

of a lengthy statement. I wonder if he would be willing to be interrupted by the majority leader should he arrive and that we also would place his statement preceding mine such that it would appear in the order originally intended.

Mr. WYDEN. I thank the gentleman for his courtesy. Perhaps we might wait a few more minutes for the leader.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, this Congress has an opportunity to build on the progress made in the 104th Congress to assist the Food and Drug Administration in meeting the needs of millions of Americans who are awaiting the advancement of new medicines.

Over the years, I have known individuals who have needed medicines and medical procedures that they could not get because the FDA had not done whatever was necessary, in their opinion, to approve these procedures. I have known of examples of people going to Mexico for medicine or to England for a medical procedure because they could not get that procedure in America. Yet 20 years later, one of the procedures that Americans had to go to England to get now is so common it is almost done as an outpatient procedure. That is ridiculous, and it is time we make some progress in advancing these new medicines in a more expeditious manner.

We also have an urgent need to act to extend the highly successful law that will expire later this year unless it is renewed in a timely fashion.

Let me review last year's legislation that would enable the FDA to meet the demands of the rapidly approaching 21st century.

This past year, we had wide bipartisan agreement on essential elements of FDA reform in both Houses of Congress. In the Senate, the Labor and Human Resources Committee approved S. 1477, the Food and Drug Administration Performance and Accountability Act, by a 12-to-4 bipartisan margin. In the House, H.R. 3199, the Drug and Biological Products Reform Act was co-sponsored by more than 200 Members of both parties.

It was unfortunate, Mr. President, that despite the best efforts of then Labor and Human Resources Chair Nancy Kassebaum, as well as my colleagues Senator DAN COATS and Senator CHRIS DODD, we ran out of time last year before S. 1477 could be brought to the Senate floor. I wanted to do it. They wanted to do it. A bipartisan group wanted to do it. In the face of a threatened filibuster by some Sen-

ators, we were not able to bring it to the floor with that threat hanging over the legislation.

However, as the urgency of this legislation becomes more and more apparent, I am confident that the Labor and Human Resources Committee under the able leadership of the distinguished Senator from Vermont [Mr. JEFFORDS], will undertake this worthy effort without delay.

Congress must also consider another important law this year, the 1992 Prescription Drug User Fee Act which is scheduled to expire on September 30, 1997.

The user fee law was the result of a historic agreement between Congress, the Food and Drug Administration, and the pharmaceutical and biotechnology industries. Industry agreed to pay \$347 million in user fees during the 1993-97 period, which enabled the FDA to speed up the approval process by employing an additional 600 reviewers. Unless this vital law is renewed, the advances made by the FDA will be interrupted and the progress will be damaged.

As majority leader, I plan to do everything I can to ensure that PDUFA, the legislation I just referred to, is reauthorized for another 5 years, thus ensuring that our sickest patients will have fast access to life-saving products.

Mr. President, Congress must meet these two challenges. We must act now for the patients all across America. I certainly commend Senator JEFFORDS for his efforts in this area, his leadership, and my good friend, the Senator from Maryland, Senator MIKULSKI. She has been a leader in getting this colloquy and getting these statements printed in the RECORD today. I commend her and urge my colleagues on the appropriate committee and on both sides of the aisle to support these two very important pieces of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEDICARE

Mr. WYDEN. Mr. President, the process of making public policy, like much of life, is about opportunity, risk, and reward. That proposition is clearly demonstrated when the Senate looks at the critical issue of Medicare reform.

I take the floor today, as I plan to do every day this week, to talk about a tremendous opportunity that the Senate has before it, the opportunity to finally remake Medicare for the 21st century in a bipartisan way. The Senate ought to seize this opportunity to act now and act boldly so that Medicare can be preserved for future generations of Americans.

As Senators return from visiting their respective States today, we begin a legislative period that I believe can

be a critical few months in Medicare's history. There is an opportunity to engage this issue as serious debate begins on the fiscal year 1998 budget. I believe that there is now a unique window of opportunity for reforming Medicare that would come along in only rare instances.

Three factors combine to make this a special opportunity to try to set Medicare on track for the next century. The first is that the Federal deficit is less than was anticipated for this year, just over \$108 billion. Second, we have a fairly benign economy. Surely, there are too many folks still hurting, there are too many folks falling between the cracks, but overall the economy has been strong. Third, it is very clear that our country will face a demographic earthquake in the next century with so many more older people, and we have a window of opportunity now to act before those demographic trends are set in place.

