



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, TUESDAY, MAY 4, 2004

No. 60

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.
Sovereign Master of the universe, Your kingdom cannot be shaken, for You are King of Kings and Lord of Lords. We praise You that more things are wrought by prayer than this world can imagine. Thank You for inviting us to ask and receive, to seek and find, and to knock for doors to open.

Forgive us when we have forfeited Your blessings because of our failure to ask. Forgive us also when we have lacked the humility to turn from evil and seek Your paths. Remind us that righteousness exalts a nation, but sin is an equal-opportunity destroyer. Remind us also that earnest prayer unleashes Your power.

May this prayer that opens today's session be a springboard for intercession throughout this day. Help our lawmakers to pause repeatedly during their challenging work to ask You for wisdom and guidance. Empower the members of their staffs and all who labor for liberty to harness prayer power continuously.

Do for this great Nation immeasurably more than we can ask or think, for the kingdom, the power, and the glory belong to You alone. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. McCONNELL. Mr. President, this morning the Senate will begin a period of morning business for up to 1 hour. The first half of that time will be under the control of the majority leader or his designee, and the second half will be used by the other side of the aisle.

Following morning business, the Senate will resume consideration of S. 1637, the FSC/ETI JOBS bill. The debate until 12:30 will be equally divided between Senators GRASSLEY and BAUCUS or their designees.

During yesterday's session, three amendments were offered and debated. I thank Members for coming forward on Monday and allowing us to make some progress on the bill. This morning we expect a Republican alternative to the overtime amendment to be offered, and Members may have additional debate on that issue. Therefore, we anticipate that we will begin to schedule votes on FSC amendments this afternoon and, therefore, we do not expect any votes prior to the policy luncheons.

As a reminder, the Senate will recess from 12:30 to 2:15 for the weekly policy luncheons.

Finally, we hope to have cooperation on both sides as we try to finish the JOBS bill this week. With the rising level of WTO sanctions, it is long past time to complete this measure and, therefore, Members need to show restraint in offering their amendments. I thank everyone in advance for their cooperation as we try to finish this bill this week.

I reserve the remainder of the leader time.

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

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

FINISHING FSC/ETI

Mr. DASCHLE. Mr. President, I share the view just expressed by the distinguished assistant Republican leader with regard to finishing the FSC bill. It is my understanding they have probably twice as many amendments as we do. I know both sides are attempting to work down the list.

We have had some success in the last 48 hours with regard to our list, and we are hopeful our colleagues on the other side of the aisle will have an equal opportunity to demonstrate their success in reducing the number of amendments to be offered. We can finish this bill easily this week.

Our amendments have all been vetted, and it is my understanding that every author of each amendment on our side has also agreed to a time limit. So we not only have short time limits and a reduced number of amendments from what was originally entered into with the time agreements and the unanimous consent agreement having to do with the consideration of this bill, but I think if we can continue to show that degree of cooperation, certainly we can finish the bill easily this week and perhaps move on to other business.

So I join with the Senator from Kentucky in expressing the hope we will continue to work to accomplish that this week.

TORTURE IN IRAQ

Mr. DASCHLE. Mr. President, I had not intended to speak to the appalling news in the last several days about the mistreatment of prisoners in Iraq. But I must say I come to the floor with grave concerns about the news, about the events, about the message it sends, about the extraordinary impact this violation of human rights can have on our efforts to succeed in that country, and about our appalling inability to explain how this happened.

While I certainly am not in a position today to speak with any clarity or

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



Printed on recycled paper.

S4779

definitive character with regard to the facts, let me say that I don't know that there has ever been a time when we needed a better understanding of how this could have happened, why it happened, how widespread these practices may have been, what the administration has done about it, what they intend to do about it, why the President was not informed, why the Defense Secretary was not informed until just recently, why no one has seen the report, why the Intelligence Committees were not informed, and why, in other words, has there been this extraordinary disconnect, this unbelievable failure of communication and of oversight.

We need answers. I hope no later than the end of this week the Secretary of Defense can come to the Senate, as he does with some regularity, and explain to us what they know, what happened, and what is going to be done about it.

We must do everything we can to ensure that we understand the circumstances surrounding these appalling acts. We must also be provided with a very specific and detailed response that spells out the measures taken to discipline those responsible and outlines what steps will be taken to ensure this never happens again.

Somehow, we have to say to the international community that this is not the United States of America. I think it is imperative that the Senate itself speak to this issue in some manner. We should send a clear signal through a resolution or some other collective and forceful means that expresses how important it is to adhere to the international standards respecting the human rights of every person.

We cannot be silent. We must learn, respond, and speak out. I hope all that will be done at the earliest possible time.

FIRST DAY OF MEDICARE DRUG CARD ENROLLMENT

Mr. DASCHLE. Mr. President, I want to use the remainder of my leader time to comment on the Medicare temporary drug discount card.

