



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, THURSDAY, MAY 3, 2007

No. 72

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

### PRAYER

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

Let us pray.

Almighty and everlasting God, the protector of those who put their trust in You, on this National Day of Prayer, we thank You for the gift of intercession. When in need, we can enter Your throne room with our praise and petitions. When tempted to despair, we have an antidote in prayer.

Transform the lives of our lawmakers as they seek You in prayer. Free them to live life more fully. Through their ups and downs, help them to love You with a decisive loyalty. Lord, draw them to a relationship of grateful trust in You, as they seek Your wisdom in solving the challenging questions which trouble our world. Hear the prayers of Your people today and always.

We pray in Your amazing Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, JR., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, today, following any time that may be used by the leaders, there will be 60 minutes of debate on the motion to invoke cloture on the Dorgan drug reimportation amendment, with the time divided between Senators DORGAN and the Republican leader or his designee. The vote then will occur around 10:30 or a few minutes after that this morning. Members who have second-degree amendments to the Dorgan amendment must file them by 10 this morning. A number of other amendments are still pending, and today will be a busy day, with votes occurring throughout the day.

Another issue which will need the Senate's attention will be the conference on the budget resolution. The House is going to act either today or Monday appointing conferees, which will mean we will act shortly thereafter. The chairman of the Budget Committee, Senator CONRAD, and the ranking member, Senator GREGG, have had initial conversations about the likelihood of there being motions to instruct the conferees.

Under the Budget Act, there is a maximum of 10 hours of debate to get

to conference. I would hope the two managers of that budget resolution, Senators CONRAD and GREGG, can make a determination as to how many motions to instruct there will be to give some idea. As I understand the rule, we have 10 hours of debate no matter what. If there are motions to instruct that have been filed and not enough time to debate them, the votes will take place with no debate. I hope there will be adequate time to debate whatever motions to instruct and basic conversation about that most important budget resolution that we need to complete so we can get to the appropriations bills. I will be discussing this matter with the Republican leader and may have more to say during the day.

If there is a lull in the schedule today, we have a number of judges we can vote on. We may do that. Senators KENNEDY and ENZI have done a masterful job in moving this matter along. We hope they will continue their masterful work and complete this legislation.

I do say, as I have said, but it is worth repeating, Senator ENZI and Senator KENNEDY, some would say, are not a matched pair. They have different political philosophies, they come from different parts of the country. But that is really what the Senate is all about. They have set an example of how individual Senators can work together. They are really exemplary, as far as I am concerned, in being able to move a very difficult, complicated piece of legislation by understanding that this is not the last word. There is going to be a conference. Senator KENNEDY has told Senator ENZI that he would be a part of that conference. They trust each other. That is important. We finished the competition bill last week. This is another step forward. I hope we can complete this bill today.

### RESERVATION OF LEADER TIME

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

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



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S5525

PRESCRIPTION DRUG USER FEE  
AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

Landrieu amendment No. 1004, to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.

Dorgan amendment No. 990, to provide for the importation of prescription drugs.

Cochran amendment No. 1010 (to amendment No. 990), to protect the health and safety of the public.

Stabenow amendment No. 1011, to insert provisions related to citizens petitions.

Brown (for Brownback/Brown) amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases.

Vitter amendment No. 983, to require counterfeit-resistant technologies for prescription drugs.

Inhofe amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school.

Gregg/Coleman amendment No. 993, to provide for the regulation of Internet pharmacies.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be an hour for debate prior to a vote on the motion to invoke cloture on amendment No. 990, with the time equally divided between the Senator from North Dakota, Mr. DORGAN, and the Republican leader or their designees.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Would the Senator from Wyoming yield me 3 minutes.

Mr. ENZI. Certainly.

Mr. KENNEDY. Mr. President, we now have an agreement that we are going to vote on cloture on the Dorgan amendment. The Senator from North Dakota will be here to speak on that. He has a half hour. To bring our colleagues up to date, we have made very good progress during the evening, clearing matters with the Members. There are still a number of items that we will want to accept. We will indicate to the Members the topical areas so they will be familiar with the areas that we are moving ahead on. But we have narrowed the areas of controversy to probably four or five important areas where we may very well have votes during the day. The rest we will announce the agreements that have been made with the particular Senators on these issues.

