

know the Senator from Florida would like to offer observations about his guest.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

#### WELCOMING THE GUEST CHAPLAIN

Mr. MARTINEZ. Mr. President, I was so proud to have my pastor and very good friend deliver the opening prayer. Father McCormick and I have known each other since 1983, when he first came to our parish church of St. James in Orlando. He is a product of Dublin, Ireland, but he became a proud citizen in 1973, much as I did in 1971. He has not only been a tremendous source of faith and inspiration to me and my family and, more importantly, perhaps, my children, but he has also been a tremendous advocate for the poor and needy in our community. He does tremendous work overseas as well in a program called Food for the Poor where the Caribbean nations and Latin America have benefited greatly from his generosity and hard work.

There are a couple of things I must point out. He has also developed a love for American football since coming here. But not being perfect, he has chosen the Cowboys over the Redskins. And then in a further imperfection that may be less forgivable, he has chosen the Gators over the Seminoles in Florida. I frequently have been a patient listener as he, on Sunday mornings, regales about the Gators and beats up on the Seminoles. Today is my day for revenge. I am awfully proud to have him here. He is a wonderful friend. I know he has looked forward to this day.

I thank the Chair for the courtesy of allowing me to say a couple words about my dear friend and pastor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, we join the Senator from Florida in welcoming his pastor this morning. I am pleased to see that he will be forgiven for his sin of advocating the success of the Cowboys and the Gators.

#### UNANIMOUS-CONSENT REQUESTS— H.R. 1105

Mr. MCCONNELL. Mr. President, on behalf of Senator GRASSLEY, the ranking Republican on the Finance Committee, I ask unanimous consent that when the Senate resumes consideration of H.R. 1105, the omnibus bill, the pending amendments be set aside and, on behalf of Senator GRASSLEY, it be in order to call up amendment No. 628, which strikes section 102 related to IRS private debt collection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, this is a topical issue. From news accounts this morning, I heard it mentioned a couple of times. I will be happy to work with Senator GRASSLEY, see how we work

through these amendments. I think it is something we could do. I know he would agree to a reasonable time period. We will see what we can do to work that out. For this time, I object, but I hope we can work something out.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. Mr. President, on behalf of Senator SESSIONS, I ask unanimous consent to take up amendment No. 604, which relates to a 5-year reauthorization of the E-Verify Program.

Mr. REID. Mr. President, I am not as familiar with that as Senator SESSIONS. I know he has talked about that on a number of occasions. I will be happy to have my staff look at this, and hopefully we can work our way through the amendments we have. I know Senator SESSIONS feels strongly about this. I hope we can work out something and have him come and present this amendment. But for this morning, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### 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, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from North Dakota.

#### HEALTH CARE REFORM

Mr. DORGAN. Mr. President, last evening President Obama had invited the chairs and ranking members of committees in both the House and Senate to the White House for dinner. I wanted to mention that the opportunity for Republicans and Democrats, both chairs and ranking members of committees, to spend some time with the President was very important, a very important signal by the President to the Congress that he wants to work with everybody. He didn't give a speech. He and his wife, the First Lady, welcomed the Members of Congress. I was pleased to be there. My point is,

this President is trying to reach out and change the culture, which is so important.

This afternoon, I have been invited by the President to join a number of my colleagues, Republicans and Democrats, to go to the White House for a health care summit. Once again, the President is reaching out to see if there are ways for Republicans and Democrats, who work for the same masters—that is, American interests and the American people—to come together and find ways to reach significant policy goals. Do we have a need to address our health care problems? Absolutely. We spend much more than any other group of people on the face of the Earth on health care. Our costs are much greater than anyone else's, yet the outcomes are not. We rank 41st in life expectancy despite the fact that we spend far more than anyone else in the world on health care. Health care costs are accelerating. They are injuring businesses paying for health care insurance for employees. Health care costs are strangling family budgets. Health care costs are hurting Government, which has to pay for Medicare and Medicaid.

We have to get a handle on it.

The President is saying: Let's try to find a sensible, thoughtful way to reform health care. A good start is to invite a group of Republicans and Democrats from the Congress, a group of people from the private sector, from the health care industry, from the consumer side, supporters and opponents of various kinds of reforms and changes, to a summit at the White House to say: Let's talk. Let's try to figure out how we address these issues.

I commend the President because we have to change the culture. This cannot possibly continue to be an "us versus them" Congress or a Congress and Presidency that is deeply divided.

