

the ranking member of the Senate Judiciary Committee, or their designees.

Under the previous order, the first half of the time in morning business shall be under the control of the majority leader or his designee.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### IMPORTANT ISSUES BEFORE THE SENATE

Mr. REID. Mr. President, we have many important issues to consider in the limited time left in our legislative calendar, and therefore it is important we decide what our priorities must be.

President Bush has focused, in recent weeks, on Iraq, announcing his plans to send American troops there to accomplish the goal of a regime change. We have focused on the situation in Iraq now for about 3 weeks, or maybe more.

During the Presidency of his father, I was the first Democrat to announce publicly I would support the invasion in Desert Storm. I have no regret having done that. But there are, at this time, a number of questions that I think must be answered.

I expressed personally to the President on Wednesday in the White House that I thought there was a model to follow. It is a model that was created by President Bush, his father, and that model is one where there is support from the United Nations, the world community. The people of this country supported the action President Bush had taken, and the Congress supported that action. That is a model that I think is one of success.

There have been some in the administration who have said we don't need help. I am happy to see the President has reached out to the Prime Minister of Great Britain and met with him Saturday at Camp David. Today he is going to meet with the President of France. That is important. He needs to do that.

But we have to be very careful—and that is an understatement—in sending men and women into battle. We have about 12,000 or 13,000 troops stationed in Nevada at Nellis Air Force, Fallon Naval Air Training Center, and at the Hawthorn Ammunition Depot.

I want to make sure these people and others who serve in the Armed Forces are sent to do the right thing. I think we have to be very careful in what we are doing in this instance. I don't know what validity should be placed on it but certainly some. One American inspector was quoted in all the national press today as saying Saddam Hussein does not have the ability at this time

to do anything regarding weapons of mass destruction. A case has to be made for that.

I am certainly standing by with an open mind, looking forward to whatever the President and his people bring forward. But I think the burden of proof is that we have to have a case made to us.

We represent the American people, as does the President. We are separate branches of Government, but they are equal in nature. We have a role to fill. He has a role to fill. And to this point, there have not been Members of Congress—Democrats or Republicans—convinced that would be the right thing to do.

I think we all have open minds. The American people all have open minds, and we want to do the right thing.

I repeat for the third time today: I am willing to listen to the President. I have listened to the President. I have a record—I am not embarrassed—about supporting his father. I am not a big fan of the War Powers Act. I felt that way in the House; I feel that way in the Senate. This is more than the War Powers Act. This is a situation where we must have the support of the international community, at least some in the international community, and we must have the support of the American people. The President must have our support before there is an incursion into Iraq.

I acknowledge that Saddam Hussein is a bad person. He has gassed his own people. He has killed his own blood. He is a vicious, evil man. I am ready to do whatever is necessary to protect the American people and bring about stability. But we have to wait until those different requirements are met before we do that.

In the meantime, we cannot be Johnny one-note. We have to do what is necessary to be done in Iraq but also understand the American people face a tremendous domestic crisis. The economy continues to struggle. The American people are concerned about losing jobs, investment, retirement savings. America's slumping economy has severely impacted working families and retirees.

Two of the major economic concerns we in Nevada have are that we have to be convinced our pensions are safe and that the cost of health care is debated, including prescription drugs. We passed strong legislation, led by the Senator from Maryland, Mr. SARBANES, regarding corporate accountability. We will soon take up pension protection to provide additional security for American workers and retirees. Earlier this summer the Senate passed the greater access to affordable pharmaceuticals legislation. It didn't do everything I think should be done, but it did take some important first steps.

It didn't do a lot to deal with the Medicare prescription drug program. We should have as a component of Medicare prescription drugs. It is not right that seniors are struggling. It is

not right that we, the only superpower in the world, have a medical program for senior citizens that does not include prescription drugs, even though the average senior citizen has 18 prescriptions filled every year. We need to take care of that.

