobacco-related issues. It meets next week to discuss the menthol issue and a committee report due in March.

Connolly said he plans to recommend that the **FDA** ban menthol in cigarettes over the next 10 years. He said he left the panel in mid-December.

**FDA spokesman Jeff Ventura** said Connolly's departure will "not impede the schedule or progress of the committee."

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Document APRS000020110105e715002q9

Business

## Ads push tobacco pouches for smokers about to quit quitting

Emery P. Dalesio; The Associated Press

518 words

31 December 2010

Ventura County Star

VENTCS

English

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RALEIGH, N.C. - R.J. Reynolds Tobacco Co. is targeting people who resolve to quit smoking in the new year with advertisements suggesting they switch to its smokeless tobacco pouches, a move critics say is an attempt to keep people from quitting nicotine.

The ads mark the company's first campaign aimed at getting smokers to switch to the pouches known as snus, which Reynolds introduced in early 2009, **spokesman** David Howard said Wednesday.

The carefully worded ads suggest, but don't say directly, that the pouches are a way to help smokers kick the smoking habit. Under federal law, companies cannot claim that tobacco products work as smoking cessation products.

But tobacco companies would love for smokers to think of them that way as cigarette sales fall because of higher taxes, smoking bans and falling social acceptability.

The No. 2 U.S. cigarette maker is advertising in major magazines this month its suggestion for a "2011 Smoke-Free Resolution" in some ads that show the tobacco-filled white pouches dropping from the sky like confetti. The ads promote the company's Camel snus - small pouches filled with tobacco that users stick between the cheek and gum.

"If you've decided to quit tobacco use, we support you. But if you're looking for smoke-free, spit-free, drama-free tobacco pleasure, Camel Snus is your answer. Log on to the Pleasure Switch Challenge and see how simple switching can be. Camel Snus - it might just change the way you enjoy tobacco," one ad says.

"At this time, there will be some that will be considering the option to maybe quit smoking, but not necessarily quit enjoying tobacco pleasure," Howard said. "We want to inform them that here is a product that is an option for you to consider."

The "resolution" ads appeared in wide-circulation magazines including Time, Sports Illustrated and People, Howard said. Two other versions, which specifically address themselves to smokers, appeared in alternative weekly newspapers around the country, he said. Those ads feature the packaged product at the heart of snowflakes or ringed into a holiday wreath.

All three ads also warn: "Smokeless tobacco is addictive."

An anti-tobacco campaigner said the Reynolds ads aim to reorient smokers to smokeless snus to keep them from being lost as potential customers.

"These ads are trying to take advantage of the fact that around the first of every year many people try to quit smoking altogether. These ads aren't designed to help people quit, they're designed to keep people using tobacco," said Matthew Myers, president of the Campaign for Tobacco-Free Kids.

The Food and Drug Administration, which regulates tobacco advertising, is reviewing the Reynolds advertising campaign. The agency is charged under the Tobacco Control Act with deciding if any tobacco ads make false claims.

"The claims made by R.J. Reynolds Tobacco Co.'s advertising and labeling materials are being evaluated by the **FDA**," the agency's **spokesman Jeff Ventura** said.

[photocredit]Reynolds American Inc.[/photocredit]

Document VENTCS0020101231e6cv0002e

# Los Angeles Times

Business; Business Desk

## Reynolds ads tout smokeless tobacco

Associated Press

494 words

31 December 2010

Los Angeles Times

LATM

Home Edition

B-4

English

Copyright 2010 The Los Angeles Times

R.J. Reynolds Tobacco Co. is targeting people who resolve to quit smoking in the new year with advertisements suggesting they switch to its pouches of smokeless tobacco, a move critics say is an attempt to keep people from quitting nicotine.

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"If you've decided to quit tobacco use, we support you. But if you're looking for smoke-free, spit-free, drama-free tobacco pleasure, Camel Snus is your answer," one ad says.

"At this time, there will be some that will be considering the option to maybe quit smoking, but not necessarily quit enjoying tobacco pleasure," Howard said. "We want to inform them that here is a product that is an option for you to consider."

The "resolution" ads have appeared in magazines including Time, Sports Illustrated and People, Howard said.

Two other versions of the ad, which specifically address themselves to smokers, have appeared in alternative weekly newspapers around the country, he said. Those ads feature the packaged product at the heart of snowflakes or ringed into a holiday wreath.

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The Food and Drug Administration, which regulates tobacco advertising, is reviewing claims made in the Reynolds ad campaign, agency **spokesman Jeff Ventura** said. The **FDA** is charged under the Tobacco Control Act with deciding whether any tobacco ads make false claims.

R.J. Reynolds is owned by Reynolds American Inc., based in Winston-Salem, N.C.

PHOTO: MARKETING: Reynolds' ad campaign pushes Camel Snus, tobacco-filled pouches placed in the mouth.;PHOTOGRAPHER:Reynolds American Inc.

Document LATM000020101231e6cv0000q

## RJ Reynolds promotes smokeless 'snus' to cigarette users who resolve to quit puffing in 2011

By EMERY P. DALESIO

AP Business Writer

672 words

30 December 2010

10:02

Associated Press Newswires

APRS

English

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RALEIGH, N.C. (AP) - R.J. Reynolds Tobacco Co. is targeting people who resolve to quit smoking in the new year with advertisements suggesting they switch to its smokeless tobacco pouches, a move critics say is an attempt to keep people from quitting nicotine.

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"The claims made by R.J. Reynolds Tobacco Co.'s advertising and labeling materials are being evaluated by the **FDA**," **spokesman Jeff Ventura** said.

R.J. Reynolds is owned by Reynolds American Inc., based in Winston-Salem, N.C.

About 46 million American adults, or one in five, still smoke and about the same number are former smokers, according to the Centers for Disease Control and Prevention. That's down from one out of four Americans who smoked in 1995.

About 3 percent of American adults use smokeless tobacco.

The CDC says smokeless tobacco contains 28 cancer-causing agents and is not a safe substitute for smoking cigarettes. But a 2007 report from the United Kingdom's Royal College of Physicians suggests that some smokeless tobacco products are less harmful than cigarettes.

"Since tobacco smoking is driven primarily by addiction to nicotine, but the harm from smoking is caused by other smoke constituents, the rational next-best option is to reduce the harm arising from nicotine use by providing it in a form that does not involve inhaling smoke," the report said.

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Document APRS000020101230e6cu001j7



News - Metro

## Tobacco opponents take aim on smooth taste of menthol

624 words

11 December 2010

Post-Tribune

PSTTRB

All Editions

20

English

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Tobacco opponents take aim on smooth taste of menthol

Scripps Howard News Service

That cool, throat-numbing sensation some smokers find in their cigarettes could go the way of other products the federal government has deemed dangerous.

Menthol, a natural compound found in the mint plant, soothes throats and helps tame an achy tummy. But in cigarettes, health experts argue, it makes the poison that is tobacco go down smoothly, tricking the youngest and most foolhardy smokers.

Last year, Congress passed far-reaching tobacco regulations that, among other things, banned chocolate- or strawberry-flavored cigarettes, saying they lured kids to smoke by dressing up cigarettes as candy.

But Congress passed on regulating menthol cigarettes, which account for one-third of cigarettes sold in the United States. Instead, it called for a study and more discussion by the Food and Drug Administration.

The **FDA** brought the debate to Raleigh, N.C., on Wednesday, when tobacco executives and health officials met at a downtown hotel to discuss the new law on cigarettes and how the **FDA** would enforce it.

Outside, dozens of workers from Lorillard Tobacco in Greensboro, N.C., paced in the bitter cold. They produce Newports, menthol cigarettes that have been their ticket to a middle-class life.

"This is about my livelihood.," said Darsey Campbell, who has cleaned and serviced Lorillard equipment for 40 years. "We have to worry when the government starts messing with one more thing. Don't they have enough to do?"

The conundrum for federal officials is clear: Cigarettes are bad; jobs are good. Can there be a winner?

"Undeniably, this is a very controversial issue with a lot of moving parts," said **Jeff Ventura**, an **FDA spokesman**.

With cigarettes, the federal government is engaged in an awkward dance. On one hand, America needs jobs more than ever, and government officials want to avoid jeopardizing a major U.S. manufacturer's product and market share. Cigarette makers insist that banning menthol will simply push production overseas or into an unregulated black market.

But the government also doesn't want people to smoke. It is the No. 1 preventable cause of death in the U.S. Smoking attacks the lungs, making smokers prone to chronic sickness. The **FDA** doesn't want kids to pick up a cigarette habit.

Public health officials want cigarettes to taste as bad as they are for a smoker's health, and menthol undermines that. The product, which can be made synthetically, tempers the burn cigarettes bring to the throat. If kids feel that burn, they may never pick up another cigarette, some health officials argue.

The biggest consumers of menthol cigarettes are young people and minorities, studies show.

Campbell smokes Newports flavored with menthol. She wants government to stay out of her business.

"I'm grown. It's my choice," she said.

Campbell's bigger concern is about her job. She's one of about 2,000 people working for Lorillard in Greensboro, where generations have found jobs paying enough for them to buy homes and take care of their families.

No deadline

**FDA** officials say they are a long way from having an answer to the menthol question. Congress obliged them to study, and scientists have been meeting to do just that. A report is due to the **FDA** secretary in March, but there are no deadlines or expectations after that.

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Document PSTTRB0020101215e6cb0005y

A  
**Outlook cools for menthol; Cigarette flavor could be banned**

BY MANDY LOCKE

Staff Writer

881 words

9 December 2010

The News & Observer

RNOB

English

Distributed by The McClatchy Company

RALEIGH

That cool, throat-numbing sensation some smokers find in their cigarettes could go the way of other products the federal government has deemed dangerous.

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But Congress passed on regulating menthol cigarettes, which account for one-third of cigarettes sold in the United States. Instead, it called for a study and more discussion by the Food and Drug Administration.

The **FDA** brought the debate to Raleigh on Wednesday, when big tobacco executives met public health officials in a conference room at the Marriot Hotel downtown to discuss the new law on cigarettes and how the **FDA** would go about enforcing it.

Jobs vs. health

Outside, dozens of workers from Greensboro, who make their living manning machines that make menthol-laced cigarettes, paced in the bitter cold. For Lorillard Tobacco workers, who produce Newport cigarettes, menthol is an ingredient that makes their brand pop with flavor, and those cigarettes have been their ticket to a middle class life.

"This is about my livelihood. I've got responsibilities," said Darsey Campbell, who has logged 40 years at Lorillard Tobacco, cleaning and servicing equipment. "We have to worry when the government starts messing with one more thing. Don't they have enough to do?"

The conundrum for federal officials is clear: Cigarettes are bad; jobs are good. Can there be a winner?

"Undeniably, this is a very controversial issue with a lot of moving parts," said **Jeff Ventura, spokesman** for the **FDA**.

With cigarettes, the federal government is now engaged in an awkward dance. On one hand, America needs jobs more than ever, and government officials want to avoid jeopardizing the product, and market share, of a major U.S. manufacturer. Cigarette makers who use menthol insist that banning menthol will simply push production overseas or into an unregulated black market.

But the government also doesn't want people to smoke; it is the No. 1 preventable cause of the death in the U.S. Smoking attacks the lungs, making smokers prone to chronic sickness and heavily reliant on health care. The **FDA** is adamant about not wanting kids to pick up a cigarette and start the habit.

Spoil the taste

Public health officials want cigarettes to taste as bad as they are for a smoker's health, and menthol undermines that. The product, which can be made synthetically, tempers the burn cigarettes bring to the throat. If kids feel that

burn, they may never pick up another cigarette, some health officials argue. Studies show that the biggest consumers of menthol cigarettes are young people and members of minority groups.

Campbell, the Lorillard worker, smokes Newports flavored with menthol. She has almost all her life and wants government to stay out of her business.

"I'm grown. It's my choice," she said.

Campbell's biggest concern, though, isn't her smoking habit but rather her job. She's one of about 2,000 people working for Lorillard in Greensboro, where generations of families have found jobs that pay enough for them to buy homes and take care of their families.

Lorillard executives won't predict what would become of the Greensboro plant should the **FDA** ban menthol in cigarettes. The company just started making a menthol-free Newport last month, but it's too soon to say whether it will catch on, said Bob Bannon, Lorillard's director of investor relations.

Lorillard's corner of the cigarette market depends on menthol, which workers spray on tobacco before rolling it in paper. They make a third of the menthol cigarettes sold in the U.S., accounting for about 10 percent of the total cigarette market.

"It's tough to say what impact we'll feel," Bannon said. "We're trying to measure what adult smokers' reaction would be in the scenario that it disappears. We just don't know, but we think the number of people who would quit altogether would be low."

Report due in March

**FDA** officials say they are a long way from having an answer to the menthol question. And they may simply decide to not answer it. Congress obliged them to study, and scientists have been meeting to do just that. A report is due to the **FDA** in March, but after that, there are no deadlines or expectations.

"The **FDA** has made no statements about potentially banning menthol," said Lawrence R. Deyton, director of the **FDA's** Center for Tobacco Products.

Campbell and about 30 of her co-workers didn't want to take chances. Outside the Marriot on Wednesday, they pushed signs into the air, reminding tobacco executives and **FDA** officials that they, too, have a stake in the future of menthol in cigarettes.

mandy.locke@newsobserver.com or 919-829-8927

Document RNOB000020101209e6c9000h8

A-Section  
**Smokers to get message**

By CRYSTAL GARCIA  
STAFF

1,097 words  
22 November 2010

Times Herald  
THMI

A1  
English

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Times Herald

Choosing the brand of cigarette you want could become more difficult when 50% of each pack is covered up by a graphic warning label.

As part of the 2009 Family Smoking Prevention and Tobacco, the U.S. Food and Drug Administration will require more visible health warnings on all cigarette packs and advertisements. The warnings are to be displayed on the top front and top back of each pack.

The new required warnings would consist of nine new textual warning statements accompanied by color graphics depicting the negative health consequences of smoking. New warnings will be in place by Oct. 22, 2012.

Thirty-six images will be narrowed down to nine, one for each of the new warnings. The **FDA** is accepting public comment to help select images. Visit [www.regulations.gov](http://www.regulations.gov), search for "proposed rules" in the drop-down menu and look for "labeling."

Brad Burk, director of government relations for the American Cancer Society's Great Lakes division, said one of the goals of the images is to contradict the notions young people have about smoking.

"I think the real progress can be from keeping young people from smoking," he said, noting 18.8% of high school students in Michigan smoke.

He said the average smoker started smoking at age 14, and 90% of smokers started before age 21.

Christopher Jones, who works at Smokers Only in Marysville, said he doesn't believe the warnings will affect business too much.

He said most of his customers roll their cigarettes -- a response to the high prices of packs of cigarettes.

Still, he said he believes the labels will be a good plan because it could raise awareness about the risks of smoking. He said he believes the public has seen the other warnings so much it has been "blinded."

Ray Meek, 51, said he doesn't think the labels will deter people from smoking.

"All these warning labels we put on everything -- people don't need them," he said, saying people have reached a saturation point.

Meek said he has been smoking for 41 years. He said he did quit once for a couple of years, but started again.

While he doesn't have any plans to quit in the future, he said price would be a factor.

"Unfortunately, they keep raising prices, but people who want to smoke are going to find a way," Meek said.

George Kiager, 79, has been smoking for 60 years. As he bought three packs of cigarettes, he said the new labels wouldn't persuade him to quit.

"At 80 years old. Why give up anything?" Kiager said. "I enjoy it."

**FDA spokesman Jeff Ventura** said many young smokers don't believe they'll become addicted, which is one of the warnings that will be displayed on packs.

"The worst outcome is death, and that's another new warning," he said, referring to the "smoking can kill you" warning.

Ventura said smoking costs Americans \$100 billion a year in terms of health care costs and productivity loss, but "the American taxpayer doesn't pay anything toward this effort."

R.J. Reynolds Tobacco Co., the second-largest such company in the country, has a lawsuit pending on the matter.

The company based in Winston-Salem, N.C., produces many brands including Camel, Monarch, Salem and Winston.

"We are currently reviewing the notice from the **FDA** regarding warning labels on cigarette packaging and will consider a response to the agency as we deem appropriate," company **spokesman** David Howard responded by e-mail. "It is important to note that the legality of requiring larger and graphic warnings is part of our lawsuit that is currently pending in the 6th Circuit Court of Appeals. A hearing on the matter is expected to occur some time next year."

Erika Sward, Director of National Advocacy for the American Lung Association, said the American Lung Association would like the warnings to go a step further and include a phone number that people can call to get help to quit.

"We recognize this is one piece of a very comprehensive puzzle to solve a very complicated problem in our country," she said.

She said the lung association doesn't believe this will be a "magic bullet," but studies show that in other countries where graphic labels are used, there has been an increased desire among smokers to quit.

Current tobacco-product labeling requirements were adopted in Canada in 2000. Messages focus on three things -- health warnings, health information messages and toxic emissions/constituents statements, according to Health Canada's website.

- Contact Crystal Garcia at (810) 989-6276 or [cagarcia@gannett.com](mailto:cagarcia@gannett.com).

#### AT A GLANCE

#### UPCOMING WARNINGS ON CIGARETTE PACKS AND ADS

Cigarettes are addictive.

Tobacco smoke can harm your children.

Cigarettes cause fatal lung disease.

Cigarettes cause cancer.

Cigarettes cause strokes and heart disease.

Smoking during pregnancy can harm your baby.

Smoking can kill you.

Tobacco smoke causes fatal lung disease in nonsmokers.

Quitting smoking now greatly reduces serious risks to your health.

#### TO GET HELP

#### SMOKING-CESSATION PROGRAMS

- Free "Quit Kits" are available to help smokers prepare and plan for quitting. Call (810) 987-5300, ext. 204 to request one. They also can be downloaded at [www.michigan.gov/mdch](http://www.michigan.gov/mdch); put "Michigan Smokers Quit Kit" in the search option.

