

Right to the point, everybody wants to either vote or dispose and move along with the underlying disaster supplemental measure rather than this one particular manufacturer and this one particular drug. Under the circumstances here on the floor, I have not been able to talk in caucus or to my colleagues about it. The fact is, I was told, when I came in this morning, it was being worked out.

Specifically, while we had taken care, I understand, of the drug administered orally with the generic drug folks and consumer groups that called with respect to it, the drug taken intravenously had not been cleared with the generic groups. While we have gone to great lengths to solve all the problems with and get this amendment cleared, we have not been able to do so. It was my hope that we could get the best of both worlds and provide a remedy for a company hurt by a misinterpretation of the law and also get generic competition onto the market faster than it would have without this amendment. That, I thought, was being worked out this morning, but I understand, now, the Senator from Minnesota has not agreed to that.

I will be prepared, under the circumstance here, to withdraw that amendment and not cause the colleagues to vote. But I do not think, technically or parliamentarily, you can withdraw a section of a bill. So I will be glad to go along with the Senator from Minnesota on a voice vote and vote along with him at this particular time, to see if we cannot get this straightened out.

The staff, floor and all, have been anxious. They are trying to move this particular bill. I know Senator STEVENS has been very anxious to do it. I appreciated being included in the Appropriations Committee version. I still think it is with absolute merit. But, under the circumstance, now I am prepared to go along with the motion of the Senator from Minnesota to strike and we will come back in at the appropriate time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

#### AMENDMENT NO. 67

(Purpose: To make technical and clarifying changes to title II, chapter 1 of the bill)

Mr. COCHRAN. Mr. President, I send to the desk an amendment to make technical and clarifying changes to title II, chapter 1 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 67.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 9, line 25, strike “, to remain available until expended” after “ters,” and insert “, to remain available until expended” after “\$18,000,000”.

On page 11, line 25, after “disasters” insert “subject to a Presidential or Secretarial declaration”.

On page 11, strike all between the word “similar” on line 25 and the word “to” on line 26.

On page 12, line 4, strike “the eligibility” and insert in lieu thereof “gross income and payment limitations”.

On page 13, line 13, strike “cropland” and insert in lieu thereof “agricultural land”.

On page 13, line 13, strike “cropland” and insert in lieu thereof “agricultural land”.

On page 16, line 2, strike “\$3,000,000,” and insert in lieu thereof “\$6,500,000”.

Mr. COCHRAN. Mr. President, this amendment, as stated, makes technical and clarifying changes to the agriculture title to the supplemental appropriations bill. The changes have been approved by the ranking Democrat on the committee, Mr. BUMPERS, and the amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 67) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m., having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

#### SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with consideration of the bill.

#### AMENDMENT NO. 54

The PRESIDING OFFICER. Under the previous agreement, the Senator from Minnesota is reserved 2 minutes 30 seconds.

Mr. GRAMS. Mr. President, we are going to be voting in a few minutes on the Grams-Johnson amendment that will help complement disaster relief efforts currently underway now in my home State of Minnesota, as well as North and South Dakota, by making it easier for farmers, homeowners, small businesses and local governments to help rebuild from the devastation that has been brought on by the floods.

Our amendment, simply put, will permit Federal regulators to provide temporary and targeted modifications to current banking regulations. It will permit homeowners, farmers, and small businesses to have faster access to a larger pool of credit. It will also help banks and credit unions to reopen their doors faster to serve their communities.

Also, Mr. President, the Grams-Johnson amendment is supported by the Treasury Department, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and also the National Credit Union Administration.

Mr. President, I ask unanimous consent that a letter from NCUA in support of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CREDIT UNION  
ADMINISTRATION,

Alexandria, VA, May 5, 1997.

Hon. ROD GRAMS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRAMS: Thank you for the opportunity to review the Depository Institution Disaster Relief Act of 1997 (S. 652). I want to applaud you and Senator Tim Johnson for introducing this disaster relief legislation and NCUA supports its quick passage.

The legislation is similar to bills passed by Congress in 1992 (P.L. 102-485) and 1993 (P.L. 103-76) to address the devastation wrought by natural disasters and make credit more easily available to farmers, homeowners and others through temporary exceptions in the Truth in Lending Act and Expedited Funds Availability Act, among others. Just last Friday, the NCUA Board took action to waive the requirement that natural person credit unions and corporate credit unions establish reserves on total loans of up to \$50 million that will be made to members in disaster areas. We believe this policy change will enable credit unions to make loans at well below market rate.

The NCUA Board's recent action and already announced policy of postponing scheduled examinations, encouraging loans with special terms as well as reduced documentation and guaranteeing lines of credit through the National Credit Union Share Insurance Fund and the Central Liquidity Facility, dovetails your legislative efforts and hopefully will provide a measure of relief to credit unions and their members in Minnesota, North Dakota and South Dakota affected by the catastrophic flooding. Thank you again for the opportunity to comment on S. 652.

Sincerely,

NORMAN E. D'AMOURS,  
Chairman.

Mr. GRAMS. Mr. President, the Grams-Johnson amendment has the

support of the Senate Banking Committee chairman and ranking member.

