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## Senate

The Senate met at 9:30 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:

Let us pray.

God of our fathers and mothers, who surrounds us with shields of grace, mercy, and peace, thank You for our national and world leaders. Shower them with wisdom. Give them faith to exercise responsible stewardship of Your many blessings and an abiding awareness of their accountability to You. Remind them that abundance must be used unselfishly and that we enter the grave with empty hands.

Inspire our lawmakers today with a love that comes from a pure heart, a good conscience, and a sincere faith. Strengthen them in their work to wage the good fight against freedom's enemies. Bless all who labor with them. May the harvest of our work enable the people of our global village to lead peaceful and quiet lives that are pleasing to You. Give us Your peace at all times in every way.

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.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

### SCHEDULE

Mr. MCCONNELL. Mr. President, today following the 90-minute period for morning business, the Senate will resume consideration of the Morocco free-trade agreement. The agreement reached last night provides for a vote on final passage to occur at 11:30 this morning.

As a reminder, last night the majority leader filed a cloture motion on the nomination of Henry Saad to be U.S. Circuit Judge for the Sixth Circuit. That vote will occur tomorrow. We expect debate today on the Saad nomination, as well as other pending judicial nominations.

### RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

### DOING RIGHT BY AMERICA

Mr. DASCHLE. Mr. President, in just over 100 days, the American people will make an historic and fateful decision. They will decide whether we stay the course we are on or move our country in a new and better direction.

As I have traveled around South Dakota and the Nation, I have heard a lot about the hopes and dreams Americans have for their families. I have listened to ranchers and farmers, teachers and mothers, police officers and firefighters. I am always humbled by the honesty of their message.

Families in South Dakota and across our Nation aren't asking for special deals or special advantage. All they want is a fair opportunity on a level playing field. They want to know that there is only one set of rules, and that the game isn't rigged against them. Most of all, they want to know that as we make decisions affecting the future of our country, our first priority is doing right by America.

If a policy isn't going to make us stronger and safer, if it is not going to

expand opportunity and put common sense ahead of ideology, then it is not doing right by America.

Doing right by America rejects the defeatist view that we have enough money to rebuild Iraq, but not enough resources to take care of America.

At its heart, doing right by America means fulfilling our moral responsibility—together—to create a better future for our children and grandchildren. It is a simple value that Americans have always lived by, but it has been pushed aside these last 4 years. Boardroom priorities have crowded out kitchen-table needs, and special interests—like Enron, Halliburton, and the giant oil companies—have undermined our common purpose. Years of progress in spreading opportunity for regular Americans has been turned on its head.

We are all proud that America is a place of great wealth and success. But the genius of America has never been just the ability of the rich to get richer. The true genius of America has always been the promise that all Americans who work hard and play by the rules will have the opportunity to succeed.

The promise of opportunity is what inspired my grandparents, and tens of millions of other immigrants, to start a new life here. And nearly every day, I hear a new story that reminds me that my most important responsibility is defending the opportunity of regular Americans to build a better life for themselves and their children.

Middle-class families deserve an opportunity to compete for good jobs that reward work. They deserve an opportunity to send their children to good schools, and then on to good colleges and universities, without busting the family budget. They deserve an opportunity to purchase health insurance at a reasonable price so they can see a doctor—one they choose—when they are sick or injured, and so they can fill a prescription if their doctor writes

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



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one. They deserve the opportunity to be safe—safe in their communities and safe in their homes. And, after a lifetime of hard work and years of paying into Social Security, they deserve the opportunity to retire with dignity and security.

That is not a lot to ask. But in some ways, it is everything. Widening the circle of opportunity and prosperity—year after year, decade after decade—is what makes America great. It is our heritage, and it must be our legacy.

But today, those with power often seem to have lost sight of this fundamental value and the difference between right and wrong. We saw that a few months ago, when a major telecommunications company gave one of its executives a severance package worth more than \$8 million. This executive had worked there for only 7 months, and he was leaving because he hadn't done his job well. As the company handed the failed executive his \$8 million check, it handed out something else to 12,000 of its rank-and-file workers: pink slips. That is not doing right.

Around that same time, a man I have known for years called my office. His name is Brad Besler. He is 47 and a fourth-generation rancher in western South Dakota. He and his wife, Fern, have five children—four have graduated from college, and the youngest is still in grade school. Brad called my office because South Dakota is entering its fifth straight year of drought and he is worried. Two years ago, the drought was so bad, and trying to survive it was so stressful, that he suffered a stroke that left him blind in one eye. A few months ago, he had another stroke.