? A Quit Tobacco Workshop is offered at St. Clair County Health Department upon request to groups of 12 or more. For information, call (810) 987-5300, ext. 1510.

? Group programs are available for youths age 10 to 21. For more information, call (810) 987-1311.

? Help from a trained smoking-cessation counselor and information about financial support for nicotine-replacement therapy for the uninsured and underinsured is available at (800) 784-8669.

? A two-hour smoking-cessation program, "No Butts About It," is offered for people 55 and older at Port Huron Hospital. For more information, call (810) 989-3121 or visit [www.porthuronhospital.org](http://www.porthuronhospital.org).

? St. John River District Hospital also can offer help. For information, call (866) 501-DOCS (3687).

? Free materials, quit kits and referrals are available from the American Cancer Society. For more information, call (800) 227-2345 or visit [www.cancer.org](http://www.cancer.org).

? Additional information is available through the American Lung Association and American Heart Association. For more information, visit [www.ALAM.org](http://www.ALAM.org) for the American Lung Association, call (800) 424-8721 or visit [www.americanheart.org](http://www.americanheart.org) for the American Heart Association.

? Quit Net offers information about quitting and support chat rooms. For more information, visit [www.quitnet.com](http://www.quitnet.com).

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## 'Historic' severance tax goes before Pennsylvania House

Brad Bumsted and Andrew Conte

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HARRISBURG — A plan by **House** Democrats to levy a tax on natural gas faces a final vote tonight, and its prospects for passage increased substantially thanks to a new provision that shifts more revenue to environmental programs.

An amendment by a Republican lawmaker boosting funding to environmental programs was approved overwhelmingly Tuesday night. **House** Majority Leader Todd Eachus, D-Luzerne County, said it will draw more support for the bill, which appeared to be faltering earlier in the day.

Still, the chances for Senate approval of this particular bill remain slim.

At the rate of 39 cents per 1,000 cubic feet, the proposed tax would be one of the highest in the nation and would drive away investment, said **Jeff Ventura**, president and chief operating officer of Range Resources, a Fort Worth company with offices in Cecil. The company drilled the first commercial gas well in the Marcellus shale and ranks among the state's top producers.

"That's a real job killer, and that's going to drive industry out or keep people out if they impose a tax like the one they have on the table today," Ventura said.

If the bill goes to the Senate, it is certain to be scaled back. As part of a July budget agreement, **House** and Senate leaders of both parties agreed to approve a severance tax by Friday.

Erik Arneson, a **spokesman** for Senate Republicans, said "even if it does pass the **House**, this is not an approach that would win majority support in the Senate.

"The logic of imposing a highest-in-the-nation tax on what is one of the few bright spots in Pennsylvania's economy right now eludes us," Arneson said. "We support a competitive tax rate with a distribution plan that adequately supports both environmental projects and the local governments being impacted by Marcellus shale development."

"This tax is long overdue," said Rep. Camille "Bud" George, a Clearfield County Democrat who chairs a panel with environmental oversight. The industry has been operating for four years in Pennsylvania and millions in tax revenue have been lost by local governments and the state, he said.

"Out-of-state gas companies are reaping huge profits" while streams have been polluted, George said.

Eachus called the bill a "historic" effort to protect the environment.

Pennsylvania faces a projected \$4 billion deficit next year. In its first full year in 2011-12, the tax would bring in \$316 million, said Johnna Pro, a spokeswoman for the **House** Appropriations Committee. The revenue goes to the state, environmental programs and local governments.

An amendment by Rep. Kate Harper, R-Montgomery County, flipped the porportion of money going to the environment versus state coffers. Under her measure, it is now 60 percent for the environment versus 40 percent for state coffers — after the first \$75 million goes to the state's General Fund.

"If you're going to have a tax, be responsible with it and be reasonable," said Matt Pitzarella, Range Resources **spokesman**. The executives met with the Tribune-Review editorial board yesterday.

Ventura said he favors a tax that allows companies to recoup their capital investment by delaying the levy on initial production or reducing it during the early stages of well production. The state would collect most of its money over the rest of the life of the well, which could last 40 to 50 years, he said.





# Chicago Tribune

News

**Not all congressmen in green lane; Some not complying with law on leasing low-emission vehicles**

By Katherine Skiba, Tribune reporter

1,292 words

6 July 2010

Chicago Tribune

TRIB

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8

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WASHINGTON

A little more than a year ago, Rep. Jesse Jackson Jr. got a shiny new Toyota sport utility vehicle with 30 miles on the odometer.

Taxpayers pay for that 2009 Highlander, a hybrid with a \$1,259 monthly lease.

How does he like it? He doesn't.

"I hate it," the Illinois Democrat said. It's relatively small, it gives him motion sickness, and, mainly, it's not his old ride, a Ford Expedition, Jackson said.

The Chicago congressman ditched the eight-seat gas guzzler -- his choice during many of his almost 15 years in office -- for one reason: Federal law now requires **House** members who lease cars or trucks with public money to choose a model that emits low levels of greenhouse gases.

But as Congress "goes green," not everybody is gunning their engine to get there.

Two of the six Illinois **House** members who lease vehicles with public funds are still behind the wheel of SUVs that get lousy grades for greenhouse gas emissions.

They are Chicago Democrat Bobby Rush, who leases a 2007 Lincoln Navigator, and Rockford-area Republican Don Manzullo, who leases a 2007 Mercury Mountaineer. They said they'll switch when the contracts lapse in the months ahead.

Then there's Republican John Shimkus, who during the last Congress leased a 2007 Jeep Commander. Rather than turn in the keys, the Collinsville lawmaker used \$18,073 in campaign funds to buy the sport utility vehicle outright in December 2008.

A year earlier, President George W. Bush had signed into law the Energy Independence and Security Act of 2007. Rush was a co-sponsor.

The provisions were silent on senators because their rules don't allow leasing vehicles. But within five months of passage, in May 2008, the sections affecting **House** members took effect, said Kyle Anderson, a **spokesman** for the Committee on **House** Administration.

"A lot of people (lawmakers) were not happy," Jackson remembered.

Put **House** Democrat Danny Davis in that camp. He leases an SUV, a 2008 Saturn Vue, but said he prefers his last car, a 2002 Mercury Grand Marquis.

He said the **House** chief administrative officer told him "to get rid of it" because the Marquis "wasn't a green car." Davis, from Chicago, had no choice but to comply, even though he likes hanging on to cars; he said he once drove his own 1969 Chevy Camaro for 20 years.

**House** members serve two-year terms. If they lease a vehicle beyond the end of a term, they must first sign statements indicating they'll pay out of pocket if their term ends before the contract does.

Jackson's lease, which runs two years, is the priciest among those of the Illinois lawmakers, some of whom lower monthly costs by taking out longer leases.

The next highest is Rush, who pays \$747 a month on a 39-month lease for the Navigator. At the low end is Manzullo, who pays \$466 a month for the Mountaineer on a three-year lease.

Other lawmakers who lease, all of whom have "gone green": Democrat Jerry Costello of Belleville, who pays \$700 a month on a 27-month lease for a 2010 Ford Escape flex-fuel SUV; Democrat Phil Hare of Rock Island, who pays \$698 a month on a two-year lease for a 2008 Mercury Mariner SUV; and Davis, who pays \$654 a month on a two-year lease for the Vue.

The Environmental Protection Agency, in rating greenhouse gas emissions in for cars and trucks, examines three tailpipe emissions -- carbon dioxide, methane and nitrous oxide emissions -- that are blamed for global warming.

Manzullo's **spokesman**, Rich Carter, said the lawmaker won't keep the Mountaineer past Aug. 8, when its lease ends.

"We're obviously not going to be renewing that vehicle," Carter said. "Manzullo is now aware he has to switch to a green car. There's no problem with that."

Rush, in an interview last month, said he supported the environmental provision and would try to get out of his lease early. In a statement a day later, he said **House** counsel told him his lease agreement did not allow for early termination.

Rush's statement continued: "When the lease expires in October of this year, I intend to fully comply with the **House** energy-efficiency standards which I helped put in place and fully support."

Thirteen **House** members from Illinois do not lease vehicles, interviews and records show. The **House**, with 433 members, now is paying for 112 leases for members, said **Jeff Ventura, spokesman** for the chief administrative officer. That's about one out of every four members, though Ventura said some offices lease more than one vehicle. None is from Illinois.

Lawmakers pay for the leases out of their annual allowances of about \$1.5 million apiece; these funds also may be tapped for gas, repairs, insurance, registration and excess-mileage fees. If they drive their own vehicles instead, they may be reimbursed up to 50 cents a mile.

Hare's **spokesman**, Tim Schlittner, said the lawmaker leases because it's "cheaper than mileage reimbursement" in light of how much he's on the road in the spread-out district.

David Doniger, an official with the Natural Resources Defense Council, said the number of vehicles leased by lawmakers is not high and the greenhouse gas provision was intended to let them "lead by example."

"We certainly expect members to be looking for the cheapest, most fuel-efficient vehicles going forward," he said. "Certainly, the BP oil spill has brought to the absolute front of America's mind how important it is. If we had a lower demand for oil, if as a nation we were using more fuel-efficient vehicles, we wouldn't be looking a mile under the ocean for new sources of oil."

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#### CHICAGOLAND

Photo(s) Graphic(s) Photo (color): Rep. Danny Davis leases this 2008 Saturn Vue, but the Illinois Democrat said he prefers his last car, a 2002 Mercury Grand Marquis. HEATHER CHARLES/TRIBUNE PHOTO Photo (color): Rep. Jesse Jackson Jr. (D) Photo (color): Rep. Bobby Rush (D) Photo (color): Rep. Jerry Costello (D) Photo (color): Rep. Phil Hare (D) Photo (color): Rep. Danny Davis (D) Photo (color): Rep. Don Manzullo (R) Photo (color): 2009 Toyota Highlander Hybrid Photo (color): 2007 Lincoln Navigator Photo (color): 2010 Ford Escape flex-fuel Photo (color): 2008 Mercury Mariner Photo (color): 2008 Saturn Vue Photo (color): 2007 Mercury Mountaineer Graphic (color): Despite law, two Illinois congressmen are still driving dirty Six out of 19 Illinois U.S. congressmen lease SUVs paid for by taxpayers. Of those six, two drive vehicles that received poor emissions

ratings from the EPA. Federal law requires **House** members to choose vehicles that emit low amounts of greenhouse gasses, based on EPA standards, if funded by public money. (KEY) Circle size represents monthly lease cost paid by taxpayers Rep. Jesse Jackson Jr. (D) 2009 Toyota Highlander Hybrid \$1,259 Vehicle meets EPA standard for low greenhouse gas emissions Rep. Bobby Rush (D) 2007 Lincoln Navigator \$747 Vehicle does not meet the standard Rep. Jerry Costello (D) 2010 Ford Escape flex-fuel \$700 Vehicle meets EPA standard for low greenhouse gas emissions Rep. Phil Hare (D) 2008 Mercury Mariner \$698 Vehicle meets EPA standard for low greenhouse gas emissions Rep. Danny Davis (D) 2008 Saturn Vue \$654 Vehicle meets EPA standard for low greenhouse gas emissions Rep. Don Manzullo (R) 2007 Mercury Mountaineer \$466 Vehicle does not meet the standard NOTE: Vehicle color is not representative of what the lawmaker drives SOURCES: Environmental Protection Agency, Tribune reporting TRIBUNE

Document TRIB000020100706e6760001u

## First CAO Diversity Review Is Under Way

Emily Yehle  
501 words  
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Chief Administrative Officer Dan Beard hired the Ivy Planning Group to conduct a diversity review of his office two months ago, but it's unclear what the review will cover and when it will be completed.

Beard first began searching for a diversity consultant in October, citing a desire to make the office more "sustainable, efficient and responsive." The consultant was to be the first step in a two-year organizational "refocus."

Beard told the **House** Administration Committee in April that his office chose the Ivy Planning Group as the company that would survey the CAO's more than 650 employees. But since then, information on the scope, progress and cost of the office's first-ever diversity review has been slim.

In an e-mail Tuesday, CAO **spokesman Jeff Ventura** said the "elements and parameters of the review are being developed."

"The review is ongoing," he said. "That's all I have at this time."

Since Beard took over as CAO in 2007, he has reorganized the office, gaining both praise and criticism. His efforts have helped decrease the **House's** energy use through the new Green the Capitol office, for example, but they also have resulted in complaints about the quality of some administrative functions. Shifting around employees has also led to some discontent -- and a discrimination lawsuit.

Former CAO budget director LaTaunya Howard filed a discrimination suit against the office in September, claiming that she was fired during the CAO's reorganization because she is an African-American woman. She refers to an internal investigation that discovered that pay raises in June 2007 were mostly given to white employees.

When Beard informed his staff of the diversity survey a little more than a month later, he alluded to the internal difficulties during the office's changes.

"Our organizational improvements have resulted in many changes, and change is never easy," he wrote in an e-mail to employees. "To change the direction of any organization requires careful examination of how that change impacts not only the productivity and efficacy of an organization, but also how it affects employee morale and the general spirit of fairness and equity we all hold in high regard."

CAO officials chose the Ivy Planning Group to carry out the diversity survey after reviewing a total of 35 proposals. The Maryland-based company is a minority-owned firm that has worked with large companies and government agencies.

In 2008, the Government Accountability Office hired the Ivy Group to review its performance rating system after officials discovered that black employees consistently received lower ratings than their white counterparts. The company's report laid the blame of the GAO culture, suggesting that black employees needed to be given more opportunities.

In the meantime, the **House** as a whole is undergoing its own diversity initiative, with the **House** Administration Committee spearheading a program that will include staff training and required diversity reports from legislative branch agencies like the CAO.

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## CAO Spent \$2.9 Million for Temps; Lungren Seeks More Information On Workers

Emily Yehle  
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Chief Administrative Officer Dan Beard spends about \$2.9 million each year on temporary staffers to work on everything from the **House** payroll to human resources.

The news comes amid a **House** Inspector General evaluation of the CAO's payroll, benefits and finance divisions after some Member offices complained of overdue reimbursements and high turnover in the office. Several sources have pointed to high numbers of employees who leave after a short period. For example, the Payroll and Benefits Office -- which handles the salaries and benefits for every Member and committee office -- has 15 temporary employees out of a total of 43.

But CAO **spokesman Jeff Ventura** said the temporary employees are used for "work force augmentation purposes" that by definition are short-lived.

"These employees are hired to support the many cyclical projects the operations of the **House** require," he said in an e-mail Tuesday. "Many of these employees possess specific skills or knowledge that are often needed only until the completion of a particular project or for a particular period of time."

Ventura also emphasized that \$2.9 million is only 2.2 percent of the CAO's 2010 budget of about \$130 million. It's also more than 4 percent of the office's personnel budget of almost \$64 million.

But it's unclear how much of the \$2.9 million each year is reported to the **House** Administration Committee, which oversees the CAO. Currently, the CAO only has to report payments exceeding \$70,000 and gain approval for payments of more than \$350,000. But a database assembled by the Sunlight Foundation in cooperation with Roll Call shows that for the second half of 2009, most of the individual payments to temporary staffing agencies were less than \$10,000.

**House** Administration ranking member Dan Lungren said the high total calls into question such reporting requirements and the fact that Beard requested to double the thresholds earlier this year. Instead, the committee raised them 40 percent; in 2009, the reporting requirement was \$50,000 and the approval threshold \$250,000.

In a statement, the California Republican said he has requested additional information from Beard on the "use and cost of temporary agencies."

"These figures seem unusually high and extremely troubling, especially in light of the CAO's recent request to double its procurement threshold and eliminate some of its notification requirements," Lungren said in a statement. "In fact, this suggests that we need even more stringent requirements."

But Kyle Anderson, **spokesman** for **House** Administration Chairman Robert Brady (D-Pa.), pointed out that sometimes temporary employees are unavoidable.

"Chairman Brady strongly supports providing full time employment opportunities for American families," he said in an e-mail. "He also understands that the CAO has to maintain a degree of flexibility and the ability to adjust to fluctuating workloads."

Indeed, the degree of busyness in the CAO often depends on the Congressional schedule. When a new Congress begins, for example, more employees are often needed to help in the transition, which includes placing new Members in offices and setting up their payrolls.

Furthermore, some of the CAO's positions can be hard to immediately fill -- such as those in Payroll and Benefits -- and temporary employees sometimes become full-time employees.

Ventura said the breakdown of temporary employees by CAO division was not immediately available. But the Sunlight database, which is compiled from the **House's** quarterly Statement of Disbursements for the second half of 2009, shows that the CAO spent more than \$1.5 million to pay four temporary staffing agencies.

The vast majority of the money went to Woodside Temporaries, which was paid more than \$1.3 million for offices such as CAO Operations Management, Finance and Human Resources.

More than \$580,000 was spent on temporary employees for the Office of Finance, while more than \$470,000 was spent on behalf of CAO Operations Management. Smaller amounts were spent for the **House** Child Care Center and **House** Technical Support.

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## Payroll, Benefits Examined At CAO

Emily Yehle  
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The **House** Inspector General is examining the Chief Administrative Officer's payroll, benefits and finance divisions after Members complained of overdue reimbursements and high turnover.

The **House** Administration Committee recently asked acting IG Theresa Grafenstine to review the Payroll and Benefits Office and the Office of Financial Counseling, and IG officials have spent recent weeks interviewing CAO employees.

But committee **spokesman** Kyle Anderson denied that the IG's actions constitute an "investigation." Rather, he said, the committee asked the IG for an "advisory review" as defined by **House** rules.

"The Committee has requested the IG perform such an advisory review -- not an investigation -- into the operations of the Payroll & Benefits and Finance Office," he said in an e-mail. "Proper stewardship of these offices is of highest importance to the Committee in performing its oversight of the CAO. This advisory will help inform that ongoing work."

