



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, MONDAY, SEPTEMBER 9, 2002

No. 112

## Senate

The Senate met at 12 noon and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

### PRAYER

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

Dear Father, bless the families of our Nation.

Yesterday we celebrated Grandparents Day. Thank You for the special calling of grandparents to express esteem, encouragement, and affirmation to their grandchildren. In a very vital way, grandparents are able to communicate Your grace, Your unqualified and unlimited love, and the traits of Your character so needed in children in our culture.

Today we thank You for our own grandparents and all they contributed to our lives. Bless the Senators who have the privilege of being grandparents. Help them to be godly examples of what it means to know, trust, and serve You.

Most of all, Father, we pray for the strengthening of family ties that bind our hearts in love and mutual concern. There is so much in our culture that stretches and tears the fabric of the family. Help parents to put You and their families first in their priorities. May the inter-generational support of grandparents lift their burdens as they reap the blessings of raising children in Your moral and ethical absolutes. Bless the children of our land. Give them Your power to live confident lives. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### 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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. LEAHY thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished senior Senator and grandfather from Nevada.

Mr. REID. That is true; 12 grandchildren, Mr. President, and one on the way.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 1 p.m. today there be 30 minutes of debate on Executive Calendar No. 889, equally divided between the chairman of the Judiciary Committee, the Presiding Officer, and the ranking member, Senator HATCH, or their designees, prior to a 1:30 p.m. vote on the confirmation of a judge.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, we are going to have a period of morning busi-

ness until 1 o'clock or shortly thereafter, with the first half of the time under the control of the majority leader and the second half under the control of the Republican leader.

We are going to have a debate at 1 o'clock dealing with the confirmation of Kenneth Marra to be a United States District Judge for the Southern District of Florida.

Following that vote, the Senate will resume consideration of the Homeland Security Act. Under the orders entered last Thursday, Senator THOMPSON will be recognized to offer an amendment. Following that, Senator BYRD will be recognized to offer an amendment. We hope there will be additional rollcall votes today, but we are not certain how long the debate will take on the homeland security amendments that will be offered.

We have a tremendous amount of work to do, and we will discuss that as the week wears on. Tomorrow morning we will go again to the Interior appropriations bill. We have an important vote on that tomorrow. We filed cloture, but in an effort to avoid that vote, there was an agreement made by the two leaders that we would vote on Tuesday morning on the disaster assistance part of the measure that is now before us.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, following which there will be a period of one-half hour, equally divided between the chairman and

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



Printed on recycled paper.

S8335

the ranking member of the Senate Judiciary Committee, or their designees.

Under the previous order, the first half of the time in morning business shall be under the control of the majority leader or his designee.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMPORTANT ISSUES BEFORE THE SENATE

Mr. REID. Mr. President, we have many important issues to consider in the limited time left in our legislative calendar, and therefore it is important we decide what our priorities must be.

President Bush has focused, in recent weeks, on Iraq, announcing his plans to send American troops there to accomplish the goal of a regime change. We have focused on the situation in Iraq now for about 3 weeks, or maybe more.

During the Presidency of his father, I was the first Democrat to announce publicly I would support the invasion in Desert Storm. I have no regret having done that. But there are, at this time, a number of questions that I think must be answered.

I expressed personally to the President on Wednesday in the White House that I thought there was a model to follow. It is a model that was created by President Bush, his father, and that model is one where there is support from the United Nations, the world community. The people of this country supported the action President Bush had taken, and the Congress supported that action. That is a model that I think is one of success.

There have been some in the administration who have said we don't need help. I am happy to see the President has reached out to the Prime Minister of Great Britain and met with him Saturday at Camp David. Today he is going to meet with the President of France. That is important. He needs to do that.

But we have to be very careful—and that is an understatement—in sending men and women into battle. We have about 12,000 or 13,000 troops stationed in Nevada at Nellis Air Force, Fallon Naval Air Training Center, and at the Hawthorn Ammunition Depot.

I want to make sure these people and others who serve in the Armed Forces are sent to do the right thing. I think we have to be very careful in what we are doing in this instance. I don't know what validity should be placed on it but certainly some. One American inspector was quoted in all the national press today as saying Saddam Hussein does not have the ability at this time

to do anything regarding weapons of mass destruction. A case has to be made for that.

