



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, TUESDAY, NOVEMBER 25, 2003

No. 174

Senate

The Senate met at 8:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal and dependable Creator, giver of the abundant harvest, the refuge of all who flee to You the helper of those in need and the one sure resource in times of trouble. Thank You for harmonizing the world with seasons and climates, sowing and reaping, color and fragrance. We praise You, for You are the substance that sustains us in each of life's seasons. In time's rapid passing, remind us of life's brevity and teach us to number our days

Lord, thank You for all the beauty in our world, for the loveliness of earth and sea and sky. Thank You for great music and great books, for prose and poetry. Thank You for the nobility You have placed in human hearts, for our military people who love their country until even self is forgotten. Thank You for Senators who struggle with complex issues and labor for a world at peace.

Thank you for loved ones without whom life would never be the same. Lord, thank You also for obstacles, delays, challenges, trials, and even enemies that make us stronger. Above all, thank You for Your gift of salvation.

Accept this our sacrifice of thanksgiving and praise, for the sake of Your glorious name. Amen

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before December 9, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60 of the Capitol.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

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



Printed on recycled paper.

S15881

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be 1 hour of debate prior to the vote on adoption of the conference report to accompany H.R. 1, the Medicare Prescription Drug Modernization Act. That vote will occur at 9:15 this morning. I will have more to say about the bill on this important occasion just prior to the vote. I thank all Members for their cooperation and participation throughout this debate.

I also announce that we are continuing our efforts to act on the remaining appropriations bill. This morning, I will continue my discussions with the Democratic leadership as to the possible consideration of that bill. I will have more to say about this and the final schedule after the vote on final passage.

Having said that, we are prepared for the final closing remarks on this landmark legislation.

RESERVATION OF LEADER TIME

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

MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 1, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 1, an act to amend title XVIII of the Social Security Act to provide a voluntary prescription drug benefit under the Medicare Program and to strengthen and improve the Medicare Program, and for other purposes.

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

Mr. REID. Mr. President, the majority manager is not here. I have been designated to be the opposition manager for the half hour that we have. In a short time, I will delegate that time to the senior Senator from Massachusetts.

As we begin this half hour on our side and half hour on the other side, I extend my appreciation and that of the whole Democratic caucus to Senator KENNEDY for leading the opposition, literally, to this measure. He has had a lot of help. I have sat through days of speeches on this matter and I have been impressed with the quality of the speeches, really, on both sides. Especially on our side, I have been impressed with Senator KENNEDY, and I will mention a number of names who I thought did such a wonderful job: Senators BAYH, BOXER, CANTWELL, CLINTON, DAYTON, DODD, HARKIN, PRYOR, NELSON of Florida, and GRAHAM of Florida. What a loss it is going to be to this institution and our country that

this fine man is going to no longer be part of the Senate after 1 year.

I believe there is no one who has a better grasp of this legislation than the Senator from Florida. He has done such an outstanding job of articulating his views.

Of course, I add a congratulatory note to Senator STABENOW who has worked on this measure long and hard.

Senator DURBIN has always done such a good job of expressing his views. He was never any better than on this issue.

Mr. President, I reserve the last 5 minutes for Senator DASCHLE. I delegate the rest of our time to the senior Senator from Massachusetts.

The PRESIDENT pro tempore. Under the previous order, the last 5 minutes is reserved.

Mr. KENNEDY. Mr. President, on the question of time, we have the last 5 minutes. That will probably be leader time. The leader, obviously, ought to have whatever time he needs.

Mr. REID. Mr. President, we have 23 minutes on our side; 23 minutes on the other side.

The PRESIDENT pro tempore. The Chair advises the Senator from Massachusetts that the final 5 minutes of the first half of the time is for the minority leader, and the final 5 minutes of the debate time is for the majority leader.

Mr. KENNEDY. I thank the Chair.

Mr. President, I bring to the attention of the Members a picturesque description of what the reaction is to this proposed legislation. It is written in a very explicit article this morning in the Boston Globe. I want to share the article with the Members.

The title is "In Dorchester, Seniors Weigh Changes Against Their Needs."

It reads:

Thomas Lombardi dropped his private health insurance a few years ago when the price rose steeply. Then he switched from Coumadin, a prescription anticoagulant he took for heart disease, to half an aspirin to save about \$15 a month. Living on Social Security and a bit of savings, Lombardi, 75, says he frequently has "to cut corners to stay alive."

But over lunch at the Kit Clark Senior Center in Dorchester, he said he doesn't support the \$400 billion Medicare drug benefit that is about to become law and provide coverage to millions of seniors like him. Echoing the comments of many others at the center yesterday, he said it's far too complicated and probably won't go far enough to help him because of gaps in the coverage designed to keep down the cost of the new benefit. Besides, many said, it will be two years before the full benefits kick in.

"I don't believe it's good for me," said Lombardi, who owned a welding business in Dorchester.

"This is part of the Bush strategy to . . . destroy programs put in place years ago," said Richard Schultz, who qualifies for Medicare at 60 because he is disabled. "I understand that it would benefit some low-income people in the short term, but combined with huge tax cuts, this is going to drive the deficit up. Then they're going to decide they don't have the money, and, in the long run, the program will be dissolved". . .

Barbara Burke, who operates the switchboard at the senior center, disparagingly called the new benefit "a Band-Aid."

It's not enough with the high cost of medicines," said Burke, who said she's still working at 66 because she won't be able to afford her prescriptions if she retires. The center does not pay health benefits for retirees, she said, and she has chronic lung disease that costs her more than \$200 a month for inhalers alone.

"People that can't afford to buy medications should get it at a minimum charge," she said. . . .

An Kim Hoang, 67, said she can't afford a copayment of \$3 for a brand-name drug, which will be required under the new plan for those below the poverty level. Those with incomes from \$8,980 to \$12,123 will face copayments up to \$5 per prescription. Seniors currently getting drug coverage through the MassHealth, the state-federal Medicaid program for the poor, would be shifted to the federal program.

In fact, that is going to be eliminated in terms of coverage. That is part of the 6 million low-income seniors who will pay more.

Hoang, speaking through a translator, said she borrows from friends to cover the \$2 copayment required by Medicaid for each of the eight prescriptions she takes to treat mental illness. "\$1 is OK," she said, "but \$2 is too much."

This is the real world, Mr. President. This is putting a face and name on the 6 million low-income seniors who will pay more.

"\$1 is OK," she said, "but \$2 is too much."

That was put in here to save some \$12 billion to \$15 billion put into a slush fund to provide additional benefits to the HMOs.

Because of the Medicaid copayment, her friend Quy Nguyen, 71, said she limits herself to four prescriptions she needs most and tries to get by without several others. She said she envisions that choice becoming more difficult under [this program.]

Josephine DeSantis said the new benefit would help her immensely, since she struggles to scrape together the \$157 she spends every three months for drugs to prevent ulcers and dizziness. But at 78, she said, she's upset that the benefit won't start until 2006.

"In two years," she said, "I'll probably be dead."

There you have it, Mr. President, reaction in a working class community in Dorchester. We have the reaction in real life about what the low-income seniors pay.

When we talk and bring out these charts, as we have in the past few days, this is the very instance about which we are talking. It did not have to be this way. This is just an illustration of the overall challenges of this legislation and a reason that it should not pass the Senate.

How much time do I have, Mr. President?

The PRESIDENT pro tempore. The Senator has 15 minutes remaining.

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Florida.

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