Concerns over the CAO's financial services emerged in April, when Chiefs of Staff Association President George McElwee wrote a letter to the **House** Administration Committee citing communication problems with Chief Administrative Officer Dan Beard. In it, McElwee said financial and payroll counselors -- who were once assigned to the same offices for an entire Congressional session -- are now "arbitrarily reassigned outside of the standard end-of-Congress changes." When a counselor is reassigned, it means staffers essentially have a new co-worker who must learn all the offices' financial practices.

In an oversight hearing in May, Rep. Susan Davis (D-Calif.) alluded to other issues at the CAO, questioning Beard on "glitches" that "just don't seem appropriate." According to several sources, such problems include delayed paycheck changes, outdated online financial systems and a cumbersome reimbursement process.

But on Monday, CAO **spokesman Jeff Ventura** downplayed the IG's involvement, calling the review "a routine request by our oversight Committee to examine internal processes and controls and advise on any potential improvements in these lines of business."

"Such reviews are organic to the OIG's mission," he said in an e-mail, "and happen in all **House** Officer organizations."

Ventura also pointed to low error rates in the CAO's financial divisions. In Payroll and Benefits, he said, employees handle the paychecks of more than 11,000 individuals each month and maintain an error rate of 0.05 percent; in Financial Counseling, that number is less than 0.5 percent out of 250,000 reimbursement vouchers handled each year.

In January, the **House** Administration Committee passed stricter rules for reimbursement, such as requiring original receipts for purchases. The changes have added more layers of review for each reimbursement, but Ventura said the CAO still "exceeds industry best practices" by paying vouchers in an average of five days.

One of the issues the IG will also ostensibly look into is the CAO's use of temporary employees to handle the payroll and benefits of **House** offices and committees. Currently, 15 of 43 employees in Payroll and Benefits are contractors.

Handling government payrolls and benefits can be a difficult task -- and the **House** has its own quirks. Paychecks are monthly, for example, and Member offices have notoriously high turnover. The CAO's payroll and benefits counselors must constantly add and delete employees from the system. Bonuses are also somewhat quirky:



Rather than a one-time payout, Members might raise an employee's salary for one month. In essence, it's a complicated job to teach any employee, and temporary placements may only be employed for a few months.

For 2010, Ventura said, the CAO is projected to spend about \$700,000 on temporary staffing throughout the CAO (and including Pay and Benefits). Such employees, he said, are used to "augment" staffing levels during special projects and busy work cycles, such as the transition to a new Congress.

"These contractors are highly specialized, skilled employees, many of whom are federal retirees who prefer contract status and who have many years of government payroll and benefits experience," he said, adding that many full-time employees were once contractors.

As for the complaint that payroll, benefits and financial counselors are reassigned more often, Ventura said those moves are done to give employees "professional growth opportunities" and to "maximize operational efficiencies."

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## Chiefs of Staff Air Frustration With Dan Beard

Emily Yehle  
691 words  
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Both Republican and Democratic chiefs of staff are becoming increasingly frustrated with **House** Chief Administrative Officer Dan Beard, with tensions rising to a new level last week during a meeting between Beard and the **House** Chiefs of Staff Association.

The Thursday meeting was meant to ease the worries of the association, which has complained for more than a year that Beard has not kept the association in the loop about changes to services and programs that affect staffers. Instead, Beard was "combative" and indifferent to the group's concerns, according to both Republican and Democratic staffers who attended the meeting.

Beard began the meeting by complaining about the association's comments to the media and to the **House** Administration Committee, staffers said.

"I know I'm going to see this in the paper tomorrow," he said, according to several staffers.

In particular, Beard berated the association for a letter President George McElwee sent to the committee in April, expressing the group's concerns about the high turnover in the CAO's finance office and Beard's refusal to discuss the matter. The letter was brought up at the committee's recent oversight hearing, prompting ranking member Dan Lungren (R-Calif.) to chide Beard for not being open to the association's concerns.

Staffers said Beard was equally contentious in the meeting as the association laid out its concerns about everything from the recent defacement of Members' websites to the possible cancellation of orientation classes for interns and staff assistants.

But on Tuesday, Beard's office characterized the meetings as a healthy debate.

"Dan thought the meeting was exceedingly fruitful and full of spirited, constructive dialogue," CAO **spokesman Jeff Ventura** said in an e-mail. "We hope to continue such positive discussions going forward."

The Chiefs of Staff Association declined to comment for this article. But some staffers present said Beard's attitude was off-putting; one called his behavior "belligerent."

The meeting came less than a month after the **House** Administration Committee's oversight hearing, where Members brought up some of the same concerns that the association has aired. Among them is the decision to cancel the Congressional Management Foundation's orientation classes for interns and staff assistants and instead assign CAO employees to teach them. Ventura said the move saves taxpayers money; furthermore, he said, CMF still has a \$30,000 contract to teach writing constituent mail.

But CMF's orientation classes are well-liked by chiefs of staff, who send junior staffers to learn the basics of working in a Congressional office. CMF, a nonpartisan nonprofit that aims to make Congress more efficient, is a long-standing resource that is trusted among staffers. When Beard decided to cancel the orientation classes last year, he got an almost immediate backlash and temporarily reversed the decision.

But several chiefs of staff said they weren't consulted before Beard canceled CMF's classes again this year. Several said they are bothered by the fact that they haven't been kept in the loop about such changes, especially because they are the ones most affected by them.

At last week's meeting, association members brought the concern up; Beard reportedly asked them to admit they were just there to "get an earmark" for CMF.

One Democratic chief of staff said he was puzzled by Beard's unwillingness to get feedback.

"It may very well be that the CAO's plan works," he said. "But why not discuss them with the users?"

Last week's meeting did result in a promise from Beard to schedule more meetings with the group, and in a statement Tuesday, **House** Administration Chairman Robert Brady (D-Pa.) reiterated his desire for Member offices to be included in discussions.

"Chairman Brady is committed to ensuring that Member Offices have the tools and resources they need to best support and represent their constituents," **spokesman** Kyle Anderson said in an e-mail. "We encourage ongoing dialogue aimed at ensuring that the administrative functions of the **House** are properly aligned in a manner that is consistent with the needs of our Member Offices."

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## House Cafeterias Roll Out New Deals in Meal Options

Emily Yehle  
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Members and staffers have long complained about the price of food in the **House** cafeterias, but newly enacted discounts appear to be appeasing their concerns.

This week, **House** Chief Administrative Officer Dan Beard announced two new programs to cut food costs: "Red Tag" deals and "meal deals." The former are meals for \$4 to \$7, while the latter are simple sandwiches and snacks for \$1 to \$3.

The changes come two months after members of the **House** Appropriations Subcommittee on the Legislative Branch told Beard that the existing value meals were not sufficient. The options, they said, were limited: Value meals changed only every week and sometimes weren't the healthiest option.

At the time, Rep. Debbie Wasserman Schultz, who chairs the subcommittee, called the situation "obnoxious." Beard, the Florida Democrat said, needed to put more pressure on Restaurant Associates, the company that runs the restaurant.

But on Tuesday, she praised the new options as "a step in the right direction."

"I'm pleased to see that more affordable meal options will be available throughout the campus, but the Legislative Branch Subcommittee on Appropriations will continue to closely monitor the availability of a variety of affordable options in all cafeterias," she said in an e-mail. "Our **House** staff work long hours and deserve a menu that gives them good prices and high quality, nutritious food choices."

CAO spokesman **Jeff Ventura** said the new deals will enable Members and staffers to save money on a wide variety of items. For example, before the changes, a wrap, chips and a drink cost \$7.50. Now, that same meal costs \$7. Another example is entree deals: In the Cannon cafeteria, a cheeseburger, fries and drink goes for \$5.75. That's a savings of \$1.70.

The meal deals, which start Monday, will offer new food options at lower cost. The idea is for customers to "mix and match," Ventura said. Sandwiches such as chicken salad or roast beef, cheddar and horseradish will sell for \$3. Customers can then match those options with \$2 snacks such as edamame with sea salt or \$1 snacks such as hummus or crackers.

The new discount offers include breakfast as well, such as a doughnut or bagel with a 16-ounce coffee or tea for \$2.50.

"We really have been listening to customer feedback with regard to the fact that people really want value options," Ventura said. "We realized that needed to be expanded and have been collaborating with Restaurant Associates to try to figure out where we can expand these values."

Rep. Dutch Ruppersberger said it was a "good start" but added that the **House** should perhaps bring in chains like Subway to give staffers the option of a cheap lunch.

"I give [Beard] credit that he does listen when we raise issues," said the Maryland Democrat, who also sits on the subcommittee. "I hope we keep up this momentum."

Since Restaurant Associates took over management of the **House** cafeterias in 2007, food prices have risen an average of 10 percent - - and for certain items, closer to 20 percent. Most of that increase took place in 2008, and RA attributed the bump to a nationwide rise in gas and food prices. A grilled cheese sandwich, for example, rose to \$3.95 from \$2.75; an 8-ounce bowl of soup increased to \$2 from 30 cents.

But some of RA's food options are simply just more expensive than their predecessor's because the company offers local food and higher- quality options. The cafeterias are also environmentally friendly, using compostable takeout containers and utensils.

Ruppersberger said Restaurant Associates does a great job of providing healthy (and sometimes organic) meals. But some staffers just need cheap meals, he said.

"I know you have to pay for what you get. I know the vendor has to make a profit," he said. But "I'd like to see more. We have a lot of hardworking people on the Hill, and we can't pay them a lot of money."

Document RLCL000020100520e65k0000o

Campus Notebook  
**More Deals Coming To House Cafeterias**

Emily Yehle  
209 words  
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Until now, Restaurant Associates -- the company that runs the cafeterias -- has offered a few "value meals" to patrons that usually include a sandwich, chips and a fountain drink. But the prices varied depending on the sandwich, and Members have complained that the cafeterias don't offer enough cheap options for low-paid staffers.

Starting this week, the cafeterias are offering "Red Tag" deals that range from \$4 to \$7. For example, \$4 will buy soup, a dinner roll and a fountain drink or milk, while \$7 will buy one entree, one side and a fountain drink or milk. Breakfast is even cheaper: A doughnut or bagel plus a 16-ounce coffee or tea runs \$2.50.

The deals will be available to varying degrees in the Longworth, Rayburn and Ford cafeterias and Capitol Market.

"We've been listening to our customers, and our customers have wanted value," CAO **spokesman Jeff Ventura** said.

On Monday, Restaurant Associates will roll out another discount program for the cafeterias' ready-made sandwiches and snacks. Sandwiches such as tuna salad and peanut butter and jelly will be sold for \$3, while a variety of snacks and drinks will be available for \$1 or \$2.

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NEWS

## Franking endures as political tool

By LEDYARD KING

1,319 words

9 May 2010

Argus Leader

ARGL

English

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WASHINGTON - Public opinion of Congress is hovering at an all-time low, but it's not because lawmakers are sitting by quietly.

**House** members, including Democratic Rep. Stephanie Herseth Sandlin of South Dakota, collectively spent more than \$45 million in 2009 on taxpayer-funded mass mailings, phone calls and electronic messaging to trumpet their records to constituents, alert them to town hall meetings and seek feedback, a review of **House** documents shows.

The franking privilege, which dates to 1775, can be a powerful advantage for incumbents in their efforts to fight off challengers.

The \$45 million spent on constituent communications last year was more than double the \$20 million lawmakers reported spending in 2007, the most recent nonelection year.

Numbers imprecise

The total for 2009 appears to be a more comprehensive accounting of how members of Congress are using their franking privilege to contact constituents through a variety of methods, including glossy fliers, radio ads and e-newsletters. But the totals are imprecise: all members don't count the expenditures the same way, so the total might be even higher.

The money paid for almost 339 million mass communications sent by **House** members - an average of 770,000 per lawmaker - to residents of their districts.

Among the findings:

Eight of the top 10 spenders in 2009 were freshman, led by Democrat Dina Titus of Nevada and Republicans Lynn Jenkins of Kansas and Erik Paulsen of Minnesota, each of whom spent more than \$400,000.

Twenty-nine of the 441 **House** members (435 voting and six nonvoting members) reported not issuing a single communication.

Lawmakers spent the most money and sent the most communications during the fourth quarter (Oct. 1-Dec. 31). Historically, the last quarter of a nonelection year is the busiest franking period, according to the Congressional Research Service. That might be partly because members want to share their views of the just-completed session and also because election-year limits on franking restrict their opportunity to communicate on a broad basis.

Herseth Sandlin's office reported sending out 178,077 mass mailings last year at a cost of \$88,952. That ranked her 202nd among **House** members in terms of money spent and 322nd in total contacts made, according to the analysis. Those numbers more than doubled her franking activity in 2007, when she sent out 80,192 mailings at a cost of \$38,578, records show.

The 2009 figures include about 5,000 letters responding to individual constituents who contacted the office about health care. They shouldn't have been counted because the letters were solicited by constituents, spokeswoman Betsy Hart said. But because her figures are for mailed items only, they don't include spending \$7,000 for nearly 20,000 automated phone calls in November for two telephone town hall meetings, Hart said.

"Our manner of communicating and soliciting feedback is comprehensive. It fulfills a primary responsibility to my constituents of communicating effectively with them in a proactive way rather than just waiting for them to contact us," Herseth Sandlin said. "As the numbers bear out, I don't think anyone could suggest I've ever abused the privilege."

Herseth Sandlin sent several mass mailings including letters on her efforts to help struggling auto dealers in South Dakota, a card alerting residents in the Aberdeen area about a "rural issues forum" she was hosting in October with Agriculture Secretary Tom Vilsack, and a brochure in December touting her work on behalf of veterans.

The mailer to veterans drew criticism from Republican Blake Curd of Sioux Falls, who is running in the GOP primary to face Herseth Sandlin in November. He pledged not to send out any such mailings if he wins a **House** seat.

Herseth Sandlin pointed out that the veterans brochure contained a list of national and state phone numbers to help military families looking for assistance. And the mailer announcing the forum with Vilsack helped draw a standing-room-only crowd, she said.

"It was an opportunity for people to get to talk directly to the secretary of agriculture, which I think is a great benefit to the state," Herseth Sandlin said. "I don't know if we would have had the same turnout without the kind of outreach that we did with the franking privilege."

#### Less use in Senate

There's no limit on how much **House** members can spend on communication, though it must come out of the annual allowance they get to run their offices. In 2009, the average allowance was about \$1.5 million per member. Senators tend to spend far less on franking because of a cap on mass mailings in any fiscal year, according to the Congressional Research Service.

South Dakota Democratic Sen. Tim Johnson reported sending out 259,559 mass mailings during the first nine months of 2009 at cost of \$69,426 for printing and postage, according to Senate records. Republican Sen. John Thune reported no mass mailings during the same period. Records for the last three months of the year were not available.

The \$45 million in **House** expenditures is supposed to encompass all types of unsolicited communication sent to at least 500 constituents. But there's inconsistency on what is reported. E-mails, automated phone calls and telephone town halls have become more popular in recent years, but not all lawmakers itemized them in their overall office expenses as franked communications, instead counting only what they spent on mailed pieces. **Jeff Ventura**, a **spokesman** for the Office of the Chief Administrative Officer of the **House**, said his office has been reminding **House** members that all mass communications should be counted.

The biggest franker in the **House** was Democratic Rep. John Barrow of Georgia, who reported sending by far the most mass communications - 35.7 million in 2009, which cost taxpayers \$264,591. His spokeswoman, Jane Brodsky, said that included a number of radio and newspaper ads last year alerting residents to town hall meetings. An ad that ran four times in a weekly newspaper with a circulation of 10,000, for instance, was reported as 40,000 communications, she said. But not all offices report to that degree.

#### Setting restrictions

Restrictions have been imposed on the franking privilege over the years to make mass mailings less promotional and more informational. Each communication must be reviewed and approved by a bipartisan commission before it can be issued. Even so, colorful mailers bragging about a representative's accomplishments and reminding constituents how hard the member works for them are common, according to a review of several lawmakers' franked pieces.

**House** members also cannot send mass communications within 90 days of a primary or general election. The restriction is 60 days for senators.

Pete Sepp, executive vice president of the National Taxpayers Union, said they should be banned entirely in an election year.

"Content restrictions, while minimally helpful, really haven't solved the ultimate problem, which is that mass communications can serve as very favorable publicity for incumbents that challengers have to pay money to counter," he said.

Maureen Groppe of the Gannett Washington Bureau contributed to this report. Contact Ledyard King at [king@gannett.com](mailto:king@gannett.com).

#### Franking facts



Members of the U.S. **House** of Representatives spent \$45 million in 2009 on taxpayer-funded mass mailings, phone calls and electronic messaging. More franking facts:

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Twenty-nine **House** members reported issuing zero communications.

In total, **House** members sent out 339 million mass communications - and average of 770,000 per lawmaker.

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## Members of House spent \$45M on outreach

By Ledyard King

1,269 words

4 May 2010

The Desert Sun

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English

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Desert Sun Washington Bureau

Public opinion of Congress is hovering at an all-time low, but it's not because lawmakers are sitting by quietly.

**House** members, including Palm Springs Rep. Mary Bono Mack, collectively spent more than \$45 million in 2009 on taxpayer-funded mass mailings, phone calls and electronic messaging to trumpet their records to constituents, alert them to town hall meetings and seek feedback, a review of **House** documents shows. The franking privilege, which dates back to 1775, can be a powerful advantage for incumbents in their efforts to fight off challengers.

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The total for 2009 appears to be a more comprehensive accounting of how members of Congress are using their franking privilege to contact constituents through a variety of methods, including glossy fliers, radio ads and e-newsletters. But the totals are imprecise: members don't all count the expenditures the same way, so the total may be even higher.

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Among the findings:

Eight of the top 10 spenders in 2009 were freshmen, led by Democrat Dina Titus of Nevada and Republicans Lynn Jenkins of Kansas and Erik Paulsen of Minnesota, each of whom spent more than \$400,000.