This country faces very serious challenges. The fact is, we have to work together to solve them. The very serious financial challenge, the crisis we face, is going to require the best energies all of us have and the best ideas of all of us. Included in the financial crisis is what health care costs are doing to the economy. That is why the President has indicated that one of the first issues we have to tackle, even as we try to stabilize the economy, is to address the issue of the burgeoning cost of health care. So I commend the President, and I look forward to the meeting today at the White House. I think it will be a good start to at least begin discussing health care costs.

I want to talk about one piece of health care costs because yesterday Senator SNOWE from Maine, myself, Senator MCCAIN from Arizona, my colleague Senator STABENOW from Michigan—we announced, on behalf of 25 Senators, a piece of legislation we introduced yesterday dealing with prescription drug costs. One of the fastest rising items of health care costs is the cost of prescription drugs.

Now, we have introduced this legislation before, and it has successfully

been blocked. But things have changed in a very dramatic way. The makeup of the Senate has changed. One of the people who cosponsored our legislation in the last session of the Congress is now sitting in the White House—then Senator Barack Obama, now President Obama. He was a cosponsor. The Chief of Staff at the White House, Rahm Emanuel, was one of the key sponsors in the House. So the fact is, we think we have an opportunity to pass legislation that will put some downward pressure on prescription drug prices. This is bipartisan and nonpartisan. This stretches from JOHN MCCAIN to President Obama. Both Presidential candidates were cosponsors in the last session of Congress of this identical piece of legislation. Many other Republicans and Democrats have joined us, so that as we introduced it, there are 25 original cosponsors.

Now, let me describe the problem we face in this country. By consent, I wish to show two bottles that did contain medicine. These are bottles of Lipitor. Lipitor, by the way, is a drug that I think probably is the most prescribed drug in this country, or at least one of the top prescribed drugs in this country. It is a cholesterol-lowering drug. Lipitor is made in Ireland and then shipped around the world.

Here is the way Lipitor is shipped in these bottles: same size, same cap; the only difference is, one is blue, one is red; the same pill put in the same bottle, made by the same company, FDA inspected. This red one goes to the United States. This blue one goes to Canada. The difference? This red one costs twice as much.

The U.S. consumer is told: You pay more than twice as much for the same prescription drug. Why? By what justification should not just Lipitor but other medicines be priced in a manner that says to the American consumer: You pay much more than we are asking others around the world to pay for the identical prescription drug? There is no justification.

Zocor, here is an example of a cholesterol-lowering drug. The United States and Canada—\$5.16 for a 20-milligram pill in the United States; \$2.45 in Canada.

Let me describe where these drugs are coming from. We are told by the opponents of this: Well, if drugs were to come into this country from outside the country, there might be a counterfeiting problem. Well, do you know what. Most of these drugs are made outside of our country. Lipitor is made in Ireland. Nexium is made in France. Tricor is made in France. Vytorin is made in Singapore and Italy and the UK.

Now, my point is simple: We have a law in this country that says the drug companies can import drugs into our country, made in other regions of the world, but consumers cannot, registered or licensed pharmacists cannot, and wholesalers cannot. Our piece of legislation is very simple. It says, let's

provide some competition here. If the prescription drug industry is selling their drugs in virtually every other country in the world for a fraction of the price they sell those drugs here, let's let licensed pharmacists in our country purchase them from Canada or another country and pass the savings along to the consumer. Let's let wholesalers who are licensed in this country access those lower cost prescription drugs. Let's allow American consumers to access those drugs from Canada.

Now, I sat on a hay bale out on a farm 1 day at a little town meeting where there were 40 or 50 farmers, and we sat and talked about life and about the farm program and about what was going on in their region of North Dakota.

There was one old codger there who was kind of lamenting what it was costing him to live. He said: We don't make much money. We don't have much spendable income. And he said: I'm over 80 years old, and my wife has been fighting breast cancer for the last 3, 3½ years. He said: She has to take a drug called Tamoxifen. He said: So we have been going to Canada to try to buy Tamoxifen because it costs 80 percent less in Canada. It is the same drug—exactly the same drug—prescribed for an elderly woman who is fighting cancer, but you can pay much, much, much more here in the United States or much, much, much less in other countries. He said: For us, we have to drive to Canada to try to access this drug.

