

According to a recent study by Premier Alliance, which includes 30 Colorado hospitals, sale prices of drugs that are in shortage are, on average, 650 percent higher than the contracted prices. These hospitals have absolutely no idea whether the businesses that are approaching them are reputable and how they can have supply of these drugs that are in shortage.

Investigations into the gray market have shown that the current law offers a huge incentive to make outrageous profits at the expense of patients, whether through selling and reselling or counterfeiting or tainting drugs.

A little over a decade ago, criminals in Florida made \$46 million by counterfeiting 110,000 dosages of Epogen, a drug used to treat anemia—a side effect of chemotherapy and dialysis. These criminals sold the counterfeit drugs to pharmacies around the country. The FDA recovered less than 10 percent of the counterfeit product.

In 2009, nearly 130,000 vials of insulin, a temperature-sensitive drug to treat diabetes, were stolen and later found across the country in a national pharmacy chain. The FDA—which had been notified that patients who used some of this insulin were reporting poor control over their insulin levels—was able to recover less than 2 percent of these stolen drugs.

A few years ago \$75 million worth of drugs were stolen from an Eli Lilly warehouse and later found in south Florida—becoming the largest drug heist in the country's history.

Just this year the FDA notified the public about counterfeit Avastin, a drug used to treat cancer, which was being sold from a licensed wholesaler in Tennessee.

These stories should scare any person in any State who takes a prescription. Fortunately, the practical compromise before us today will give consumers and businesses around the country peace of mind.

Over the next decade, manufacturers, repackagers, wholesale distributors, and pharmacies will form an electronic interoperable system to track and trace drugs at the unit level. The barcode on our pill bottles will soon tell us who has actually handled the medicine we take and give to our children.

Starting in 2015, the FDA will also know where every drug wholesaler is located across the country and begin to ensure that all wholesalers meet a minimum national standard.

This legislation, after 25 years, is a model of what can be accomplished through hard work and pragmatism in the U.S. Congress. This bipartisan effort has the support of business groups, such as PhRMA, GPhA, and BIO, as well as consumer groups, such as the Pew Charitable Trusts, and many others.

I cannot say enough about the leadership of Chairman HARKIN and Ranking Member ALEXANDER in driving us to get consensus on this bill. Their

commitment to track and trace, as well as compounding, sets an example that I wish could be replicated many times over.

I thank Senator FRANKEN and Senator ROBERTS for their leadership on the compounding part of this bill.

Finally, I want to acknowledge the relentless—and that is the only way to describe it—effort of Senator RICHARD BURR. He has been a true advocate and outstanding partner with me and my staff. His tireless efforts, and that of his staff, helped us move this legislation into law.

While we are on that topic, and to close, I thank all of the staff who have worked on this important legislation.

I ask unanimous consent that their names be printed in the RECORD at the conclusion of my remarks.

I hope we have a strong show of support for this bill—as I know we will—on the floor of the Senate so we can get it to the President's desk. This bill will restore a sense of safety about our pharmaceutical distribution chain.

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

Rohini Kosoglu, Senator Bennet; Anna Abram, Senator Burr; Jenelle Krishnamoorthy, Senator Harkin; MarySumpter Lapinski, Senator Alexander; Elizabeth Jungman, Senator Harkin; Grace Stuntz, Senator Alexander; Nathan Brown, Senator Harkin; Molly Fishman, Senator Bennet; Margaret Coulter, Senator Burr; Pam Smith, Senator Harkin; David Cleary, Senator Alexander; Hannah Katch, Senator Franken; Jennifer Boyer, Senator Roberts.

Mr. BENNET. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I realize the Presiding Officer is not allowed to respond, but I want to add my words to those of the distinguished Senator from Colorado that I am delighted to see the Senator in the Chair. Again, as I did the other day, I welcome him to the Senate.

#### GUANTANAMO BAY

Mr. LEAHY. More than 12 years after the terrorist attacks of September 11, as we see our military presence in Afghanistan wind down, it is time to take a hard look at our counterterrorism policy. We need to consider which of our policies are working and which, while perhaps well-intentioned when they were adopted in the highly charged weeks and months after 9/11, are not making us safer. There is ample evidence that the status quo is unsustainable.

As recent revelations have made clear, we need a careful review of our surveillance activities. For example, this summer many Americans learned for the first time that Section 215 of the USA PATRIOT Act has for years been secretly interpreted to authorize the collection of Americans' phone records on an unprecedented scale.

Despite the massive privacy intrusion of this program, the executive

branch has not made the case that this program is uniquely valuable to protecting our national security, and that is why I introduced the bipartisan USA FREEDOM Act with Congressman SENBRENNER. We want to end this dragnet collection and place appropriate safeguards on a wide range of government surveillance authorities.

We also must close the detention facility at Guantanamo Bay. In the coming days the Senate will take up and debate the National Defense Authorization Act for Fiscal Year 2014. That act contains many provisions that are central to our national security, and many of those provisions will help our allies around the world.

Among the most important are provisions that would help make it possible to close the facility at Guantanamo. As long as Guantanamo remains open, it doesn't protect our national security. It serves as a recruiting tool for terrorists, it needlessly siphons away critical national security dollars, and discredits America's historic role as a global leader that defends human rights and the rule of law. As a United States Senator, I feel that this is not the face of America I want the world to see.