I am certainly standing by with an open mind, looking forward to whatever the President and his people bring forward. But I think the burden of proof is that we have to have a case made to us.

We represent the American people, as does the President. We are separate branches of Government, but they are equal in nature. We have a role to fill. He has a role to fill. And to this point, there have not been Members of Congress—Democrats or Republicans—convinced that would be the right thing to do.

I think we all have open minds. The American people all have open minds, and we want to do the right thing.

I repeat for the third time today: I am willing to listen to the President. I have listened to the President. I have a record—I am not embarrassed—about supporting his father. I am not a big fan of the War Powers Act. I felt that way in the House; I feel that way in the Senate. This is more than the War Powers Act. This is a situation where we must have the support of the international community, at least some in the international community, and we must have the support of the American people. The President must have our support before there is an incursion into Iraq.

I acknowledge that Saddam Hussein is a bad person. He has gassed his own people. He has killed his own blood. He is a vicious, evil man. I am ready to do whatever is necessary to protect the American people and bring about stability. But we have to wait until those different requirements are met before we do that.

In the meantime, we cannot be Johnny one-note. We have to do what is necessary to be done in Iraq but also understand the American people face a tremendous domestic crisis. The economy continues to struggle. The American people are concerned about losing jobs, investment, retirement savings. America's slumping economy has severely impacted working families and retirees.

Two of the major economic concerns we in Nevada have are that we have to be convinced our pensions are safe and that the cost of health care is debated, including prescription drugs. We passed strong legislation, led by the Senator from Maryland, Mr. SARBANES, regarding corporate accountability. We will soon take up pension protection to provide additional security for American workers and retirees. Earlier this summer the Senate passed the greater access to affordable pharmaceuticals legislation. It didn't do everything I think should be done, but it did take some important first steps.

It didn't do a lot to deal with the Medicare prescription drug program. We should have as a component of Medicare prescription drugs. It is not right that seniors are struggling. It is

not right that we, the only superpower in the world, have a medical program for senior citizens that does not include prescription drugs, even though the average senior citizen has 18 prescriptions filled every year. We need to take care of that.

The legislation we did pass, the greater access to affordable pharmaceuticals, would lower prescription drug prices because it would stop pharmaceutical company abuses that prevent generic drug competition. It would allow pharmacists, wholesalers, and consumers to import prescription drugs from Canada at a lower price than they can find in the United States, and it would allow States to extend Medicare rebates and discounts for prescription drugs to residents who don't have drug coverage—not everything, but certainly it is a step in the right direction.

I have previously shared the stories of Nevadans struggling to pay for prescription drugs they need to stay healthy and to live quality, pain-free lives. The legislation the Senate passed will help make lifesaving and life-enhancing medicines more affordable and thus more affordable to Nevadans and all Americans. Unless we enact the Schumer-McCain bill this year, consumers will not get any relief from the skyrocketing cost of drugs. The Senate has passed this important legislation. Now Americans are looking to the House to do likewise. Without this bill, drug prices will continue to drain the budget of everyone—the elderly, the uninsured, State governments, employers, labor unions, and other groups—all because brand-name drug companies have abused loopholes in the law and have profited handsomely.

The average price paid for a prescription for brand-name drugs is three times the prescription price of generics. This means the average consumer pays about \$45 more for each brand-name prescription. The savings that this legislation we passed provides will really add up.

According to the Congressional Budget Office, this legislation would save American consumers about \$60 billion over the next 10 years. The public has demanded action on the high cost of drugs. They are going up. This is supported by patient groups, employers, and insurance companies alike. They believe it is not the answer but one of the answers to end drug company abuses and close legal loopholes the industry exploits to block competition and keep drug prices artificially high.

Just as we decided to close the accounting loopholes abused by Enron and WorldCom, we need to finish the job and close the loopholes in our drug patent laws exploited by the big pharmaceutical companies.

I believe it is time for the House leadership to join us in ending these abuses that hurt patients every day.

I also told the President on Friday that when he gave a speech last week to a group of labor people in Pennsylvania saying: I am not for the trial