- Twenty-nine of the 441 **House** members (435 voting and six nonvoting members) reported not issuing a single communication.
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That may be partly because members want to share their views of the just-completed session and also because election-year limits on franking restrict their opportunity to communicate on a broad basis.

Bono Mack reported spending \$126,166 on franked communications and made 393,650 contacts with constituents during 2009. That ranked her 155th-highest in the **House** in terms of money spent and 250th-highest on number of communications sent. In 2007, she reported no franking activity.

The Republican's outreach efforts last year included calls inviting residents of the 45th Congressional District to participate in a town hall meeting conducted over the telephone.

Those town halls "have allowed her to speak personally with thousands of constituents and get their direct feedback on the issues that matter most to them," Bono Mack spokeswoman Jennifer May said.

Bono Mack also sent out seven colorful mailers during the year to express her opinions on a host of issues, including drug addiction, federal health care legislation and the H1N1 "swine flu" virus.

One mailer in August explained how she was "working to help secure millions of dollars in infrastructure improvements" for her district and displayed a map showing which communities were getting money and how much.

A mailer she sent in December touted her budget-cutting credentials, warning that "Congress must stop spending money it doesn't have."

May said it's important for Bono Mack to keep her constituents informed, "particularly at a time when such major pieces of legislation are being pushed through Congress, including a massive overhaul of our nation's health care system and a bailout of the U.S. financial sector."

#### No spending limit

There's no limit on how much **House** members can spend on communication, though it must come out of the annual allowance they get to run their offices.

In 2009, the average allowance was about \$1.5 million per member. Senators tend to spend far less on franking due to a \$50,000 cap on mass mailings in any fiscal year, according to the Congressional Research Service.

Neither of California's senators, Democrats Barbara Boxer and Dianne Feinstein, reported sending out any mass mailings during the first nine months of 2009, Senate records show. Information on the last three months was not available yet.

The \$45 million in **House** expenditures is supposed to encompass all types of unsolicited communication sent to at least 500 constituents. But there's inconsistency on what is reported.

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"Content restrictions, while minimally helpful, really haven't solved the ultimate problem, which is that mass communications can serve as very favorable publicity for incumbents that challengers have to pay money to counter," he said.

The doubling of franking costs from 2007 to 2009 is most likely the result of higher postage fees; increased communications in a year when Congress debated controversial measures such as health care and climate change; and better accounting of expenses related to non-traditional communications, such as automated phone calls notifying households about an upcoming town hall, according to those who analyze franking expenses.

The increasing use of such technologies reflects a growing shift to a paperless world that should benefit the public, said Zain Khan, CEO of iConstituent, a Los Angeles company that more than 250 **House** members have hired to develop e-mail lists, set up telephone town halls and create Web sites.

Democratic Rep. Gene Taylor of Mississippi reported no mass communications, though his office spent \$20,825 on local TV ads last year to advertise town hall meetings. Taylor said his office does not send fliers or newsletters out for a couple of reasons.

"The nation's \$12 trillion debt, (and) I think it's fair to say a lot of those mass mailings, at least the ones I've seen, appear to be very self-serving," Taylor said.

"We do answer every letter that we get. ... I think the way do it is to answer people's mail. I think we'd better served if everybody would do it the way we do it."

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## House members spent \$45M in '09 reaching out to constituents

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Note: Good through weekend and beyond.

LEDYARD KING

Gannett Washington Bureau

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Contact Ledyard King at [lking\(AT\)gannett.com](mailto:lking(AT)gannett.com)

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## House members spent \$45M in '09 reaching out to constituents

LEDYARD KING

1,437 words

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By LEDYARD KING

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Contact Ledyard King at lking(AT)gannett.com

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**House** members, including Rep. Denny Rehberg, R-Mont., collectively spent more than \$45 million in 2009 on taxpayer-funded mass mailings, phone calls and electronic messaging to trumpet their records to constituents, alert them to town hall meetings and seek feedback, a review of **House** documents shows. The franking privilege, which dates back to 1775, can be a powerful advantage for incumbents in their efforts to fight off challengers.

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Rehberg reported spending \$125,266 on franked communications and sending out 310,556 communications during 2009. That ranked him 159th-highest in the **House** in terms of money spent and 280th-highest on number of communications sent. In 2007, he reported sending out 194,878 communications out at a cost of \$37,912.

Roughly half of the communications - 161,452 - came in the form of automated telephone calls to households inviting them to one of the 36 "public listening sessions" he held around the state, Rehberg **spokesman** Jed Link said.

"Denny has more people in his district than any other member of the **House**, so each Congress he visits all 56 counties to hear in person what Montanans think," Link said. "Folks turned out in record numbers to talk to Denny face-to-face about everything from the bailouts, to cap and tax, to the government takeover of health care."

Rehberg's office also churned out three mailers, promoting the congressman's efforts to increase jobs, provide children with health coverage and craft a plan for health care reform.

Rehberg, who communicates with Montanans on the Internet through Facebook and Twitter, also sent 170,325 e-mails to constituents who have signed up for electronic updates, Link said. Those are not counted as mass communications because people asked to receive e- newsletters, so the correspondence is considered solicited.

There's no limit on how much **House** members can spend on communication, though it must come out of the annual allowance they get to run their offices. In 2009, the average allowance was about \$1.5 million per member. Senators tend to spend far less on franking due to a cap on mass mailings in any fiscal year, according to the Congressional Research Service.

Both of Montana's senators - Democrats Max Baucus and Jon Tester - reported sending out mass mailings over the first nine months of 2009, according to Senate records. Baucus sent 4,393 pieces at a cost of \$1,431, while Tester sent 90,946 at a cost of \$23,830. Records for the last three months of the year were not available.

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LEDYARD KING

Gannett Washington Bureau

WASHINGTON - Public opinion of Congress is hovering at an all-time low, but it's not because lawmakers are sitting by quietly.

**House** members, including Rep. Mary Bono Mack, R-Palm Springs, collectively spent more than \$45 million in 2009 on taxpayer-funded mass mailings, phone calls and electronic messaging to trumpet their records to constituents, alert them to town hall meetings and seek feedback, a review of **House** documents shows. The franking privilege, which dates back to 1775, can be a powerful advantage for incumbents in their efforts to fight off challengers.

The \$45 million spent on constituent communications last year was more than double the \$20 million lawmakers reported spending in 2007, the most recent non-election year. The total for 2009 appears to be a more comprehensive accounting of how members of Congress are using their franking privilege to contact constituents through a variety of methods, including glossy fliers, radio ads and e-newsletters. But the totals are imprecise: members don't all count the expenditures the same way, so the total may be even higher..

The money paid for nearly 339 million mass communications sent by **House** members - an average of 770,000 per lawmaker - to residents of their districts.

Among the findings:

- Eight of the top 10 spenders in 2009 were freshman, led by Democrat Dina Titus of Nevada and Republicans Lynn Jenkins of Kansas and Erik Paulsen of Minnesota, each of whom spent more than \$400,000.
- Twenty-nine of the 441 **House** members (435 voting and six non-voting members) reported not issuing a single communication.
- Lawmakers spent the most money and sent the most communications during the fourth quarter (Oct. 1-Dec. 31). Historically, the last quarter of a non-election year is the busiest franking period, according to the Congressional Research Service. That may be partly because members want to share their views of the just-completed session and also because election-year limits on franking restrict their opportunity to communicate on a broad basis.

Bono Mack reported spending \$126,166 on franked communications and made 393,650 contacts with constituents during 2009. That ranked her 155th-highest in the **House** in terms of money spent and 250th-highest on number of communications sent. In 2007, she reported no franking activity.

Her outreach efforts last year included calls inviting residents of the 45th Congressional District to participate in a town hall meeting conducted over the telephone. Those town halls "have allowed her to speak personally with thousands of constituents and get their direct feedback on the issues that matter most to them," said Bono Mack's spokeswoman Jennifer May.

Bono Mack also sent out seven colorful mailers during the year to express her opinions on a host of issues, including drug addiction, federal health care legislation and the H1N1 "swine flu" virus. One mailer in August explained how she was "working to help secure millions of dollars in infrastructure improvements" for her district and displayed a map showing which communities were getting money and how much. A mailer she sent in December touted her budget-cutting credentials, warning that "Congress must stop spending money it doesn't have. ..."

May said it's important for Bono Mack to keep her constituents informed, "particularly at a time when such major pieces of legislation are being pushed through Congress, including a massive overhaul of our nation's health care system and a bailout of the U.S. financial sector."

There's no limit on how much **House** members can spend on communication, though it must come out of the annual allowance they get to run their offices. In 2009, the average allowance was about \$1.5 million per member. Senators tend to spend far less on franking due to a \$50,000 cap on mass mailings in any fiscal year, according to the Congressional Research Service.

Neither of California's senators, Democrats Barbara Boxer and Diane Feinstein, reported sending out any mass mailings during the first nine months of 2009, Senate records show. Information on the last three months was not available yet.

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Eight of the top 10 spenders in 2009 were freshmen, including Rep. Mark Schauer, D-Battle Creek, who ranked 10th with \$349,531. That covered nearly 1.4 million contacts.

"Congressman Schauer is committed to keeping his constituents informed about what he's doing to create jobs and get our economy back on track," said Schauer **spokesman** Zack Pohl. "In a sprawling seven-county district that includes four TV markets and several communities that don't have access to a local daily newspaper, direct mail is just one of several ways Mark keeps in touch with the people he represents."

Schauer has conducted telephone town hall meetings and made automated calls reminding people of Medicare's enrollment period and of upcoming meetings he's holding. He's e-mailed newsletters covering topics such as the economy, a student aid bill, health care, trade and financial regulatory reform. The mailed newsletters Schauer sent included efforts to encourage constituents to share views by mail or in person -- "Come have a cup of coffee with Congressman Mark Schauer" -- as well as to tout his votes on such things as opposing spending projects sought by other lawmakers and his support for the economic stimulus package.

"By passing the Recovery Act, we're creating or saving 109,000 jobs here in Michigan," Schauer said in one newsletter.

Rep. Mike Rogers, R-Howell, spent \$172,764 on 2 million contacts. That placed him 94th among **House** members in spending.

"Congressman Rogers believes in communicating with his constituents on issues that impact their everyday lives," said Rogers' spokeswoman Sylvia Warner. "This allows him to stay in touch directly in a way that is convenient for constituents and cost-effective for taxpayers."

Rogers' communications included telephone town halls and separate letters on health care to doctors, nurses and seniors in his district.

"Nurses must have a seat at the table," Rogers wrote to nurses last year.

One of his newsletters touted ways he's "fighting for working families." Another talked about seeking "bipartisan solutions," despite the fact that Rogers voted with fellow Republicans 90 percent of the time last year. Another mailer listed the many ways -- through his congressional Web site, Facebook and YouTube -- that constituents can follow what he's doing.

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Cost of mass communications sent by **House** members from Michigan, 2009:

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Rep. Candice Miller, R-Harrison Township: \$192,130

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Rep. Dave Camp, R-Midland: \$16,750

Rep. Dave Kildee, D-Flint: \$3,500

(Source: **House** spending records.)

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"By passing the Recovery Act, we're creating or saving 109,000 jobs here in Michigan," Schauer said in one newsletter.

Schauer's predecessor, former GOP Rep. Tim Walberg, who is seeking the GOP nomination to challenge Schauer, sent similar newsletters during his one term in office.

"Congressman Tim Walberg: Fighting for tax relief and less spending," boasted one newsletter.

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## House Touts Progress on Green Initiative

Emily Yehle  
Roll Call Staff  
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In the three years since the Green the Capitol Initiative began, **House** officials have instituted dozens of chamberwide greening efforts on a body more accustomed to handling such issues as 441 individual dominions.

Members have begun encouraging staff to print double-sided, recycle lunch containers and send electronic faxes. Many have allowed Chief Administrative Officer Dan Beard to replace their individual office servers -- which hold all their documents and e-mails -- with a virtual server that uses less energy. And some, like Rep. Peter Welch (D-Vt.), have gone above and beyond, installing energy-efficient plumbing and high-efficiency light bulbs.

CAO officials are now setting their sights on the next Congress, when new Members will begin their Congressional careers following energy-efficient practices that have slowly been introduced to the chamber in the past few years.

"We're really looking at the transition this year as a way to educate them right as they come into the door," said CAO **spokesman Jeff Ventura**, adding that many of the changes over the last few years will become the "default" for offices. "Someone would literally have to come to us and say, 'You know what? I don't want environmentally friendly carpet.'"

Targeting new Members is just one of the ways that Beard plans to make progress on Speaker Nancy Pelosi's (D-Calif.) flagship greening program. In an annual status report released Wednesday, Beard's office and the Architect of the Capitol outlined current and future greening efforts. Among them: upgrades to the Capitol and **House** office buildings that they hope will translate to millions of dollars in energy savings.

But in the short term, CAO officials are focused on an awareness campaign, called My Green Office, aimed at Member and committee offices. So far, officials have given consultations to about 250 D.C. offices and 180 district offices -- and come next Congress, that number will rise with the influx of freshman Members. The CAO recommends dozens of energy-efficient steps, starting with 15 "core greening actions" that are as simple as buying ENERGY STAR equipment and green office supplies.

But so far, CAO officials do not have numbers on how many offices have adopted those actions and whether they are inching toward the goal of saving \$1 million in energy and procurement costs. Offices are encouraged to update a personal My Green Office page with their actions, but many don't, and on Wednesday, officials couldn't give an estimate of who had implemented what.

Ventura argued that the program's suggestions include proven actions that don't need constant statistics to justify them -- such as using recycled paper and installing compact fluorescent light bulbs.

"Even if there is a dearth of numbers right now, the fact of matter is these types of actions are not even disputable in terms of best practice behavior," he said, though he added that an eventual analysis of the numbers would be "fruitful."

The benefits of other Green the Capitol efforts are more clearly outlined in Wednesday's report. By consolidating Members' servers, for example, the **House's** main data center now only has to use 125,000 watts to run the servers compared with 500,000 watts four years ago.

Officials also estimate that after the AOC renovates the Capitol, it will use 38 percent less energy. **House** buildings, they estimate, will use 23 percent less energy.

That step will bring the Green the Capitol program onto the "next plateau," said Bob Lane, executive director of the CAO's Green the Capitol division.

"It will take us completely on a different level," he said, adding that the **House** is on track to meet Pelosi's 10-year goal of reducing the chamber's energy use by 50 percent. "These retrofits are going to thrust us into year seven. It keeps us on target."

Document RLCL000020100422e64m0008q

## Onslaught of Calls Jams Switchboard

Daniel Newhauser

By Daniel Newhauser Roll Call Staff

396 words

22 March 2010

Roll Call

RLCL

n/a

English

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**House** phone lines were jammed to the point of failure all last week over health care reform, and the Senate might be in for the same fate.

As a result, the Senate Sergeant-at-Arms Office, which manages the chamber's phone system, is preparing for an unusually large telecommunications onslaught if and when Senators start debate on a reconciliation package, an office employee said.

The Capitol switchboard was hit with about 100,000 calls an hour starting Tuesday afternoon, when Rush Limbaugh gave out the switchboard number on the air during his popular radio show and encouraged listeners to call and oppose the **House** bill.

But the phone system can only handle about half of that, so the remaining callers have been getting busy signals, said **Jeff Ventura, spokesman** for Chief Administrative Officer Dan Beard. The busy signals were still occurring as late as Friday afternoon, and Ventura said it wouldn't cease until the **House** voted on the bill.

"The Senate already understands the environment because they share the switchboard with us," Ventura said. "Expect a higher call volume and expect to be able to deal with that."

Phone calls to district offices of Democratic Senators who are considered swing votes on health care reform, such as Sens. Ben Nelson (Neb.) and Blanche Lincoln (Ark.), already yield what seems like endless ringing, calls being forwarded to voice mail or, in some cases, no answer at all. But the lines were not afflicted by the busy signals that characterized last week's attempts to reach **House** Members.

That may quickly change today.

GOP Members were encouraging the outpouring of phone calls, reasoning that it gives credence to their opposition of the reform bill.

Rep. Bob Latta (R-Ohio), for instance, on Friday posted a Roll Call story about phones being jammed with the commentary, "Capitol Hill Inundated with Calls: KEEP UP THE GOOD WORK!" on his personal profile on Amplify.com, a social networking site.

An employee in the office of Senate Sergeant-at-Arms Terrance Gainer said the office is preparing for more calls by placing more staffers at the switchboard.

"We are preparing as we normally do when there is the likelihood of a large number of calls," said the employee, who was not authorized to speak on the record.

Document RLCL000020100322e63m00004

News

**Citizens make voices heard on health care**

By Jonathan Walczak

STAFF Staff

322 words

20 March 2010

Asheville Citizen-Times

ASHC

Main

A1

English

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[jwalczak@citizen-times.com](mailto:jwalczak@citizen-times.com)

More than 100,000 callers an hour are jamming congressional phone lines as the U.S. **House** nears a Sunday vote on health reform legislation.

"We're at capacity," said **Jeff Ventura**, a **spokesman** with the congressional office that handles phone and e-mail traffic. "We're taking in about 50,000 phone calls an hour, but the demand is over 100,000."

The **House's** e-mail system was functional, but Ventura wasn't sure how many e-mails had flowed in.

"When you are in the middle of a hurricane, you're not going to count the raindrops," he said.

Some callers to the office of Rep. Heath Shuler got a busy signal Friday.

"I couldn't get through. I'm going to try again," Franklin businessman Dr. Ed Morris said Friday morning, before Shuler's office announced he would vote against the bill.

After he appeared alongside **House** Speaker Nancy Pelosi at a Thursday press conference, Morris met privately with Shuler. He was calling Friday to again urge Shuler to vote yes.

"It may even cost him his job," Morris said, "But if he can save one life, it's a moral responsibility."

Some frustrated callers turned to Shuler's Facebook page to voice their opinions.

