

Cancer takes a great toll on our families, friends, and our Nation. On average, one American dies from cancer each minute and the overall cost of cancer to the U.S. is \$220 billion annually. While these statistics are daunting, the rate of cancer deaths in the U.S. has decreased since 1993. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

Leading the treatment against cancer, community cancer clinics treat 84 percent of Americans with cancer. Community cancer clinics are free-standing outpatient facilities that provide comprehensive cancer care in physician's office settings located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics is not available.

In 2003, the Medicare Prescription Drug Improvement and Modernization Act was signed into law. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction in Medicare's reimbursement for cancer treatment. The new Medicare drug reimbursement rates, based on average sales price or ASP, are artificially lowered by the inclusion of prompt payment discounts. These discounts are provided by the pharmaceutical manufacturer to the distributor and are a financing mechanism between the manufacturer and the distributor for prompt payment of invoices. As such, they are not passed on to community oncology clinics, which purchase drugs from distributors. However, pharmaceutical manufacturers are required by statute to include all discounts and rebates in the calculation of ASP, including prompt payment discounts that are not provided to community oncology clinics. The inclusion of these prompt payment discounts results in the artificially lowering of Medicare drug reimbursement rates by approximately 2 percent. Community cancer clinics are reporting that they are finding more cancer drugs reimbursed by Medicare at a rate less than their cost.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by \$4.2 billion from 2004-2013. PricewaterhouseCoopers estimated that reductions will reach \$14.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

This legislation will remove manufacturer to distributor prompt payment discounts from the calculation of ASP to provide a more appropriate Medicare drug reimbursement and will

help ensure Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with me to move this legislation forward promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS FROM MANUFACTURER'S AVERAGE SALES PRICE FOR PAYMENTS FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w-3a(c)(3)) is amended—

(1) in the first sentence, by inserting “(other than customary prompt pay discounts extended to wholesalers)” after “prompt pay discounts”; and

(2) in the second sentence, by inserting “(other than customary prompt pay discounts extended to wholesalers)” after “other price concessions”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals that are furnished on or after January 1, 2010.

By Mr. MCCONNELL (for himself,
Mrs. FEINSTEIN, Mr. MCCAIN,
and Mr. DURBIN:)

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise to introduce the annual renewal of the Burmese Freedom and Democracy Act of 2003. Once again, I am joined by Senators FEINSTEIN, MCCAIN and DURBIN who have been steadfast and long-time advocates for the Burmese people.

This resolution extends for another year the sanctions that are currently in place against the illegitimate Burmese regime, the State Peace and Development Council, SPDC. This bill would keep those sanctions in place unless and until the regime takes a number of clear steps towards democracy and reconciliation. This measure also includes renewal of the enhanced sanctions enacted last year as part of the Tom Lantos Block Burmese JADE Act of 2008.

As many of my colleagues know, the news from Burma has been particularly troubling of late. Nobel Peace Prize winner Daw Aung San Suu Kyi, who has been under house arrest for 13 of the last 19 years, was charged last month with permitting a misguided American to enter her home. As a result, she faces up to 5 years in prison. My colleagues in the Senate and I remain deeply concerned about the outcome of her “trial.” I was pleased that the Senate responded to this outrageous prosecution by unanimously

passing S. Res. 160, which condemned the “trial” of Suu Kyi and the dubious actions taken by the SPDC against her.

The Obama administration has indicated that a new strategy on Burma is forthcoming, and I look forward to reviewing it. Whatever the content of this strategy, it appears from correspondence between my House colleagues and the State Department that the administration will continue to support sanctions against the Burmese regime, even as it considers additional means of effecting positive change in the troubled country.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended by striking “six years” and inserting “nine years”.

SEC. 2. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 3. EFFECTIVE DATE.

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2009, whichever occurs first.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator MCCONNELL to introduce a joint resolution renewing the ban on all imports from Burma for another year.

I regret that we must take this action once again.

I had hoped that since we last took up this resolution last year, the ruling military junta, the State Peace and Development Council, SPDC, would have, at long last, heeded the voices of the people of Burma and the international community and put Burma on a path to democracy, human rights, and the rule of law.

Sadly, the regime responded to these calls in true fashion, by trying yet again to break the will of Burma's democratic opposition and stifle any movement for change.

Just last month, the military junta arrested and detained Nobel Peace Prize Laureate and Burma's democratically elected leader Aung San Suu Kyi on trumped-up charges of violating her house arrest.

Currently standing trial—behind closed doors and without due process—she faces up to 5 years in prison if convicted. This will come on top of spending the better part of the past 19 years isolated and alone under house arrest.

The regime's actions should come as no surprise. They represent yet another attempt to hold on to power and crush any opposition.

Almost 20 years ago, it annulled parliamentary election results overwhelmingly won by Aung San Suu Kyi's National League for Democracy.

Six years ago government-sponsored thugs attempted to assassinate Suu Kyi and other members of her National League for Democracy by attacking her motorcade in northern Burma.

