

have a plan at work—may have a lower cost or a reduced price for prescription drugs. Someone who is disabled and on Medicaid, for example, has the benefit of the Government bargaining to bring in lower prices. Right on down the line you see that person after person has protection, but for the senior citizens, they end up paying the highest prices.

I have heard colleagues repeatedly say, that is just the price you have to pay in America. We have to have somebody pay inflated prices for drugs so the companies have enough money for research.

Keep in mind that pharmaceutical companies are the most profitable economic sector of our economy. They make a lot of money. Though they need to make a profit—that is why they exist—though they need money for research, the fact is most of these companies pay more money for advertising their product than they do for research to find new cures for diseases.

We tried to pass a prescription drug bill that would have finally given Medicare the power to bargain down prices and make them affordable for seniors. It was rejected by the overwhelming majority of the other party and even a few on our side of the aisle because the pharmaceutical companies don't want to face any customer with bargaining power. Forty million seniors under Medicare would be the strongest bargaining unit possible. Instead, we passed a bill which, frankly, is going to delay the implementation of a very poor substitute, a Medicare drug program, until long after the election. Conveniently, this disastrous bill will not go into effect until long after the election. In the meantime, though, the Bush administration is anxious to tell the seniors that we haven't forgotten you.

Yesterday they rolled out a discount card to give seniors a break on the cost of drugs. Take a look at what that discount card means when we actually compared it to the town of Evanston, IL, to what people are paying at the pharmacy.

Lipitor, the largest selling drug in the world, \$10 billion in annual sales, \$6.5 billion in the United States, lowest retail price is \$68.99. With this great new discount card the Bush administration rolled out yesterday, \$67.07—a savings of 3 percent. Celebrex, savings of 2 percent. Norvasc, it turns out the discount card price is higher than the price of the pharmacy.

The bad part about this new Medicare drug discount card is, once a senior signs up for it, they are stuck for a year. That means they pay the annual fee and can't go to another private discount card. Meanwhile, the company offering the discount can change the number of drugs covered and the price of the drug on a weekly basis. So you are stuck having paid your membership fee with a situation where the drug companies can keep raising prices way beyond what you think they are going to be.

Are they likely to raise prices? Take a look at what has happened to the increases in prices since we started debating this: Celebrex has gone up 23 percent in cost; Coumadin, very common, 22 percent; Lipitor, 19 percent; Zoloft, 19 percent; Zyprexa, 16 percent; Prevacid, 15 percent; and Zocor, 15 percent.

So when you are saving 2 or 3 percent on the card today and no guarantee that it will be there tomorrow and prices are going up in this fashion, is it any wonder that seniors are skeptical of this administration's commitment to lowering drug prices?

Secretary of Health and Human Services Tommy Thompson said last week: I want to warn seniors; on May 1 we are going to roll out this new card, but hold back. Don't commit yourself early. There is still more information coming in.

There certainly is. The information is troubling. These discount cards being offered by the Bush administration, frankly, could be a bait and switch for seniors. They could end up with a discount today that disappears tomorrow. They are stuck with it. They could end up signing for a discount card for a drug that is discontinued by that same company offering the card next week.

Take a look at what we could be doing instead of these bait-and-switch phony discount cards. Take a look at what we could be doing on Lipitor: With the Medicare discount card, \$67.07. Do you know how much they pay in a veterans hospital for that same drug? Thirty-six dollars and 48 cents. Why? Because the VA bargains with Pfizer and it brings the price down dramatically. This Senate passed a bill prohibiting us under Medicare from bargaining with pharmaceutical companies to get the best price for seniors. They specifically prohibited it. Why? So the drug companies could make more money and seniors would pay more money. If you have to go to Canada for that same Lipitor, it is about \$50. Look at this. America's seniors are paying the highest prices, even with the discount card, in comparison to veterans and the price of the same drug in Canada. Prevacid is \$111 under the Medicare card; it is \$53.90 in the VA hospitals; it is \$56 in Canada. Zocor is \$101 under the Medicare card; it is \$69 in a VA hospital; it is \$63.98 in Canada.

Seniors understand this. I met with them in Chicago yesterday. They understand what is happening here. This is an election year push to tell seniors across America they are going to get a discount. But they know better. They are wise in their years. They have seen a lot of politicians come and go. They are not going to be swayed by a discount card that offers little or no hope to bringing down the cost of these expensive drugs.

I have written a letter, along with a dozen colleagues, to Secretary Thompson, saying, For goodness sake, give seniors a grace period here. Don't tie

them down with a card that could be disastrous for them and their families. With a grace period, if they find out it is not a good deal, that would be fair to seniors—something the Medicare discount card is not.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The bill 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.

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the time controlled by the Democrats, how much time does Senator LAUTENBERG have?

The PRESIDING OFFICER. There are 9½ minutes.

Mr. REID. I checked with the majority. I ask unanimous consent for an additional 5 minutes on our side for Senator SCHUMER, and we ask also that there be 5 additional minutes of morning business extended to the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

MEDICARE DISCOUNT DRUG CARDS

Mr. LAUTENBERG. Mr. President, I want to now discuss my concerns about the ads we are seeing regarding the new Medicare drug discount card. I think the ads are misleading, and I am getting a lot of inquiries from people at home about is this good for me or not. I think there is a fundamental mistrust about whether this is an idea whose time ought not yet come, because the citizens are saying it is starting in 2006, and this is obviously a lead-in to that. I think it can be described as a placeholder.