My view is that Medicare does not need to be reformed because it has failed but because it has been such a great success that it cannot be allowed to deteriorate. I argue that only enemies of this program would want it to stay exactly as it is, because the status quo, the Medicare status quo that encourages waste and discourages user-friendly innovation, in my view, consigns Medicare to very difficult times.

The General Accounting Office, for example, has estimated that the gap between expected revenues for the program and the enormous service demands is going to produce a gap of almost a half trillion dollars at the end of the next decade. This program, which is a lifeline to 38 million senior citizens, faces very serious, if not calamitous, financial circumstances by the end of the decade. There are a variety of reasons for this, as I am going to outline this week.

In much of the United States, Medicare is engaging in wasteful practices that the private sector consigned to the attic years and years ago. In much of the country, Medicare is inefficient, volume-driven, clunky health care, and it is one of the first things that needs to be changed.

I believe that there are substantial opportunities for this Senate to move on Medicare reform, and I think there are some special areas that we should be careful to avoid. I say, Mr. President, and colleagues, that I think it would be a great mistake to appoint yet another bipartisan commission to study Medicare. A number of our colleagues have proposed that. I have great respect for them, but if there is another bipartisan committee that studies this issue, I believe we will see bipartisan inertia for Medicare for years and years to come. The first question a bipartisan commission would face is should they report before the 1998 election. Then there would be a question about whether they would report before the year 2000 election.

I do not think that a commission can create a forum for avoiding the tough

choices. That is why I come to the floor today, as I will this week, to outline first why it is so important to act and why I believe that finally, after a substantial period of sharp and acrimonious debate on Medicare, it ought to be possible to act in a bipartisan way.

I have had a number of private conversations with my colleagues on this issue over the last few months. I believe that despite some of the political backbiting that has gone on on this issue, every Senator understands that this program has to be reformed. In some measure, the U.S. Senate and the Congress have become like a bunch of reluctant seventh graders at a junior high school sock hop, standing on the gym sidelines, all waiting for the first brave soul to hit the dance floor.

In an effort to try to move the process forward, to jump-start the debate, I recently introduced S. 386, the Medicare Modernization and Patient Protection Act.

I offered this legislation not as a be-all and end-all solution to all of the financial challenges we face with Medicare, but rather as a direction to build on some of the progress that has been made in areas of the country like my own in Oregon. Much of Oregon is already operating 21st century Medicare services, operating Medicare in a way that is good for seniors and good for taxpayers. So when people tell me it's not possible to get this program on track, I invite them to come to my own State, because in my own State we have been able to do it.

Mr. President, I would like to outline briefly a few of the specific items in my Medicare legislation that I will go into further detail on throughout this week.

The first initiative in any responsible Medicare reform effort has got to be to bring more choices and more competition to the program. We have to see Medicare reform in comparison to what the private sector has done. Members of the U.S. Senate should not have too much difficulty grasping this concept because a model, the Federal employee health benefits plan, exists. Members are part of it, and surely it can be a central plank for any bipartisan Medicare reform to look to the model of the Federal employees health benefits plan to produce more choices and more options.

The second plank of any Medicare reform effort should be to eliminate the rewards that the program has for waste and eliminate the way it penalizes the frugal. As incredible as it sounds, that's exactly what happens in the Medicare Program as it relates to health plans. If a plan holds down their costs, they end up getting penalized, and very often it is tough for providers, particularly in rural areas, to make a go of it. If a plan or part of the country sits on its hands and does not make an effort to hold down costs, they get bigger reimbursement checks. That's not right. The private sector consigned

that kind of approach to the attic years ago in eliminating the rewards for waste and penalties. Efficiency should be a central component of any Medicare reform.

Third, Mr. President, it seems critical, in my view, to protect the rights of patients. I believe that when there is a modernized Medicare Program, there will be more managed care available under the program across this country. Many of our citizens, seniors and others, have had legitimate questions about managed care, and I believe it is important to put in place strong patient protections to safeguard the rights of older people. This would include provisions such as a ban on these gag clauses that keep older people from knowing their rights in managed care plans. It would include stronger appeals procedures, grievance procedures, and also the right of patients in managed care plans to get data through report cards about how their plan stacks up on key issues. I believe that part of the effort to reform Medicare ought to be to protect patients' rights, and this should be a central component of Medicare reform as the effort to promote more competition goes forward.

