



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, MONDAY, JULY 28, 1997

No. 108

## Senate

The Senate met at 12 noon, and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of enabling strength, we thank You that You have promised that, "As your days so shall your strength be." As we begin a new week it is a source of both comfort and courage that You will be with us to provide power to finish the work to be accomplished before the August recess. Help us to trust You each step of the way, hour by hour, issue after issue. Free us to live each moment to the fullest. We commit to Your care any personal worries that might cripple our effectiveness. Bless the negotiations with the administration on tax and spending bills. We ask that agreement may be reached.

Father, be with the Senators. Replace rivalry with resilience, party prejudice with patriotism, weariness with well-being, anxiety with assurance, and caution with courage. We claim that magnificent promise through Isaiah, "But those who wait on the Lord shall renew their strength; they shall mount up with wings of eagles, they shall run and not be weary, they shall walk and not faint."—Is. 40:31. May it be so for the Senators all through this week. In the name of the Lord and Saviour. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 28, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of the Chair.

STROM THURMOND,  
*President pro tempore.*

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader.

### SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, it is my hope that the Senate will be able to make a great deal of progress this week. We have a number of votes that already have been agreed to and we have several bills that we may be able to consider before the week is out.

Today it had been my understanding that we would be able to begin consideration of S. 830, the Food and Drug Administration reform bill. I understand that there would be an objection to proceeding to that measure at this time. I certainly regret that. I don't understand why that is the case. I had been told on Friday that, after a lot of laborious negotiations, agreement had been reached.

Certainly we need to pass this legislation. There are very few organizations in this city that are more in need of reform than the FDA which, for years, has been bureaucratic; it has been dilatory; it has delayed access for the American people to medical procedures that clearly should have been approved earlier, that are available in other countries, including Great Britain; they delayed approval of drugs that could mean a great deal of comfort to Americans. At the same time, they have been over trying to push into other areas where they really have no business. So, to say the least, I have a very low regard for the FDA, and they are long overdue for reform.

This legislation has been pending in the Senate both last year and this year. The chairman of the committee of education and labor has reported that bill out. Negotiations have been underway with a number of Senators, including Senator MACK, Senator FRIST, Senator KENNEDY, and I presume Senator DURBIN, and I thought that all had come to resolution. But it appears now that we will not be able to go forward with it at this time. But we will continue to look for an opportunity to get that done this week.

As all Senators are aware, this is the last week of legislative business prior to the August adjournment for our State work periods. There are a number of important issues that will be considered this week, including the conference reports on the budget, Balanced Budget Act of 1997, and the Tax Relief Act. I get a lot of inquiries about that, will we do it or not? Have we reached an agreement with the administration or not?

Negotiations continue; they continued throughout the weekend. There were communications on Friday, meetings on Saturday, a number of communications back and forth between the Congress and the administration all through the day yesterday, all the way up until about 9:15 or 9:30 last night, and there are negotiations underway now with the exchange of paperwork as to exactly what these issues may mean. Some of them are pretty complicated, in terms of the formulas that will be used—how do you define a benefits package where the States and the Governors and the legislators have the maximum flexibility in providing the services for the needs of the children in their respective States? But I would have to say, I think we are very close. I continue to be relatively optimistic.

I must say, this agreement on both the spending bill and the tax relief

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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package is worth having. I hope we will continue to try to come to a conclusion today, if at all possible.

We will be completing work also this week on the Commerce, State, Justice appropriations bill as well as the Department of Transportation appropriations bill.

Previous agreement was entered into also last week to complete action on S. 39, the tuna-dolphin bill, early this week. So we expect that sometime in the next 2 days we will have a 30-minute time for debate and possibly a recorded vote, but a vote of some sort on the compromise that was worked out on that issue last Friday.

At 5 p.m. this afternoon, the Senate will begin consideration of the Transportation appropriations bill. We hope to get most of the work done on that appropriations bill tonight, done tonight. There will be no rollcall votes today.

Tomorrow morning the Senate will be scheduled to have a series of votes, or we were scheduled to have a series of votes with debate beginning at 8:30 and votes occurring, I believe, beginning at 9:30, on the Commerce, State, Justice appropriations bill, but we understand that there is a memorial service for Justice Brennan that will be held on Tuesday morning, so it may be necessary to delay these votes and, as always, Members will be notified exactly when that will be. There will be some stacked votes, I don't know right now whether it's 2, 3, or 4, with relation to Commerce, State, Justice. But it will be later in the morning or in the early afternoon, so we can accommodate Senators who would like to attend the memorial service. Then we can complete action on the bill.

