

For 8 months, Kathy says she simply could not believe what was happening to her. Remember, 42 years old, optimistic, healthy woman who had been struck by this disease. She was young, she was active at the time, and I quote:

When I had chest pain, I even began to doubt myself and thought that maybe I was going insane.

Happily, Kathy is recovering and getting her life back to normal, and she credits her family, her close friends, her doctor, and the professionals at WomenHeart, which is a national organization devoted to educating, advocating, and supporting women with heart disease. It has been a tough road. There were days she could not even move from room to room in her own house without suffering these crushing, excruciating chest pains. She is getting the treatment she needs and again, in her words:

I am back to being a mother who can take almost anything my kids dish out.

Well, Kathy is one of millions of sufferers and, like Kathy, before the heart attack many women do not even know they have a heart problem. They only find it out when it becomes severe.

As majority leader of the Senate, and as a physician, as one who has spent his professional life studying that human heart and working in programs of prevention as well as treatment of heart disease, I joined with the President of the United States, President Bush, and First Lady Laura Bush, and other congressional leaders to launch what is called the Heart Truth Campaign. It is vital that we raise awareness so women get the treatment they need and that they take the proper precautions so they never have to have that later treatment.

I encourage my fellow Senators to get the word out, to share information among themselves and among their own families, among their own communities and among their constituents back home to participate in educating the public about this very serious health issue.

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.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### MIKE O'CALLAGHAN: A TRUE PATRIOT

Mr. DASCHLE. Mr. President, last night just before we closed I noted the absence of our distinguished assistant Democratic leader, Senator REID. He was attending the funeral of one of his closest personal friends. I come to the floor this morning just to talk for a couple of minutes about this remarkable individual.

Of course I am talking about a true American patriot and hero, Michael O'Callaghan. While we all mourn Governor O'Callaghan's passing, I am heartened that we here in this Chamber will continue to feel the impact of this great man through the service of his protege and former student, HARRY REID.

The essence of Governor O'Callaghan's contribution is perhaps best captured by an effort he undertook in Nicaragua in 1996. He was in that war-torn country to observe the elections that would mark its first ever peaceful transition of power between democratically elected presidents.

At 66, Governor O'Callaghan could have asked to observe elections in the nation's capital or its second city, but he insisted on going north to the Honduran border to observe elections among some of the most marginalized people in a country of marginalized people. He had to go there—in a battered truck over rained-out roads—because, he said, these were his people whom he had gotten to know in the 1980s, and he wanted to be there with them as they celebrated the democracy they had earned.

That determination and generosity of spirit marked Governor O'Callaghan's life. He was highly decorated, with the Purple Heart, the Bronze Star with a V for valor, and the Silver Star, in the Korean war, during which he lost a leg.

Aware of that bravery and personal strength, Sargent Shriver reached out to Michael O'Callaghan to make him a point man in President Kennedy's and President Johnson's fight against poverty.

Also aware of that bravery and strength of character, the people of Nevada made him their Governor from 1971 to 1979.

It was HARRY REID's awareness of O'Callaghan's bravery and character that led me, with great pride, to recommend him just last month to serve on the Veterans Benefit Commission.

Governor O'Callaghan died last Friday morning doing what he did each and every morning of his life—attending daily mass before he went to work at the Las Vegas Sun. He also fought for the poor and disenfranchised—from Korea to Nicaragua to Nevada—each and every day of his life.

While we are saddened by the loss of Michael O'Callaghan, we can take comfort in the knowledge that his generosity of spirit, his strength of character, and his devotion to his State and country will not soon be forgotten, and that his values and commitment to public service live on in our colleague and his close friend, HARRY REID.

I yield the floor and 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFFEE). Without objection, it is so ordered.

#### THE NOMINATION OF DR. MARK McCLELLAN AND THE RE-IMPORTATION OF FDA-APPROVED PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, we have finished our work on the budget resolution early this morning, I guess at 1:30 or so this morning. One of the last items of business that was conducted by the Senate this morning was the clearing of the nomination of Dr. Mark McClellan. I want to talk, just for a moment, about that issue.

