

know that we inspect less than 5 percent of the 7.6 million containers that come into this country every year on ships. Yet we are going to use Homeland Security assets to track little old ladies riding bikes in Cuba so we can slap a \$7,500 fine on them? It is unbelievable to me. Yet nobody seems to be too concerned about it. We are going to hurt Fidel Castro by limiting the right of the American people to travel.

We have enough votes to lift the travel ban. You can travel virtually anywhere else in the world. I happen to believe the best way to get rid of Fidel Castro is travel and trade. Just as we argue that is the case with Communist China, just as we argue that is the case with the Communist country of Vietnam, it is clear to me that the quickest way to change the Government in Cuba is travel and trade. That Government will not be able to resist the influences of travel and trade. It will undermine it.

But a 40-plus year embargo has failed. It is time to understand that. It makes no sense. I am wondering how many of my colleagues really support this, having the Department of Homeland Security use scarce investigative and intelligence assets to identify travelers who are going to Cuba to ride a bicycle or perhaps to take their dead father's ashes to sprinkle on the church where he ministered. Is that what we should be doing? I think not. Yet the President gives a speech aimed directly at the center of the bull's eye of Florida politics and says: We are going to tighten up. We are getting tough. I will have the Department of Homeland Security investigate and use intelligence to track Americans who travel in Cuba. It is unbelievable.

I hope we can get a vote on this. One of the reasons we may not is we may not get appropriations bills on the floor of the Senate because a half a dozen of them are through the Appropriations Committee and are not being brought to the floor. If they are here, we have a chance to offer an amendment. Without it, when they are put in an omnibus, there will be no amendments. So we will see. If there is in the future some omnibus appropriations bill that is cobbled together by the leadership in the month of October with appropriations bills that have not previously been considered on the Senate floor, we will not be able to. We will be prevented from offering amendments.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

HEALTH CARE

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his comments and associate myself with them as well.

As we move through Appropriations Committees, there are a number of important issues that confront us. I rise to speak to the issue of health care and

add my voice to the growing chorus of people who are concerned about our Nation's health and want us to have a sense of urgency about health care.

We have just passed a bill that will allow our tax dollars to be used in Iraq for a universal government-paid health care system for the Iraqis. There are people in the United States asking: What about us; what about making sure each of us has health care as well?

There are businesses seeing their premiums double. The average small business is seeing their premiums double now every 5 years, and that is, in fact, growing even higher. Large businesses, negotiating contracts, find themselves dealing with the issue of health care as the top concern of both the business and employees.

When we look internationally at our ability to compete around the world, the health care system that is tied to employment has created a situation where our large businesses competing in the world are having more difficulties competing successfully in this competitive environment where every dollar counts. We are hearing from unusual places a call for a focus on health care, a focus on a more universal kind of system that will allow us to have the health care we want for our families and our businesses to be able to compete both within our country and around the world.

What is most disturbing is when we look at the numbers in terms of the costs going up and the number of people now without insurance. A new survey by the Kaiser Family Foundation and the Health Research and Education Trust found that employer-sponsored health insurance premiums increased almost 14 percent this year. This is the seventh straight year of premium increases and the largest increase since 1990. Premiums now average over \$9,000 a year for the typical family health insurance policy. And for an individual, it is \$3,383. Rising premiums are placing a very heavy financial burden on our families and are making it increasingly difficult for families to find and afford health care.

Because there is no successful plan to stimulate the economy right now, we are seeing more and more Americans go without health care and other basic needs. According to a recently released U.S. Census Report, the number of Americans without health insurance has jumped by 5.7 percent to almost 44 million people. That equals the populations of 24 States plus Washington, DC. Think about that. The number of people who are uninsured now equals the population of 24 States and Washington, DC. If this is not a crisis, if we do not need a sense of urgency, I don't know when we will, when we look at what is happening.

Families U.S.A. has done their 2001-2002 survey and determined that in Michigan 2.3 million Michiganians under age 65 went without health insurance sometime within that year. That means one in four people in my

great State of Michigan, under the age of 65, went without health care during this time period. This is not acceptable and we need a sense of urgency about these issues.