Two years ago, the regime brutally put down pro-democracy demonstrations of the Saffron Revolution led by Buddhist monks.

And last year, we saw the regime ignore offers made by the international community and international humanitarian organizations to help Burma respond to the devastation caused by Cyclone Nargis, leading to countless deaths of innocent civilians.

In addition, they imposed a new constitution on the people of Burma, one that was negotiated behind closed doors without the input of the democratic opposition and one that will entrench the military's grip on power.

The SPDC understands all too well that the vast majority of Burmese citizens embrace Suu Kyi's call for freedom and democracy and reject the junta's oppressive rule.

That is why they are trying once again to silence her voice.

We cannot allow this brutal dictatorship to succeed.

For those of my colleagues who are disappointed with the lack of progress in bringing freedom and democracy to Burma since we first enacted this ban in 2003, I share their disappointment.

But now is not the time to turn back. Now is not the time to reward the regime for its oppressive tactics by lifting any part of our sanctions regime on Burma.

It has not made "substantial and measurable progress" towards:

- ending violations of internationally recognized human rights;
- releasing all political prisoners;
- allowing freedom of speech and press;
- allowing freedom of association;
- permitting the peaceful exercise of religion and;

- bringing to a conclusion an agreement between the SPDC and the National League for Democracy and Burma's ethnic nationalities on the restoration of a democratic government.

By renewing the import ban we express our solidarity with Aung San Suu Kyi and the democratic opposition who bravely stand up to the regime and reject their abuses.

They understand that the import ban is not directed at the people of Burma, but at the military junta that dominates economic and political activity in their country and denies them their rights.

And I remind my colleagues that this import ban renewal is good for 1 year and we will have the opportunity to revisit this issue again next year.

I am hopeful that the United Nations Security Council and the international community will follow our example and put additional pressure on the SPDC to release Aung San Suu Kyi and all political prisoners immediately and unconditionally and engage in a true dialogue on national reconciliation, one that will lead to a truly democratic constitution.

I urge my colleagues to pass this Joint Resolution as soon as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 173—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 173

Whereas despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are twice as likely as men to visit the doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 174—RECOGNIZING THE REGION FROM MANHATTAN, KANSAS TO COLUMBIA, MISSOURI AS THE KANSAS CITY ANIMAL HEALTH CORRIDOR

Mr. BOND (for himself, Mr. ROBERTS, Mr. BROWNBACK, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 174

Whereas a 34 percent of the \$16,800,000,000 annual global animal health industry is based in the Kansas City region;

Whereas more than 120 companies involved in the animal health industry are located in Kansas and Missouri, including 4 of the 10 largest global animal health companies and 1 of the 5 largest animal nutrition companies;

Whereas several leading veterinary colleges and animal research centers are located in Kansas and Missouri, including the College of Veterinary Medicine and the \$54,000,000 Biosecurity Research Institute of Kansas State University and the College of Veterinary Medicine, the College of Agriculture, Food and Natural Resources' Division of Animal Sciences, the \$60,000,000 Life Sciences Center, the National Swine Resource and Research Center, and the Research Animal Diagnostic Laboratory of the University of Missouri;

Whereas Kansas City, Missouri, is centrally located in the United States and is

close to many of the food animal end customers;

Whereas the Department of Homeland Security selected Manhattan, Kansas, as the future location for the National Bio and Agro-defense Facility (NBAF);

Whereas the \$750,000,000 NBAF project will provide area economic development opportunities by employing 300 people with an annual payroll of up to \$30,000,000, and will provide an additional 1,500 construction jobs;

Whereas NBAF enhances Kansas' leadership role in the Nation as the animal health research and biosciences center for the United States;

Whereas more than 45 percent of the fed cattle in the United States, 40 percent of the hogs produced, and 20 percent of the beef cows and calves are located within 350 miles of Kansas City;

Whereas there are nationally-recognized publishers in the animal health industry located in Kansas and Missouri;

Whereas Kansas and Missouri have historic roots in the livestock industry, including the cattle drives in the 1860s from Texas to the westward railhead in Sedalia, Missouri;

Whereas Kansas and Missouri are home to many prominent national and international associations within the animal health industry; and

Whereas retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for Kansas and Missouri; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the region from Manhattan, Kansas to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the "Kansas City Animal Health Corridor";

(2) recognizes the Kansas City Animal Health Corridor as the national center of the animal health industry, based on the unmatched concentration of animal health and nutrition businesses and educational and research assets; and

(3) expresses its commitment to establishing a favorable business environment and supporting animal health research to foster the continued growth of the animal health industry for the benefit of the economy, universities, businesses, and young people hoping to pursue an animal health career in the Kansas City Animal Health Corridor.

