

mail order. So now along comes the Internet, and the Internet is being seen as an enormous cash opportunity.

The fact is, Internet sales in 2003 are still only 1.6 percent of total retail sales. They grew at a far more modest rate than brick and mortar sales grew over the last few years, but that is not even the central point.

All of us understand the value of the Internet as a tool for businesses and communication and to improve health care and extend cultural opportunities. The Chair and I share a State with mostly small towns and folks who have to go great distances, and the Internet is one of the best tools, if not the ideal tool, for compensating for major distances from commercial centers and major population centers.

So I hope my colleagues will think through the history I have outlined with respect to the revenue protections and the question of whether vast amounts of revenue are going to be lost because I think the record shows those dire projections to State and localities have not come to pass.

I hope my colleagues will also see the principle of technological neutrality that I sought 7 years ago still is a sound one and one that the Senate ought to preserve. It does not make sense to me to say, for example, that cable Internet access ought to be tax free and then stick it to consumers who choose DSL Internet access.

So we are going to be dealing with these issues over the course of the week, but I wanted to take a few minutes to make clear that we are going to be protecting the States and localities from property and income taxes and telecommunications carriers. They are concerned about it. We agreed to their proposal to deal with what is called bundling to make sure that Internet service providers cannot hide from tax services that would otherwise be subject to bundling. We narrowed the definition of Internet access so as to try to find common ground.

States and localities were concerned about sweeping up all telecommunication services into Internet access so that no telecommunication service could be taxed. The changes in definitions that we made narrowed the definition and ensured that the Senate would still keep up with the significant technological developments in the field.

The bill ensures that all platforms, whether dial-up, digital subscriber lines, cable mode, satellite, wireless, or any other technology platform, as well as the components used to provide Internet access, would be covered by the moratorium.

So I think we are going to have an important debate this week. I expect to spend a fair amount of time on the Senate floor as we discuss it. This has never been a partisan issue. I have worked on this legislation with Chairman MCCAIN and with Senator ALLEN over the last few years since he has come to the Senate. I think ultimately

the decisions that the Senate makes are going to say a whole lot about where the Senate wants Internet to go in the future.

I cannot believe the Senate wants to subject e-mail, blackberries, and a variety of technologies to scores of new and discriminatory taxes. That is what this debate has always been about: should the Internet be subject to discriminatory taxation. If a jurisdiction, for example, taxes brick and mortar sales, they can tax sales online and through the Internet in exactly the same kind of fashion.

I hope the Senate can find common ground on this legislation this week and continue a law that has worked. I am proud to be able to have been a part of this consideration over the last 7 years, and I hope we can pass reauthorization for a third time so as to promote true competition between all technologies in a fashion that ensures that this idea of technological neutrality we had 7 years ago is preserved, and to do it as we have sought to do so that the dire revenue projections we will hear this week about States losing vast amounts of money will not come true as they have not come true over the last 7 years.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation? Are we still in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. LEAHY. I thank the Chair.

#### ENVIRONMENTAL POLICY

Mr. LEAHY. Mr. President, last Thursday I came to the floor to mark Earth Day, and I wanted to highlight the laser-like focus of the Bush administration in rolling back 30 years of environmental protections. When one looks at their record, it is literally breathtaking.

The reason I am concerned about this is that most of our environmental legislation was put together by bipartisan coalitions. In my State of Vermont we do not think of the environment as a Republican or a Democratic issue. We think of it as an issue of protecting what is best about our country and protecting it for not only ourselves but for our children and our grandchildren.

Unfortunately, this administration tends to look at the environment as something where they should react to their largest contributors and take advantage of what it may do for them today and let our children and our grandchildren worry about it tomorrow.

Why do I say this? Three years into office, the Bush administration has taken well over 300 actions to weaken and sometimes to gut environmental protections to clean the air we breathe, the water we drink, and the food we eat. They have taken huge steps to hand over our public lands to timber, oil and gas companies for more drilling and logging.

With this record, it is no wonder that the administration continues to use every page of its public playbook to downplay the effect of these rollbacks.

