



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, MONDAY, MAY 7, 2007

No. 74

Senate

The Senate met at 2:15 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Eternal Spirit, remind us today of truths that matter to keep us from deceiving ourselves. Help us to remember that we rarely reap what we haven't sown. Remind us that progress is seldom made on the wings of inevitability but requires prayerful plans, powerful perseverance, and loving providence. Teach us again that forgiveness still heals, truth still liberates, giving still transforms, and love still conquers.

Give the Members of this body a meaningful day. Provide them with wisdom to discern the excellent and to do what is best. Inspire them to conduct themselves in a way that honors You.

And, Lord, please remember the victims of the Kansas tornado.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR 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, the Senate will be in a period of morning business until 4 o'clock, with the time equally divided and controlled by the respective leaders.

The Senate will resume consideration of S. 1082, the FDA bill, at 4 p.m. today. Upon resuming the bill, the Senate will begin several votes: first, the Cochran second-degree amendment to the Dorgan amendment, then the Dorgan amendment, and then the cloture vote on the substitute amendment.

I understand the managers will be here very soon to seek consent to dispose of amendments they have already worked out. Also, Members have until 3 o'clock today to file any first-degree amendments. In addition to filing cloture on the committee substitute amendment and the bill, I also filed cloture on the motion to proceed to H.R. 1495, the Water Resources Development Act, which is known as WRDA. It is a bipartisan piece of legislation, led by Senators BOXER and INHOFE. I am hopeful it will not be necessary to have that cloture vote and that we will be able to proceed to the bill once action is concluded on the FDA bill.

Members should be ready for a number of votes starting at around 4 o'clock today. The first vote will be 15 minutes, and the remaining votes will be 10-minute votes. Everyone should be alerted to that.

Another matter which I mentioned last week is going to conference with respect to the budget resolution. The House was slated to take that up this evening. I think now it may be tomorrow when they will take it up, so that message may not get to us until Wednesday.

This is a very busy week, so everyone should be aware of the different votes that may be necessary. We hope we can complete work on the FDA bill tonight. That is certainly possible; otherwise, maybe in the early morning.

IRAQ

Mr. REID. Mr. President, nearly a week has passed since the President vetoed a bipartisan proposal that fully funded our troops and also changed course in Iraq so we could responsibly end the war.

Although the President's actions thwarted the will of the American people, very clearly, they—the American people—deserve to know what their leaders in Congress are doing. We are alerting them that we, as congressional leaders, are doing everything we can to work toward an agreement on an emergency supplemental funding bill that will make America more secure, fully fund our troops, and responsibly change course in Iraq.

Our proposal called for a change in the mission and the phased redeployment of U.S. combat troops no later than October 1 of this year.

A bipartisan majority of the House and Senate made it clear they believe a timeline for the reduction of combat operations will compel the Iraqi Government to take responsibility for their own country, will reduce the specter of occupation, and will allow our forces to come home.

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



Printed on recycled paper.

The American people believe this overwhelmingly. But now there are signs the Republican leadership in Congress is beginning to think a timeline is necessary as well. According to the L.A. Times, House Republican Leader JOHN BOEHNER said:

Mr. Bush risks defections in the fall if the war situation hasn't improved.

By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B.

The House Republican leader now seems to be saying that he and his colleagues agree there must be a time limit on the President's current course in Iraq.

What is also revealing, and somewhat disturbing, is the Republican leader is willing to allow our troops to stay in Iraq with a failing strategy until he and his colleagues decide it is time to part with the President.

President Bush—the same President who vetoed our plan—said this as a candidate about his predecessor, Bill Clinton, and the war in Bosnia, in 1999:

I think it's important for the president to lay out a timetable as to how long they will be involved and when they would be withdrawn.

We hope President Bush will keep his own past words in mind as these negotiations continue.

We are pleased to see the House Republican leader, speaking on behalf of his caucus, adopt our view that this commitment in Iraq must not be open-ended, that there must be a timeline. It is surely no coincidence that his views come at a time when conditions in Iraq grow worse.

