

searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets and restitution; initiating criminal proceedings in the Requested State; and any other form of assistance consistent with the purposes of this Treaty and not prohibited by the laws of the State from whom the assistance is requested.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

THE WHITE HOUSE, July 15, 2002.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters, signed at Belize on September 19, 2000, and a related exchange of notes signed at Belize on September 18 and 22, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking, money laundering, and terrorism offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the providing documents, records, and articles of evidence; locating or identifying persons; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime and collection of fines; and any other form of assistance not prohibited by the laws of the State from whom the assistance is requested.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

THE WHITE HOUSE, July 15, 2002.

MEASURE READ THE FIRST TIME—S. 2

Mr. REID. Mr. President, I understand that S. 2, the 21st Century Medicare Act, is at the desk. I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2) to amend title XVIII of the Social Security Act to provide for a medicare voluntary prescription drug delivery program under the medicare program, to modernize the medicare program, and for other purposes.

Mr. REID. I ask for its second reading and then would object to my own request.

The PRESIDING OFFICER. The objection having been heard, the bill will receive its second reading on the next legislative day.

MEASURE RETURNED TO THE CALENDAR—S. 2673

The PRESIDING OFFICER. Under the previous order, passage of S. 2673 is vitiated. The bill is returned to the calendar.

ORDERS FOR TUESDAY, JULY 16, 2002

Mr. REID. Mr. President, I appreciate the Senator from Alabama allowing us to do the closing before his remarks.

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, July 16; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each; with the first half under the control of the Republican leader or his designee and the second half of the time under the control of the majority leader or his designee; that at 10:30, the Senate resume consideration of the motion to proceed to S. 812 regarding affordable pharmaceuticals; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the remarks of the Senator from Alabama, Mr. SESSIONS, under the previous order.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for his courtesies, as always.

Mr. President, I serve on the Health, Education, Labor and Pensions Committee and am pleased that we reported out a bill to improve generic drug competition in America and to address the high cost of prescription drugs. The Hatch-Waxman Act, which passed in 1984, is considered to be a remarkable piece of legislation. It strives to provide patent protection to companies that invest hundreds of millions of dollars to develop new drugs. At the

same time, it limits that protection by allowing generic competition. It allows generic drug manufacturers to take a patented drug, produce it, and sell it at a much lower price, a competitive price, driving down the price of the drug for consumers.

Since 1984 the scales, it appears, have tilted too much in favor of the name-brand producer of the drug, the patent holder of the drug, and too much against the generic manufacturers. There have been some problems on both sides of this issue. Loopholes of the Hatch-Waxman Act are being exploited, giving one side an advantage over the other. In fact, one of the things that has occurred is some generic companies have challenged patents and have gotten the right to produce patented drugs, because they have challenged it using the procedures of the act. Then they enter into an agreement with the original patent holder to not produce the generic drug—thereby agreeing to not compete with the name-brand manufacturer. This is a loophole that needs to be eliminated.

I believe S.812 will help recover the delicate balance that was originally intended by the Hatch-Waxman Act. I believe it will help contain the rising costs of prescription drugs. I believe it will also encourage production of drugs the way we intended, but at the same time will eliminate unfair patent extensions. I believe that by reporting this bill out of committee, we are moving in the right direction. I salute Senators EDWARDS, COLLINS, SCHUMER, and MCCAIN who have worked to produce this legislation. I think it is going to be something we can all support.

I know we will be beginning to talk about prescription drugs in general later this week, and I think it is time to do so. This Congress voted—I voted—for a budget last year that set aside \$300 billion for a prescription drug benefit. However, we were not able to pass a prescription drug benefit last year, and it remains to be seen whether we will be successful this year.

There are a lot of different views about how prescription drugs should be handled. Over the Fourth of July weekend, I visited two assisted care living facilities in Alabama: Chateau Vestavia near Birmingham and Westminster in Mobile, Alabama. I talked with seniors who have high drug bills and listened to what they had to say. I wanted to have their input as the Senate moved toward considering a prescription drug proposal. They told me that they are most concerned about high drug prices. I spoke with seniors that are struggling to pay for their drugs.

My mother is in her eighties. She has a \$300-a-month drug bill. She is in relatively good health, although she has arthritis and high blood pressure. Her sister's drug bill is even higher than that each month. They are both in an assisted living center. They are getting by, but it is not easy. For people who

rely on their Social Security as their sole income, they are not able to get by with those drug prices.