If the drought is anywhere near as bad this year, he says he will have to sell his entire herd of cattle—the only income his family has. If that happens, he will have to drop his family's health insurance, which runs \$896 a month.

He is trying desperately to avoid that because—with a blind eye, a bad back, and a history of strokes—he knows that if he loses his coverage, it will be next to impossible for him to ever get health insurance again.

Listening to Brad Besler, two things strike you. The first is his incredible courage and willingness to work hard to support his family. The second is that Brad's government seems to have forgotten about him.

We are not doing right by Brad Besler. And in my view, we are not doing right by America when we hand over millions to a lucky few who already have so much, while ignoring the real needs of those who are working so hard and so honestly.

But that is exactly what is happening in America today. There is an ever growing list of government policies that reward wealth, not work. That is not an accident; it is a conscious choice.

With Republicans in control of the entire Federal Government, it often seems as if their leaders are trying to

narrow the circle of opportunity and prosperity in America. And they have put the needs of middle-class families on the back burner.

We see that even as the economy slowly improves. Corporations reap most of the benefits, while regular workers continue to struggle. In fact, during this recovery, corporations have gotten twice their normal share of the increase in national income, while workers have received their lowest share in over 50 years.

As the chief economist at Merrill Lynch observed: "We've had a redistribution of income to the corporate sector."

Or as Warren Buffett, one of the wealthiest men in America, put it: "If there's class warfare going on, my class is winning."

That isn't good for most American families, and it isn't doing right by America.

We can do better, and we have done better. During the Clinton administration, America created 21 million new private-sector jobs. Now, just 4 years later, the Bush administration is on track to have the worst job-creation record since the Great Depression.

During the first 2½ years of the Bush administration, we lost over 3 million private-sector jobs. And although the economy has finally started to recover some jobs in recent months, the new jobs pay, on average, 13 percent less than the jobs they are replacing.

As a result, too many average families are losing ground, even as they work harder and harder. And to make matters worse, the Bush administration continues to demand that millions of employees lose their right to overtime pay.

Since President Bush took office, real weekly earnings for average Americans have not grown at all—but their expenses have soared. Gas prices have gone up 23 percent; college tuition has gone up 28 percent; and health care premiums have gone up 36 percent.

And while the middle class is getting squeezed, huge corporations are growing rich. While consumers are struggling with record gas prices, Chevron-Texaco is reporting record profits. While family incomes have stagnated, overall corporate profits have risen by more than 50 percent.

A generation ago, the average American CEO made about 50 times more than the average worker. Now, thanks to bad policies and even worse values, the average CEO makes 300 times more than the average worker.

That is just not right. And unless we change course, it is going to get worse.

Instead of fighting to keep good jobs here, Republican leaders in Washington are using tax breaks to reward companies for shipping jobs overseas. Businesses are walking jobs out of the country, and the government is holding the door for them.

A few months ago, President Bush's top economic adviser told us that sending jobs overseas "is probably a plus

for the economy, in the long run. The President believes this."

The President also seems to believe it is okay to send millions of dollars in unemployment pay to former Iraqi soldiers, while denying help to American workers whose jobs have been shipped overseas.

That is doing wrong by America.

As the election nears, the President's economic team has been grasping for ways to make a bad economy sound good. To deal with the loss of more than 2 million manufacturing jobs, they floated the idea of redefining "manufacturing jobs" to include fast-food workers preparing Big Macs and Whoppers. Manufacturing once meant building cars or fabricating steel for good wages. Now the Bush administration says it might mean putting a burger on a bun for minimum wage.

That is not being straight with America.

And we are not doing right by America by running up trillions in new debt and pretending it is not a problem.

During the Clinton administration, we turned huge deficits into record surpluses. Now, just 4 years later, \$5 trillion of expected surpluses have turned into \$3 trillion of new debt. As a result, we are giving our children something they don't want and don't deserve: a \$25,000 birth tax. That is the share of our national debt owed by every child in America. My two grandchildren both inherited that debt the moment they were born.

It wasn't long ago that Republicans came to Washington promising fiscal discipline. Instead of keeping that promise, they have taken us on a 4-year fiscal binge that has squandered record budget surpluses and created record budget deficits.