As you know, I had put a hold on his nomination. I want to explain the background of that hold and what happened last evening that allowed me to withdraw my hold on the nomination and allow his confirmation to occur.

First of all, Dr. McClellan is the head of the Food and Drug Administration, and he has been nominated by the President to run the organization that administers the Medicare and Medicaid Programs. It is a very important position. It is an important position that he held as head of the FDA, and the new position is also very important.

We had asked Dr. McClellan for some months to come to the Senate Commerce Committee and testify. The reason we did that is we have a very significant debate in this country, and especially in this Congress, about the subject of the cost of prescription drugs.

We have had an abiding, lengthy debate here in the Congress about the prospect of importing prescription drugs: Medicines from Canada, for example, are the same prescription drugs sold in this country—same pill, put in the same bottle, made by the same company. The only difference is that they are sold for a substantial discount in Canada compared to the price U.S. consumers pay in this country.

The U.S. consumer pays the highest prices in the world for prescription drugs, so many pharmacists and individuals have a desire to import that identical drug for a lesser price from other countries. They do this in Europe all the time. It is called parallel trading. If you are in Spain and want to buy a prescription drug from Germany, you order it. If you are in Italy and want to buy a prescription drug from France, that is not a problem. So the trade in prescription drugs between countries in Europe occurs regularly. The Senate Commerce Committee has heard testimony about it. There are no safety issues.

We have run into a problem because Dr. McClellan as head of the FDA decided to wage an aggressive campaign to try to prevent the re-importation of prescription drugs and to prevent the enactment of legislation in Congress that would allow for the re-importation of prescription drugs. We asked Dr. McClellan to come to the Senate

Commerce Committee to discuss this issue, and he was also asked repeatedly to testify in the House of Representatives. He repeatedly refused to do so.

As a result, I put a hold on his nomination. It was not acceptable to me to move Dr. McClellan's nomination unless he was willing to come and testify before the Congress on these issues.

Yesterday, Dr. McClellan did testify before the Commerce Committee. I and others, including Senator MCCAIN, asked him a substantial number of questions about these issues.

I had a long telephone conversation with Dr. McClellan last evening. I also had a conversation with the Secretary of Health and Human Services about these same issues. A couple of things happened as a result.

No. 1, Dr. McClellan has given me a commitment that in his new position, when he is asked to testify before the Congress, he is going to testify. That is an important principle for this Congress. We ought not say to people: We will promote you even though you stiff us.

I use the term "stiff," which is a term Senator MCCAIN used yesterday at the hearing. That is exactly what had happened. Dr. McClellan said he has learned from his confirmation experience and when asked to testify before relevant committees of Congress in the future, he intends to do so. That is No. 1. That is an important step.

No. 2, when Dr. McClellan's name was cleared last evening, Senator FRIST put this statement in the Senate RECORD:

Mr. President, I announce for the information of my colleagues that, in consultation with the chairman of the Senate Committee on Health, Education, Labor, and Pensions, Senator DORGAN, Senator STABENOW, Senator MCCAIN, Senator COCHRAN, and other interested Senators, the Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs.

What is the import of that? The majority leader of the Senate, for the first time, has made a commitment: He wants to put together a group that will develop proposals that will allow for the safe reimportation of prescription drugs. That is a change.

The question now is not whether we have some mechanism by which we can import prescription drugs and, therefore, have access to the reduced prices. Instead, the question is how can we do that. The majority leader used the word "allow." "Developing a process that will allow for the safe reimportation of FDA-approved prescription drugs." That is a significant change and a significant commitment. We will no longer fight about whether this ought to happen. We will fight about, perhaps, the mechanics of how to make it happen. And that is OK with me.

I appreciate Senator FRIST's statement and his commitment. Senator FRIST and I spoke four or five times last evening about this before he put his statement in the RECORD.