We know we have a problem. The theory is this: If this federal government, through Medicare, will pay for the removal of a kidney, or will pay for the amputation of a leg, is it not irrational that we would not pay to fund drugs that would keep people from having to have a kidney removed or keep people from having to have an amputation because they are diabetic?

We are at a point where drugs are such a central part of health care in America, that we cannot leave them out of Medicare.

The seniors I visited with in Alabama want us here in the Senate to address the high cost of drugs. They believe they are higher than they need to be—and I agree. They would like to see less paperwork in the process, less bureaucracy, and less fraud. They would also like to see that they can go to their local pharmacy and buy the drugs there and talk to a pharmacist about them if they choose. They would like to be able to buy through direct mail and mail order if they choose. Those are things we will have to wrestle with. I intend to be talking with more seniors as time goes by so we can listen to their concerns and desires and see what we can do to pass a responsible bill.

We are not doing anything to help Medicare beneficiaries pay for drugs today. We should not fail to act at all and do nothing simply because we can't do everything we would like to do today.

We need to have some relief now. We have people this day who are having to choose between food and rent and drugs. They often are not able to buy the drugs they need to keep themselves healthy, and that leads to complications and even greater health care costs.

We need to quit putting this off. If we cannot afford the Cadillac, we need a Ford. We need to do something to move forward. Seniors need help now.

People who need drugs, seniors who need drugs, all Medicare beneficiaries who need them and simply cannot afford them need help. We can do that through the budget we passed last

year. There is, through President Bush's plan, an idea of using group purchasing power to reduce the cost through a prescription drug discount card. A number of my pharmacist friends are concerned that could hurt them. That was not the intent. They have challenged this card. But a card plan should not harm our pharmacists. We ought to be able to drive down the cost of prescription drugs by up to 20, 30, or 40 percent. That would be a tremendous savings. It would be good if we could do that today—and not wait any longer. It would be a monumental step forward.

We want our seniors to have choice and to not have to give up their current coverage plans. We do not want them to have to enter into some sort of mandatory plan that costs them more and provides less benefits.

Beneficiaries should have information and the choice to choose between whether they want generic drugs or name-brand drugs. That is a choice that many can make. We need to make sure that option is available to them.

We did vote for a budget last year that provides for \$300 billion for prescription drugs. We have allowed our spending here to get out of control. Our discretionary spending last year hit about a 7 percent increase. This year, likewise, with defense and supplementals, it could be greater than that. If we get our spending under control and contain excessive spending, we ought to be able to fund a plan that would meet the needs of thousands of seniors who are in a crisis situation today.

Politics should be put on the back burner. It is time to ask ourselves how we can accomplish passing a piece of legislation that we all can support, that the American people would like to see passed, and that we can afford. We can do this, if we watch our cost and do not let it get out of control. If we are smart and work at it and do it in a way that is bipartisan as this generic bill we passed out of the HELP Committee last week, we can make good progress for America. I look forward to the debate and hope we can achieve that before the recess.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under a previous order, the Senate stands in adjournment until 9:30 a.m., Tuesday, July 16, 2002.

Thereupon, the Senate, at 8:12 p.m., adjourned until Tuesday, July 16, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 2002:

NATIONAL COUNCIL ON DISABILITY

GLENN BERNARD ANDERSON, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE YEKKER ANDERSSON, TERM EXPIRED.

GLENN BERNARD ANDERSON, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2005. (REAPPOINTMENT)

MILTON APONTE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE AUDREY L. MCCRIMON, TERM EXPIRED.

BARBARA GILLCRIST, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE LILLIAM RANGEL POLLO, TERM EXPIRED.

BARBARA GILLCRIST, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2005. (REAPPOINTMENT)

GRAHAM HILL, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE HUGHEY WALKER, TERM EXPIRED.

GRAHAM HILL, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2005. (REAPPOINTMENT)

JOEL KAHN, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004, VICE DAVE NOLAN BROWN, TERM EXPIRED.

PATRICIA POUND, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2005. (REAPPOINTMENT)

MARCO A. RODRIGUEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE EDWARD CORREIA.

MARCO A. RODRIGUEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2005. (REAPPOINTMENT)

DAVID WENZEL, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004, VICE BONNIE O'DAY, TERM EXPIRED.

LINDA WETTERS, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE GERALD S. SEGAL.

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 2002:

THE JUDICIARY

LAVENSKI R. SMITH, OF ARKANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.