One of their favorite tactics is announcing environmental rollbacks on Fridays or around holidays when they think the American public will not be paying attention. In fact, we all know if you have something good you want to announce, you do it early in the week, you do it with a lot of fanfare. But if you have something you don't want anybody to pay much attention to, you do it late on Friday.

The administration has announced at least 40 environmental rollbacks on Fridays, another 20 on holidays. Actually, for them, every Friday is Friday the 13th: Friday, November 22, the clean air rollback; Friday, January 3, 2003, fast-tracked logging; Friday, January 29, 2003, clean water protections threatened; Friday, July 11, 2003, weakened our drinking water protections; Friday, October 10, 2003, changed environmental rules for mining waste; on Friday, October 17, 2003, dioxin regulation, or in this case deregulation. And on and on. These are just a few of the actions they have taken on Friday. They show just how far the administration has gone in gutting the Clean Air Act, ramping up logging in some of our spectacular national forests, dumping more mining wastes on public lands, and dumping more sewage sludge on private lands.

Another favorite tactic is either ignoring or sometimes, if the science doesn't suit their political needs, if they cannot get away with ignoring the science, then they just change it. One of the most blatant examples of this was the White House scrubbing of an annual EPA air report to avoid any mention of evidence of climate change.

Just recently, the New York Times reported on the creative White House fact spinning of the administration's proposed retreat from strong mercury controls at powerplants.

We all recognize their favorite tactic: If you are going to gut the environment, then just give it a nice name. You can see the number of focus groups they must use in the administration to come up with these names. They don't say, we are going to join Polluters-R-Us, or we are going to give a payoff to some large polluting corporation because they helped out in a fundraiser. Instead, they will go to focus groups and find out what will sound good to people, what is a good line we can use and maybe they won't look behind it, maybe they will just look at the rhetoric and ignore the reality.

I will give some examples. "Clear Skies" and "Healthy Forests"—these are lines they use, but they are just about as accurate as "No Child Left Behind."

They have used all of these tactics when it comes to misleading the public. For example, on wetlands protections, last January—on a Friday, of course—the administration announced one of its most sweeping rollbacks to take away protections under the Clean Water Act for 20 million acres of wetlands. This policy created such a groundswell of opposition from hunters, anglers, environmental groups, and others that the President finally withdrew the proposed rulemaking last December. One of the things they found out is hunters, anglers, and environmentalists often include a whole lot of Republicans as well as a whole lot of Democrats, and that the environment is not just for one party. But they got such enormous objection that they withdrew it—they had to withdraw it—but they did not tell the public they were not revoking the underlying instructions to Federal agencies to follow the same policy that leaves 20 million acres of wetlands at risk.

That is why I found it so interesting that the President would start his reelection attempts to greenwash his administration's anti-environmental record by talking about wetlands. Here you have this enormous anti-environmental record. You put at risk 20 million acres of wetlands. You would think the last thing in the world they would want to do is talk about wetlands, but that is what he started with. He had some nice photo-ops walking around the salt marshes and wetlands of Maine, but when you look between the lines of his Earth Day announcement, it doesn't hold water.

While the President was touting his plan to restore 1 million acres of wetlands, he made no mention of his policy to revoke protection of 20 million acres. We will give you 1, we will take back 20. He didn't tell the folks in Maine that he proposed to cut the funding next year for one of the programs, the Wetlands Reserve Program, that was supposed to help meet his 1 million-acre target. You take back 20 million acres, you promise 1 million acres, but then you say, we won't even give you the money for the 1 million. He did not tell the folks in Maine that his administration has not fully funded this program since Congress expanded it in the last farm bill.

Yes, as he said in Maine, the President did indeed sign the farm bill to expand it. That is part of his job. But it is quite a leap for the administration to now promote that as one of their environmental accomplishments. In fact, the administration has done everything it can to shortchange the conservation programs that are so important, not only to Maine and Florida but to every other State. He not only proposed cuts to the WRP but also to other programs that might help land-

owners and farmers conserve the resources on their land.