In 2000, Republican leaders, including President Bush, promised that "[t]he Social Security surplus is off-limits, off budget, and will not be touched." Four years later, they have already raided \$500 billion from Social Security to pay for tax cuts, and they are planning to take another \$2.4 trillion—\$2.4 trillion—over the next 10 years.

That is your money. It comes out of your paycheck. It is supposed to be there when you retire. It is not supposed to be used to pay for tax breaks for millionaire CEOs or to reward companies for shipping American jobs overseas.

Looting Social Security is not doing right by American workers and retirees, and we can't let it happen.

The Bush administration is draining trillions from Social Security, borrowing hundreds of billions from China and Japan to pay our debts, sending billions of dollars to Iraq for roads and schools, and then planning on cutting billions here at home for education, environmental protection, medical research, Head Start, and nutrition programs for pregnant women and children. The administration even wants to cut \$1 billion from homeland security at the very time it is warning of likely new terrorist attacks.

That is not doing right by America, and it doesn't make any sense. But this administration is making a habit of decisions that don't make much sense.

A couple of months ago, the Secretary of Health and Human Services defended the administration's plan to provide health care to all Iraqis, but not to all Americans. He said, "Even if you don't have health insurance in America, you get taken care of. That could be defined as universal coverage."

Try telling that to the nearly 44 million Americans who are uninsured—4 million more than when George Bush took office—and the millions more who are under-insured.

Try telling that to the millions of families who, year after year, are watching out-of-control health insurance premiums bust the family budget.

Or try telling that to the Lakota woman in South Dakota whose sister died a few months ago from a stomach cancer that went undetected because the Indian Health Service didn't have money to refer her to a specialist.

In America today, seniors can't afford the medicine they need and have discovered that last year's Medicare law is a sham that provides billions to insurance and drug companies. Many veterans can't use the VA health system anymore because of arbitrary, budget-driven barriers to care. And 32,000 National Guard members and reservists who are serving in Iraq will lose their health coverage when they come home because the Bush administration refuses to extend their coverage.

These aren't unintended consequences. They are clear choices.

When record debt makes it difficult to repair our crumbling roads and bridges, fund our children's schools, support our police and firefighters, and honor our commitment to America's veterans, that is the result of bad choices.

When American soldiers are sent into combat without armor in their protective vests, when they are losing limbs and sacrificing their lives because there aren't enough armored cars, when health services are being cut for veterans, and when the Bush administration says that there isn't enough money to let reservists and Guard members buy into the military health system, that is the result of bad choices.

These choices don't do right by America, and we need to change them.

There is something else we need to change. In the last 4 years, we have seen more and more secrecy and less and less accountability in the Bush administration.

During the past few years, a small group of courageous individuals has stepped forward and said things this administration didn't want to hear and didn't want anyone else to know. In every case, their patriotism, honesty, or competence was attacked.

Senator JOHN MCCAIN found that out. So did the President's former Treasury

Secretary Paul O'Neill. And so did Medicare actuary Richard Foster, former Army Chief of Staff General Eric Shinseki, and former White House counterterrorism adviser Richard Clarke.

When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq's nuclear weapon capability, some Government officials retaliated by disclosing that his wife was a deep-cover CIA agent. For nothing more than political gain, they were willing to endanger the life of one of the people who protect our national security.

That is not doing right by America. Those aren't our morals, and they aren't our values.

In the America I know, moms and dads sit at the kitchen table every month and balance the family checkbook. When the car breaks down or there are unexpected doctor visits, there is a pinch. They don't expect the Government to bail them out when that happens, but they want a fair shake. They want their Government to focus on jobs and health care and education, and they don't want their Government to take their Social Security money to pay for tax breaks for millionaires and big corporations.

They want their Government to do right by them, and they have a right to expect that. But when they see oil industry interests coming before their interests, HMO profits coming before the health of seniors, and special deals for Halliburton coming before the safety of their sons and daughters in Iraq, they know their Government isn't doing right by America.

I am as frustrated as they are about these choices, but I am not discouraged about our ability to fix things. We can and we will. We can get America back on track by doing right by America.

Doing right by America means putting our common interests ahead of the special interests. It means paying as much attention to middle America as we are paying to the Middle East. And it means bringing common sense back to Government.