The legislation we did pass, the greater access to affordable pharmaceuticals, would lower prescription drug prices because it would stop pharmaceutical company abuses that prevent generic drug competition. It would allow pharmacists, wholesalers, and consumers to import prescription drugs from Canada at a lower price than they can find in the United States, and it would allow States to extend Medicare rebates and discounts for prescription drugs to residents who don't have drug coverage—not everything, but certainly it is a step in the right direction.

I have previously shared the stories of Nevadans struggling to pay for prescription drugs they need to stay healthy and to live quality, pain-free lives. The legislation the Senate passed will help make lifesaving and life-enhancing medicines more affordable and thus more affordable to Nevadans and all Americans. Unless we enact the Schumer-McCain bill this year, consumers will not get any relief from the skyrocketing cost of drugs. The Senate has passed this important legislation. Now Americans are looking to the House to do likewise. Without this bill, drug prices will continue to drain the budget of everyone—the elderly, the uninsured, State governments, employers, labor unions, and other groups—all because brand-name drug companies have abused loopholes in the law and have profited handsomely.

The average price paid for a prescription for brand-name drugs is three times the prescription price of generics. This means the average consumer pays about \$45 more for each brand-name prescription. The savings that this legislation we passed provides will really add up.

According to the Congressional Budget Office, this legislation would save American consumers about \$60 billion over the next 10 years. The public has demanded action on the high cost of drugs. They are going up. This is supported by patient groups, employers, and insurance companies alike. They believe it is not the answer but one of the answers to end drug company abuses and close legal loopholes the industry exploits to block competition and keep drug prices artificially high.

Just as we decided to close the accounting loopholes abused by Enron and WorldCom, we need to finish the job and close the loopholes in our drug patent laws exploited by the big pharmaceutical companies.

I believe it is time for the House leadership to join us in ending these abuses that hurt patients every day.

I also told the President on Friday that when he gave a speech last week to a group of labor people in Pennsylvania saying: I am not for the trial

lawyers; I am for the hard hats. I want to pass terrorism insurance, and that way we will create jobs—I told President Bush on Wednesday: If you want that legislation which you have talked about passed, you have to realize that you have to come out and get off this kick of having tort reform in addition to this terrorism insurance.

I said: Your friend, the Republican Governor of Nevada, Kenny Guinn, approached that in the right way. He called a special session of the legislature which ended about a month ago. The purpose of that special session was to do something about the increasing cost of malpractice insurance. The legislature met. They set certain limits on what you could get for pain and suffering. As a result of that, people walked away happy. That is where tort reform should take place, on the State level. Even if those people who believe in more tort reform want to do it, they can't do it on this terrorism insurance. I think it is a game being played; they really don't want terrorism insurance. They want to use tort reform as an excuse. That is one of the issues that is left pending, terrorism insurance.

They fought us every step of the way—they, the minority, fought us every step of the way. If the President really wants that, he needs to deal with the minority and allow this conference to be completed.

We need to do something about the bankruptcy bill. This has been going on for years, as the Presiding Officer, who was the architect of that legislation, knows. All the issues, we were told, had been resolved. This has been held up for about a year because of the people who are not in touch with—I don't mean this as not mentally competent, but not in touch with reality, in that how could you hold up legislation as important as this bankruptcy reform because of a provision we passed over here that said if you are an organization that goes to a clinic and trashes it, put this terrible smelling acid on it so that you have to really tear the place down and rebuild it, those people cannot discharge these acts in bankruptcy. That seems totally fair to me. But they are off on this abortion kick that somehow people who do something bad to these reproductive clinics—whether or not you agree with abortion, people should have to obey the law. You should not have the right to trash a place such as that so that it has to be torn down and totally refurbished and say I can file bankruptcy and just discharge it. No.

We thought it had been resolved a couple weeks ago. Obviously not. All the banks and all the others interested in bankruptcy reform should understand that is the only problem and the only reason we are not getting the bankruptcy legislation passed. That is a shame. The House should let us do that, just as they should let us do the antiterrorism legislation. It doesn't end there.