When the President went down to Florida campaigning the next day, he also forgot to mention a few key facts, such as the fact that the Army Corps has allowed more than 3,800 acres of wetlands to be drained or filled in the Everglades. The Bush administration stood by and watched as the Army Corps signed off on development permits that are destroying the Everglades. It has also argued against Clean Water Act regulations of water being pumped from urban Broward County into the Everglades.

If you go back to the 300-plus rollbacks under this administration, it brings up even more policies that are hurting the environment in Maine and Florida and Vermont. The administration's retreat from aggressive mercury controls on powerplants has just been the most recent of these all-out environmental assaults.

It is hard to say we are family friendly when we are going to put more mercury into the air, the water, and the fish pregnant women eat, or by which the newborn children might be affected. That is not being family friendly, to say we have to support our polluting industries because they have been strong supporters of the President and it is tough about the newborn children.

The President, as any President of any party, can always get nice photo-ops. But his record on the environment is too mired on reversals and rollbacks for any greenwash to last too long. Greenwash, like whitewash, doesn't stick too long, and despite all the public relations maneuvering, the public recognizes the enormous and long-term effect of the Bush policies on our environment and on our health. When the administration is done, it will mean more pollution in the rivers and streams, more toxins in the air, and of course a lot less natural resources to pass on to the next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent to address the body for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DRUG PRICING

Mr. JOHNSON. Mr. President, the United States remains the only developed nation that does not protect its consumers from drug price discrimination and, as a result, American consumers continue to pay the highest prices in the world for prescription drugs.

Drug spending in the United States and Canada rose by 11 percent last year to \$230 billion, which accounts for nearly half of all the worldwide sales. Among seniors, total prescription drug spending rose an estimated 44 percent between 2000 and 2002. In 2002, a Fami-

lies USA study found that for the 50 drugs most frequently used by seniors that year, prices rose 3.4 times the rate of inflation in 2002.

The House Committee on Government Reform report released last year found that seniors who lack drug coverage must pay twice as much for the five most popular drugs as purchasers in foreign countries, those prices being 131 percent higher than the United Kingdom, 112 percent higher than Canada, and 105 percent higher than France. For some drugs, U.S. seniors pay well over twice the price. For example Zocor, a cholesterol medication, costs only \$37 in France for a monthly supply, but in the United States that same drug costs \$117—over three times as much. A month's supply of Prevacid, an ulcer medication, costs only \$42 in the United Kingdom compared to \$118 in our country.

Clearly, this price discrimination must be addressed. Many, including myself, had hoped that the Medicare drug bill would be the first step in tackling the skyrocketing cost of prescription drugs. Unfortunately, the final product did very little to address these concerns. The new law expressly prohibits the Secretary of the Department of Health and Human Services from negotiating lower prices.

Again, this law not only does not correct the price differential, believe it or not, the new Medicare drug bill signed by the President last December actually prohibits the United States from negotiating lower drug prices the way every other foreign nation does. The United States remains alone.

When I traveled to South Dakota earlier this year to discuss the Medicare bill, seniors back home found this astonishing.

The new law also includes provisions that will allow the Secretary to prohibit real access to drug reimportation. Meanwhile, the cost estimates of the new prescription drug program continue to rise—to somewhere between \$500 billion and \$600 billion over 10 years.

We are in need of real solutions to this problem. It is my hope a real discussion could occur about drug pricing. What do we do about that gap and about the fact that American citizens pay twice the price or more as citizens of other nations?

There are several alternatives. We could allow drug reimportation from Canada or other countries and take advantage of their lower prices, and do so in a carefully monitored way that will secure the safety of those drugs. That would be one course. But, unfortunately, the White House and President Bush are opposed to that.

Second, we could be more direct. We could join the rest of the industrialized world and negotiate in behalf of our own citizens lower prices. That is what everybody else does. That is why France, Italy, Germany, Scandinavia, Great Britain, Mexico, Canada, and every other industrialized nation have