"Anyone who thinks this bill deserves a 'yes' vote hasn't a clue what they are asking for," wrote Elizabeth Crowe, a 61-year-old Western North Carolina native now living in Mexico. There will be a "tremendous erosion of our basic rights," Crowe wrote.

An informal examination of Shuler's Facebook page found that between 12:00 a.m. Thursday and 3 p.m. Friday, 55 people had written on the congressman's page urging him to vote for the bill, while 21 had written comments asking him to oppose it.

ash-46767424.xml

Document ASHC000020100324e63k0001e

🔍 **Busy Signal: Health Care Calls Tie Up Hill Phone Lines**

WSJ Blogs, 18:44, 16 March 2010, 310 words, (English)

A flood of calls swamped the House of Representatives' phone system as supporters and opponents of the health care overhaul bill mobilized tens of thousands of people to call and visit lawmakers.

Heard On The Hill

**Heard On The Hill: Rep. Eric Massa made major news Sunday with a scandalous admission...[Derived headline]**

288 words

9 March 2010

Roll Call

RLCL

n/a

English

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Rep. Eric Massa made major news Sunday with a scandalous admission that riveted Washington. No, it wasn't the New York Democrat's revelation of the "salty" language that prompted an ethics investigation, but rather this shocking news: The men's locker room in the Members' gym has no shower curtains. Awkward!

Massa said during a radio show that he hosts in his district that the gym used by Members of the **House** lacks shower curtains, a factor that once led to his having a clothes-free discussion with White **House** Chief of Staff Rahm Emanuel.

Of course, HOH wanted to get to the ... er, bottom of this story. Are lawmakers so consumed with trimming the federal budget that they nixed the earmark to pay for shower curtains? Or are they just really that committed to transparency in governance?

**Jeff Ventura, spokesman** for the Office of the Chief Administrative Officer, which oversees the fitness facilities, was mum on the issue. "In the interest of all things relevant, no comment," he said.

And plenty of gym-rat Members' offices weren't too eager to talk about their fleshy displays.

But Massa isn't the only one who finds nude encounters with one's colleagues to be a little off-putting. Rep. Thaddeus McCotter (R- Mich.) once explained why he doesn't visit the **House** gym anymore. "The one time I was there, my first trip, someone sort of was talc- ing themselves," he said during an interview last year on FOX News' "Red Eye." The guy "offered their hand and I just said, 'Hey, we're cool, dude.'"

Document RLCL000020100331e6390000h

## Hill Agencies Still Tallying Snow's Costs

Emily Yehle

By Emily Yehle Roll Call Staff

1,021 words

16 February 2010

Roll Call

RLCL

n/a

English

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As the snow recedes from Capitol Hill and staffers slip back into a normal work schedule, Congressional officials are calculating the cost of snow removal, overtime shifts and lost productivity.

For most agencies, that cost seems to be minimal. Many employees were able to work from home, and delayed projects can be picked up this week during Congressional recess.

But the onslaught of snow ostensibly ran up a high bill for the Architect of the Capitol and the Capitol Police. Although neither agency was able to provide a concrete number, AOC employees worked at all hours to clear snow from the paths and roads around the Capitol, while the police department provided hotel rooms to some officers for almost a week.

Police spokeswoman Sgt. Kimberly Schneider said the total cost was not yet available but confirmed that the department had to pay overtime, hotel and food costs to ensure that officers were guarding Congressional buildings 24 hours a day. Hotels near Capitol Hill generally cost \$100 to \$200 a night.

The AOC, however, denied that the cost of removing piles of snow from the campus -- which included hundreds of employees sometimes working into the night -- went beyond the agency's current budget.

"Our work throughout the two blizzards over the past week is part of our mission-related work to care for the Capitol complex, so it is included in our operating budget," AOC spokeswoman Eva Malecki said in an e-mail.

On Friday, Malecki added that crews were removing "large piles of snow" --- a task she said was made easier by "the sunshine and above- freezing temperatures." But she did not respond to further questions about where the AOC found the money to pay for snow removal, especially when the agency is facing more than \$1 billion in unfinished maintenance work.

Tom Fontana, **spokesman** for the Capitol Visitor Center, said AOC workers "did a really Herculean effort to make sure all the pathways were clear." As snow piled on top of the underground CVC --- which has skylights on the Capitol's East Front -- workers were able to ensure it never piled too high, he said.

Though closed all week, the CVC opened on Friday. And while some money was lost by closing the gift shops and the cafeteria, the effect was minimal, Fontana said.

"Fortunately, it's a very slow period for us, averaging only about 2,000 to 3,000 people a day," he said. Senior staff were also able to work at home, he said, ensuring that administrative work could still be done.

**Jeff Ventura, spokesman** for **House** Chief Administrative Officer Dan Beard, also said that employees were able to work from home this week. The office, he said, probably spent less than it does on an average week simply because services were so limited as the **House** came to a standstill.

But some services will take a few days to get back on track. The CAO is faced with a backlog of mail to Congressional offices, for example, and the **House's** food supply has dwindled. Cafeterias thus opened for only limited hours, and employees got creative with ingredients in order to offer a few hot and grilled items, breakfast and sandwiches.

Still, the desperation of some staffers was evident last week. On Thursday, sparse vending machines in the Capitol basement told the tale of a run on the cafeteria hours earlier. Only a microwaveable Big AZ Country Fried Chicken Breast sandwich and Tony's pizza remained. Pepsi, Dr. Pepper and Tropicana Fruit Punch were sold out. There was ample Coca-Cola.

This week, food deliveries should return to normal, said Mary Bowman, regional director for Restaurant Associates, which runs the **House** and Senate cafeterias. But she declined to discuss whether the cafeterias' limited operations will affect RA's bottom line.

"It's been quite a crazy week; we're so proud of associates who've made every effort to be on the job and keep the cafe open," she said in an e-mail. "Their dedication is commendable, and really that is where we would like to focus."

Most Congressional employees, however, worked from home. At the Government Accountability Office, analysts remotely signed in to the agency's computer network from home and, among other things, were able to complete the two reports due to Members this week, **spokesman** Charles Young said. Costs were not a "major issue," he said, as only trees were damaged on the agency's property.

At the Library of Congress, **spokesman** Matt Raymond estimated that the snow closures accounted for as much as 133,000 hours of potentially lost productivity. The LOC was closed for about 38 work hours last week, he said, but since many employees telecommuted, "the actual loss of productivity would be significantly less."

"Although the Library didn't incur any extra costs as a result of the storms, there was a loss of productivity due to most employees being unable to report to work during almost an entire week," he said in an e-mail. "However, this would be impossible to quantify in terms of dollars with any degree of reliability or specificity."

He added: "The true loss resulting from the winter storms is that of access to the Library's many public spaces, an important loss to the public taxpayer, which is not measurable in financial terms."

The Government Printing Office had more concrete costs to pay in order to bring in more than 200 employees to finish the 2010 Economic Report of the President. Because the storm was declared an "emergency situation," the GPO paid those employees double for the first eight hours of the day and then time and a half for the hours after that, **spokesman** Gary Somerset said.

Somerset said he didn't have exact figures on the extra cost, but he said the GPO will be able to cover it. In the long term, however, the additional cost will be factored into future printing rates for Congress and federal agencies.

Daniel Newhauser contributed to this report.

Document RLCL000020100218e62g00007



## ATTACK ON OBAMA

95 words

29 January 2010

The Marlborough Express

MALEXP

14

English

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A hacker broke into 49 websites of both United States' political parties overnight to post a crude attack on President Barack Obama. **Spokesman Jeff Ventura**, in the chief administrative office, said the sites that were hit were managed by a third-party vendor. In contrast, most lawmakers' websites are managed by **House** technicians. Ventura says the vendor was performing an update and for a brief moment let its guard down. That was long enough to allow the hacker to penetrate the sites. The attacker used an obscenity in referring to the president.

Document MALEXP0020100209e61t0002k

News

## Lawmakers want review into House site defacements

Angela Moscaritolo

397 words

29 January 2010

SC Magazine

SCMAGA

English

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U.S. **House** leaders are seeking answers as to why hackers were able this week to [deface nearly 50 websites](#) belonging to the lower chambers' members and committees.

In a [letter](#) Thursday, Speaker Nancy Pelosi, D-Calif., and Minority Leader John Boehner, R-Ohio, requested an "immediate and comprehensive" review of the incident by Daniel Beard, the **House's** chief administrative officer.

Soon after President Obama delivered his State of the Union address on Wednesday night, the websites for Reps. Charles Gonzalez, D-Texas; Spencer Bachus, R-Ala.; and Brian Baird, D-Wash., were among those defaced with profane messages directed at the president. In addition, several committee sites were hit, including the Financial Services Committee, the Committee on Oversight and Government Reform, and the Committee on **House** Administration.

A group of hackers from Brazil, called the Red Eye Crew, have claimed responsibility for the cyberattacks. Robert Brady, chairman of the Committee on **House** Administration, which oversees the Beard's office, said in a statement Thursday, that the intrusion "should be viewed as attacks on our system of government."

The defacements prevented thousands of constituents from being able to communicate with their elected officials, Brady said.

"These efforts to prevent Americans from accessing their government will not be tolerated and transcend any political ideology or party affiliation," Brady said. "I applaud Speaker Pelosi and Republican Leader Boehner for acting decisively in calling for immediate action."

Pelosi and Boehner said in their joint letter that they appreciate recent efforts Beard and his team have taken to improve cybersecurity, including tightening firewalls and securing mobile devices from hackers.

"However, last night's actions indicate that further review of security procedures are needed," the letter stated.

The lawmakers also requested a security review of the third-party vendors used by the **House**. Specifically, the lawmakers questioned whether GovTrends, a Virginia company that managed the defaced websites, adhered to **House** security standards.

"While many members have expressed satisfaction with the vendor in question, this is the second time in a year websites hosted and supported by this vendor have been compromised," Pelosi and Boehner said in the letter.

A spokesperson at GovTrends did not respond to a request for comment.

Last August, 18 **House** sites managed by GovTrends were defaced, **Jeff Ventura**, a **spokesman** for Beard, told SCMagazineUS.com on Thursday.

Document SCMAGA0020100201e61t00001

# The Washington Post

A Section

**House Web sites hacked; lawmakers seek review**

218 words

29 January 2010

The Washington Post

WP

FINAL

A20

English

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**House** Speaker Nancy Pelosi (D-Calif.) and Minority Leader John A. Boehner (R-Ohio) asked for an immediate review of how hackers were able to overtake 49 Web sites operated by **House** members or **House** committees after President Obama's State of the Union address.

The **House** Office of the Chief Administrative Officer said the sites affected included those of Reps. John P. Murtha (D-Pa.), Mike Pence (R-Ind.) and Joe Wilson (R-S.C.) and several committees. All are produced and operated by GovTrends, an Alexandria-based company that specializes in building political Web sites and e-mail newsletter systems, said **Jeff Ventura, spokesman** for the **House** chief administrative officer.

Eighteen **House** Web sites operated by GovTrends experienced similar attacks in August, Ventura said. Pelosi and Boehner noted Thursday that they had previously asked the CAO to review and tighten the Web sites' security.

Several calls to GovTrends on Thursday went unanswered.

Most **House** Web sites are maintained by the CAO, but about 40 percent are contracted out to private vendors such as GovTrends, Ventura said. The CAO is discussing potential action against GovTrends and efforts to strengthen the security of sites maintained by private companies, he said.

-- Ed O'Keefe

WP20100129F-HOUSE29

Document WP00000020100129e61t00002

## HACKER TARGETS OBAMA

95 words

29 January 2010

Waikato Times

WAIKTI

8

English

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A hacker broke into 49 websites of both United States political parties overnight to post a crude attack on President Barack Obama. **Spokesman Jeff Ventura** in the chief administrative office said the sites that were hit were managed by a third-party vendor. In contrast, most lawmakers' websites are managed by **House** technicians. Ventura says the vendor was performing an update and for a brief moment let its guard down. That was long enough to allow the hacker to penetrate the sites. The attacker used an obscenity in referring to the president.

Document WAIKTI0020100129e61f0003I

## HACKER TARGETS OBAMA

95 words

29 January 2010

Manawatu Standard

TEVEST

7

English

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Document TEVEST0020100129e61t0000l

## HACKER TARGETS OBAMA

95 words

29 January 2010

The Nelson Mail (NZ)

NELSON

11

English

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A hacker broke into 49 websites of both United States political parties overnight to post a crude attack on President Barack Obama. **Spokesman Jeff Ventura** in the chief administrative office said the sites that were hit were managed by a third-party vendor. In contrast, most lawmakers' websites are managed by **House** technicians. Ventura says the vendor was performing an update and for a brief moment let its guard down. That was long enough to allow the hacker to penetrate the sites. The attacker used an obscenity in referring to the president.

Document NELSON0020100129e61f0000s

# THE PLAIN DEALER

Metro

**Hacker hits Web sites of Ohio congressmen Among 49 lawmakers attacked nationwide**

Sabrina Eaton; Plain Dealer Bureau

414 words

29 January 2010

The Plain Dealer

CLEV

Final

B1

English

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Washington - Official Web sites that serve the congressional offices of Ohio Democrats John Bocchieri of Alliance, Steve Driehaus of Cincinnati and Charlie Wilson of St. Clairsville were hacked on Wednesday night by a prankster who replaced their content with crude anti-Obama graffiti.

Forty-nine congressional Web sites were attacked, according to **Jeff Ventura**, a **spokesman** for the Chief Administrative Officer of the **House** of Representatives.

The sites serve Congress members from both political parties and several congressional committees. All are serviced by an Arlington, Va., vendor called GovTrends.

Ventura said the sites appear to have been hacked while the company opened a "portal of vulnerability" during an upgrade. Last summer, 18 sites maintained by the company experienced a similar problem, he said.

**House** Speaker Nancy Pelosi, Democrat of California, and GOP Leader John Boehner of Ohio jointly asked Ventura's boss to determine how the breach occurred and to "review the security standards for **House** vendors and to assess whether this vendor, and others, have adhered to these standards."

An organization that calls itself the "Red Eye Crew" and claims to be located in Brazil claimed responsibility for the attack. Ventura said no sensitive information was compromised.

"The whole purpose of a defacement is to inflict embarrassment and to show you could get away with it," he said.

According to National Journal's "Hotline on Call," which first reported the incident, the damage was done shortly after President Barack Obama's State of the Union speech. All the sites were replaced with the message: "F--OBAMA!! Red Eye CREW !!!!! O RESTO E HACKER!!! by HADES; m4V3RiCk; T4ph0d4 - FROM BRASIL."

The offensive message was subsequently removed and the sites listed as "unavailable" while repairs were performed. Ventura said Thursday the sites were expected to be restored within 24 hours.

Ventura said **House** of Representatives officials are examining what can be done to be sure the incident isn't repeated.

Bocchieri's office spokeswoman Jessica Kershaw said the service was restored at 7:20 p.m. Thursday.

Service returned to the other Web sites as well.

"Our Web site is an important tool for reaching out to constituents and having them contact us," added Driehaus **spokesman** Tim Mulvey. "We are eager to have the Web site up and running again as soon as possible."

To reach this Plain Dealer reporter:

seaton@plained.com, 216-999-4212

Document CLEV000020100130e61t0001z

News

## Hackers deface 49 U.S. House websites

Angela Moscaritolo

339 words

28 January 2010

SC Magazine

SCMAGA

English

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Hackers defaced 49 websites belonging to U.S. **House** of Representatives' members and committees soon after President Obama delivered his State of the Union address on Wednesday night. The websites for Reps. Charles Gonzalez, D-Texas; Spencer Bachus, R-Ala.; and Brian Baird, D-Wash., were among those defaced with profane messages directed at the president, researchers at Praetorian Security Group, a managed security services and consultancy, wrote in a [blog post](#) Thursday.

**Jeff Ventura**, spokesman for the Office of the Chief Administrative Officer in the U.S. **House**, told SCMagazineUS.com on Thursday that all of the affected sites were managed by Virginia-based GovTrends, a web solutions provider.

"We are working with GovTrends to understand exactly how the hack happened," Ventura said. "We have some idea already. We think it happened around an upgrade they were doing to their system."

A similar issue occurred last August, when 18 **House** sites that were managed by GovTrends were defaced, Ventura said.

GovTrends did not immediately respond to a request for comment made Thursday.

Those claiming responsibility for the defacements are a group of hackers from Brazil called the Red Eye Crew, which are responsible for thousands of other website hacks, according to Praetorian Security Group. The Red Eye Crew has previously defaced hundreds of Brazilian government sites and the website of Old Dominion University in Norfolk, Va.

In addition, several committee sites were affected Wednesday: the Financial Services Committee, the Committee on Oversight and Government Reform, and the Committee on **House** Administration.

"None of the sites we host and manage internally at the **House** are impacted," Ventura said. "It was through no action of ours that this breach occurred. We are currently discussing what sort of actions we will take in light of this."

Each member can opt to have their site hosted and managed internally or by a third-party vendor, Ventura said. Those who have their sites managed by GovTrends have their own contracts with the vendor.

Document SCMAGA0020100129e61s00001



NATIONWORLD

**Computer hacker breaks into 49 House Web sites, insults Obama**

By AP

Home News Tribune

126 words

28 January 2010

Home News Tribune

HNTR

English

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A hacker broke into 49 **House** Web sites of both political parties overnight to post a crude attack on President Barack Obama.

**Spokesman Jeff Ventura** in the chief administrative office said the sites that were

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Ventura says the vendor was performing an update and for a brief moment let its guard down. That was long enough to allow the hacker to penetrate the sites.

The attacker used an obscenity in referring to the president, who gave his state of the union address from the **House** chamber Wednesday night.

bru-114094096.xml

Document HNTR000020100129e61s0002a

Technology

**Hacker breaks into U.S. House of Representatives websites, insults Obama; Private vendor let guard down during update, says House spokesman**

175 words

28 January 2010

The Globe and Mail (Breaking News)

GMBN

English

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A hacker broke into 49 **House** websites of both political parties to post a crude attack on President Barack Obama after his State of the Union address.