Who are these people? Well, the majority of them are working. Actually, more than 80 percent of the uninsured live in working families. The majority of those who are uninsured are working. So this is a small business issue. This is an issue of people who are working but are not in businesses that can afford health insurance themselves for their employees, which is why we need to tackle this issue working with our small business community as well as our large business community.

When one member of a family is uninsured, it can affect all of the family and their quality of life. We know many young people going out into their first jobs are not insured and run a high risk of something happening and of their not being able to deal with it in a productive way.

One of my major concerns right now, as we move forward in the work on a Medicare prescription drug benefit, is that we not forget that there are important parts of cost containment in that legislation that would affect all of those who need health insurance, or have health insurance. We know that about half of the reason the cost of insurance premiums is going up for businesses right now is because of the cost of prescription drugs.

So one of the primary ways we can help businesses to be able to afford health insurance and be able to provide more opportunities for people to have health insurance is to lower the price of prescription drugs. The average prescription brand name drug is going up faster than three and a half times the rate of inflation. So when we look at what we are debating right now under Medicare, there are two very important focus areas for us. One is to eliminate patent loopholes that stop patents from coming to an end and allow lower cost, unadvertised brands to be able to go on the market through our generic drug process.

We passed a bipartisan bill in the Senate not once but twice since I have been here in the last 2½ years. This needs to be passed by the entire Congress and put on the President's desk this year, whether it is part of the Medicare conference report or whether it is done separately.

We also know that if we create more competition by tearing down this artificial border which doesn't allow Americans to purchase safe FDA-approved prescriptions from other countries, particularly Canada, where we know their supply chain and safety processes are virtually equivalent to ours, if we do that, we can also create great competition to lower prices.

There are a lot of stories right now in the paper about concerns about the safety of prescription drugs at home as well as abroad—legitimate issues that deal with what is happening with

wholesalers in our country, issues that need to be addressed by the FDA and all of us. We need to be increasing the ability for the FDA to have the inspectors and enforcement powers against those kinds of activities that create unsafe medication.

But when you talk about the issue of what has been called importation, we are talking about a process that allows the local pharmacist, the licensed pharmacist at the local pharmacy or the local hospital, to have the same ability to do what every part of the pharmaceutical industry does right now, which is to do business with those in another country and bring a supply chain of prescription drugs back to the local pharmacies.

The reason we are seeing so much activity now, so many ways people are trying to find prescription drugs that are affordable to them, is because prices are too high. The fact is that people cannot afford their cancer medicine, their blood pressure medicine, and those other kinds of medicines they need to be able to live productive lives or, in many cases, be able to survive.

The reason we are seeing so many people looking for other ways to find prescription drugs is because the prices are too high. We need to work together to have a system with integrity and with safety, that creates a product that is affordable, that creates a product that can be available to our citizens who desperately need these lifesaving medicines.

If we do that, we address half the reason health care costs are rising. We then need to focus on the question of the uninsured and how we partner to be able to make sure people have access to health care, so we can bring those prices down.

In closing, we need a sense of urgency about health care. We need a sense of urgency here just as every business, every employee, every family has a sense of urgency about health care now and whether it will be available to their families. I hope we will make that a top priority for this Senate.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Delaware is recognized.

Mr. CARPER. Madam President, before the Senator leaves the floor, I have observed that she has been diligent in continuing to focus on health care issues, including our need to somehow effect and moderate the growing cost of health care in this country. She has seen an exodus of manufacturers out of her State and millions of manufacturing jobs from the United States. Among the reasons why they are leaving is the extraordinary cost of health care. Companies also tell us they are considering other places to locate and do business because of litigation costs, legal costs that flow out of the costs of doing business in our country. Those costs could deal with asbestos litigation, which has taken down now over 60 companies that have gone bankrupt.

