

spine. My friend from Michigan will talk about health care. I hope she talks about the fact that the so-called Medicare reform is the end of having a chance to pick your own doctor. They are blackmailing Medicare patients into thinking if they stay in that plan where they can choose their own doctor, they will not get any prescription drugs. This President wants them all in the HMOs. I say to my friend, and to the President of the United States, if the HMOs did a good job, that would be one thing. If we could pass a Patients' Bill of Rights giving people rights in an HMO, giving them the treatment they need, giving them the preventive care they need, giving them the quality doctors they deserve, it would be a different story. But pushing people into HMOs before we have solved the HMO abuse problem, and then saying, well, if you do not do that you do not get your medicine, I hope people in this country will rise up against that plan.

Mr. President, you have another 9 hours. I hope you take that plan out of your speech. I hope you will take that tax cut plan out of your speech and rewrite it and give the tax cuts to the middle class and give the tax cuts to the working poor. That will stimulate this economy and make it a 1-year stimulus that doesn't drain the revenues of Government in the outyears so that we are in deficits for as far as the eye can see. Give those tax breaks to the small business people. They are going to spend it on plant equipment.

Mr. President, go back to your speech and take a look at what you are doing on education. Fully fund the No Child Left Behind Act.

Mr. President, if you continue with your "leave no millionaire behind" plan, you will have no money for your Leave No Child Behind plan. You can't have it both ways. You can't go to war, promise people education, promise them this, promise them that, promise them homeland security, and then give away all the money to the millionaires and have nothing to fulfill your promises.

People are on to this. They see it. You are doing it over and over again—with homeland security, not spending the money we need. The burden is falling on the cities and the States and the localities. I met with the mayors. Do you know what they said? Senator, when something goes wrong and, God forbid, there is a terrorist attack, someone is going to call 911. They are not going to call the White House, with all due respect. And they are not going to call me either.

I used to be in local government. I respect those people. We are hanging out local government to dry—the local police, the local fire departments, and the rest. That is wrong. It is all in the name of giving tax breaks to millionaires who don't need it and won't spend it. It is unfair and it is hurtful.

I will close, because my friend, Senator STABENOW, is here, on one of the topics I will speak more about later,

and that is the state of our environment. If you look back at the progress we have made in the last 50 years and more, you will see a wonderful story emerging on the environment. You will see Republican Presidents and Democratic Presidents who stood up and had great plans for this environment. Teddy Roosevelt, Dwight Eisenhower, Richard Nixon, Bill Clinton—they all made the environment stronger. Everywhere you turn, Mr. President, you are rolling back that progress.

So the state of the Union is anxious. They are anxious on all of these issues. Millions of Americans are waiting to feel less anxious. I hope, Mr. President, you will think about that before delivering your speech tonight.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order the Senator from Michigan is recognized.

#### HEALTH CARE

Ms. STABENOW. Mr. President, I first thank my friend from California for her usual eloquence. I agree totally with her sense of what our people are feeling in terms of the anxiousness about possible war, the anxiousness about education for our children, about health care, about jobs, about homeland security. I thank Senator BOXER for her comments this morning.

I will follow up talking about an area that is so important to each of our families and is a growing concern to businesses in the country and to workers in the country; that is the whole question of health care.

We know there is a growing sense of anxiousness. When I sit down with small businesses across Michigan, they tell me their fastest growing cost is their health care premiums. In some cases they are doubling. When I talk to the big three automakers and the other manufacturers in Michigan, I hear the same thing. When I hear from Chrysler that they are spending more on health care than on the raw materials for the vehicles—I am concerned. This shows me we have a serious, serious crisis, a health care crisis.

At the same time, we all have spoken about the seniors of our country who are choosing between their food and their medicine. This is real. People are asking us to act. Words are not enough. Rhetoric is not enough. We have to act in a way that provides opportunity for quality, affordable, accessible health care.

On the eve of the State of the Union Address, I rise to ask the President of the United States what he intends to do. Will he, in fact, change his record and work with us on issues of health care in a bipartisan way, to actually get something done? I worry, myself, because of the record I have seen in the last 2 years. We have a record of this administration on health care that, unfortunately, is bad medicine for the American people. We have attempted on several occasions to move forward

policies and proposals that are in the best interests of the American people. This administration continues to oppose those.

