

# 12TH ANNIVERSARY OF ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT

Mrs. CLINTON. Madam President, I rise today to recognize the 12-year anniversary of an incredibly important step in America's continuing effort to expand the circle of opportunity and to realize a more perfect union.

Twelve years ago today, the Americans with Disabilities Act became law. When we think about that remarkable day in history, we remember the relentless efforts of some of our colleagues who took such leadership in this important expansion of civil rights protections. Senators HARKIN and KENNEDY used their positions of power to fight for those with little or no power. Their work opened the doors to people with disabilities in much the same way as the Civil Rights Act had done three decades earlier for other Americans.

We also remember the people who fought behind the scenes, those who tenaciously and selflessly advocated for equal access because they knew that people with disabilities were being excluded from schools, from jobs, from the most fundamental participation in our American way of life.

One such person—someone whom I was very proud to call my friend—was truly the heart and soul of the disabilities civil rights movement. That person was Justin Dart. We lost a great American and a great leader with Justin's death on June 22. But because of his lifelong commitment to ensuring the rights and dignity of every single American, we will never forget him. He was not only a great and tireless leader, he was an extraordinary human being. Anyone who ever saw him, with his cowboy hat and his infectious grin, would never forget him.

Justin Dart's passionate advocacy led many to refer to him as the Martin Luther King of the disabilities movement. So on Martin Luther King's birthday, January 15, 1998, my husband, President Bill Clinton, awarded Justin the Medal of Freedom, our Nation's highest civilian award. We also invited Justin back to the White House when we honored the 10th anniversary of the Americans with Disabilities Act. And throughout my tenure as First Lady, and since becoming a Senator from New York, I often sought his guidance on health and disabilities issues.

Justin Dart's leadership changed the way we, as a society, think about people with disabilities. We all know—those of us who have lived long enough—that at one time we presumed a disability meant a lifetime of dependence. Now we know better. We know that we have countless Americans, of all ages, with disabilities who not only want to but can lead independent lives to contribute to the quality of our lives and our Nation's prosperity. That is why, in 1998, the Clinton-Gore administration formed the Presidential Task Force on Employment of Adults with Disabilities, and then in the year 2000 expanded its mission to include young people.

This task force has been instrumental in helping us understand the challenges that still confront Americans with disabilities and in understanding, despite the extraordinary progress we have made since the ADA was passed, we still have a very long way to go.

According to a recent survey of Americans with disabilities conducted in 2000, 56 percent of 18- to 64-year-olds with disabilities who were able to go to work were employed in 2000. That is up from 47 percent in 1994.

That is progress, but we also have to recognize that 44 percent of Americans with disabilities are still not working. Justin himself eloquently expressed the status of Americans with disabilities on the 7th anniversary of the ADA when he said:

The job of democracy is far from finished. Millions and millions of people with disabilities, in America and other lands, are still outcast from the good life.

In Justin's honor, we simply have to do better.

One of the ways I will keep honoring Justin Dart's legacy is to continue the fight for equal access and full funding under the extraordinarily important legislation passed 25 years ago to provide education for children with disabilities. The Individuals with Disabilities in Education Act, known as IDEA, has literally transformed the lives of countless American children.

I have a particular connection with that law because, as a young lawyer just out of law school in 1973, I went to work for the Children's Defense Fund. We could not understand why, if you looked at census tracks and saw how many children were living in a particular area between the ages of 5 and 18 and compared that with the number of children enrolled in school, there was a discrepancy. There were children we knew living in an area but they were not in school. Where were they?

We could not understand it by just looking at the statistics so we literally went door to door to door. I was knocking on doors in New Bedford, MA, asking people did they have a child who was not currently enrolled in school. I found blind children, deaf children, children in wheelchairs, children who were kept out of school because there were no accommodations for their education.

I remember going into a small apartment that opened out on to a tiny terrace where the family had constructed a grape arbor, and it was a beautiful apartment with a small garden. A little girl was sitting in a wheelchair out on this little terrace on a summer afternoon. She had never been to school.