**Jeff Ventura, spokesman** for the **House** chief administrative officer, said the sites were managed by a private vendor — GovTrends of Alexandria, Va.

Most **House** websites are managed totally by **House** technicians but individual offices are permitted to contract with a third party to manage new features and updates.

Ventura says GovTrends let its guard down while performing an update, allowing the hacker to penetrate sites of individual members and committees overnight.

The attacker used an obscenity in referring to the president, who spoke from the **House** chamber Wednesday night.

Ventura said 18 **House** sites managed by GovTrends were defaced last August. The **House** is looking into continued use of the company, he said.

Phone messages left for GovTrends were not immediately returned.

Globe and Mail Update

Document GMBN000020100128e61s002e5

## **Hacker breaks into 49 House Web sites of both parties, criticizes Obama**

CP

123 words

28 January 2010

11:36

The Canadian Press

CPR

English

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WASHINGTON \_ A hacker broke into 49 **House** Web sites of both political parties overnight to post a crude attack on President Barack Obama.

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20100128CPCPW4864

Document CPR0000020100129e61s0002v

**Update:APNewsNow. For global distribution.**

CP

119 words

28 January 2010

11:36

The Canadian Press - Broadcast wire

BNW

English

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(The Associated Press)

20100128CPBNg4474

Document BNW0000020100129e61s00038

**Hacker breaks into 49 House Web sites of both parties, posts crude attack on Obama**

271 words

28 January 2010

18:08

Associated Press Newswires

APRS

English

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Phone messages left for GovTrends were not immediately returned.

Speaker Nancy Pelosi and Republican leader John Boehner wrote the **House's** chief administrative officer, Daniel Beard, ordering "an immediate and comprehensive assessment of how hackers were able to deface the Web sites of nearly fifty **House** members and committees last night."

They said an assessment must be made of GovTrends security -- although the company was not named in the letter -- and further ordered a review of security standards for all **House** contractors.

"We also request that you take immediate action to protect against breaches of the **House** firewalls and to ensure Web site security of all **House** offices," the leaders said.

7

Document APRS000020100128e61s0022a



## US House websites hacked, private vendors under suspicion

293 words

2 January 2010

Asian News International

HNASNI

English

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Washington, Jan. 2 -- Investigators are probing how hackers managed to infiltrate 49 US **House** of Representatives web sites just hours after President Obama's State of the Union address. On Thursday, hackers replaced the usual pages that congressmen and committees use with an attack on President Barack Obama. On each of the hacked sites, the usual material was replaced by a white screen and the words: "F' OBAMA!! Red Eye CREW !!!!! O RESTO E HACKER !!! by HADES; m4V3RiCk; T4ph0d4 ' FROM BRASIL." While information technology experts at the Capitol are still trying to confirm the origin of the attack, they are zeroing in on the technology vendor that manages some **House** Web sites, Politico reports. GovTrends, an Alexandria-based provider of web services, host sites for members of Congress, but all members are free to use outside vendors to manage and upgrade their pages. This practice appears to have allowed third parties access to the Web sites outside of congressional firewalls.

**Jeff Ventura**, a **spokesman** for the **House** chief administrative officer, said that the working theory is that the penetration happened during an upgrade that GovTrends was making to its own system. 'We're discussing our options,' Ventura said. The Praetorian Security Group, a New York-based firm that specializes in detecting computer intrusions, has fingered the Red Eye Crew, an anonymous group that has claimed credit for defacing thousands of web sites. It appears that the group is based in Brazil, and the same loose-knit crew also claimed credit for hacking into 453 government sites in Brazil last August. Published by HT Syndication with permission from Asian News International.

Document HNASNI0020100129e6120000p

Campus Notebook  
**You Say Tomato. [Derived Headline]**

Byron C Tau  
By Byron C. Tau Roll Call Staff  
356 words  
14 December 2009  
Roll Call  
RLCL  
n/a  
English

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You Say Tomato. The vendor responsible for operating the **House** restaurants and cafeterias has made a big change in the way it conducts business.

Restaurant Associates is participating in a new purchasing arrangement of tomatoes from Florida. Compass Group, Restaurant Associates' parent company, announced last week that it will pay an additional 1.5 cents per pound of tomatoes purchased annually, with 1 cent per pound going directly to the harvesters.

"We are proud to offer a responsible menu item like fair wage tomatoes for our dining service operations," Chief Administrative Officer Dan Beard said in a statement. "We are pleased to set an example for responsible dining choices for the staff and our visitors."

According to CAO **spokesman Jeff Ventura**, the initiative came from Compass Group rather than from the **House** administration. "We support it, but it's something that they're doing," he said.

Rick Stone, Compass Group vice president for corporate social responsibility, said the company was spurred to action by a visit from activists at the Student/Farmworker Alliance.

"The back story is quite simple," Stone said. "Ninety-five percent of the tomatoes grown in the winter months come out of Florida. The labor to harvest the tomatoes is -- for the most part -- immigrant workers. Because of that situation, and the need for these workers ... it sets an environment that is ripe for abuse."

Stone added that tomato prices have increased in recent years, but wages paid to agricultural laborers have not. "The supply chain has clearly been squeezed at the bottom," he said. Further, according to Stone, cases of outright slavery have even been discovered and prosecuted in Florida.

Still, Stone insists that customers in the **House** cafeterias will not see any price increases, saying that Compass Group was willing to "absorb the cost" of the new ethical purchasing agreement.

According to the CAO, the last rise in food prices in the **House** cafeteria came in October, when the vendor raised prices by about 10 percent.

Please send tips

to [notebook@rollcall.com](mailto:notebook@rollcall.com).

Document RLCL000020091214e5ce00006

Heard On The Hill

**Chelsea's Engagement: A Long Slog. [Derived Headline]**

Emily Heil; Elizabeth Brotherton

By Emily Heil and Elizabeth Brotherton ROLL CALL STAFF

1,218 words

3 December 2009

Roll Call

RLCL

n/a

English

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Chelsea's Engagement: A Long Slog. Who knew that Chelsea Clinton's engagement and the White **House's** Afghanistan strategy had something in common?

Secretary of State Hillary Rodham Clinton revealed the connection between the two during an appearance at the **House** Foreign Affairs Committee on Wednesday. Clinton, whose daughter announced this week that she's getting hitched, withstood a full day of Congressional grilling -- first from a Senate panel and then the **House**

committee -- on the newly announced plan for the war in Afghanistan. But the former first lady still managed to keep her cool and crack a joke.

When it was his time to ask Clinton a question, Rep. Gregory Meeks (D-N.Y.) first congratulated Clinton on her daughter's engagement.

Without missing a beat, the secretary replied (referring, of course, to the criticisms that the White **House** had taken too long to formulate its Afghanistan plan), "Thank you -- it was a very long, thoughtful process."

Maybe Clinton should save that material for a wedding toast.

A Mouse in the **House**. We're guessing cafeteria employees in the Rayburn **House** Office Building weren't planning to serve the furry, four-legged diner spotted there Wednesday morning.

An HOH tipster eyed a mouse roaming around the cafeteria, causing a bit of a stir among grossed-out **House** staffers and visitors. Our tipster said it was probably a small field mouse, adding that it crawled along the cafeteria wall near the salad buffet and then headed into the kitchen.

And the cafeteria critter wasn't the first mouse that our tipster has spotted on Capitol Hill in recent weeks. "I've seen larger ones," the tipster said.

A spokeswoman for the Architect of the Capitol, which oversees pest control management on Capitol Hill, told HOH that workers immediately headed to the Rayburn cafeteria when they heard a mouse had been spotted. Spokeswoman Eva Malecki added that as the weather cools outside, it's not unusual to see more rodents roaming indoors, noting that efforts are in place to control the pest population.

A **spokesman** for Chief Administrative Officer Dan Beard, who oversees the **House** cafeterias, echoed those comments.

"The Hill is not without its share of pests, none of whom are welcome to dine in our cafeterias," **spokesman Jeff Ventura** said. "Staff and guests should be assured that every effort is made to ensure that all of our customers pay for their meals and that none of them have tails."

Urine the Club. Democrats are usually identified with the color blue, but on Tuesday night, a group of them seemed to favor a mellower shade of yellow.

A high-powered group of Hill and political staffers gathered at Adams Morgan restaurant Leftbank to toast a new book co-authored by former Democratic fundraiser Josh Richman titled "What's My Pee Telling Me?" The humorous-but-informative tome is a follow-up to Richman's icky first book, "What's Your Poo Telling You?"



Revelers included co-hosts Jill Daschle and Kimball Stroud, Democratic Congressional Campaign Committee Executive Director Jon Vogel (who happens to be the author's cousin), Democratic Senatorial Campaign Committee Finance Director Liz Lowery and lobbyist Diane Blagman.

Richman, who now works for a California energy company, penned the books with a friend, gastroenterologist Anish Sheth.

HOH hears the usually sophisticated crowd cracked bathroom jokes that a third-grader would love while sipping the evening's signature drink, a suspicious-looking vodka-lemonade concoction.

And we thought the only leaks political types cared about were of information.

Keep Your Day Job. Several things come to mind when one thinks of Jon Bon Jovi.

Big hair and bad outfits. Mediocre rock music. New Jersey.

Policy wonk? Eh, not so much.

But on Wednesday at the Newseum, the singer acted as a regular big-thinker, appearing at the USA Network-sponsored "Characters Unite National Town Hall," a forum hosted by journalist Tom Brokaw.

Several far-more-serious types joined Bon Jovi on stage to talk about ways to tackle tough issues, including Reps. Anh "Joseph" Cao (R-La.) and Xavier Becerra (D-Calif.), former Sen. Max Cleland (D-Ga.), and Newark, N.J., Mayor Cory Booker.

Overcoming racial bias was a common theme, with several panelists arguing that more should be done to ensure all children have the same opportunity. Bon Jovi served as the resident optimist, calling his own children and most young people "colorblind."

But Michelle Rhee, D.C. Public Schools chancellor, argued that most children are aware racial differences exist. She recalled a conversation she had earlier in the day with her own 10-year-old daughter, who said: "A bunch of girls in my class are having an Asian-themed party. Does that mean a bunch of white girls are going to sit around using chop sticks?"

Rhee's tidbit drew laughter, but Bon Jovi seemed a bit miffed at Rhee, arguing it's up to adults to spread the message of racial equality.

"Michelle needs to get that message across to her daughter," he said. "Because, I sure wouldn't [let] my kids talk about having a white-themed party."

Political Theater. Today is Illinois Statehood Day, and some Prairie State natives are celebrating by poking a bit of fun at the Land of Lincoln's kooky government.

The Illinois State Society will host the staging of "Unlawful Assembly," a fictional play about the comedic hijinks that take place during the last night of a session of the Illinois Legislature, tonight at the Comedy Spot in Arlington.

Former Illinois state Sen. Mark Rhoads wrote the production, while his acting-coach sister Cheryl Felicia Rhoads directed. Inspiration came easy for Mark Rhoads, considering his former government gig.

"I didn't have to make much up," he admitted, adding that state legislatures make for great comedic material because most maintain a more relaxed culture than Congress.

"They feel free to let their hair down a little bit," Rhoads said. "The irony is that state legislatures are a lot more responsive and quicker to act ... because their committee system really does work well."

One of the play's plotlines sees several legislators killing time by playing poker -- which, apparently, is how many of them get work done.

Think: I'll raise you your community center for my highway extension.

"By the end of the play you realize it's not a metaphor; it's actually part of the appropriations process," Rhoads said.

Several Illinois natives are starring in the production, including P.J. Megaw, the grandson of former U.S. Sen. Alan Dixon (D- Ill.).

Overheard on the Hill. "Maybe the columnist has not seen the movie 'The Big Fat Greek Wedding,' where the man said, 'I am the head of the **house**,' and the woman said, 'I am the neck.'"

-- Sen. Lamar Alexander (R-Tenn.), quoting (loosely) on the Senate floor from one of the, er, great classics of American cinema. Washington Post scribe Dana Milbank wrote a Tuesday column about a speech Alexander made in which he lamented that the Democrats' health care bill would cut Medicare for "Grandma" but didn't mention its effect on poor "Grandpa."

Document RLCL000020091203e5c30000b

## Online and Off the BooksHouse's New Financial Reports Drop Details

Paul Singer

By Paul Singer ROLL CALL STAFF

1,366 words

2 December 2009

Roll Call

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n/a

English

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Claiming a milestone in Congressional transparency, the **House** on Monday for the first time released its quarterly expense reports online. But first, Congressional administrators erased a vast array of details on the expenditures of **House** Members, making it impossible to determine what much of the money was actually spent on.

As a result, while millions of Americans will for the first time be able to download and peruse the 3,400 pages detailing how Members spent their taxpayer-funded office accounts, they will no longer be able to see what items the Members purchased, which staffers were traveling on the taxpayer dime or where the Members are renting district offices.

Transparency advocates have for years urged Congress to make available online the quarterly "Statement of Disbursements of the **House**," which are essentially three giant ledger books listing each expenditure of every **House** office.

Speaker Nancy Pelosi (D-Calif.) committed earlier this year to publishing an electronic version of the reports, and she issued a statement Monday hailing the first release.

"The Statement of Disbursement provides a full accounting of Members' and officers' spending for official Congressional business. The continued publication of these statements online will expand accountability to taxpayers and the press," Pelosi said.

"The New Direction Congress has passed unprecedented disclosure and lobbying reform laws, created an independent ethics office, and will continue to operate in a transparent and accountable manner," she added.

But the new disclosure books actually provide far less information than the same reports contained six months ago.

In the printed versions of the disclosure reports covering April through June, there are hundreds of references to computers, laptops, televisions, cameras, printers and all sorts of office equipment, frequently described down to the model number.

In the new reports, all of those purchases are described simply as "comp hardware purch" or "equipment purchase."

In the old books, hundreds of trips were listed with the destination and whether it was the Member or a staffer traveling.

For example, in the April through June books, Pelosi's office reported paying airfare for the Speaker's personal assistant to Boston on March 26 and New York on April 8, as well as trips for other staff members to New York, San Francisco and Florida.

The new version of the disbursement books eliminates all details of who traveled where. The July through September disbursement books list a little more than \$10,000 in "commercial transportation" expenses in the Speaker's office, with no other details.

The amount of detail in the disbursement reports has declined for decades. A report from the Clerk of the **House** covering October through December 1989 indicated that Pelosi, then in her second term, spent \$248 on "staff -- air transp. To Washington, DC office" as well as \$30 on "Member -- ground transp. Taxi from airport to home (district)."

Shortly after the 1989 Loma Prieta earthquake that jolted her Congressional district, Pelosi's office spent \$5,433 on "labels on cards, cards, calling cards, newsletter earthquake."

None of those details would appear in the current disbursement books.

The new system also eliminates the location of Members' district offices in the description of their rental payments.

So Rep. Ralph Hall (R-Texas) has five district offices ranging in rent from \$400 to \$1,800 a month, but the new books no longer indicate what cities they are in. A reader would have to go to an old book to find out that the \$1,800 rent is for an office in Rockwall, while the \$504 expenditure is for an office in Sherman.

A search of the online document also turns up not a single "camera," "television" or "printer" among the purchases.

From April through June, the printed books indicated that Rep. Heath Shuler (D-N.C.) paid a company called Capitol Idea Technology nearly \$46,000 on technology products, including \$11,410 for "video conf. equipment," \$149.99 for "Klipsch Promedia 2.1 speakers," and \$5,308 for two "Panasonic 'Toughbook' laptops," as well as about \$3,000 for extended warranties on the equipment.

By contrast, from July to September, the online books indicate that Rep. Lynn Jenkins (R-Kan.) paid the same company \$7,600 for a series of transactions described only as "equipment purchase," "comp hardware purch" or "equipment maintenance." There is no way of telling what the Congresswoman actually bought.

Apparently, the Members themselves have not changed the way they report expenses to the Chief Administrative Officer of the **House**, but that office has changed the way it enters the information into its expenditures database.

**Jeff Ventura**, a spokesman for CAO Dan Beard told Roll Call in an e-mail, "The process was updated. In order to bring a higher degree of consistency and accuracy to the SOD document, the online version is generated via a process that more strictly applies the use of standard government accounting codes, similar to those used by the Executive Branch."

The new guidelines for accounting codes also apply to the print edition of the books.

But Tom Anfinson, a former accounting official for the **House** who now prepares the books for more than a dozen Members, said Congress has long used the standard government accounting codes; Members just offered additional detail that was not required, and the CAO employees entered that information into the system.

Accounting in the **House** is based on a "voucher" system. Any receipt generated in a Member's office is saved, and the office completes a voucher explaining what the receipt was for and to whom the CAO's finance office should make out a check.

The vouchers and receipts are then turned over to the CAO, where requests are reviewed, checks are cut and information is entered into a database for the disbursement books. Recurring expenses like rent are paid directly by the CAO without a voucher.

"We have changed nothing from the standpoint of voucher descriptions," Anfinson said. "When we do a voucher, we will put down the account number and the vendor name and some description -- like we would put down 'camcorder' so you could identify the thing." That information is provided in addition to the standard budget accounting codes used throughout government.

A **House** leadership staffer said the change in accounting creates "a system where there is a standard use of codes across the board so you can make apples-to-apples comparisons in regards to transportation or office expenses."

This source said that under the old system, the description of any item was "up to the whimsy of an accounting staffer" entering the information into the database. Now the expenditures are filed into a series of fixed accounting codes, creating more standardized reporting.

According to this staffer, "An accountant would say, 'I can actually see some trends here. I can compare these accounts in a quantitative way,' which is more important than which laundromat you used ... or which store you chose to buy doughnuts at for some Member meeting."