A lot of legislation is being held up; for example, our appropriations bills.

We have 13 appropriations bills we must pass every year. We cannot complete work on those until the House does it because you lose the ability to object because an amendment is not germane. When the bill is brought from the House, they won't pass that. Why? We are under this legislative delusion that suddenly all this financial stuff is going to work out.

We have less than 20 days before this legislative session ends and they are still playing around. They never had a committee meeting on the Labor-HHS bill. It deals with the National Institutes of Health and so many other issues. It is a huge appropriations bill, extremely important for us. But the House is afraid to move on it because the President said he is only going to allow a certain amount of money to be spent there.

If that is exceeded, he will veto it. I say let's call him on that. Let him veto these important programs such as the National Institutes of Health. It is a little hard to do that when he and the administration have single-handedly destroyed the economy. Last year at this time we had a surplus of about \$7.4 trillion for the next 10 years. That surplus is gone because of these tax cuts—well, about 25 percent of it is due to the war. The rest of it is due to the tax cuts and the bad economic policies. We have no surplus anymore.

So it seems to me what the President is trying to do is to create the illusion that he is fiscally responsible by not allowing us to pass our appropriations bills. In fact, what he will probably do in the multitrillion-dollar budget is that we will pass the appropriations bills, and he will probably veto a couple to say he is fiscally conservative, and all the problems are because of the prolific spending of the Congress, which is certainly not true. It appears that is what is happening.

The economy is in shambles. We are not having appropriations bills worked upon. It is just too bad. Because of the election that took place 2 years ago in Florida, we needed election reform. Senator DODD worked night and day getting election reform passed in the Senate. It is held up in the House. We cannot complete the conference.

I am very disappointed in what is happening. I think the administration is focused on the wrong things. I should say the wrong thing this time. They have tunnel vision on Iraq. I think everybody in the Senate has an open mind as to what we should do on Iraq. We can also focus on the domestic problems in this country, but we are not doing that. I think it is too bad. It is harmful to this country and it is certainly harmful to our getting work done.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KYL. Mr. President, I am going to speak in morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator is recognized for up to 10 minutes.

Mr. KYL. I thank the Chair.

#### CHINA

Mr. KYL. Mr. President, this week, which will be one Americans remember for a long time as the anniversary of the September 11 attacks of last year, a lot of second-guessing has been going on about what we might have done differently. Part of that is based on the fact that there was a lot of evidence that the United States should have been prepared to deal with the kind of attack that occurred, even if not at that precise time and place.

I think history will show, notwithstanding all of the evidence, it would have been very difficult for us to actually defend against those attacks, but it should not dissuade us from acting on similar evidence in the future.

I fear there is another situation developing which, both because we are focused on the war on terror and because it presents us with some unpleasant choices about what to do, is creating a similar situation where there is evidence that we should be paying attention to a problem, but either because we do not want to deal with it or because there is a lack of consensus about how to deal with it, the United States is not taking adequate precautions or taking adequate steps to deal with the situation.

What I have in mind is a concern that has been now discussed in two very recently released Government reports on the threat that is posed by the nation of China against the United States.

The first, produced by the congressionally-mandated United States-China Security Review Commission, offers a sobering analysis of the national security implications of the economic relationship between our two countries. It flatly states that trade alone has failed to bring about serious political change in China.

The second, the Defense Department's annual report on the military power of the People's Republic of China, paints an unsettling picture of China's military buildup, the main objective of which is to prepare that country for a military conflict in the Taiwan Strait, and to counter potential U.S. intervention in the conflict.

Proponents of unconditional engagement with China opine that the Chinese people's access to the Internet, modern telecommunications, and free trade will make that country a more free and open society. They suggest that entrenched vestiges of the Communist system will eventually fade away as new leaders, who are committed to capitalism, take the reins of