We then, working with many other advocates for children and people with disabilities, wrote a report and engaged in the debate which led to the passage of the Individuals with Disabilities in Education Act in 1975.

This year the HELP Committee, on which I serve, is beginning the hard

work of reauthorizing this important legislation. When it was passed in the Congress in 1975, we made a promise that the Federal Government would pay 40 percent of the cost of educating children with disabilities. I thought that was a fair bargain because, clearly, educating a child who is blind or deaf or in a wheelchair and needs more help, therefore, requires more resources which is going to raise the costs for local communities. But it was another example of America doing the right thing.

It has made such a difference. Anyone who goes into schools today and sees bright young children raising their hand from their wheelchair or walking down the hallway on braces with their friends or having someone help with the reading because they are blind knows what a difference it has made, not only for the children with disabilities but for all children and for the kind of society we are.

Unfortunately, the Federal Government has never paid its fair share. That is something that has to change. That is something about which I often talked to my friend Justin Dart. He would have wanted us to keep going with the fight to ensure that all Americans are treated with dignity.

He had a very astute way of looking at life and actions in Washington. He once said:

The legitimate purpose of society and its government is not to govern people and to promote the good life for them, but to empower them to govern themselves and to provide the good life for themselves and their fellow humans.

As usual, Justin Dart summed it up. The Americans with Disabilities Act provided a firm foundation on which to build that empowerment, to ensure that every boy and girl, no matter what their physical or mental status might be, is viewed with the same respect and caring that every other human being deserves as well.

Justin Dart lived it. He advocated. He harassed. He reminded. He prodded and promoted all of us to do better. He himself was confined to a wheelchair. He lived with a great deal of pain, but that smile never left his face. With his beloved wife and family, he showed up whenever the call was sounded for his championship on behalf of people who he never forgot and for whom he never stopped fighting.

We will miss Justin Dart, but it is up to us to continue his legacy and to ensure that the work to which he gave his life continues in his honor and on behalf of the countless young Americans who might never know his name but who are given a chance to chart their own destinies because he came before.

I thank my friend Justin Dart and wish him and his wonderful family Godspeed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Ms. STABENOW. I thank the Senator from New York for stepping into the Chair for a moment this morning so I might share a few comments. I also congratulate her on a very eloquent statement about an extremely important gentleman, Justin Dart, whom I knew not as well as the Senator from New York but for whom I had tremendous admiration. I align myself with the comments concerning special education and what needs to be done. I thank the Senator for her advocacy this morning on that very important topic.

### PRESCRIPTION DRUGS

Ms. STABENOW. Madam President, I rise this morning to comment on another very important topic that is before us and to urge my colleagues to come together to get something done. We have been talking a lot about Medicare and the fact it is outdated, that it needs to be modernized to cover prescription drugs.

We had a very significant vote 2 days ago. It was historic. It was the first time the Senate, since 1965, has come together to vote to modernize Medicare. A majority of us, 52 Members, voted yes. I commend my Republican colleague—which was the one Republican vote joining us—the Senator from Illinois, for joining us in that effort.

A statement was made by a majority of the Senate, and I believe it reflects the will of the majority of Americans. We have a health care system for older Americans, a promise of comprehensive health care for older Americans and the disabled that was put into place in 1965. It has worked. The only problem is that the health care system has changed. We all know that. We have all talked about it many times.

What I find disturbing at this moment, in light of the fact that we need 60 votes—we need 8 more people; we need 8 of our Republican colleagues from the other side of the aisle to join us to actually make this happen—in light of the success of Medicare, too many times I am hearing words such as “big Government program” from my Republican colleagues in the House. They refer to Medicare as a “big Government program,” and there are times I have heard that in this debate from the other side of the aisle.

I am here to say I think Medicare is a big American success story. It is a big American success story, just as Social Security is a big American success story and one that we should celebrate.