Again, the majority leader has said that he commits to beginning a process

that will develop proposals that will allow for the safe importation of approved prescription drugs. That is a significant change and a significant commitment. I appreciate the words and the commitment of the majority leader.

The minority leader, Senator DASCHLE, has also worked on this issue for some long while. Senator DASCHLE is a supporter of re-importation done under conditions that would provide for safety and also for savings for American consumers.

Based on those two things—a commitment from Dr. McClellan that when asked to testify, he will testify, and also the commitment by Senator FRIST to move towards developing proposals that will allow for the re-importation of FDA-approved drugs—I lifted my hold and Dr. McClellan was approved.

What we have accomplished in the last few days—Senator MCCAIN, myself, Senator SNOWE, Senator STABENOW, and others—is a significant shift, and it will inevitably lead to a change in public policy that will allow for the safe reimportation of FDA-approved drugs that will allow the American people to get them at a lower price. That is the goal.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I congratulate the distinguished Senator from North Dakota for his tireless efforts and for the success he has now described. Without his persistent leadership, and the effort he has made over the last couple of days, we would not be in the position we are today. I know I speak for senior citizens and certainly for the members of our caucus and many others who care deeply about this issue. He has moved the process forward in quite a dramatic way in the last 48 hours. Were it not for his persistence and the leverage he had with regard to this nomination, we would not be in the position we are. I am grateful to him for the work he has done.

As he has just noted, this definitely moves the ball forward. This is a significant development that will once again allow the Senate the opportunity to consider the issue of drug reimportation in a meaningful way.

I have absolutely no doubt there is growing support for the efforts of the Senator from North Dakota and others who have been advocating for drug reimportation. In the last couple of days, the Senator from Mississippi, Mr. LOTT, announced his change of position, and for good reason. I talked with him last night about his desire to be supportive of the effort. He, too, is troubled by the pharmaceutical rip-off that is now going on and the determination among drug companies to hold senior citizens captive to high prices for prescription drugs. On a bipartisan basis, Senator LOTT, and Republicans and Democrats alike, have joined Senator DORGAN. This allows us,

once again, to look at ways with which to address the issue.

I commend the Senator for his success and applaud him for keeping the Senate's focus where it belongs: on bringing lower drug prices to seniors.

I also acknowledge his role in moving the McClellan nomination forward. This was a controversial nomination in some ways. I have been working with the majority leader over the last couple of days to consider the ramifications of either holding up the nomination or moving it forward. I will have more to say in a moment about another very disturbing bit of news that has just been released this morning.

But I think because of the extraordinary responsibilities that go to the office of CMS Administrator, filling that position is something that is important. I supported the effort to try to move this nomination forward in spite of some of the misgivings I have, as described so well by the distinguished Senator from North Dakota.

Let me say, though, that when we come back from the recess, I will come to the floor to talk more specifically about nominations and the process that is currently being employed with regard to the consideration of other nominees from this administration. Last night, I spoke with the distinguished majority leader about some of the concerns I have. There are now over a dozen Democratic nominees, some of whom have been held for months by the administration. Their refusal to send the nominations to the Senate has caused many of us to be concerned about the fairness with which this process has been implemented. It will be very difficult for us to move forward on nominees in the future if this matter is not resolved.

I have indicated to the majority leader that I will be providing him with the names of those people who have not been given fair consideration and whose names have been withheld. And whether it is in regard to judges or with regard to other executive appointments, there has to be a reciprocal treatment of nominees.

If we are not able to move these nominees in the future, I think it would be very difficult for us to at least consider all of those who are being given to us by the administration with an expectation that they will be voted upon until this matter is resolved.

We will have more to say about that when we return from the week recess.

#### THE MEDICARE DRUG BILL

Mr. DASCHLE. Mr. President, I wanted to call attention to another matter that just came to our attention this morning. There was a story filed by the Knight Ridder news organization in the Miami Herald, by Tony Pugh. The Miami Herald and other papers have had this story now on the Internet. I wanted to read a piece of it:

The government's top expert on Medicare costs was warned that he would be fired if he