Fourth, Mr. President, I would change the reimbursement system that is used in Medicare, known as the average adjusted per capita cost. This is a sleep-inducing, eye-glazing concept by any calculus, but it is the guts of Medicare reform. To reform this system, we ought to gradually increase the reimbursement levels for low-cost areas, many of them in rural areas, and we ought to inject more competition in high-cost areas. There have been a number of recent analyses indicating that some managed care plans have been overpaid, many of them in the high-cost areas. Introducing more competition in those high-cost areas through changes in this Medicare reimbursement formula is a sensible way to enact bipartisan reform.

Then, Mr. President, it is critical that the Senate tighten up efforts to fight fraud in Medicare. The General Accounting Office recently indicated that about 10 percent of all of the costs of Medicare are lost due to fraud. In a \$200 billion program, \$20 billion lost to fraud and abuse has plagued the program. Stronger penalties ought to be imposed for defrauding Medicare. If someone engages in a flagrant, reprehensible fraud, they ought to be kicked out of the Medicare Program for all time, not just some sort of slap on the wrist in a resolving door situation. For flagrant frauds, there ought to be lifetime debarment.

Next, Mr. President, in my legislation we would expand the role of alternative health care providers. Nurses, physician assistants, pharmacists, and chiropractors, among others, have shown an ability across this country to deliver good quality, affordable health care to older people. They ought to be allowed to play an expanded role in the Medicare of the 21st century, both be-

cause these alternative professions will help us to hold costs down through more competition and also because they offer good quality care.

Next, Mr. President, I would unleash the power of new telecommunications technologies in the health care field. A number of Senators on both sides of the aisle have sought to expand the role of telemedicine, which is already delivering good quality, low-cost care, particularly in the preventive area. It is time for Medicare managers to employ these tools. But as we see in so many parts of Medicare, the Federal Government program, which is relied on by millions of seniors and their families, lags behind the private sector. The Federal Government hasn't even taken baby steps in terms of trying to set out a policy to utilize telemedicine. So my legislation tries to ensure that Internet access, which at least will help our rural communities, is available. And, Mr. President, Senators on both sides of the aisle have done good work that could be incorporated into a Medicare reform bill.

Finally, Mr. President, I propose in my legislation to clear away the regulatory underbrush that needlessly and expensively fragments our system of care for the older folks who are eligible for both Medicare and Medicaid. These are folks on a low, fixed income. They are the so-called dual eligibles. Right now, they are a big factor in major cost increases in both Medicare and Medicaid. It is time for some more creative approaches for dealing with those older people who are eligible for both Medicare and Medicaid. My legislation proposes that, and I intend to outline that further in the week.

Mr. President, the legislation that I have introduced can save about \$100 billion in hard savings over the next 5 years to provide short-term financial stability for the program. I submit that our challenge now is to lay the foundation for the next century. My legislation doesn't, in any way, deal with all of the tough questions that the Senate is going to face on Medicare. Medicare is not just an important part of the Federal budget; Medicare is likely to be the Federal budget for the next 15 to 20 years. When we look at the technological explosion and the extraordinary technologies that are available, when we look at the demographic tsunami that is coming in the next century with so many older people, the challenge now is to lay a bipartisan foundation to build on in the years ahead. The program that I have described and the legislation I have introduced takes from the efforts of both political parties over the last few years on Medicare.

For example, my legislation protects defined, secure, guaranteed benefits for older people under Medicare. A number of Senators, led by Senator KENNEDY, have made this their priority, and I am of the view that they are absolutely right. I think it would be a great mistake to say that the future of Medicare

ought to be to just involve handing a check to an older person and say, "Well, ma'am, buy health care until your money runs out. If the cost of your care is greater than your check, well, so be it." I think it is important to have guaranteed, secure, defined benefits. Many Senators have stood for this principle. It is at the heart of my legislation.

Let me also say that I believe that many Senators on the other side of the aisle have been absolutely right in saying that it is time to bring more competition and more choice to the Medicare Program. Many Senators on the other side of the aisle have made the case that competitive models—be it the Federal employee health plan or be it the private sector—ought to be the kind of approach that we look to for 21st century Medicare. I believe they are right. I believe, in addition, that it is now possible to forge a bipartisan coalition on Medicare between the two parties, where those who have advocated for guaranteeing secure, defined benefits can work with those who have called for more competition and more choice and the kinds of changes that have come to the private sector.