Currently, 164 individuals remain detained at Guantanamo. Most of them have been there for more than a decade. More than half—84—have been cleared for transfer to another country, but efforts to do so have stalled largely due to irrationally onerous restrictions imposed by Congress. These unnecessary and counterproductive hurdles have made it all but impossible to close Guantanamo, and they have also severely damaged our credibility when we criticize other governments for their use of indefinite detention. We used to be able to do that. Now they look at us and say: How can you speak?

Provisions in the 2014 NDAA would ease these restrictions. While they are incremental, they would streamline procedures for transferring detainees to other countries, and, where appropriate, allow them to be transferred to the United States for trial or detention. These are common sense changes and they are necessary if we are serious about putting an end to what I believe is an ugly chapter in our history.

There are some who will come to the floor of this Chamber over the next several days to tell us how dangerous and irresponsible it would be to close Guantanamo. I would answer that the facts are simply not with them. The bottom line is that Guantanamo hurts us; it does not help us.

Guantanamo does not make us safer. We are all committed—all of us in this body—to protecting the national security of the United States and the American people, but Guantanamo undermines those efforts. Our national security and military leaders have concluded that keeping Guantanamo open is itself a risk to our national security.

The facility continues to serve as a recruitment tool for terrorists. It weakens our alliances with key international partners.

Guantanamo does not hold terrorists accountable. The military commission system for trying these detainees does not work. Federal courts have recently overturned two Guantanamo convictions in opinions that will actually prevent the military commission prosecutors from bringing conspiracy and material charges against detainees—a fact acknowledged by the lead military prosecutor at Guantanamo.

These charges, however, can be pursued in Federal courts where our prosecutors have a strong track record of obtaining long prison sentences against those who seek to do us harm. Since 9/11, Federal courts have convicted more than 500 terrorism-related suspects, and they remain securely behind bars.

Guantanamo is also diverting scarce resources from critical national security efforts at a time when the Department of Defense faces deep and ongoing cuts. Most Americans would be surprised to know how much it costs to maintain Guantanamo. It costs about \$450 million a year to house 164 individuals. That means we are spending about \$2.7 million per detainee every year—every year—year in, year out, and some have been there for more than a decade.

In Federal prisons, it costs less than \$80,000 a year to hold an individual, compared to \$2.7 million at Guantanamo. So \$80,000 at our most secure Federal prisons, which have housed hundreds of convicted terrorists for decades. There has never been an escape. And, despite the fact the Pentagon rejected a request earlier this year to spend hundreds of millions of dollars to overhaul the aging compound, House Republicans included this spending in their version of the National Defense Authorization Act.

We can't get money for school lunches for our children, we can't get money for the Women, Infants, and Children Program, but we can continue to spend hundreds of millions of dollars more for Guantanamo. Our priorities as Americans are upside down.

The money squandered on this long-failed experiment would be better served helping disabled veterans returning home from war and soldiers preparing to defend our Nation in the future. We don't have enough money to do that, but we have enough money to keep Guantanamo open. Come on. This waste must end.

Guantanamo has undermined our reputation as a champion of human rights. Countries that respect the rule of law and human rights do not lock away prisoners indefinitely without charge or trial. We condemn authoritarian states that carry out such practices and we should not tolerate them ourselves, even for our worst enemies. We are a better people than that.

The status quo at Guantanamo is untenable and I appreciate President

Obama's renewed vow to shutter this unnecessary, expensive, and counterproductive prison. But in order for the President's plan to be successful, Congress has to do its part.

We have to pass common sense provisions in the National Defense Authorization Act. I thank Senator LEVIN for his leadership on this issue as chairman of the Senate Armed Services Committee. I stand solidly with Senators FEINSTEIN, DURBIN, and others who have long recognized that it is in our national security interest to close Guantanamo. It is the fiscally responsible thing to do, it is the morally responsible thing to do, and, above all, it will actually make our country safer.

For over a decade, the indefinite detention of prisoners at Guantanamo has contradicted our most basic principles of justice, degraded our international standing, and harmed our national security. It is shameful we are still debating this issue. The status quo is unacceptable. Close Guantanamo.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. 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 PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DRUG QUALITY AND SECURITY ACT

Mr. REID. Mr. President, what is the matter before the body?

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

AMENDMENT NO. 2033

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2033.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2034 TO AMENDMENT NO. 2033

Mr. REID. Mr. President, I have a second-degree amendment at the desk. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2034 to amendment No. 2033.

The amendment is as follows:

In the amendment, strike "1 day" and insert "2 days".

MOTION TO COMMIT WITH AMENDMENT NO. 2035

Mr. REID. Mr. President, I have a motion to commit H.R. 3204 with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Health, Education, Labor and Pensions with instructions to report back with the following amendment numbered 2035.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2036

Mr. REID. Mr. President, I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2036 to the instructions of the motion to commit H.R. 3204.

The amendment is as follows:

In the amendment, strike "3 days" and insert "4 days".

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2037 TO AMENDMENT NO. 2036

Mr. REID. Mr. President, I have a second-degree amendment at the desk. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2037 to amendment No. 2036.

The amendment is as follows:

In the amendment, strike "4 days" and insert "5 days".