I ask unanimous consent that Senator D'AMATO, Senator DASCHLE, and Senator BOND be added as cosponsors to this amendment.

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

Mr. GRAMS. Mr. President, when I served in the House of Representatives, I authored similar legislation back in 1993 during the Mississippi River flooding. My legislation then received bipartisan support. It was signed into law by President Clinton as part of the supplemental appropriations bill for disaster relief. Since this legislation worked well to help those flooded communities rebuild in 1993, I urge my colleagues to support it today.

Mr. D'AMATO. Mr. President, I rise in support of the amendment offered by Senator GRAMS and Senator JOHNSON. I am pleased to be a cosponsor.

Mr. President, the Congress is moving swiftly to provide emergency assistance to the victims of the winter flooding in Minnesota, and North and South Dakota. The Supplemental is an appropriate and compassionate response by the administration and the Congress to the suffering of our fellow citizens.

Mr. President, this amendment addresses some of the important regulatory steps that can be taken to expedite overall efforts by communities, families, homeowners, farmers, and small businesses to recover from the devastation of the floods. This amendment would authorize the Federal financial regulators to make temporary exceptions to various Federal laws in order to maximize the availability of credit in these flood afflicted areas and expedite its delivery. The amendment will complement measures already instituted by some of the regulators to deal with financial stress in the flooded area. For example, the Federal Reserve Board has indicated that it may be appropriate for lenders to ease credit terms and restructure debts in certain cases. It is similar to legislation approved by Congress in 1992 and 1993.

Mr. President, I commend Senator GRAMS and Senator JOHNSON for developing this amendment and urge support for this helpful addition to overall flood relief efforts.

Mr. GRAMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Under the previous order, the Senator from Minnesota has 25 seconds remaining.

Mr. GRAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 54, offered by the Senator from Minnesota.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas [Mrs. HUTCHISON], is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—98

|           |            |               |
|-----------|------------|---------------|
| Abraham   | Feingold   | Lugar         |
| Akaka     | Feinstein  | Mack          |
| Allard    | Ford       | McCain        |
| Ashcroft  | Frist      | McConnell     |
| Baucus    | Glenn      | Mikulski      |
| Bennett   | Gorton     | Moseley-Braun |
| Biden     | Graham     | Moynihan      |
| Bond      | Gramm      | Murkowski     |
| Boxer     | Grassley   | Murray        |
| Breaux    | Brownback  | Nickles       |
| Bryan     | Hagel      | Reed          |
| Bumpers   | Harkin     | Reid          |
| Burns     | Hatch      | Robb          |
| Byrd      | Helms      | Roberts       |
| Campbell  | Hollings   | Rockefeller   |
| Chafee    | Hutchinson | Roth          |
| Cleland   | Inhofe     | Santorum      |
| Coats     | Inouye     | Sarbanes      |
| Cochran   | Jeffords   | Sessions      |
| Collins   | Johnson    | Shelby        |
| Conrad    | Kempthorne | Smith (NH)    |
| Coverdell | Kennedy    | Smith (OR)    |
| Craig     | Kerrey     | Snowe         |
| D'Amato   | Kerry      | Specter       |
| Daschle   | Kohl       | Stevens       |
| DeWine    | Kyl        | Thomas        |
| Dodd      | Landrieu   | Thompson      |
| Domenici  | Lautenberg | Thurmond      |
| Dorgan    | Leahy      | Torricelli    |
| Durbin    | Levin      | Warner        |
| Enzi      | Lieberman  | Wellstone     |
| Faircloth | Lott       | Wyden         |

NOT VOTING—2

Bingaman Hutchison

The amendment (No. 54) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 57

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have an agreement on the floor. Let me thank especially Senator HOLLINGS from South Carolina for his assistance.

Mr. President, I want to give a little bit of context for this amendment because I think it is important for people to know what has happened and what had to happen. This is about Toradol, which is manufactured by the Hoffman-La Roche Co.

By the way, I would like to thank the company. We had a very good discussion in my office yesterday with my staff. I appreciate their coming by. I understand exactly what they have been trying to do.

Also, Mr. President, I want to make it clear that this went through the process. This was an effort that many people thought was a worthy one. So this is not a bashing on my part at all.

Mr. President, the problem is as follows: This drug is an anti-inflammatory drug; very important. It can be taken orally, or it can be injected—very important—dealing with, for example, postoperative pain. It is a very

important medication for pain reduction. About two-thirds to 80 percent of the market was in the injectable form.

The effort in this supplemental appropriations bill was to go ahead with a 14-month patent extension, which would have been for 14 months of market exclusivity for Toradol, this one drug. That means there would have been only one drug available; no alternatives. There is every reason to believe that, as a matter of fact, there is a generic alternative which would have been the same kind of assistance for people but at much less cost.