What it comes down to, Mr. President, is, will the Senate have the political will to do it? Will the Senate have the vision to see beyond the next electoral ridge? I believe that there is an extraordinary opportunity now to set out a foundation for the next century. We know that in the next century we are going to have to be dealing with the question of whether, hypothetically, Lee Iaccoca ought to be paying more for his Medicare than should a woman who is 75 years old and on a low income who suffers from Alzheimer's. I didn't address it in my legislation, but I happen to think that ought to be done. Senators will have different views on that issue.

Mr. President, I am not convinced that's the issue that has to be tackled right now. The issue that has to be tackled by the Senate right now is to come up with \$100 billion of hard savings to deal with the budget resolution and the short-term financial challenge of Medicare and then to lay the foundation for the next century. The foundation for the next century can build on some very good work being done by Senators of both political parties. I have been meeting with those Senators privately.

I will have more to say during this week, Mr. President, for I intend to go into further detail on my comprehensive Medicare reform legislation every day this week. I will close with one last point. This issue is so important to our country and so important to the Senate that I believe in the next century—2010, 2020, 2030—people are going to ask everyone in public life today: What did you do to try to get Medicare on track?

I believe the legislation I have introduced opens up the opportunity for bipartisan discussions toward Medicare reform. I have had a number of those

already with Chairman DOMENICI, Chairman GRAMM on the other side of the aisle, and have been very gracious in that regard. I have had a chance to talk to the minority leader, Senator DASCHLE, and Senator KENNEDY, who have done so much good work.

Mr. President, I close by saying that my concern is to make sure that the Senate, after years of bitter and acrimonious discussions on Medicare, now tries to approach it in a different way, in a bipartisan way, in a way that will allow us to tap the revolution of private sector health care, in a way that is good for patients, and in a way that is good for seniors and for taxpayers.

Mr. President, I yield the floor.

#### HONORING THE MAPLES ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death us do part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Richard and Beatrice Maple of Sedalia, MO, who on April 19 will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Maples' commitment to the principles and values of their marriage deserves to be saluted and recognized.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NUCLEAR WASTE POLICY ACT AMENDMENTS—MOTION TO PROCEED

The PRESIDING OFFICER. The question is on the motion to proceed.

The Senate resumed consideration of the motion to proceed.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on Senate bill 104, the Nuclear Waste Act, occur at 5:15 on Tuesday, with the time between 2:15 and 5:15 equally divided between the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I wish the occupant of the chair a good afternoon.

The Senate proceeded to consider the motion to proceed.

Mr. MURKOWSKI. Mr. President, I am going to be speaking this afternoon at some length on Senate bill 104. This is a bill that provides a comprehensive plan for the Federal Government to meet its obligations to provide a safe place to store spent nuclear fuel and nuclear waste.

Mr. President, I think it is important to reflect on some of the background associated with nuclear waste and the status of our continued dependence on nuclear energy.

First of all, let me refer to an article by Bertram Wolfe. Mr. Wolfe is a consultant at Monte Sereno, CA, and a former president of the American Nuclear Society. He suggests that by midcentury, the Third World population on this Earth will double from 4 billion to 8 billion people while the population of the industrial world will grow by about 20 percent, to 1.2 billion. He further suggests that unless we expect to see the majority of the world's people living indefinitely in dire poverty, we should be prepared for per capita energy use to rise rapidly with economic progress. Even if the Third World per capita energy use rises to only one-third of the United States level, that increase, in combination with the expected population growth, will result in a threefold increase in world energy use by the year 2050.

He further suggests that if fossil fuels are used to supply these increased energy needs, we can expect serious deterioration of air quality and possibly environmental disaster from global climate change due to the greenhouse effect. In addition, increased demand for fossil fuels, combined with the dwindling supply, undoubtedly will lead to higher prices, slower economic growth, and the likelihood of energy-related global conflicts.

I wonder if anyone in this Chamber would doubt that Kuwait's oil resources were a major factor in the United States willingness to take military action against Iraq. Unfortunately, alternatives to this scenario are few. Perhaps the future world energy use can be stabilized at a level much less than a third of present U.S. per capita use. Of course, that demand could be much higher. Perhaps solar or wind power will become practical on a larger scale. Perhaps fusion, or even cold fusion, will be developed. But as we enter the world's energy needs in the 21st century, we have to focus on one area that currently provides us with nearly 21 percent of our electricity in the United States, and that is nuclear power. Even conventional nuclear powerplants will face fuel supply problems in the next century if their use expands significantly, which is why we ought to consider the use of the advanced liquid metal reactor which can produce more than 100 times as much energy per pound of uranium as conventional reactors.