For nearly a decade, Congress has been debating how to provide seniors with meaningful help when it comes to the skyrocketing cost of prescription drugs.

This temporary program represents the first tangible result of that long debate. Until the Medicare prescription drug benefit takes effect in 2006, this is the only assistance seniors will receive.

The administration has introduced this program with great fanfare. Unfortunately, the hype masks the disappointing truth. This program provides far more confusion than real savings. As a result, it represents yet another missed opportunity in our longstanding effort to bring the cost of medicine within the reach of seniors who need it.

Among the many shortcomings in the program are three critical flaws.

First, the discount program forces seniors to go through a baffling number of calculations and decisions.

In order to decide whether the discount program is right for them and, if so, which card to choose, seniors need to ask themselves: First, will the card offer discounts on the drugs I need? Second, is my neighborhood among those where this card is available? Third, does my pharmacist accept the card? Fourth, which of the several cards offered will provide the best discount on the drugs I am personally taking? Are the discounts offered worth the enrollment fee? Could I get a better deal through a separate discount plan offered outside of Medicare? Will I qualify if I am in Medicaid?

The questions go on and on and on. The dizzying array of possibilities and permutations are shown in a number of the pieces of material that have been offered by CMS. I must say the charts and information provided are equally as confusing.

One reason it is so confusing today is that seniors have nowhere to turn for reliable information. The Center for Medicare and Medicaid Services has built a Web site, but it has already been found to have incorrect prices on many of the drugs Medicare recipients rely upon the most.

Unless seniors have faith in the information on which they are basing their decisions, the fact they are given options will mean absolutely nothing.

Second, the program unfairly locks seniors into their choices until the end of the year, even though the card sponsors can change the rules anytime they wish.

Assuming that a Medicare recipient is able to get the information he or she needs to make a smart choice on a plan that could help, it may not matter. At any time, card sponsors can withdraw the discount they were offering on any drug. Meanwhile, even though the rules could change at any minute, Medicare recipients are actually locked into the choice they made until the next enrollment period comes. So they make their decision based on facts provided to them, and they are locked into that decision for the coming year. But those facts can change at any time—the day after, for example—and the Medicare recipient is now committed. Those facts for that recipient could change. This is an extraordinary invitation for abuse. It puts seniors, especially those with serious health conditions, in a very vulnerable position.

Last week, the Secretary of Health and Human Services suggested that seniors wait before enrolling because more information will soon be available.

Because enrollment begins today and the administration has not included this warning in its widespread advertising, I have urged Secretary Thompson to allow Medicare recipients at least a 30-day grace period to enable them to change their decisions should it turn out that another plan could offer a better discount.

In the wake of the confusing and contradicting information seniors are receiving about these cards, the very least HHS can do is to offer them the flexibility to make the right choice once the right information becomes available.

Finally, and most importantly, the program simply doesn't provide much of a discount. A recent analysis found that prices under the new drug cards would be no lower than prices currently available to Medicare beneficiaries.

Furthermore, whatever discounts the cards may provide have already been factored into drug company pricing strategies.

The Wall Street Journal recently reported that several of the drugs seniors use the most have actually seen prices increase more than three times the rate of inflation since this program was announced.

In fact, drugmakers have already raised prices so much that the so-called discounts offered by this program will do little more than return the drugs to their original price.

To add insult to injury, the new law only requires the card sponsors to pass along to beneficiaries a share of the discount that they do negotiate.

That is not good enough, so I have introduced legislation that would require them to pass along at least 90 percent of the savings to seniors. Medicare should not be in the business of propping up profits at the expense of seniors.

After wading through the stupefying process, with its myriad questions and calculations, the fact of the matter is many seniors will not see their drug costs go down 1 penny.

Regrettably, this was entirely predictable. Instead of relying on commonsense solutions we know could bring down the cost of drugs for every senior, Congress created a mystifying maze of computations, replete with new vendors, changing rules, shifting prices, and unreliable information. There is a better way.

Not long ago, I was contacted by a couple from Trent, SD, who, until January, spent \$525 every month to pay for 17 different pills the wife had to take for her diabetes and high blood pressure.

As the cost of the drugs rose higher and higher, it became more difficult to pay their monthly bills, much less enjoy the retirement they worked and saved for. So in order to make ends meet, the husband, at the age of 84—at the age of 84—started a paper route. Once a week, he spent a day delivering a weekly magazine to a number of small towns around Trent. He does not make much, certainly not enough to cover the cost of his wife's prescription drugs, but the added income relieved a little of the sting, and most of the urgent bills could be paid.

In January, the couple called a pharmacy in Canada. They had heard drugs cost less on the other side of the border, and he was curious if they could save a little money.