Mr. President, when we were making some projections about this, we felt that, on the basis of looking at the data, this would have been about a \$350 million cost for consumers. I felt as a Senator that the one party that was left out of the negotiations was the consumer. I could say with a twinkle in my eye, in many ways I have always tried to be a Senator that pushes hard on the consumer end. While I think the company—I want to make this clear—Hoffman-La Roche Company has made some important arguments about the delays in getting drug approval, about some of the problems it had with GATT, and all of the rest, the fact of the matter is—this was my perspective, and this is the consumers' perspective—a 14-month patent extension would have been maybe \$50 million to \$60 million—maybe it was the injectable part, two-thirds of that—in additional cost passed on to consumers. I think we ought to be doing our very best to make sure that we get this kind of medication to consumers in the most cost-effective way possible.

So, Mr. President, I think the only unfortunate part was—not the process; I think people worked hard, and they worked in good faith—but I don't think there was the representation for the consumers.

This amendment knocks out this patent extension. Senator HOLLINGS joins me in this amendment. We agreed. I believe that Senators on both sides of the aisle are now comfortable with this agreement. This amendment knocks out that patent extension. I think this is the right thing to do for consumers.

This was an amendment that I offered for consumers in Minnesota and consumers in the country. I am very pleased that now, after some negotiation and discussion, we have agreement on this on the floor of the Senate.

I understand the position of the pharmaceutical companies in this particular case. Again, I appreciate their work. But ultimately I think my job is to represent not so much the pharmaceutical companies but the consumers. On this point, I think there was divergent interest. I wanted to come down on the side of consumers. I am really pleased that Senator HOLLINGS and other Senators have joined in this effort.

Mr. President, with that, I yield the floor. We can go further. I think we can proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I apologize to the Chair. I had a discussion about further proceedings.

Which amendment did the Senator call up?

The PRESIDING OFFICER. Amendment No. 57 by the Senator from Minnesota.

Mr. STEVENS. Thank you, very much.

I now have a copy of it. It is my understanding that the Senator from South Carolina is not going to object to this at this time. I will not oppose the amendment either. But I do want to say that, as a result of the amendment of the Senator from South Carolina, there have been a series of pharmaceutical groups that contacted us concerning the inequities of the long delay in the processing of Federal permits for the pharmaceuticals in this country. I believe this is a matter that should be taken care of in the legislative proposal, but, if it is not, we will address it further this year in the Appropriations Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 57) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am informed that 110 amendments have been filed to this bill. We have assigned task forces from the staffs of the various subcommittees to review those amendments.

Mr. President, we will notify Members if we find amendments we would object to. But I ask all Members to notify us when they would like to call up their amendments. It is the leadership's hope that this bill will be finished by tomorrow evening. Obviously, with 110 amendments, it is going to be a long night. But I would appreciate it if we could have some idea of when those amendments would be called up. I am hopeful they will be called up soon.

#### AMENDMENT NO. 143

(Purpose: To provide for dredging and snagging and clearing of the Truckee and San Joaquin Rivers and the dredging of shoaling on the Chena River)

Mr. STEVENS. Mr. President, I ask the clerk to lay before the Senate amendment No. 143.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REID, proposes an amendment numbered 143.

On page 18, line 15, following "fund:" insert the following: "Provided, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the federal Chena River Flood Control Facility:"

Mr. STEVENS. Mr. President, this is a direct use of funds that are already available. There is no budgetary impact on it. It deals with issues that the corps has informed us it needs authority for in three States. It has been cleared on both sides.

I urge adoption of the amendment.

Mr. LAUTENBERG. Mr. President, we have no objection on the Democratic side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 143) was agreed to.

Mr. STEVENS. Mr. President, I want to state that this amendment is by the Senator from Nevada that I called up. So it is not my amendment.

The PRESIDING OFFICER. The RECORD will be corrected to show that the amendment just agreed to was offered by the Senator from Nevada.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move that that motion be laid on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Would the Chair inform the Senator from Nevada what the pending business is.

The PRESIDING OFFICER. There is no pending amendment.

#### AMENDMENT NO. 171

(Purpose: To substitute for the Endangered Species Act waiver a provision agreed to in the House Appropriations Committee)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BAUCUS, proposes an amendment numbered 171.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

Mr. STEVENS. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. STEVENS. I seek to inquire whether the Senator would be willing to enter into a time agreement on his motion to strike?

Mr. REID. Yes, I would. The ranking member of the committee wishes to speak. Other than that, I had no requests for time.

What does the manager of the bill suggest?

Mr. STEVENS. I am sure there are others interested in speaking. We have 110 amendments pending, so I will try to seek a time agreement on each amendment. I will defer this for a few moments until others involved are here. I would like to enter into a time agreement to vote on this amendment no later than 5:30, if possible.

Mr. REID. I will begin debate, I say to the distinguished chairman of the full committee, and while I am doing this, you will have the Cloakroom call to see how much time the ranking member and others wish to speak.

Mr. STEVENS. Mr. President, we will contact Members to talk about that.

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

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

#### VISIT TO THE SENATE BY THE PRESIDENT OF THE COLOMBIAN NATIONAL SENATE

Mr. GRAHAM. Mr. President, I introduce to the Senate the President of the Colombian National Senate, Senator Luis Londono.

#### RECESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate stand in recess so Members might meet our friend from Colombia.

There being no objection, the Senate, at 3:59 p.m., recessed until 4:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).