Americans should not have to do that. This ought to be a fair pricing strategy for American consumers, and today it is not. So we have introduced legislation that has substantial safety requirements attached to it. We provide substantial additional funding for the Food and Drug Administration. We provide pedigree requirements for drug lots produced anywhere in the world. We provide much more inspection of plants that produce drugs the FDA is approving. By the way, we know that substantial amounts of ingredients come from China and elsewhere. We also know that despite the fact there are supposed to be inspections of many of these plants, the inspections are few and far between.

The legislation we have introduced will dramatically increase the margin of safety—not decrease it—increase the margin of safety. What it will do is allow the American public to have access to lower cost prescription drugs. If one part of driving up the costs of health care in this country, as rapidly as it has gone—if one part of that is the rapidly increasing price of prescription drugs, then we can remedy that. We can simply say to the pharmaceutical industry: Give us the opportunity to have the same kind of pricing the rest of the world has. We can make that happen, not by asking them to give it to us, but by requiring a circumstance where our pharmacists and our wholesalers can access those same lower cost drugs.

Now, what does it mean? Well, we could save with this legislation about \$50 billion in the next 10 years for American consumers; and about \$10 billion of that would be saved by the Federal Government for its programs, Medicare and Medicaid.

Here is a New York Times piece. It says: "More Americans Are Skipping Necessary Prescriptions, the Survey Finds." That was from January of this year. It says: One in seven Americans under 65 went without prescribed medicines, as drug costs spiraled upward in the United States, a nonprofit research group said.

Well, we can fix this. We can pass this legislation. As I indicated earlier, finally I think we have a bit of a tailwind here. We have a President who wants this. He put it in his budget. So now we have put in the architecture of a complete piece of legislation. We have worked on it for many years. My colleague, Senator SNOWE, and I, and many others—from Senator KENNEDY, Senator MCCAIN, Senator GRASSLEY, Senator STABENOW—all of us have worked to make this happen: increase the margin of safety, reduce prescription drug prices, and give the American people the opportunity to have some sort of competitive prescription drug prices that others all around the world have as a result of the current scheme that—let me not use the term "scheme"—as a result of the current pricing policies of the prescription drug industry.

Let me complete my statement by saying, we introduced this legislation yesterday. We will continue to try to access more and more cosponsors. Whether this is a part of a health care reform bill or passed on its own, I think it is going to be good news for American consumers.

Let me say one more time that the President's call today for a health care reform summit at the White House is one more example of bringing Republicans and Democrats together. This President is determined to do that. That is good news because there are a lot of good ideas that can come from every corner of this Chamber and every corner of the political system.

We ought to work together to give the American people the best of what both political parties have to offer rather than the worst of each, and nowhere is that more important than to do it in health care reform.

I thank the President for creating this summit this afternoon. One of the issues I will raise there will be the prescription drug importation bill, which I think could put some downward pressure on prescription drug prices, and that would be good for the people who live in this country and be good for this country's budgets and business budgets and so on.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

## OMNIBUS APPROPRIATIONS

Mr. CARDIN. Mr. President, I take the floor in defense of one of our most successful environmental statutes. Since its nearly unanimous passage in 1973, the Endangered Species Act has protected nearly 2,000 species from extinction. That success has contributed significantly to the economic benefit of this Nation. According to a study by the Fish and Wildlife Service, wildlife-related recreation—meaning hunting and fishing and wildlife watching—generated more than \$122 billion in revenue in 2006. So this statute has protected wildlife diversity and has protected our economy.

In my home State of Maryland, wildlife watching generated over \$1 billion in revenue and sustained over 10,000 jobs.

In December of 2008, the Bush administration finalized two rules that undercut the success of the Endangered Species Act. Now, that was in December of 2008, after the elections, after Senator Obama was elected President of the United States. The Bush administration issued two regulations in an effort to undermine the Endangered Species Act.

One rule undermines important safeguards for all threatened and endangered species. The other withholds key protections from the polar bear.

I believe it is critical the safeguards that have worked to protect endangered species for decades be reinstated. Section 429 of the fiscal year 2009 Omnibus Appropriations Act would give the Secretaries of Interior and Commerce the authority they need to do that. It will allow the Secretaries to reverse the Bush administration's midnight regulations and reinstate the regulations previously in place.

To understand why this special authority is needed, I think it is helpful to understand how devastating the rule changes are. So let me say a little bit about the two rules President Bush put in place.

For decades, under section 7 of the Endangered Species Act, Federal agencies have consulted with scientists at the Fish and Wildlife Service or the National Marine Fisheries Service to make sure an agency's planned actions do not jeopardize a threatened or endangered species.