Unfortunately, a lot of people who have been hurt or exposed to asbestos haven't gotten the kind of money their families deserve, and people who haven't been sick have taken away money from those who need it.

Another area with respect to legal costs that will get a lot of attention on this floor this week is the cost of class action litigation and whether or not the way our class action system works in this country is appropriate or needs to be changed.

Let me say from the outset that I think when a person is hurt or damaged in some way by the acts of another person or a company, that person should be compensated. They should be made whole. When a number of people, or a class of people, are hurt or damaged in some way by the actions of a company or business, that class of people should be compensated and made whole as well.

I submit to my colleagues today that our sense of balance, though, has been lost. We are seeing national class action litigation not taking place in Federal courts but in many instances taking place in local courts with locally elected judges against defendants from other States.

When the Framers of our Constitution provided for a Federal judiciary, one of the reasons they did so was to say when you have plaintiffs in one State and you have defendants in another State, just to make sure there is an objective legal system, we need a Federal judiciary to help provide for that leveling of the playing field.

All too often today national class action litigation pits plaintiffs in one State and defendants in another State in a local court where you have a locally elected judge whose election or reelection depends in no small part on their ability to satisfy the plaintiffs within their State. We've just lost our sense of balance.

There have been efforts for five years now to try to make changes with respect to class action litigation. It started out far different than where it has ended up. The current bill is much more moderate than those that came before it. Also, there is no effort with this bill to cap noneconomic or attorneys' fees. There is no effort to limit joint and several liability.

I want to talk about the bill that will come to the Senate floor if we agree to the motion to proceed tomorrow.

First of all, the legislation that will come to us is not perfect. It might need to be amended or changed further. It is certainly not the final product, but it is a good starting point. If we agree to the motion to proceed tomorrow—it takes 60 votes—we will have the opportunity for those of us on our side, the Democratic side, and the Republican side, to offer amendments, to have a full and open debate and decide whether or not we are going to change the bill. It can be improved, and I certainly will support amendments. I may talk about those later today or tomorrow.

Let me take a minute to describe the legislation that may come to the floor. The issue we are trying to get at is venue shopping, where you have, in some cases, litigation that is being brought and litigation of national scope that ought to be in a Federal court, where the attorneys who brought the lawsuit are looking for a venue where they can get a friendly judge and friendly jury.

In some places, it is almost a cottage industry, whether it is Madison County, IL; Jefferson County, TX; and other places, such as Alabama and Mississippi. There is a perception that a defendant is not going to get a fair shake in a national class action litigation in those venues.

The PRESIDING OFFICER. The time controlled by the minority for morning business has expired.

Mr. CARPER. I thank the Chair. I will have more to say about this later today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I ask that the next 15 minutes be equally divided between the Senator from Idaho, Mr. CRAIG, and the Senator from Oregon, Mr. SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Madam President, I and my colleague need to be off the floor by 10:30 a.m. Will the Chair alert me when 5 minutes have passed?

The PRESIDING OFFICER. The Chair will so notify the Senator.

ENERGY AND THE ECONOMY

Mr. CRAIG. Madam President, I am here this morning to talk about the reality of U.S. prosperity and how it is so closely tied to a reliable, affordable energy supply. The U.S. economy has suffered for the last 3 years because of severe energy price fluctuations. Energy supplies have often been barely adequate and, in most instances, in high demand. I believe failure to enact an Energy bill will have dire consequences on all Americans, especially our economy, our workforce, and those who are building the American dream.

There is a growing sense of urgency amongst American manufacturers, small businesses, and others that they simply cannot remain competitive unless we have enough reasonably priced energy to meet their demands at a time when certain costs in our energy sector are skyrocketing, and that, in my opinion, has been a major factor in contributing to the prolonging of a recession.

Rising fuel costs helped cause the deepening of the recession in the past four recessions we have recorded: In the 1970s, in the early 1980s, in 1990 and 1991, and now the 2000 recession. When we look backward, when we talk with economists who study this issue, all of them will tie it to a spike in energy prices and the cost of energy rippling across the economy.