I am talking about a Medicare benefit for all seniors for prescription drugs under Medicare that is affordable, that is dependable, that is available to all of our seniors—this President has consistently opposed that approach. Whether it is also making prescription drugs affordable for all Americans and lowering the prices for our businesses—the President has opposed efforts to open the doors to Canada to drop prices immediately, and he has opposed efforts to make sure we have more competition in the system by closing the generic drug law loopholes. Generic drugs are made by those companies that do not do research but take the formulas after the patents expire and are able to develop and put on the market lower cost prescription drugs, oftentimes exactly like the brand-name drugs. We know they can drop the prices up to 70 percent by just having the generic drug laws work.

We have business coalitions formed across the country urging us to pass laws to shut down the loopholes so competition can work to bring prices down. Unfortunately, even after we passed a bill in this body, in the Senate, the administration has opposed it.

We have innovative State solutions like what has been done in Maine where the State wants to come in and use its bulk purchasing power and leverage that to negotiate lower prices on behalf of the uninsured who pay the top prices in the world right now for their prescriptions. Our State governments understand that. Our Governors want the flexibility to be able to bulk purchase and lower prices. This administration has opposed it.

We need fair prices for Medicare providers. While we have seen some willfulness, and I appreciate that, to focus on the cuts that have been put into place for our physicians—that certainly needs to be done—what about the home health agencies that are closing? What about our nursing homes? What about our hospitals, our teaching facilities? We have a crisis in health care, and the last thing we need to do is to be making more cuts to Medicare or Medicaid. Yet the administration has, to date, opposed fixing the Medicare problem.

The Patients' Bill of Rights, a real Patients' Bill of Rights so that those who are in HMOs have the opportunity to have the physician of their choice and to have the rights available to them they wish to have to protect their families, a strong Patients' Bill of Rights—this administration has consistently opposed that, as well.

And what about assistance to States for Medicaid? Right now 25 percent of Michigan's State budget is Medicaid. We have a \$2 billion deficit in Michigan out of a \$9 billion budget. Our new Governor is doing a wonderful job of trying to make the numbers add up, but without Federal support and help they will

not add up and people will be hurt and doctors and health facilities will be hurt. Yet, consistently, when we have tried to put forward plans on this floor, even plans that have passed the Senate have not made it all the way because this administration will not support efforts to help our States and to help Medicaid.

Finally, there was a commitment made to double the National Institutes of Health funding by 2003. The administration supports funding cuts that will not meet that goal.

Unfortunately, the Bush record on health care to date has been bad medicine for the American people. I ask the President today, rather than moving forward with the proposals we are hearing about attempting, essentially, to privatize Medicare, this evening I urge him to reassess and to join us in bipartisan efforts to make sure our citizens have the health care they need and our businesses can afford.

Mr. DURBIN. Will the Senator yield for a question?

Ms. STABENOW. I will be happy to yield.

Mr. DURBIN. I would like to ask the Senator two brief questions, but first I salute her for her leadership. Since she has arrived in the Senate, she has been the most outspoken advocate for making health care affordable and accessible for Americans.

Let me make certain I understand. As you describe it, President Bush's proposed Medicare reform will say to seniors: If you want prescription drug coverage, you have to leave the Medicare Program and go into an HMO.

Because we have not passed the law giving people in an HMO the right to pick their own doctor, what he is saying to seniors is: If you want to have your choice of prescription drugs, then you have to give up your choice of a personal doctor.

Is that what the choice is?

Ms. STABENOW. That is absolutely correct. I thank my friend from Illinois, who is always in the Chamber fighting on behalf of the people of his State and the country.

There is no doubt about it, while the President is talking about increased choices, what he is really saying is, if you want to get help with your exploding prescription drug costs, if you want to stop having to pick between meals and your medicine, then you are going to have to go into a private insurance company, an HMO, where they will decide about your doctor. In fact, he is not willing to support a Patients' Bill of Rights to make sure they get what they need while they are in the HMO.

Mr. DURBIN. One last question. I know the Senator has more to add. Is there anything you heard about what the President is going to suggest that will lower the cost of health insurance for families and businesses across America, an exploding item in terms of their expenses which is pushing more and more people into the situation of being uninsured, underinsured, or put-

ting more and more of their paycheck, every week, into the cost of their health insurance? Has the President suggested anything that will address that?