In line with a long record that expressed a low regard for science, in December, 2008, the Bush administration finalized a rule that effectively eliminated the critical role scientists play in the section 7 system of checks and balances. What the Bush administration regulation did was to allow a Federal agency to avoid consultation with the scientists in making its determination as to whether there was an impact on an endangered species.

Professional scientific organizations argued, came out and said, quite frankly, this is unacceptable. The agency does not have the capacity to make a determination as to whether a species is endangered by the action of the

agency. They do not have the budget. They do not have the expertise. And, quite frankly, they have a different mission. So the impact of this regulation could have a devastating impact on the protection—legitimate protection—of wildlife.

Now, some of my colleagues argue that requiring consultation with independent scientists will slow infrastructure projects funded through the recently passed American Recovery and Reinvestment Act. But let me remind my colleagues that the projects that are ready to go have already gone through this environmental review. They are ready to go. They will not be delayed as a result of section 7 of the Endangered Species Act. We are ready to proceed. And as President Obama recently said:

With smart, sustainable policies, we can grow our economy today and preserve the environment.

But, quite frankly, these changes to the consultation rule were not the only regulations the Bush administration issued. We had the one that would compromise consultation with scientists in issuing the appropriate safeguards under the Endangered Species Act. The other was specifically aimed toward the polar bear. The new rule granted no new protections to the polar bear. Now, the President's regulations said differently, but that is not the case. The special rule not only denied additional protections normally provided under the Endangered Species Act, but it set a bad precedent for weakening ESA safeguards.

The new rule does not require plans to monitor, minimize, or mitigate impacts that could harm the bears. And the rule does not allow scientists and agencies to even consider climate change as a factor that could injure polar bears.

Last year, I had the opportunity, along with members of the Environment and Public Works Committee, to visit Greenland. We saw firsthand what is happening in regard to the loss of the snow caps and the impact it is having on the polar bear population.

Global climate change is clearly affecting the future stability of the polar bears, and the regulation that was issued in December compromises that. It is quite clear why. Seven editorials from newspapers in 32 States oppose the Bush administration's efforts. Dozens of wildlife, scientific, and environmental organizations oppose the change. In addition, eight State attorneys general, including the attorney general of Maryland, have filed suit to have these regulations withdrawn.

So we have an amendment that has been offered. The amendment would take out of the omnibus bill the additional authority we want to give to the agencies so that they can reverse the midnight changes attempted by the Bush administration. I would urge my colleagues to reject that amendment. Let's not compromise the protections we have in the Endangered Species Act

that allow Federal agencies to have the best information before they take action on their projects. It is what we should be doing. It does preserve the diversity of wildlife in this Nation. It maintains the leadership of the United States on these types of issues. It is the right policy. We should go through regular order when we change it. The Bush administration did not do that. They did this as a last-minute gesture of the Bush administration. Let's restore the status quo, and then let's look at the normal regulation process for modifications that may be needed.

I would urge my colleagues to reject the amendment offered that will undermine the Endangered Species Act.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

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

Mr. MARTINEZ. Mr. President, I rise this morning to speak once again about the pending bill before the Senate—the very large and significant omnibus spending bill—but more specifically about provisions in this bill that have very little to do with spending and have a lot to do with foreign policy, including provisions relating to U.S. and Cuban relations. I decided to inform the Senate of a few things that are in this morning's press and why what this bill will do makes so little sense for the United States at this moment in time and why it would be a mistake for us to approve the current bill.

The current bill is an attempt to, frankly, usurp from the Executive the prerogative to conduct foreign policy. In his campaign, the President indicated there were some things he wanted to change about U.S. policy toward Cuba relating to travel and remittances. I would hope that would be done in the order of Presidential prerogatives and not by a legislative fiat but that, as it is done, it is done in a way that is conducive to the best interests of our Nation and the best interests of our long-term foreign policy objectives. Unfortunately, it is being done in a haphazard way, without real clarity about the implications it will have relating to what is attempting to be done.

One of the issues relates, more importantly than all, perhaps, to agricultural business trade with Cuba. This is a \$780 million-a-year business which is now done by the Cubans paying cash before they can receive the goods, before the goods leave our ports. This was done in the prior administration because, in fact, the Cuban Government was not exactly playing it as it was supposed to. The shipments would get to Cuba and then payment would not be there when the goods arrived, but maybe 30 days later, maybe 60 days