

provision banning preferred drug lists. If they do not want to limit beneficiaries' access to drugs, my amendment should have been easy for them to support.

But by voting against my amendment, they were voting in favor of the Government setting a preferred drug list. Now, the preferred drug list might sound like a good thing, but in reality it is not. It is a Government-controlled list of drugs that you can or cannot have because the Government is not going to pay for what they say you cannot have.

The preferred drug list then operates similar to a formulary. In my opinion, if it walks like a duck, if it quacks like a duck, then it is a duck. But that is not what the courts have found. So what does that mean for Medicare beneficiaries? It means that even though S. 3 prohibits the Secretary from using a formulary, it does not prohibit the Secretary from using a preferred drug list. It is clear now then from all this analysis and their votes on this amendment that supporters of this Senate bill want the Government to set a preferred drug list. They want the Government to determine for what seniors can get coverage.

A number of States have implemented preferred drug lists. Michigan, for example, has a preferred drug list. Here is what the Kaiser Family Foundation found in a 2003 case study on that preferred drug list:

Fearing opposition from the pharmaceutical industry, the State sought virtually no input from providers, pharmacists, beneficiaries and manufacturers.

Continuing the quote:

Ultimately the department [meaning Michigan] made only a few changes to the list of drugs on the Michigan preferred drug list in response to beneficiaries and provider concerns.

Both the Illinois House and the Illinois Senate resolutions were introduced in 2002 to establish a committee to oversee that State's preferred drug list.

The resolution noted that the creation of Illinois' preferred drug list "could lead to unintended consequences such as inferior health care, increased hospitalizations and emergency care, increased admissions into long-term care, and unnecessary patient suffering and potentially death."

In a statement about this bill, S. 345, the assistant majority leader said that: The Medicare-administered plan envisioned under this bill would have a preferred drug list.

So this morning I talked about fitting all of the pieces of a legislative puzzle together.

Here are some of those pieces: The bill approved by the House allows price controls. The bill that was before the Senate does not prohibit the Secretary from dictating the drugs beneficiaries can get. We have Senator DURBIN's statement about his own bill and how he envisioned a preferred drug list.

So despite claims by those on the other side of the aisle, this bill is not

harmless to senior citizens. If this Trojan horse attack succeeds in a Government takeover of the drug benefit, here is what seniors can look forward to: They can look forward to fewer choices. They can look forward to fewer opportunities to choose a plan that best meets their needs—the needs of 44 million senior citizens in America.

If the Senate bill were to pass, seniors will get only the drugs some Government bureaucrat determines they can have. All other Americans will see the prices of their prescription drugs going up. That is not me saying it. Professor Scott Morton of Yale University testified before the Senate Finance Committee to that mathematical fact, that if you have 44 million senior citizens, and you have the Government dictating the price, when you deal with that number of people, the price is going to go up for everybody. If that is what the other side calls harmless, I shudder to think what their definition of "harmful" might be.

We should have and did stop this bill in its tracks. Voting no was a vote against Government-controlled drug lists, Government setting prices, and Government restrictions on seniors' access to drugs. That was the right thing to do today, and I am glad the vote came out the way it did. I hope it stays that way because if it ain't broke, don't fix it.

(Mr. CASEY assumed the Chair.)

NATIONAL INFANT IMMUNIZATION WEEK

Mr. REID. Mr. President, I rise in recognition of National Infant Immunization Week, which is being held this year from April 21–28. In Nevada and throughout the country, State and local health departments, health care providers, parents, and other partners will be working together to make sure that all infants are protected against vaccine-preventable diseases. This week is also an opportunity for all of us to spread the message about getting immunized. Not only do immunizations give our children a healthy start to life, they also save lives and protect the American public's health.