We should be thinking not just about the people who own Wal-Mart, but about the millions of Americans who work and shop there.

We should be changing tax policies so corporations have an incentive to keep jobs here at home, not ship them overseas, and we should aggressively enforce our trade laws to protect workers from unfair competition.

We should be improving roads and bridges and creating millions of jobs along the way, and investing in education, training, and technological innovation so workers who have lost jobs can find new ones, and workers who have jobs can get better ones.

And if we are truly going to do right by American workers, it is long past time that we increase the minimum wage, and it is absolutely essential that we stop the Bush administration from following through with its plan to

strip millions of workers of their right to overtime pay.

Doing right by America means honestly confronting the health care crisis in our country, not pretending that it doesn't exist. As a first step, we should provide every American with the opportunity to choose from the same health care options, at the same price, as Members of Congress have. If it is good enough for those of us in Government, it ought to be an option for every American who needs health insurance.

Doing right by America means an honest prescription drug policy that doesn't funnel billions of dollars in windfalls to drug companies and HMOs, but instead offers seniors the medications they need at a fair price—without the mind-boggling complexity of the Bush administration's drug plan.

It means properly funding our children's schools and giving every American family a guarantee: If your sons and daughters work hard in school and get good grades, they will have a first-rate and affordable college education waiting for them the day they graduate from high school.

And it means putting our Nation on the road to energy independence. The next generation should be able to look forward to a future that is not put at risk by unrestrained pollution and a dangerous dependence on foreign oil.

Finally, doing right by America means being honest about performance, both at home and abroad. It is not pessimistic to acknowledge the problems workers have endured over the past 4 years; it is pessimistic to think that we can't do better.

And it doesn't endanger our troops to ask questions that might save their lives. If we are going to do right by them, we have to stand up for them, even if that means asking tough questions about the administration and its policies. And when our troops return home, we have to make sure they receive the medical attention they earned. We owe them more than empty promises.

We will have a clear choice in November. We can continue on the course we are on, where special interests come before common interests, where boardroom issues come before kitchen-table issues, and where opportunity is reserved for a small, members-only club. Or we can choose a new and better direction.

Doing right by America means that our values guide our policies. Our strength comes from opportunity and responsibility—and a commitment to making sure that our middle-class has a fair chance. It means fixing health care, creating good jobs again, and making education affordable.

Mr. President, we can do this, and we should do it together. Doing right by America shouldn't be an idea we just talk about, it should be the value that guides all our decisions in Congress.

I yield the floor.

The PRESIDENT pro tempore. The Chair inquires of the Democratic leader, the Democratic leader has used

time in excess of his leader time. Is it the intent that be charged against the time he had under his control under the previous order, or is that time outside that previous order?

Mr. DASCHLE. Mr. President, I ask that 10 minutes of the time that I consumed be applied against the Democratic morning business time.

The PRESIDENT pro tempore. The Senator has consumed more than that time. He wishes to have 10 minutes of that time counted against that time?

Mr. DASCHLE. Correct.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for statements only for up to 90 minutes; the first half of that time under the control of the Democratic leader or his designee—that is now 35 minutes—and the second half under the control of the majority leader or his designee.

Who seeks time?

The Senator from Nevada.

#### ORDER OF PROCEDURE

Mr. REID. On behalf of Senator DASCHLE, we yield 15 minutes to Senator STABENOW and 10 minutes to Senator HARKIN.

The PRESIDENT pro tempore. Senator STABENOW is recognized for 15 minutes.

#### LOWERING THE COST OF MEDICINE

Ms. STABENOW. Mr. President, first I commend our Democratic leader for an outstanding vision of what we should be doing to do right by America. His eloquence this morning certainly speaks to every single person in Michigan and what we care about, the priorities and values that we have, and certainly it speaks to the sense of urgency that I believe we need to get something done for the people we represent in this wonderful country. We need to do right by America.

There is something wrong when we have provided funding for health care in Iraq for a broad, universal health care system, yet we cannot focus on health care at home for over 44 million people and focus on the costs of prescription drugs or make sure there is a real Medicare bill that works. There is something wrong with this picture. It is truly time for us to do right by America. That is our job.

I speak today specifically about a topic that I frequently think about on the floor of the Senate that needs to have a sense of urgency about it as we come to the end of this week. We will not be in session in August. We will come back only for a few weeks in the fall. There is a sense of urgency at

home about the need to lower the cost of medicine, the access to prescription drugs in this country.

