

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as "the 9-11 Commission") to study the September 11, 2001, attacks and how they occurred;

Whereas the 9-11 Commission concluded that "the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction."; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than October 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Chairman and the Ranking Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives shall select an appropriate memorial that shall be located in the United States Capitol and that shall honor the passengers and crew of Flight 93, who saved the United States Capitol from destruction; and

(4) the memorial shall state the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006—Continued

AMENDMENTS NOS. 1229 THROUGH 1235

Mr. MCCONNELL. Mr. President, we have several cleared amendments to the State, Foreign Operations bill which I send to the desk and ask for immediate consideration en bloc.

There is one on behalf of Senator MARTINEZ regarding the Advisory Commission on Public Diplomacy; by Senator LEAHY, a technical amendment; for myself regarding activities of OPIC in Libya; three Leahy amendments, two technicals and an amendment regarding assistance to Pakistan; a Leahy amendment regarding assistance for the North Caucasus.

All of these amendments have been cleared on both sides. I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 1229 through 1235 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1229

(Purpose: To extend the United States Advisory Commission on Public Diplomacy until October 1, 2006)

On page 326, between lines 10 and 11, insert the following new section:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SEC. 6113. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2005" and inserting "October 1, 2006".

AMENDMENT NO. 1230

(Purpose: Technical amendment relating to Iraq)

On page 309, line 24, after "Fund", insert the following:

in chapter 2 of title II of P.L. 108-106

AMENDMENT NO. 1231

(Purpose: To provide an exception for activities of the Overseas Private Investment Corporation in Libya)

On page 210, on line 23, after the words "or its agents" insert the following:

: *Provided further*, That for purposes of this section, the prohibition shall not include activities of the Overseas Private Investment Corporation in Libya

AMENDMENT NO. 1232

(Purpose: Technical amendment concerning foreign nongovernmental organizations)

On page 295, line 23, strike "local" and insert in lieu thereof:

foreign nongovernmental

On page 296, line 2, strike "local" and insert in lieu thereof:

foreign nongovernmental

On page 311, line 9, strike "local" and insert in lieu thereof:

foreign

AMENDMENT NO. 1233

(Purpose: Technical amendment relating to a reporting requirement)

On page 191, line 24, after "Appropriations" insert:

and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives

AMENDMENT NO. 1234

(Purpose: Reporting requirement relating to assistance for Pakistan)

On page 172, line 7, strike "defenders" and insert in lieu thereof

lawyers and journalists

AMENDMENT NO. 1235

(Purpose: To provide certain assistance to the North Caucasus)

On page 176, line 2, after the colon insert:

Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 should be made available for humanitarian, conflict mitigation, relief and recovery assistance for Chechnya, Ingushetia, and elsewhere in the North Caucasus:

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1239

Mr. HARKIN. Mr. President, for many years, I have been active in efforts to stop exploitative child labor as well as trafficking in child and female slaves around the world. In my travels to many countries, I have seen this scourge firsthand. I have come to the floor of the Senate many times to speak about this issue. I have spoken about how shocked I was to see the deplorable conditions under which these kids are forced to work. Many are physically, emotionally, and sexually abused. All of them, every child engaged in abusive child labor is deprived of a childhood solely for someone else's gain.

Why should we as a nation tolerate children being used in such a manner? We should not. It is a moral outrage and an affront to human dignity. When a child is exploited for the economic gains for others, not only does the child lose, but the family loses and I think the whole world loses. It is bad economics, and it is bad development strategy. A nation cannot achieve prosperity on the backs of children, and there should simply be no place in the global economy for child labor.

So when news reports about forced child labor on west African cocoa farms first emerged in 2001, I was not entirely surprised. According to one report in a series of articles by Knight Ridder, the child laborers of Ivory Coast "are whipped, beaten, and broken like horses to harvest the almond-sized beans that are made into chocolate treats for more fortunate children in Europe and the United States."