The leadership staffer said that while reporters may want to pick out individual expenditures to poke fun at Members, the reports are intended -- like any accounting system -- to allow broad comparisons of spending trends among offices.

But Sunlight Foundation editorial director Bill Allison said in an e-mail, "Releasing incomplete office expense information online demonstrates the **House's** one step forward, two steps back approach to transparency. One would think that members who dispose of trillions of dollars in taxpayer money would be up front about how they're managing their office budgets. If members were worried how flat screen TV purchases and the like would look to their constituents during tough economic times, hiding the information serves only to raise questions about the entire **House**."

Jock Friedly, president of LegiStorm, a Web site that tracks Congressional finances, said the details of these expenditures are critical in determining what is or is not a legitimate office expense. "Maybe there is a legitimate explanation for the purchase of a flat-screen TV or the trip to Florida ... but without that information, you can't even ask the question," Friedly said.

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## Transparency, Tempered

Alexandra Andrews

258 words

2 December 2009

ProPublica Investigative Reporting

PPUBIR

English

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The **House** of Representatives limped into the digital age on Monday, finally releasing its quarterly expense reports online. Transparency wins! Well, actually transparency was a minor casualty of the upgrade, [reports Roll Call today](#). The new reports lack much of the detail that used to be included in the old, paper reports, according to Roll Call:

Congressional administrators erased a vast array of details on the expenditures of **House** Members, making it impossible to determine what much of the money was actually spent on.

As a result, while millions of Americans will for the first time be able to download and peruse the 3,400 pages detailing how Members spent their taxpayer-funded office accounts, they will no longer be able to see what items the Members purchased, which staffers were traveling on the taxpayer dime or where the Members are renting district offices.

The lawmakers are still reporting the same amount of detail to the Chief Administration Officer of the **House**, Roll Call reports, but that office scrubs the reports of many specifics when it transfers them into a database.

**Jeff Ventura**, a **spokesman** for CAO Dan Beard, told the paper that the online version uses standard government accounting codes for a higher degree of consistency and accuracy. The new guidelines for accounting codes are used in the print edition, too, Roll Call reports.

Politico, meanwhile, managed to [wrangle a few details](#) from the report, which still lists names of vendors -- like the \$265 spent at Chantilly Donuts by Majority Whip James Clyburn.

Document PPUBIR0020091203e5c200002

🔗 **More is Less as House Expense Records Go Online**

WSJ Blogs, 18:48, 30 November 2009, 406 words, (English)

By T. W. Farnam House office expense reports were published online for the first time today offering more access than ever to details of how lawmakers spend public funds.

But Congressional watchdogs and citizens checking in on their ...

## Disbursement Records Now Online

Emily Yehle  
By Emily Yehle Roll Call Staff  
897 words  
30 November 2009  
Roll Call  
RLCL  
n/a  
English

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**House** Members' office expenditures go online today, making it easier to dissect Representatives' travel expenses, staff salaries and even their office supply budgets.

For decades, the **House** has released its statement of disbursement only in thick books printed every three months. The books detail how Members and committees spend their office budgets. Anyone who wanted to get that information had to go to the Capitol complex or order a copy through the Government Printing Office.

But starting at about noon today, the public will be able to access the information on **House.gov**. Three PDFs -- each the equivalent of one SOD book -- will be available, along with a glossary of terms and a frequently asked questions page. The PDFs will appear online at the same time the physical books are released, which is about two months after the quarter ends (today's disbursements, for example, will show expenditures from July 1 to Sept. 30).

Last week, public interest groups were already preparing for the disbursement's release, hoping that its online form would allow them to disseminate information more easily and quickly. The Sunlight Foundation, for example, plans to parcel out the SOD to its volunteers, who will use it to help build a useful database. At the very least, the nonprofit will develop a program to allow visitors to search information by a Member's name or district, said spokeswoman Gabriela Schneider.

But the online release is still somewhat of a letdown for many groups: The PDFs will be searchable by keyword, but the information won't be sortable or extractable. In essence, it will be almost identical to the unwieldy books -- just online.

"It's more like a baby step than a giant leap," said Pete Sepp, **spokesman** for the National Taxpayers Union. "At least the general public won't have to schlepp to the general repository to read the book. Beyond that, it will still be pretty difficult to discern patterns or analyze the data."

**Jeff Ventura**, **spokesman** for **House** Chief Administrative Officer Dan Beard, said the **House** doesn't have any plans to put the information into a more accessible and searchable form. But if there's a "huge demand" in the future, he said, the chamber may reconsider.

"We'd be disrupting a process that currently exists," he said, "and we're very hesitant to mess with that."

Transparency proponents have been pressuring Congress to put disbursements online for years, but neither the **House** nor the Senate was inclined to acquiesce. Details on how Member offices spend taxpayer money can be intrinsically controversial, and though the money has to be spent on official duties, Members are given some flexibility. For example, they can spend it on expensive gadgets or even luxury cars -- all of which remain the property of the **House**.

But earlier this year, both the **House** and the Senate pledged to make such information more accessible. Speaker Nancy Pelosi (D- Calif.) announced the **House's** intention to put the expenditures online in June, while the Senate inserted a provision in the legislative branch spending bill requiring the chamber to put its disbursements in a "searchable, itemized" format.

The Senate's online debut, however, won't be until 2011. **House** officials originally planned to put its SOD online by Aug. 31, but Beard delayed the rollout so officials could train and prepare Hill staffers, according to Ventura. Until now, he said, only financial staffers had to know the book's jargon; once the books are online, offices may get more calls from constituents and reporters.



"Now, the constituent relations folks may get calls, the press secretaries may get calls," Ventura said. "We had classes in the [**House**] Learning Center just telling people how to even read the book."

That level of difficulty is a central complaint of transparency proponents, who argue that putting a copy of the books online is not enough. Jock Friedly, whose Web site LegiStorm.com offers staffers' salary information in a searchable online format, said officials should assign unique numbers to each employee to make identification clearer. Right now, there's no foolproof way to determine whether a "John Smith" who was an intern four years ago is the same "John Smith" who now works in another Member's office. Instead, Friedly and his staff make educated guesses.

Still, he said the searchable PDFs will probably help him get salary information online more quickly. Employees, he said, now have to "rip apart" the physical books, scan them and send them off to a data entry contractor.

With the online PDFs, LegiStorm may be able to "semi-automate" the process, he said. That may save enough time to allow the company to start putting other expenses -- such as official supplies and travel -- on its Web site.

"This is a big step forward for the **House**, but it obviously is not nearly as helpful as it could be," he said. "The most helpful way to provide the data would be to provide it in a more structured format like XML."

Sepp agreed, calling the PDFs "nothing more than a snapshot of a document that you can try to look through with a keyword."

"The disclosure process is now somewhere between the Dark Ages and the Renaissance," he said. "There's some progress, but it's still limited."

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## In Wake of Lawsuits, CAO Seeks Diversity Assessment

Emily Yehle

By Emily Yehle Roll Call Staff

615 words

16 November 2009

Roll Call

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English

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Chief Administrative Officer Dan Beard is commissioning the first- ever diversity assessment of his 650-employee office, seeking a "nationally recognized diversity consultant" to review the office's culture and make recommendations for improvements.

His decision comes in the wake of a September lawsuit alleging discrimination amid the office's reorganization. Since Beard became the **House's** CAO in 2007, he has aimed to make the office -- which handles everything from the **House's** paychecks to cafeterias -- more streamlined and efficient.

The response has been mixed; some praise his initiative, and others claim the shuffling has reflected a mix-up of priorities. The office's former budget director filed a discrimination lawsuit against Beard in September, claiming she was fired during the reorganization because she is an African-American woman.

The impetus for the diversity survey is unclear; Beard declined an interview request and CAO **spokesman Jeff Ventura** released a statement only citing the office's commitment to "a diverse workplace."

"To that end, [the CAO's office] has decided to have a third- party consultant perform a comprehensive assessment of our organization's culture and policies to ensure they represent the best practices of an inclusive work environment," Ventura wrote in an e-mail.

But in an announcement to employees about the survey, Beard refers to a two-year organizational "refocus" aimed at making the office more "sustainable, efficient and responsive."

"Our organizational improvements have resulted in many changes, and change is never easy," he wrote in the e-mail. "To change the direction of any organization requires careful examination of how that change impacts not only the productivity and efficacy of an organization, but also how it affects employee morale and the general spirit of fairness and equity we all hold in high regard."

Former CAO budget director LaTaunya Howard details these changes in her lawsuit, describing a reshuffling of the top positions and the elimination of some positions. She also refers to an internal investigation in 2007 that found evidence of racial pay discrimination; according to Howard, the investigation revealed that most employees who received pay raises in June 2007 were white.

The upcoming diversity assessment will be the office's first formal study on diversity. Beard first posted a solicitation on Oct. 28, and responses are due Wednesday. Organizations interested in the job are based throughout the nation, ranging from HGM Management and Technologies in Washington, D.C., to Perfect People Solutions in Plano, Texas, according to the CAO's solicitation notice on fbo.gov.

The CAO's office has not released the budget or timeline for the project, which will focus only on CAO employees. But it could provide information for Beard's office that the **House** as a whole now lacks.

The CAO has long commissioned a survey every Congress that provided basic information about the diversity of the **House**, but such information hasn't been collected since 2004. That survey revealed that almost 90 percent of chiefs of staff were white.

A 2006 report included only salary and benefit information, while Beard canceled the 2008 version because of "budgetary constraints." Instead, he paid consulting group ICF Inc. about \$25,000 for the work already done; a completed version would probably have cost about \$100,000.

Ventura said Beard is now reviewing the survey, though he declined to provide any details on the new timeline for the project.

"The compensation study is being reviewed and there is no scheduled release date yet for the report," he wrote in an e-mail. "It does contain some information that could be categorized as 'diversity' data."

Document RLCL000020091118e5bg000rs

## Loophole Lets Members Trade Their Computers

Emily Yehle

By Emily Yehle Roll Call Staff

469 words

2 November 2009

Roll Call

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English

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When **House** Members buy new computer equipment for their offices, they usually unload the old equipment on the Office of the Chief Administrative Officer, which keeps the usable stuff and recycles the rest.

But Members can also use a little-known -- and ethically thorny -- option: give their computers to another Member, saving his office the cost of buying new equipment. By keeping more of his limited office budget, the receiving Member can use the surplus on salaries, bonuses, office supplies and other official business.

Consequently, one Member uses his taxpayer-funded budget to furnish the office of another Member, who could be a political ally.

Staffers with knowledge of the practice say it's rarely used, partly because most offices keep their computers for the full three- year warranty and because such old equipment is undesirable. But if a Member with some extra money in his office budget wants to effectively buy equipment for another Member's office, there is little to stop him.

Oversight of the process is minimal, with Members filling out forms that transfer equipment from one office's inventory to another. Oversight committees never look at them and don't keep track of the transfers.

Kyle Anderson, **spokesman** for **House** Administration Chairman Robert Brady (D-Pa.), said the initial burden is on CAO employees. Furthermore, he said, if a Member is approaching an election, he can give equipment to another office only if he buys "an equivalent" replacement.

**House** rules also prohibit Members from using their annual office budgets to supplement another office. Equipment transfers appear to be a loophole.

But Salley Wood, a spokeswoman for **House** Administration ranking member Dan Lungren (R-Calif.), said the committee would investigate any complaints of a Member not following the "spirit" of the rules. She compared it to monitoring **House** Web sites: The committee, she said, does not have the resources to check regularly and so relies on complaints. The **House's** inventory of equipment items worth more than \$500 numbers about 80,000.

Most offices appear to hand over any unused equipment to the CAO, a straightforward process in which the CAO takes over responsibility for the item. Anything that meets the CAO's standards stays in the **House** inventory, and Member offices can use such items for free. Many use the inventory as a last-minute fix -- a computer for an unexpected intern, for example.

Still, the frequency of office-to-office transfers is unclear. CAO **spokesman Jeff Ventura** declined to provide the number of transfers or the names of the participating offices; the numbers, he said, were not "readily available," and specifics counted as "operational information about a Member's office." But, he said, the transfers "don't happen very often."

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Heard On The Hill

**Glowing Review.Bill ClintonSen. [Derived Headline]**

Emily Heil; Elizabeth Brotherton

By Emily Heil and Elizabeth Brotherton ROLL CALL STAFF

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Glowing Review.Bill ClintonSen. Bob Menendez"Desperate Housewives" actress Eva Longoria Parker contributed a jacket review for the New Jersey Democrat's recently released tome, "Growing American Roots," joining Clinton and Janet Murguia, president of the National Council of La Raza, in offering props.

"Senator Menendez's book shares invaluable lessons for all of us who call ourselves Americans," Longoria Parker writes. "We should be proud to be living the American dream, and at the same time we must take a stand and speak for the rights of all."

Longoria Parker is quickly becoming a pro on Capitol Hill. The actress created a media frenzy when she appeared at a Capitol Hill press conference Tuesday at a kickoff event to promote the upcoming National Museum of the American Latino. The actress is a member of the 23-person commission that will study the potential creation of the museum, which would honor the cultural and political history of the country's Latino community.

Political VIPs who appeared at the press conference included Reps. Xavier Becerra (D-Calif.) and Nydia Velazquez (D-N.Y.), Interior Secretary Ken Salazar and Labor Secretary Hilda Solis. And Menendez, who also appeared at the presser, even noted that Longoria Parker "was kind enough to put a little forward in my book," referring to the blurb.

Senate Finance as Catwalk. Sen. Olympia Snowe was the epicenter of Washington speculation Tuesday. Would she vote for the health care bill or wouldn't she? And more importantly, what would she be wearing?

The Huffington Post ran an online photo gallery focused on the Maine Republican's fashion sense and urged visitors to vote on whether her signature suit-and-bold-jewelry ensembles were "Matronly or Magnificent." That US Weekly-like treatment had some of Snowe's fans bristling.

"On a day of one of the most significant and complex votes in her 36-year career, to have the focus on what she's wearing is really trivializing," says David Snepp, a former Snowe **spokesman** who is now in the private sector.

"How come no one was talking about what color Max Baucus [D- Mont.] was wearing?" smirked another Senate staffer.

And even if some saw the poll as insulting, Snowe's look has gotten plenty of thumbs-ups. "Senator Snowe's style reflects her independence as both a fashion standout and as a

politician," says Kurt Bardella, another former Snowe press secretary, who's currently flacking for Rep. Darrell Issa (R- Calif.).

Another former Senate aide adds, "Matronly or magnificent? What kind of choice is that? Most of her suits are beautiful and fit her sense of style, which is neither garish nor gaudy just elegantly Senatorial. A few of the other women Senators -- no names here -- should take a cue from her."

Snepp, too, agrees that his former boss's polished look is "magnificent" -- not that it matters, of course.

Green With Praise. Along with offering greening tips to fellow movie stars, actor-turned-environmental-advocate Ed Begley Jr. also has some tree-hugging advice for Congress.

It turns out Begley is a big fan of the Green the Capitol Initiative, Speaker Nancy Pelosi's (D-Calif.) effort to create a sustainable Congressional campus. The "St. Elsewhere" star chatted with HOH about the greening project

during a sustainability conference held at the Washington Convention Center on Saturday and recalled that during a trip to Capitol Hill last year, he was impressed with efforts to bring energy-saving light bulbs, recyclable silverware and electric vehicles to the campus.

And Begley even had a suggestion, telling HOH that the Capitol's greening team should look at ways to recycle the campus's greywater, the wastewater generated from processes such as showers, dishwashers and sinks. At his own home, Begley uses this water to help with irrigation, he said.

Whether Congress will take up the suggestion is unclear. As of now, the campus does not recycle any of its greywater, an Architect of the Capitol **spokesman** confirmed.

But overall the Capitol's greening team is doing a good job, Begley said. The actor noted that the Green the Capitol team has had to get creative -- you can't just throw a couple of solar panels on the Capitol Dome, for example. "It's difficult in a place like the Capitol, because it has so much architectural importance," Begley added.

Begley is a big tree-hugger -- his own Los Angeles home is sustainable, and he even hosts a show on Planet Green in which he helps fellow celebs green their homes. And Chief Administrative Officer **spokesman Jeff Ventura** noted that Begley is no stranger to the Green the Capitol project -- when the actor came to Capitol Hill last year to lobby on green issues, he also stopped by a press conference to unveil the CAO's first all-electric vehicle and briefly met with Green the Capitol staffers.

"Ed Begley Jr. is clearly one of the biggest names in greening and we were delighted to meet with him last year," Ventura said. "We'll take any supportive words Ed has to offer us."

Mystery Theater. If you want to impress the jaded members of the Capitol Hill press corps, you've got to tease them a little ... or a lot.

A press release crossed HOH's desk Tuesday that caught our eye for its sheer mysteriousness. "Myrick, Shadegg, Broun To Make Public A National Security Threat On Capitol Hill," the release reads, and provides the date and time for an event this morning with Reps. Sue Myrick (R-N.C.), John Shadegg (R-Ariz.) and Paul Broun (R-Ga.).

And what might this grave-yet-vague "national security threat" be? Well, guess you better show up at the event to find out. The release only said that the members would call for a federal investigation into "the activities of a non-profit group." Which nonprofit? They're not saying.

Oh, and "members of the media are strongly encouraged to attend."

Thanks.

Myrick spokeswoman Taylor Stanford wasn't budging when HOH pressed her for more details. "Just trying to maximize coverage," she explained. The only detail she let slip: It has to do with access to Congressional offices.

And the mystery thickens.

Overheard on the Hill. "Tom DeLay may be a wild thing on the dance floor, but when it comes to boosting ratings, he seems to have two left feet."

-- An excerpt from an Oct. 13 Los Angeles Times article on dwindling viewership for ABC's "Dancing With The Stars." Although the former **House** Majority Leader danced a wild cha-cha, DWTS's ratings are at their lowest since the show's premiere season in 2005.