I rise to express great concern today because at this very moment the Senate HELP Committee was supposed to be marking up a bill that hopefully would lead to the safe importation of FDA-approved prescription drugs from Canada and other countries where it can be done safely. But, once again, the markup has been delayed. I am deeply concerned that with the number of legislative days winding down, we will not see a bill coming from committee to the floor of the Senate any time this year.

We know the prices of prescription drugs continue to rise and continue to place a tremendous burden not only on our seniors but on everyone who uses medicine on a regular basis.

We have a strong bipartisan bill that we put together to allow the reimportation of prescription drugs. It has been carefully discussed and deliberated. There is no reason that Americans should not benefit from the passage of this new law so we can have access to safe, FDA-approved drugs that come from FDA-inspected facilities in other countries. In fact, Sav-Rx, one of the companies that is offering a Medicare drug card now, is even promoting reimportation as part of their marketing.

As reported in Tuesday's Washington Post, the company's Web site reads:

Sav-Rx is giving you the opportunity to save an additional 20%-30% on your mail order prescriptions through the use of our Canadian Mail Order Pharmacy.

This is one of our Medicare cards that is using a Canadian mail order pharmacy.

I have to say I am more concerned about mail order or Internet sales—particularly Internet sales—where we do not have the safeguards, or may not know where the prescriptions are coming from, rather than what our bill does, which is allow the local pharmacist in Michigan or the pharmacist in any other State to do business with the pharmacist across the border in a safe, FDA-approved way, with a closed supply chain that brings the medicine from one place to another so we know where it comes from and we can assure its safety.

But here we have one of those providing a Medicare card to seniors who are using right now a Canadian mail order pharmacy as part of this process. Yet we can't get the support to pass a bill that would guarantee this process is available for everyone through the local pharmacy—one pharmacy to another—and which is done in the safest possible way. We don't have regulations right now that mirror what we have in our bill in terms of promoting the safety of reimportation of prescription drugs.

If we are going to continue to see mail order and Internet sales, we certainly need to address the issues that we have addressed in our bill to make sure this process is safe.

This is all about numbers, as usual. The opposition is all about numbers. It is about the \$17 billion annually that the drug companies stand to profit from the new Medicare law versus the \$5 billion cost that American consumers can save per month from reimporting prescription drugs from Canada or allowing the local pharmacists in America to do business with the pharmacists in Canada.

It is about requiring our seniors to go through this complicated process under Medicare to attempt to get a discount through a Medicare card that would set up much more to profit the drug companies than to profit the seniors. It is about a process that we are forcing people to go through to try to get help. It is complicated. There are multiple cards. The prices can change every 7 days. The discounted drugs can change every 7 days.

We heard testimony on Monday from Dr. McClellan in charge of the Center for Medicare. What we are hearing is this massive effort of spending money to market and try to explain to people this complicated process. Why do we have this complicated process? Because it benefits the pharmaceutical companies. It doesn't allow Medicare to negotiate group prices to get the best deal for people. So we have this complicated, costly process going on to guarantee that the profits of the industry are protected.

On the other hand, all we need to do is bring to the floor this bipartisan bill that would allow our local pharmacists to do business safely with pharmacists in Canada and other countries. We could drop prices in half immediately for consumers. We would save over \$5 billion a month for consumers. We would truly begin to address the stories we hear all the time—it is happening; they are not just stories—of people who are choosing between food and medicine, paying their electric bill or paying their rent. We don't make up those stories. It is happening every day, and I am sure it is happening right now as I am speaking. We can fix that, too.

If the HELP Committee brought up a bill, had a meeting and voted this bill out today, we would have on the floor a means for us to be able to work together to adopt a bill that works, is safe, and lowers prices. But instead one more time this is delayed—delayed, delayed. Unfortunately, folks can't delay their bills. When they go to the pharmacy to get their medicine, they can't say: I would be happy to pay you but nothing is happening in Congress yet. The President won't support lowering prices. So I can't afford to pay this right now. Can you wait? Can I pay it next year when they finally get around to fixing this, maybe? People can't do that when they go into the pharmacy. They have to pay for their medicine.

There is a sense of urgency which they feel that, unfortunately, is not felt in this body, or by the leadership. Those of us who have been working