I had hoped we would have agreement on the spending and on the tax relief bill early enough that we could actually get started on it on Tuesday morning. It looks like we will not be able to do that, but we still want to get the final votes on the State, Justice, Commerce appropriations bill as soon as we can and be prepared to move swiftly to the budget agreements once they are reached.

I thank all Senators for their cooperation. I know this will be, again, a hectic week. But I believe we can complete 2 more appropriations bills which will put us at 10, leaving only 3 that we would have to work on when we return in September. That is an incredible pace, and I am very pleased with the cooperation that we have had in getting that done. I hope we can continue that. We also, again, hope to complete action on two or three other bills; most important, the budget agreements. When that is completed, of course, we would then have an opportunity to turn to the Executive Calendar also.

Mr. President, I would like to hear from the distinguished Senator from Vermont as to what is the state of negotiations regarding the Food and Drug Administration reform package. I know he has worked very hard on it.

We hope to get that done this week. I would be glad to hear his impressions of how we are going to do that.

Mr. JEFFORDS. Mr. President, I would be happy to enlighten the body as to where we stand. It is my understanding we have an agreement. However, it appears an objection will be raised if we try to move forward at this time. So, I would just alert everyone that I believe we have an agreement and that we will be able to move forward this week.

There are, as is always the case when you go to bring a measure forward, people who decide suddenly they want to be involved in the process. We will try to accommodate them. I know there are several Members who are out of the country right now and will be back later today. So, I don't intend to call up the FDA Act at this time, but I will, with the indulgence of the President, move forward, I suppose as in morning business, and discuss where we are on the bill.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no objection, there will now be a period of morning business.

The Senator from Illinois.

#### FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

Mr. DURBIN. Mr. President, I would like to say at the outset that I have the highest respect for the Senator from Vermont. The Senator has done a great deal of work on one of the most important pieces of legislation which we will consider during the course of this Congress. Although I am not a member of his committee, I have an abiding interest in the Food and Drug Administration. For 12 years in the House I was a member of the subcommittee which funded the Food and Drug Administration. I was called on many times to get involved in issues related to this important agency.

It is an extraordinary agency. By Federal standards it is tiny. About \$1 billion each year out of our \$1.6 trillion budget is spent on the budget of the Food and Drug Administration. Yet every one of us, every American family, depends on the Food and Drug Administration. Many of the products which we take for granted are reviewed by them for safety so that our families can use them and feel confident that the product is safe for that use. Thus, when there have been efforts to reform the Food and Drug Administration, I have been very attentive. Some people are looking to reform the Food and Drug Administration for selfish reasons. Others are looking to reform the Food and Drug Administration for the right reasons. I believe the Senator from Vermont falls in the latter category. I believe he is trying to reform the FDA for the right reasons.

He and I may have a few differences of opinion, I think very few, and I hope

that we have a chance, when this bill comes to the floor, to actually address them and perhaps, in the quiet of an off-the-floor conversation, we may come to an agreement on each of these items that I would like to discuss. But I salute him for the hard work which he has done in a bipartisan fashion to bring this matter to the floor.

It is my understanding, perhaps the Senator from Vermont could enlighten us, that the bill itself was not ready for consideration, was actually in draft form for Members' offices to read, until this weekend. And, if that is the case, although I would like to see us move on it this week, I'm sure we would all like at least a few moments to go through it and to reflect on the different changes that are proposed and the impact that they would have on this important agency.

Mr. JEFFORDS. If the Senator will yield?

Mr. DURBIN. I would be happy to yield for a question.

Mr. JEFFORDS. The bill itself has been ready for about a month and has been under examination for a month. In order to be able to proceed most efficiently and effectively in the amendment process, we have been working with Members—and you have asked us to do so today—to take into consideration possible changes in the bill. We had many requests of that nature over the past month, and we have accommodated, to my knowledge, every one of those requests and have been and are ready to proceed, with the understanding that certain amendments would be offered. Some of those amendments would be accepted and some of those would be disagreed with.

But we are under the exigencies of time here. This is such an important bill. We started negotiations, the Senate did, last year, under Senator Kassebaum. The bill was voted out of the committee by a very substantial vote. However, there were strong objections raised to it and problems with the House. So we started again this year with the bill and we have been working for several months, now, ironing out these difficulties and problems.

It was my understanding we had a consensus. That is why we are here on the floor this afternoon. On the other hand, now we understand that some others have reasons that they would like to participate. We have no problem with that. The problem is not ours, in the sense of the committee. The problem is time on the floor. We have just 1 week left before we go into recess in order to accomplish the major bills, the reconciliation and budget matters, and we will have only a limited amount of time. So, for us to proceed and get this finished by the end of the week, which is important, it is going to take agreement by those who now want to participate in order to have a timely process where we can bring this to conclusion.

I look forward to working with my colleague—I know he will cooperate