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## House's Mainframe Computer Is Unplugged

Emily Yehle

By Emily Yehle Roll Call Staff

693 words

13 October 2009

Roll Call

RLCL

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English

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For more than a decade, the **House's** virtual backbone was one very large computer -- a clunky piece of equipment the size of several refrigerators that resembles the boxy electronics of 1970s sci-fi flicks.

Today, everything held on the 13-year-old mainframe could fit on a computer smaller than a breadbox. Technicians have slowly been moving its different pieces onto smaller servers, and on Friday, they ceremoniously switched off the "dinosaur."

Once the dwelling of every committee calendar and payroll stub, it will now probably be sold for parts.

"This architecture and this processing capability is obsolete to say the least," said Richard Zanatta, director of facilities for **House** Information Resources. The mainframe, he said, ate up \$700,000 annually in maintenance costs; now, its job is done on computers that need no such care.

Chief Administrative Officer Dan Beard's decision to switch over to 21st-century electronics is not solely for the sake of reliable technology (though that certainly plays a role). It's also part of his goal to make the **House** as energy-efficient as possible, which includes whittling down the chamber's massive use of electricity.

Each year, the Capitol complex -- including **House** and Senate buildings -- runs up an \$80 million utilities bill. Every computer, every light and every heater contributes to that total, and leaders in both chambers have been working to scale back where they can.

For the **House**, that has included the consolidation of servers and a recent renovation of the **House's** computer facility in the Ford **House** Office Building. Today, the **House** uses 150,000 watts of electricity an hour to keep its computer system running. Four years ago, it used 500,000 watts.

Technicians now have room to offer more services and to accommodate the growing number of e-mails, Web hits and computer files, said Jack Nichols, HIR director of enterprise operations.

"It gave us the power to enhance the services we provide to Members," he said. "Using that new technology allows us to do the best for the American taxpayers. We're getting the best bang for our buck."

To further save energy and money, **House** officials also are encouraging Members to give up the physical servers in their offices for virtual space on a server in the Ford Building.

The difference is stark. The **House** once spent more than \$500,000 in electricity each year for the servers and their backups; if all 441 Member offices switch to a virtual server, the cost will be less than \$40,000.

Zanatta and Nichols say the up-front costs for the virtual system will pay for itself in short time. The system, including encryption capabilities and a backup, cost \$3 million. But the physical servers in Member offices are replaced every three years. At \$8,000 each, that's about \$3.5 million for 441 separate servers.

So far, **House** officials have transferred 119 servers to the virtual system, and 35 are in the process of being switched over. Each of those Members gets a hidden bonus for taking the step, Nichols said: Once the server is gone, they no longer have to use more than \$20,000 of their annual office budget to pay for an outside technician to maintain it.

A staffer in the Senate Sergeant-at-Arms office said the Senate has also begun offering Members the option of a virtual server to save on energy and cost.

CAO **spokesman Jeff Ventura** called the effort a "cash cow" that gets little public attention for its part in the **House's** greening goals. Indeed, other efforts are more apparent in staffers' day-to-day lives or are more controversial -- such as the cafeterias' switch to biodegradable utensils and the expensive effort to change the Capitol Dome's lighting.

But on Friday, as senior operating technician Gloria Washington turned off the circa-1996 mainframe, a small circle of her colleagues cheered and gathered around to take pictures. To them, it was a long-awaited step.

"It's the end of an era," Washington said.

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## CAO Hit With Discrimination Suit

Emily Yehle

By Emily Yehle Roll Call Staff

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A former budget director for **House** Chief Administrative Officer Dan Beard recently filed a discrimination lawsuit against the office, alleging that she was fired because she is African- American.

LaTaunya Howard worked in the CAO's office for six years, beginning in 2003 as the deputy budget director and working her way up to budget director. But she was reassigned to a senior adviser position earlier this year, and in April, she was fired for insubordination.

In her lawsuit, filed Sept. 15, Howard claims that CAO officials fired her after a series of events that she alleges were orchestrated to impede her work. As relief, she asks for reinstatement as budget director, back pay plus interest, compensatory damages and attorney fees.

"The truth ... is that the insubordination charge simply constituted a pretext designed to conceal the true reason underlying Ms. Howard's illegal termination; that is, the CAO illegally discharged Ms. Howard because of her race," the lawsuit reads. "In fact, she accomplished all of the tasks that the CAO assigned to her, and any assertion to the contrary is pretextual."

Howard's lawsuit is the first filed against Beard since he took over as the CAO in 2007 and outlines in detail Howard's movements during Beard's reorganization of the office.

The CAO has not yet responded to the complaint, and CAO **spokesman Jeff Ventura** declined to comment on the case.

"As a matter of policy, we do not comment on personnel matters or pending legal matters," he said Wednesday.

Stan Brand, a former **House** counsel and Democratic lawyer, is representing Howard in her case.

In June 2006 -- before Beard became the CAO -- Howard was promoted to budget officer, becoming the first African-American to hold that position, according to the lawsuit.

But she didn't receive a raise in the subsequent months, and an internal investigation a year later "confirmed racial pay discrimination." Howard received a promotion to the next pay grade and six months of back pay.

A few months later, another internal investigation -- sparked by Howard's complaints about Deputy Associate Administrator Kathy Perdue -- resulted in a decision that Howard would no longer directly report to Perdue.

Throughout, according to the lawsuit, Howard received high performance reviews, with supervisors describing her as a "valuable asset" and "professionally aggressive."

But in January 2009 -- after some shuffling in the top positions and Beard's reappointment as the CAO -- Howard's position was eliminated and she was reassigned as a senior adviser under new Deputy CAO Ali Qureshi. Norman Farley and Steen Hambric, two white co-workers, also became senior advisers.

In the lawsuit, Howard claims Farley and Hambric not only earned \$22,000 more a year than she did but also had supervisory responsibilities, despite assurances that all three held the same position. Howard's job description, meanwhile, stated that she "may have supervisory/managerial responsibilities."

Howard's lawsuit paints the next three months as an uphill battle, with uncooperative co-workers and an unresponsive Qureshi. Qureshi, she claims, repeatedly pushed aside her requests to meet about her co-workers' behavior and declined to help her obtain the required computer system access that she needed to help a co-worker complete a certain assignment.

When the assignment -- a "projection file" for a budget account no longer in her purview -- wasn't completed by the deadline, Howard was fired.

"This illegal action was taken despite the fact that the task had actually been assigned to two Caucasian, lesser qualified employees since Ms. Howard's demotion and transfer out of the Budget Department in January 2009, that Ms. Howard made repeated attempts to provide assistance to the employees since February 13 but with no response or cooperation from them, and that she was performing her own assigned tasks as required by Mr. Qureshi," the lawsuit reads. "None of the Caucasian employees who were directly assigned to this task, or who were responsible for supervising its completion received any disciplinary action."

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## Greening of Capitol Continues

Emily Yehle

By Emily Yehle Roll Call Staff

858 words

5 October 2009

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English

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On a stormy night earlier this summer, a few **House** employees hauled lighting fixtures to the top of the Capitol, aimed them at the Dome and switched them on to get a glimpse at how energy-efficient lighting would display Congress' most well-known symbol.

"It was the worst out," said Allison Rogers, program manager of the Green the Capitol Program in the Office of Chief Administrative Officer. "But it still looked amazing."

Relighting the Dome is one of the bigger projects under Speaker Nancy Pelosi's (D-Calif.) Green the Capitol Initiative. It's also probably one of the **House's** more expensive endeavors; though officials declined to give a price tag, the design alone cost more than \$600,000.

Officials hope to complete the project within the next year, along with a slew of other initiatives aimed at making Congress as energy-efficient as possible. The efforts will cost at least \$7 million in fiscal 2010 -- and probably closer to \$9 million if the Dome's light fixtures are replaced. A private company will pump another \$34 million into energy-efficient renovations under a contract with the Architect of the Capitol that allows the **House** to spread the cost (plus interest) over 16 years.

All told, that's more than \$40 million to turn Congress into a shining example of energy efficiency. But **House** officials say the changes will also save millions of dollars in energy costs and untold amounts of greenhouse gas emissions and electricity.

For Pelosi, it's also a way to showcase effective energy initiative to the country. At a news conference Friday heralding the fact that the Congressional Record will be printed on 100 percent recycled paper, she called Congress' greening efforts "part of our leadership role to lead by example."

As for concrete results, recently installed meters have already shown the energy savings -- and pointed out where energy was being wasted, said Bob Lane, executive director of the Green the Capitol Program. Workers can then pinpoint where steam is leaking, for example, and cut down on waste.

"Now we have all this data. I'm not a person who typically gets excited about data," he said, sounding excited. "But now we can really see where we are losing energy."

Lane and Rogers also have focused their attention on making Member offices more energy-efficient, going door-to-door with a punch list of cheap suggestions such as printing two-sided and turning off the lights. They are also consolidating computer servers, removing the individual servers in each Member office and replacing it with space on several large servers in the Ford **House** Office Building. So far, they've converted 115 offices; when they get to 150, Lane estimated the savings would be \$900,000.

Their other priority is replacing the Dome's lighting -- a project that began two years ago. With the final design complete, CAO officials are working with the Architect of the Capitol on a construction plan and hope to soon get the approval of the Senate and **House** oversight committees. The AOC, Lane said, has the funding available to move forward.

Once complete, the new lights will use 70 percent less energy than the ones currently used, which were installed 25 years ago, Rogers said.

"It really brings out those details and really makes a striking lighting design," she said. "It's the last national monument on the Mall that really hasn't been subjected to relighting."

But the relighting and other greening projects are sure to receive some GOP criticism along the way. **House** Minority Leader John Boehner (R-Ohio) has estimated that the cost of relighting the Dome won't be paid back in energy costs for 50 years, and Republicans on the **House** Administration Committee have questioned the CAO's latest push for "energy demonstration projects."

The 2010 legislative branch spending bill includes \$2.5 million for the "demo projects" on new energy technologies. The details are not yet known; CAO **spokesman Jeff Ventura** said that ideas include fuel cell, wind turbine and lighting projects that would be installed in limited areas.

Such projects are important, he said, "because as the **House** deals with climate change and green jobs legislation, we are looking to demonstrate that innovative technology, invented by American companies, works in reducing consumption, increasing energy efficiency and providing power in a more sustainable manner."

Similarly, **House** Administration Chairman Robert Brady (D-Pa.) said the projects "make the **House** a model in the public and private sectors." But Rep. Kevin McCarthy (R-Calif.), who sits on the **House** Administration Committee, railed against the appropriation in a statement Friday.

"While I believe that the AOC must continue to explore existing and proven technologies to further reduce energy consumption in the most cost-effective manner, I strongly oppose authorizing millions for mere Congressional demonstration projects -- especially when Congress is not even the leader in innovative green technology," he said. "Congress should instead focus on reprioritizing taxpayer money to create jobs and pay down the massive new debt created since the Administration took office."

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Campus Notebook

**Dangerous Mix-Up.Victor Bryant has worked for the Capitol Police since 2000, most recently as a member of the Dignitary Protection Division, according to police spokeswoman Sgt. [Derived Headline]**

Emily Yehle

By Emily Yehle Roll Call Staff

295 words

22 September 2009

Roll Call

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English

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Dangerous Mix-Up.Victor Bryant has worked for the Capitol Police since 2000, most recently as a member of the Dignitary Protection Division, according to police spokeswoman Sgt. Kimberly Schneider. DPD is a prestigious division in the Capitol Police, providing protection for **House** and Senate leaders on and off Capitol Hill.

Bryant has been charged with three counts of second-degree assault after he allegedly pointed his service gun at three people on the night of Aug. 14, according to court documents. Hotel employees had mistakenly double-booked the room, sparking an argument between Bryant and a family who was also assigned the room. Bryant's girlfriend also allegedly yelled racial epithets at the family members, who are black.

Schneider said Bryant is on paid administrative leave "pending the outcome of the criminal charges." The Capitol Police will conduct an internal investigation once that outcome is known, she said.

Greener Trucks. The **House** is transitioning to an environmentally friendly vehicle fleet, starting with the purchase of its first hybrid truck.

Officials use trucks to move furniture and other items on and off the Capitol grounds. When each of the vehicles "ages out," Chief Administrative Officer Dan Beard will now replace it with a more energy-efficient option.

The new truck costs about \$112,000 -- or about 30 percent more than a fossil fuel vehicle, said CAO **spokesman Jeff Ventura**. The purchase, he said, is "an investment in the quality of the air our employees and visitors breathe."

Please send tips

to [notebook@rollcall.com](mailto:notebook@rollcall.com).

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Metro

**Legislators slow rage by e-mail; Laura Berman**

By Laura Berman The Detroit News

535 words

15 September 2009

The Detroit News

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English

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Mad as hell about health care, out-of-control stimulus packages or the pressing need for more taxes?

Before you storm off to e-mail a member of Congress or state legislator, breathe deeply: This could become a tea bag moment.

In the era of rage against government and organized e-mail assaults, legislators have quietly erected electronic barricades to slow and categorize the e-missives.

In Congress, a "Write Your Rep" e-mail system enables constituents to quickly find who represents them — but also serves up an online form requiring name, address, telephone number and e-mail address.

Avoiding it requires wily tactics and patience. The form will instruct you to fill out boxes before going through.

"People think these forms go into La La Land but they don't: They get read and acted on," insists **Jeff Ventura**, the **spokesman** for a congressional administrative office that deals with the system.

They also slow special interest groups launching e-campaigns — although some create their own online forms that successfully work with "Write Your Rep."

Anyone keeping tabs?

Are we voters bitter? Nobody's keeping tabs on irate or frustrated e-mailers. But enough complaints have been lodged that the congressional Web site spits out a three-point answer to the question: "Why don't you have a regular e-mail address?"

(Short answer: "to improve communications.")

Legislators say they don't hear a lot of complaints.

"The form is really very minimal," says Cullen Schwarz, press secretary for U.S. Rep. Gary Peters, whose site does use a form.

Peters received an e-mail from a resourceful constituent who created an e-mail account to register his disapproval. He went to the trouble of using an assumed name and address.

"I have an opinion I want to give you but I don't want to wind up on your fundraising lists. So the personal information is phony," wrote "Jane Alexisoff of Birmingham."

"It wasn't answered because he said it wasn't his real name," says Schwarz, who noted the data can't be used for fundraising purposes. "That would be completely illegal," he said.

But yes, some members of Congress do create databases of constituents who write in. And electronic forms, standardized, make that kind of compilation easy.

Write legislator directly

In Michigan, you can write your legislator directly, using a list provided online. But some legislators only offer a form on their home pages. The lists are available at [www.senate.michigan.gov/senators/senfull2007.htm](http://www.senate.michigan.gov/senators/senfull2007.htm) and [house.michigan.gov/replist.asp](http://house.michigan.gov/replist.asp).

But each legislator makes individual decisions about ease of e-mail. "They can just e-mail us directly here," says Jeff Cobb, the chief of staff for a very accessible state Sen. Gerald Van Woerkum. The Republican from Muskegon chairs the agriculture committee and generally doesn't get huge volumes of e-mail.

Then he offers an explanation that sounds authentic and true.

"The forms deter people from writing in," he says.

Laura Berman's column runs Tuesday and Thursday. Reach her at [lberman@detnews.com](mailto:lberman@detnews.com) or call (313) 222-2032

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**DON'T HATE AMERICA**

He's a Yankee Doodle Dandy

Callers to the U.S. **House** are back to hearing patriotic tunes while on hold after a brief flirtation with jazz music was vetoed by U.S. Rep. Fred Upton, R-St. Joseph. Upton objected after the hold music was switched to a jazz CD on Aug. 11. The original brassy, patriotic music was restored Tuesday. **Jeff Ventura, spokesman for House** Chief Administrative Officer Daniel Beard, says the music was changed as a test in case the phone system someday could let individual offices select hold music for their phones. "We do not hate America," Ventura told The Associated Press. He says the switch was made by **House** administrative staffers and did not involve Democratic leadership. Ventura said Upton's objection has ended the experiment indefinitely.

**HOST NOT INVITED**

Greeting 'big thinkers'

Grand Rapids Mayor George Heartwell is thrilled at the selection of his city as a gathering spot for "big thinkers" next weekend. It's a sign that the home of the international ArtPrize competition is seen as "the center of innovation and creative thinking." The event, dubbed Velocity 2009, allows some great minds to ponder and strategize how urban areas fit into the new American dream. Hizzoner has only one regret. He didn't make the invitation list, despite his passion for urban living. "I would love to participate (but) I think there is a role for me to meet and greet them."

**ROLL UP THOSE SLEEVES**

Budget work ahead

Michigan **House** Democrats held a retreat last week to present a budget plan to their members, and a Republican **spokesman** had one question: What took you so long? Demonstrating a keen sense of irony, **House** Republican **spokesman** Bill Nowling began, "Not to toot our own horn..." He then went on to say that **House** Republicans have had a balanced budget proposal on the table since July 22, 42 days ago." Rebuttal? Abby Rubley, Nowling's counterpart with the **House** Democrats, said Speaker Andy Dillon is refraining from statements on the budget process, except to say the budget meeting "was very productive but there is still a lot of work to do."

**IS THE NIGHTMARE OVER?**

Congress back to work

Congress will return to session this week and the president will deliver a rare national address on a domestic issue -- health care reform. While it remains to be seen how the sometimes disorderly town hall meetings and rallies promoting or opposing legislation for health care reform will shape the debate, The Weekly Standard this week invokes the words of Gerald Ford to suggest that the anger at town halls represented a "the people have spoken" moment. Upon taking office Aug. 9, 1974, President Ford said, "Here the people rule." Far from a pandering populist, President Ford prefaced the statement with a reminder that our republic is a government of laws and not of men. As our elected representatives make their way back to the Capitol, perhaps discourse will be heightened to reflect President Ford's appeal for civility in debate and that, to borrow from that same address, another national nightmare -- of partisan feuding and hateful rhetoric -- is over.





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**Polpourri**

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