SENATE RESOLUTION 175—EX-PRESSING THE SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT IS A RELUCTANT SHAREHOLDER IN THE OWNERSHIP OF GENERAL MOTORS AND CHRYSLER

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 175

Whereas the United States is facing a deep economic crisis that has caused millions of American workers to lose their jobs;

Whereas the collapse of the American automotive industry would have dealt a devastating blow to an already perilous economy;

Whereas the Federal Government, under President George W. Bush and President Barack Obama, intervened in the American automotive industry in order to prevent additional job losses in the industry that would have resulted in a ripple effect across the entire economy;

Whereas any investment of taxpayer dollars in the American automotive industry should be temporary;

Whereas the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC, as any involvement is only to protect the investment of taxpayer dollars;

Whereas the Federal Government, as the primary shareholder, will not be involved in the day-to-day management of General Motors; and

Whereas the Federal Government shall closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all possible steps to expeditiously return to solvency; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible; and

(2) the Comptroller General of the United States should conduct a study to determine the period of time it may take General Motors and Chrysler to return to solvency and for the Federal Government to complete divestiture.

SENATE RESOLUTION 176—EX-PRESSING THE SENSE OF THE SENATE ON UNITED STATES POLICY DURING THE POLITICAL TRANSITION IN ZIMBABWE, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. KERRY, Mr. INHOFE, Mr. BURRIS, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. DURBIN, Mr. CARDIN, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 176

Whereas, over the course of the last decade, the Zimbabwean African National Union-Patriotic Front (ZANU-PF), led by Robert Mugabe, increasingly turned to violence and intimidation to maintain power amidst government-directed economic collapse and a growing humanitarian crisis;

Whereas the Department of State's 2008 Country Report on Human Rights Practices states that the Government of Zimbabwe "continued to engage in the pervasive and systematic abuse of human rights, which increased during the year," including unlawful killings, politically-motivated abductions, state-sanctioned use of excessive force and torture by security forces against opposition, student leaders, and civil society activists;

Whereas Zimbabwe held presidential and parliamentary elections on March 29, 2008, with official results showing that Mr. Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.9 percent of the vote;

Whereas, in the wake of those elections, Mr. Mugabe and his allies launched a brutal campaign of violence against members and supporters of the MDC, voters and journalists, and other citizens of Zimbabwe, leading Mr. Tsvangirai to withdraw from the June 27, 2008, runoff presidential election, which Mr. Mugabe, the only remaining candidate, then won with 85 percent of the vote;

Whereas, on September 15, 2008, ZANU-PF and the MDC signed a "Global Political Agreement" (GPA) to form a transitional

government under which Mr. Mugabe would remain President, Mr. Tsvangirai would become Prime Minister, and the parties would divide control of the ministries;

Whereas the Global Political Agreement, as written, included provisions to restore the rule of law and economic stability and growth, establish a new constitution, end violence by state and non-state actors, and promote freedom of assembly, association, expression, and communication;

Whereas the installation of the transitional government stalled for five months as Mr. Mugabe and his allies refused to compromise on control of key ministries and security agencies and continued to use the state security apparatus to intimidate and commit violence against political opponents;

Whereas, according to the United Nations, the humanitarian situation during that time deteriorated to unprecedented levels, with an estimated 5,000,000 people in Zimbabwe susceptible to food insecurity, and collapsing water and sewerage services giving rise to a cholera epidemic that has resulted in the deaths of more than 4,000 people;

Whereas, on February 11, 2009, the parties finally formed the transitional government;

Whereas there has since been some progress toward the implementation of the Global Political Agreement, including positive steps by the Ministry of Finance, such as the issuance of a Short Term Economic Recovery Program (STERP) and the abandonment of the Zimbabwe dollar in favor of foreign currencies;

Whereas many of the reform-minded individuals within the new transitional government are limited by a severe lack of qualified personnel and material resources;

Whereas the full implementation of the Global Political Agreement continues to be obstructed by hardliners in the government, and important issues regarding senior government appointments remain unresolved, notably the status of the current Reserve Bank Governor and the Attorney General;

Whereas ZANU-PF officials have made efforts to obstruct implementation of the Global Political Agreement as they continue to arrest legitimate journalists and human rights activists and delay the swearing into office of properly designated officials nominated by MDC; and

Whereas the security forces continue to operate outside the rule of law, condoning land invasions, restrictions on media access and freedoms, and harassment, arbitrary arrests, and detention of civil society activists in Zimbabwe; Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government, in coordination with other democratic governments and international institutions desiring to help the people of Zimbabwe, should—

(1) continue to provide humanitarian assistance to meet the urgent needs of the people of Zimbabwe;

(2) make available increased resources for nongovernmental entities to provide assistance and to pay salaries or fees to appropriately qualified people in Zimbabwe to enable progress to be made in the critical areas of education, health, water, and sanitation;

(3) welcome and encourage responsible efforts by the international community to support, strengthen, and extend reforms made by ministries within the Government of Zimbabwe, especially the Ministry of Finance;

(4) provide concrete financial and technical assistance in response to requests from the people of Zimbabwe and civil society organizations in their efforts to draft and enact a new constitution based on democratic values and principles that would enable the country