We want to thank all of our colleagues. This has been very constructive. A number of these suggestions and ideas are extremely valuable. We will tell our colleagues the areas and the content of these agreements as we move on through the day.

We are in touch with a couple of Senators so we will be able to make a judgment decision at the conclusion of this vote on the cloture. We will be ready to go so we will not miss any opportunity to make progress on the bill.

I thank the Senator. The Senate will now debate the underlying cloture motion.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have not had an opportunity to speak with the Senator from North Dakota. I hope I am not abusing my privilege of working with him and having some time this morning. I yield myself 7 minutes.

The Dorgan amendment is the moment American consumers have been waiting for. I am here to urge my colleagues to vote for cloture so we can finally legalize drug importation.

As I said yesterday, the Dorgan amendment is the result of a collaborative effort by myself, with Senators DORGAN, SNOWE, and KENNEDY, to finally make drug importation legal. This is a golden opportunity that we have been waiting for years to accomplish. The bill before us is the vehicle this year to get it done.

The bill we are debating is a must-pass Food and Drug Administration bill. The Senate should send a strong message that we are committed to finally getting it done this year. This is what we have been working to accomplish today.

Making it legal for Americans to import their prescription drugs is a top priority at the grassroots of America. It needs to be a top priority here in Washington.

It is something that shows up in almost every one of my town meetings throughout Iowa. I have long advocated allowing American consumers access to safe drugs from other countries. I have always considered this more a free trade issue than I have a health or prescription drug issue.

Imports create competition and keep domestic industry more responsive to consumers. In the United States—so that I explain why I consider this a free trade issue more than a health issue—we import everything. We allow everything that consumers might want to buy; based upon the quality they choose and the price they choose, we have allowed it to come into the country if Americans want to buy from overseas. Hopefully, they want to buy American-made products. But we have considered free trade something that has given consumers the best deal they can get. So why not do it for pharmaceuticals as well as any other product people want to buy?

Consumers in the United States now pay far more for prescription drugs than consumers in other countries. If Americans could legally and safely access prescription drugs from outside the United States under a regulation that we established to guarantee safety, drug companies will be forced to re-

evaluate the price strategies that they have for American consumers. They would no longer be able to gouge American consumers by making them pay more than their fair share for the high cost of research and development. I sort out research and development because I think Canadians are getting a better deal from American pharmaceuticals. Germans are getting a better deal from American pharmaceuticals. They get such a low price. They don't pay the fair share. The American consumer of pharmaceutical products pays for most of the research and development that benefits the entire world. It is not fair to the American consumer.

It is true that pharmaceutical companies do not like the idea of opening American consumption of drugs to the global marketplace. They want to keep the United States closed to other markets in order to charge higher prices here. They would argue: We have to charge higher prices here. The Government directs what we pay the consumers or charge the consumers of Germany. Well, that is not fair to the American to pay for that sort of research.

However, with the Dorgan amendment—and this is what we are talking about on this important vote coming up—prescription drug companies will be forced to compete, forced to establish a fair price here in America.

Some don't want this to happen. I want to reiterate that there is an attempt to kill drug importation, as has been done many times before in this Chamber. I am referring to an amendment to make sure there is certification of health and safety. That amendment is designed to kill drug importation once again. It is a clever amendment, but it is a poison pill. Our effort develops an effective and safe system. This amendment requires all imported drugs to be approved by the Food and Drug Administration. That is the right thing to do. The amendment sets a stringent set of safety requirements that must be met before Americans can import drugs into this country, and there are stiff penalties for violation. Don't be fooled by this poison pill amendment. Voting for that amendment is a vote to kill drug importation. That amendment surely will be up if we get beyond the cloture vote, the next vote. It is important that people vote for cloture.

With the Dorgan amendment, we are getting the job of safety done. We need to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry. We must make sure they have access to affordable prescription drugs.

I urge my colleagues to vote for cloture.

One additional editorial comment that is legitimate to maybe criticize GRASSLEY for voting for this amendment but a criticism that I think I would now explain; that is, that comes