Ms. STABENOW. Unfortunately, no. We have seen a consistent effort to put forward plans that are supported by the brand name pharmaceutical industry itself or by the insurance companies, but not those things that will lower prices and make health care more affordable and more available.

Last summer, with a very rigorous debate on the Senate floor and a strong bipartisan vote, we passed a bill that would create more competition to lower prescription drug prices; it went to the House of Representatives where it did not see the light of day. Unfortunately, without the President's support and leadership, it will continue to be that way. We need the President to step up and say that the fact that prescription drug prices are going up three times the rate of inflation every year and that is too much.

It is too much. Our businesses cannot sustain that. They cannot sustain seeing their health care premiums double. At the same time, if you are an uninsured senior in this country, you are paying top dollar. Isn't it ironic that of all those who pay for prescription drugs around the world, the people who pay literally the most for their medicine are uninsured people, most of whom are seniors, because they do not have anybody negotiating on their behalf. They do not have Medicare right now coming in and saying: We are going to negotiate a group price. So they pay the highest price.

Why wouldn't it make sense to have Medicare coverage? The brand name companies do not want Medicare negotiating on behalf of 40 million seniors and the disabled to lower prices. So what they have come up with is this scheme that would essentially not allow the clout of buying power because Medicare would not directly be providing the prescription drug coverage. But they want to act as if they would like to have prescription drug coverage for seniors, so they come up with this plan that would say: We will help you with your medicine if you go into a private-sector HMO.

By the way, in Michigan, now we have seen, since the inception of what is really Medicare+Choice—which is the plan that has already been out there for private sector Medicare HMO coverage—more than 51,000 seniors in Michigan have been disenrolled because plans have withdrawn from Michigan. In fact, we do not have any HMOs in the Upper Peninsula. We have very few plans in Michigan.

In fact, my own mother, who was in an HMO and enjoying the coverage under Medicare+Choice, was dropped because the plan withdrew from Michigan. So we only have four private sector HMO plans in Medicare left in Michigan, and they only serve 2 percent of the eligible Medicare bene-

ficiaries in the State—2 percent—and the majority are in nine counties in southeastern Michigan, with the rest of the State not being covered. By the way, none of those plans are accepting new people or new enrollees.

So the President says: Let's take this plan that covers very few people, where it is not working, and let's say if you want Medicare prescription drug coverage, you have to go through this failed plan. I, for the life of me, cannot understand why this approach is being put forward except for the fact that certainly from the prescription drug industry's standpoint, it is better than going under Medicare.

So, Mr. President, I would ask this evening for you to please speak to the anxiety, the anxiousness that we all feel, that Americans feel for our families, for our businesses, that workers feel when they now find their pay being frozen so their employers can afford the explosion in the health care crisis. I would like you to speak to those issues in very real ways. Do not offer failed plans just to be able to speak about this issue. Join with us in bipartisan efforts that we know will work, efforts that have been supported by the private sector as well as the public sector, efforts that are supported by workers, by seniors, by all of those who have a stake in making sure that health care is affordable and available.

We had a plan. We had a bill, S. 812, that passed this Senate last summer. I commend all of my colleagues on both sides of the aisle who voted for that legislation. We can cut prices that lower premiums for our businesses. We can provide Medicare coverage. And we can do it in a real way.

I urge, tonight, that the President speak to us. And I invite him to join with us in a plan that will work.

The PRESIDING OFFICER. The Senator's time has expired.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

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#### IRAQ

Mr. BIDEN. Mr. President, as President Bush prepares to address the Nation on the state of the Union, we stand, to state the obvious, at a precipice of a momentous decision: War, war with Iraq.

The American people, and the world, for that matter, are waiting to hear what the President's decision is and his rationale for it. They are waiting to hear a clear explanation of why war may be the only remaining alternative and what will be expected of them not only in winning the war but what will be expected of the American people for us to win the peace.

A generation ago, I and my entire generation learned a very important lesson. That lesson was: No matter how brilliant or how well thought out a foreign policy may be, it cannot be sustained without the informed consent of the American people.