I worry, as I hear comments from our President about moving in the direction of wanting to privatize Social Security, wanting to move Medicare to the private sector and privatize it, that we are moving away from not only a

commitment made but a great American success story. It has worked, and I think often now of those people such as Enron employees or WorldCom employees who have lost their life savings who have said to me: Thank God for Social Security and Medicare or I would have nothing. If Medicare was not there, they would have no health care.

These are great American success stories. At this time in 2002, at this moment in July, we have an opportunity to make history so that when others read the history books and look back, they will find we took the next step to modernize a system that provided health care for older Americans and the disabled for over 35 years.

I want to read a couple of stories from Michigan. I have set up a prescription drug people's lobby in Michigan and asked people to share their stories and to get involved because we know there is such a large lobby on the other side.

As we all know and have said so many times, there are six drug company lobbyists for every one Member of the Senate. Their voice is heard every day. It is also heard on TV. It is heard on the radio. There is a full-page ad in Congress Daily from the drug company lobby that was brought to my attention urging us to oppose the amendment we passed to open the border to Canada.

Heaven forbid that we add more competition. Heaven forbid that American citizens be able to buy American-made drugs that they helped create through taxpayer dollars, but they are sold in Canada for half the price they are sold in the United States. Heaven forbid that American consumers would have the chance to do that. So they have an ad, and I am sure there are many more. I am not sure how much it costs. I prefer the money that is being spent on this ad and other ads on television and the \$10 million being spent on ads supporting the drug company version would be put into a Medicare benefit or lowering prices. That would be certainly much more constructive in the long run.

The reality is that something has to be done because the system is just out of control, and it will not change unless we act because there is too much money at stake. Just as we have debated corporate responsibility in other settings—and I applaud colleagues who have come together to agree on a final plan related to legislation for corporate responsibility and accountability—this, too, is an issue of corporate responsibility, corporate ethics, as it relates to pricing lifesaving medicine. And how far is too far?

Let me share stories that have come to me from various individuals in Michigan. This is one from Christopher Hermann in Dearborn Heights, MI. He writes:

I am a nurse practitioner providing primary care to veterans. I am receiving many new patients seeking prescription assistance after they have been dropped by traditional

plans and can no longer afford medications. Many of them have more than \$1,000 a month in prescription drug costs.

The vets are lucky. We can provide the needed service. Their spouses and neighbors are not so lucky.

I also have such a neighbor. Al is 72, self-employed all his life with hypertension. When he runs out of his meds due to lack of money, his blood pressure goes so high he has to go to the emergency room and be admitted to prevent a stroke. I provide assistance through pharmaceutical programs, but this is not guaranteed each month. We either pay the \$125 per month for his medications, or Medicare pays \$5,000-plus each time he is admitted. It is pretty simple math to me. It is pretty simple math.

We can either help people with their blood pressure medicine or medicine for their heart or medicine for sugar and all the other issues that need to be dealt with or we can pick up the pieces with hospitalization or worse that ultimately costs more to the system.

I very much appreciate Christopher Hermann sharing this story. I will not share more this morning. I thank those who have been sharing their stories with me.

I will close with one other story that was shared with me that has stuck with me since I read it a few weeks ago, and that was a little girl from Ypsilanti, MI. I have talked about this before, but I think this is important to remind us of what this legislation is about. She wrote a letter to me telling me that her grandma stopped taking her medicine at Christmas in order to buy Christmas presents for the grandkids. She later had health problems and passed away.

There is something wrong with the United States of America when grandmas are not taking lifesaving medicine to buy Christmas presents for their grandchildren. Ultimately, that is what this debate is about. It is about taking a great American success story, called Medicare, and simply updating it for the times. Let's say no to the drug companies and yes to all the grandmas and the grandpas across the country and to everyone who is counting on us to do the right thing.

I thank the Chair, and I yield the floor.

### GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 812, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 812) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

Pending:

Reid (for Dorgan) amendment No. 4299, to permit commercial importation of prescription drugs from Canada.

Rockefeller amendment No. 4316 (to amendment No. 4299), to provide temporary State fiscal relief.

Gramm point of order that the emergency designation in section C of Rockefeller