Immunization against vaccine-preventable diseases is a tremendous success story. Due to the development of vaccines and immunization campaigns, infectious diseases that used to devastate entire communities have been reduced to record lows or eradicated outright. Thanks to immunizations, few Americans today have any direct knowledge of once commonplace scourges like polio, smallpox, measles, and diphtheria. For most of us, the deaths, suffering, and disability associated with these diseases are now known only through textbooks and old newspaper accounts.

The National Infant Immunization Week is a time to reflect on these achievements. More importantly, this week is also a reminder that we cannot

lose ground by becoming complacent or taking the benefits of immunizations for granted. Approximately 1 million children in this country are not fully immunized by age two and many regions of the country have disturbingly low immunization rates. In my home State of Nevada, the immunization rate for infants and young children is ranked last in the country.

Fortunately, there are Federal and State programs that work to provide lifesaving vaccinations to children and adults who would otherwise have to go without. During this year's National Infant Immunization Week, I urge my colleagues in the Senate to support these efforts. By promoting access to immunizations against serious but preventable diseases, we can work to ensure that all Americans will benefit from this invaluable public health tool for generations to come.

EARTH DAY

Mr. REID. Mr. President, Sunday is the 37th anniversary of Earth Day. I have been pleased to read reports that people across the country are planning to come together to celebrate our environmental accomplishments and to renew their environmental commitment to future and current generations. Everyone should celebrate the major steps forward we have taken to achieve clean air and water, to reduce pollution, and to clean up hazardous waste sites.

Earth Day is celebrated because of the great work of former Senator Gaylord Nelson of Wisconsin. In 1970, he founded Earth Day to celebrate the environment and to bring attention to the legislative challenges facing those who want to protect the environment. Senator Nelson also cosponsored the Wilderness Act of 1964, a law that has been amazingly important to protecting Nevada's beauty.

Nevada is one of the many States that has greatly benefited from the increased environmental awareness that former Senator Nelson helped to cultivate. Nevada's dramatic landscapes from the high alpine lakes of the Ruby Mountains to the stark open spaces of the Black Rock Desert to the incredible Joshua tree forests in the Piute Valley have provided inspiration to generations of Nevadans. Protecting Nevada's wild lands ensured that those who follow us will have the same opportunity to find and experience these incredible places as we had.

The Wilderness Act of 1964, which was cosponsored by former Senator Nelson, has done tremendous things in Nevada. I have been proud to help designate nearly 2 million acres of wilderness across Nevada, in addition to creating the Sloan Canyon, Red Rock Canyon, and Black Rock Desert-High Rock Canyon National Conservation Areas and Great Basin National Park.

Protecting and serving our environment has always been one of my passions, and I have twice had the privilege to chair the Environment and

Public Works Committee. During that time, I had the chance to write the Safe Drinking Water Act Amendments of 1996, to revise the Clean Air Act, and to improve the Endangered Species Act, Superfund, and the Clean Water Act. In each case, I advocated for laws that not only protect the environment but that are flexible, take advantage of market mechanisms, and reflect the unique needs and circumstances of the West.

I was always pleased that I was able to work in a bipartisan manner with my colleagues on the Environment and Public Works Committee. Republicans, Democrats, and Independents all understood that protecting the environment did not have to be a partisan issue, and I was glad that various presidents joined in our efforts. That is why it is so distressing today to see the current administration's policies pursued in such a manner because environmental issues could and should be bipartisan.

Each year, our understanding grows about how important it is to conserve and protect our land and its rich resources. While the current administration's environmental rollbacks are far too numerous to count, it started with attempts to loosen arsenic standards for drinking water and centers today around their total unwillingness to work together on a plan that will first stabilize and then reduce greenhouse gas emissions.

Global warming and climate change is the single greatest environmental challenge that will confront current and future generations. We have a moral obligation to address this issue and choosing to ignore this problem is madness and a luxury we do not have the time for. I once again urge my colleagues not to fall for the temptation of the administration's voluntary "technology-only" strategy. That strategy has only increased emissions and the risks associated with global warming.