I am reminded of the Easter sermon of Pope Benedict, delivered only a month ago. The Pope said:

How many wounds—how much suffering there is in the world.

He continued:

Nothing positive comes from Iraq, torn apart by continual slaughter as the civilian population flees.

Since those words were spoken, conditions have indeed deteriorated.

In April, our troops suffered the deadliest month of the year and one of the deadliest of the entire 51 months of the war.

The President's own Special Inspector General for Iraq Reconstruction released its quarterly report last weekend that painted a dispiriting picture of waste, ineffectiveness, and failure to achieve even minimally satisfactory results.

Despite burning through most of the 20 billion American dollars planned for reconstruction, many Iraqis are without basic necessities such as electricity and clean drinking water. Of course, oil production is down. Only a third of Iraqi children are attending school. Seventy percent of the kids are suffering from symptoms of trauma that could paralyze an entire generation that we are counting on to harvest the seeds of democracy.

Iraqi Prime Minister al-Maliki is accused of sabotaging efforts for peace

and stability by firing some of the country's top law enforcement officials for doing too good a job of combating violent Shiite militias.

President Bush speaks of pressuring the Iraqi people to take responsibility for their own future. Yet while American troops are fighting and dying to secure the country, the Iraqi Government is planning a 2-month summer vacation.

Yesterday, eight more courageous American soldiers fell; four the day before. I have no doubt these developments weighed on Leader BOEHNER's mind when he made his comments suggesting a fall timeline to the war in Iraq. But I know he is not alone. Many of my Republican friends across the aisle feel strongly that a change of course in our Iraq strategy is needed—one that holds the administration and the Iraqis accountable for real results. Many of my Republican friends across the aisle feel it is time for change. This is the time. I know many of my Republican friends also intend to be part of the solution on the way forward, and I look forward to working with them. We all look forward to continuing negotiations, which we will work on today. I have spoken to Chairman OBEY today. I talked to him Friday. I will continue to talk to him every day until we reach agreement on a bill that fully funds the troops while providing a responsible new course that makes America more secure.

No one wants to succeed in Iraq and make America more secure than I.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 4 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

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

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

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally between the Democrats and the Republicans.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HATCH AMENDMENT ON ANTIBIOTICS AND ENANTIOMERS

Mr. HATCH. Mr. President, I would like to discuss the amendment which deals with antibiotics and enantiomers, which is included in the managers' package we are adopting today.

I offered this amendment at the HELP Committee markup, but withdrew it with assurances that we would work it out prior to floor action. There have been constructive discussions among all interested parties and I believe we have worked language out that is acceptable.

There is a great urgency to this situation, and I want to make certain my colleagues understand it fully.

The Infectious Diseases Society of America, the Alliance for Aging Research, the Institute of Medicine, the Resources for the Future, the Centers for Disease Control, and many others have been sounding the alarm about the growing threat from resistant microorganisms and the need for innovation in the area of antibiotics.

Congress must listen.

Nobel Laureate Joshua Lederberg said it well:

We are running out of bullets for dealing with a number of (bacterial) infections. Patients are dying because we no longer in many cases have antibiotics that work.

The Hatch amendment is intended to be an initial step in the fight against these resistant strains of bacteria by increasing incentives and innovation.

Additionally, the language in the amendment requests FDA to work with companies to apply the Orphan Drug Act to antibiotics wherever possible. Hand-in-hand with this, it reauthorizes the Orphan Drug Act grant and contracts from fiscal years 2008 through 2012. As many of my colleagues know, this act has resulted in important medicines for rare diseases.

The Hatch amendment also ensures that currently existing incentives for new drugs are available for new single enantiomers in new therapeutic areas such as Alzheimer's, cancer, and type II diabetes among others. In 1997, FDA issued a Federal Register notice acknowledging that the policy needed clarification and this amendment would do that.

Let me start with the issue of antibiotics and the need for new antibiotics to fight drug-resistant infections. Many of us have become more and more concerned that there is an alarming increase in the number of drug-resistant infections—many of them serious—and we are running out of treatment options.

My first chart is based on data from the Centers for Disease Control and