The card became available yesterday, but the administration is keeping seniors in the dark about the real benefits and weaknesses of the program. They have produced a television commercial that is hyping the card and are spending \$18 billion to show it across the country.

In this ad, there is a group of seniors in line at a pharmacy and the announcer says: "Good news for those with Medicare. You can get savings on prescriptions." They do it in the right mellifluous tone, just for those on Medicare. That is really all the announcer says about the card—"good news . . . you can get savings." That's it—all hype and no substance.

The television ad is almost a cruel joke on our Nation's seniors. Instead of providing real, needed information about the drug card, the administration has launched a PR campaign to boost the image of the card.

HHS should have spent less time focusing on hype and more time providing seniors with critical information about the card program.

We have to look at what is missing on the card. I urge the administration to include something else in their mailing. This is called a magnifying glass. Everybody knows what it is. It ought to be sent so you can read what this small type says. It says, "Scene from the HHS 'shine' ad, featuring the 'strange, blue, magical glow of light.'"

It goes further—and we have enlarged the type. The magnifying glass would be a nice accompaniment for seniors who are getting this, because they should read this small type. It says: "Savings may vary. Enrollment fee, deductibles, and copay may apply."

And here they say "certain exclusions apply."

We need the magnifying glass to see that.

What we are looking at is some fairly deceptive advertising. It is shocking that the administration would once again run ads that leave out these important details, especially in light of the findings by the GAO that earlier Medicare advertisements had a political tone and contained "notable omissions and other weaknesses."

Many seniors watching this commercial could reasonably believe the discount card is free. In reality, there is an annual enrollment fee of up to \$30.

Many drugs would be excluded from the program. Seniors could be stuck with a Medicare drug card that provides no discount for the prescription drugs they may need. For example, seniors using the Medicare discount card offered by the Pharmacy Care Alliance would get no discount for Celebrex. Celebrex is a common, apparently very effective drug used to treat arthritis. With the card, you can buy the drug for \$121.80. But if you don't have the card, you can get the same medication for only \$76.99 at drugstore.com, so there is a savings of over \$40. The card is useless for this drug.

Another example: Seniors on the Rx Savings Medicare Card Plan would pay \$147.01 for Prevacid, a common drug used to treat acid reflux. But there is no discount at all when you consider that you can buy the same drug for \$120.99 at drugstore.com without any card. That is a savings of over \$25 if you do not use the card. That is a good idea. Don't use the card.

Lipitor is used to treat high cholesterol. If you have the Pharmacy Care Alliance Medicare drug card, it costs you \$71.19. But if you want to buy it at drugstore.com, that \$71.19 product cost only \$62.99. So there is \$8 worth of savings right there at drugstore.com without any card. The savings are hazardous at best.

These Health and Human Services television ads do not provide any of these details except, once again, in the tiny type on the bottom of the screen, and you ought to get a magnifying glass if you really want to understand what is taking place.

Look at this placard. It shows actual scenes from HHS's advertisement. I point out as I did before:

Savings may vary. Enrollment fee, deductibles, and co-pay may apply.

They are saying: Hey, hold on to your pockets because we are not really telling you what the outcome is going to be.

What little substantive information is included can only be found at the bottom of the screen in print so small that you need a magnifying glass to read it. They make sure the type is in a color that is very hard to read. If this was an automobile, people would be hollering that this is flimflam. Only in its barely visible fine print are seniors informed there is an enrollment fee for the discount card.

It also reveals that "certain exclusions apply." That exclusion could very well be the prescription drug you need.

Rather than educating seniors about the drug discount card, HHS is treating the Medicare drug card like dishwashing soap—just make the public think it is a great thing. These are not educational ads. They are propaganda. The GAO already told HHS that its previous Medicare materials were misleading, but rather than clean up its act, the administration continues to hide the fact and trick seniors.

I call on HHS and the administration to stop using taxpayers' dollars to mislead seniors and start providing real needed information to Medicare beneficiaries. One should not have to have a magnifying glass to understand what is being offered.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

Mr. REID. Mr. President, Senator SCHUMER is not here; therefore, I yield back his time.

Does the other side yield back their morning business time?

Mr. GRASSLEY. We yield back our 5 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with the World

Trade Organization findings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Harkin amendment No. 3107, to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay.

Collins amendment No. 3108, to provide for a manufacturer's jobs credit.

Wyden amendment No. 3109, to provide trade adjustment assistance for service workers.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. shall be equally divided between the chairman and ranking member of the Finance Committee or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that the Senator from North Dakota may offer his amendment.

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

AMENDMENT NO. 3110

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. MIKULSKI, Mr. HARKIN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. EDWARDS, proposes an amendment numbered 3110.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, I shall not debate the amendment at the moment. My understanding is the bill managers want to sequence a number of amendments. Let me indicate this amendment deals with the question of trying to close a tax provision that actually rewards or incentivizes those U.S. companies that would move jobs overseas for the purpose of producing a product and shipping it back into our marketplace. I believe that is a tax loophole that ought to be closed. We ought not incentivize the loss of American jobs and the movement of American jobs overseas.

I offer this amendment on behalf of myself and Senator MIKULSKI and others. We will be happy to come this afternoon to debate it. Also, I will be happy to reach a time agreement when we come back this afternoon. It is not our intention to delay this bill. I want to see this bill finally passed, but I do want to have a good debate on our amendment. We will be ready to have a reasonable time agreement this afternoon.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding, after speaking with the