The negative impacts that have been linked to global warming and climate change are also far too numerous to mention, but I am continually concerned about the impacts that climate change will have on water in Nevada. Most recently, the National Resources Conservation Service recorded that snowpack throughout the Sierra Nevada Mountains is only at 40 to 50 percent or normal. In eastern Nevada, due to decreases in the snowpack, the stream flow for the Humboldt River is expected to only be at 34 percent and the lower Colorado River at 19 percent of its average. A recent study published in *Science* said all but one of the 19 major climate models project that the Southwest is at the beginning of a deepening drought largely due to greenhouse gas concentration increases and global warming.

The challenge of eliminating our Nation's overdependence on oil and other greenhouse gas emitting fossil fuels will be a great test for our country and for the world. I believe that America

can lead the way in developing new technologies to meet and pass this test. We can and must become more energy independent through the rapid development and diversification of clean, alternative, and renewable sources of energy. They will provide a steady, reliable energy supply, bolster our national security, protect the environment, and create new jobs and whole new industries. We must tap into our Nation's spirit of innovation and bring a new environmental ethic to our energy policy.

Every day, not just on Earth Day, we have to work together to protect our environment from threats so our children and our grandchildren and so on can drink clean water, breath clean air, and enjoy the vast open spaces and the natural beauty of Nevada, America, and the world. That much is for certain, and I look forward to bringing that commitment to everything that I and this Senate undertake.

TRIBUTE TO JOHN L. KIRKWOOD

Mr. DURBIN. Mr. President, today I honor the distinguished career of John L. Kirkwood and to congratulate him on his upcoming retirement. John Kirkwood is the current president and chief executive officer of the American Lung Association.

Mr. Kirkwood graduated from Northwestern University in Evanston, IL. Since then, his life has been dedicated to improving the health of our country.

Mr. Kirkwood served as executive director of the American Lung Association of Metropolitan Chicago from 1975 to 2001. During his tenure, he was instrumental in organizing the American Lung Association Asthma Clinical Research Network, the International Tuberculosis Foundation, the Illinois Coalition against Tobacco, the Chicago Asthma Consortium and the Combined Health Appeal of Illinois. His efforts have made it possible for more Illinoisans in the Chicago metropolitan area to breathe better today.

Luckily for the rest of the country, Mr. Kirkwood decided to expand his commitment beyond the Chicago area to improving the health of the entire Nation. As president and CEO of the American Lung Association, Mr. Kirkwood has expanded the ALA's commitment to research nationwide, strengthened the organization's advocacy programs, and improved knowledge and information transfer systems to assist patients suffering from lung disease.

As the leader of America's oldest national voluntary health organization, Mr. Kirkwood has shown an exemplary commitment to the health and social well-being of all Americans. Thanks to his work and his heartfelt dedication to the public's health, individuals in my State of Illinois and the Nation as a whole will breathe cleaner air and lead healthier, happier lives. We are fortunate for his years of dedication to the American Lung Association, and his leadership will be deeply missed.

Mr. President, I congratulate Mr. Kirkwood on his many accomplishments throughout a long and successful career. As he concludes this chapter of his professional life, I wish him many more years of happiness and accomplishment.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on April 16, I was unable to vote on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 130, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 17, I was unable to vote, upon reconsideration, on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 131, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 3, the Medicare Prescription Drug Price Negotiation Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 132, on the motion to invoke cloture on S. 3, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 378, the Court Security Improvement Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 133, on the motion to invoke cloture on S. 378, I would have voted to invoke cloture. My vote would not have altered the result of this motion.

CIVIL WAR BATTLEFIELD PRESERVATION PROGRAM

Mr. WEBB. Mr. President, today I wish to discuss an issue that has held a special place in my life for many years, the preservation of our Nation's civil war battlefields. Our historic battlefields—outdoor classrooms where visitors may walk in the very footsteps of heroes from past generations—are