After looking into this, I resolved to do everything I could to end this tragic exploitation of children working on cocoa farms. However, I sought a legislative remedy not as a first resort but as a last resort. Together with Congressman ELIOT ENGEL of New York, we engaged the major chocolate companies in lengthy, intense negotiations. The result is what is now called the Harkin-Engel protocol for the growing and processing of cocoa beans in a manner that complies with the International Labor Organization Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor. This protocol would apply to everywhere cocoa is grown and processed.

The agreement laid out a series of date-specific actions, including the development of credible, mutually acceptable, voluntary industrywide standards of public certification by July 1 of 2005, this month, in order to give a public accounting of labor practices in cocoa farming.

The Harkin-Engel protocol marked an important first—an entire industry, including companies from the United States, Europe, and the United Kingdom, taking responsibility for addressing the worst forms of child labor and forced labor in its supply chain.

Today the protocol stands as a framework for progress in west Africa, bringing together industry, west African governments, organized labor, nongovernmental organizations, farmers groups, and experts in a concerted effort to eliminate the worst forms of child labor and forced labor from the growing and processing of cocoa.

Since the Harkin-Engel protocol was signed, a number of positive steps have been taken to address the worst forms of child labor in cocoa growing. These include the creation of the International Cocoa Initiative Foundation, which is now beginning to form partnerships with nongovernmental organizations to provide social protection programs in west Africa. Also, in Ghana, the International Labor Organization carried out a small pilot project, and in the Ivory Coast, the government is committed to conducting a similar pilot project to examine the labor situation and social protection needs on cocoa farms. These pilot programs will then be assessed and used to develop a child labor monitoring system.

Although I was disappointed that the July 1 deadline was not fully met by the industry, they have given us a commitment to achieving a certification system which can be expanded across the cocoa-growing areas of west Africa and which will cover 50 percent of the cocoa-growing areas of Ivory Coast and Ghana in 3 years' time. I am very pleased with this commitment.

Going forward, the industry has pledged to dedicate more than \$5 million annually to support the full implementation of a certification system for cocoa growing farming practices and for programs to improve the well-being of the more than 1.5 million farm families growing cocoa in west Africa, including efforts to eliminate the worst forms of child labor and forced labor.

Specifically, the rollout of the certification system, including monitoring, data analysis reporting, and activities to reduce the worst forms of child labor, will proceed as aggressively as possible in Ivory Coast and Ghana with the goal of covering 50 percent of the two countries' cocoa-producing areas by July of 2008. This is, indeed, a milestone on the way toward the ultimate goal of 100 percent coverage in cocoa-producing countries around the world.

In addition, the industry pledges to improve conditions in west Africa cocoa farming communities and to address the worst forms of child labor and forced labor at the community level through the International Cocoa Initiative Foundation, the World Cocoa Foundation, and the Initiative for Africa Cocoa Communities. Congressman ENGEL and I have accepted the industry's pledge and commitment, and we congratulate them for this.

The protocol framework continues. However, as President Reagan used to say regarding arms agreements with the Soviet Union, we decided to trust

but verify. To ensure accountability and transparency, Congressman ENGEL and I will establish an independent oversight entity to monitor future implementations of the accord. This entity will include experts on child and forced labor, as well as on corporate social responsibility, and will monitor the industry's work and produce periodic publicly available reports on its progress.

Again, I applaud the cocoa industry, the chocolate industry for their agreement to accept such an independent oversight entity.

In addition, to accelerate progress, I support the recommendation of the verification working group, a group charged under the protocol with an independent assessment of the certification system to create a skilled, multi-stakeholder working group on certification.

Yes, I am disappointed that the July 1 deadline was not fully met, but I am reassured that the industry is committed to the goal we all share, which is to eliminate the scourge of the worst forms of child labor and forced labor in cocoa-producing countries.

Obviously, I will be closely monitoring progress under the protocol in the months and years ahead, and I will make periodic reports on the Senate floor and in the media. As Justice Brandeis once said, sunlight is the best disinfectant. Progress under the protocol will be transparent. It will be documented and reported for the entire world to see.

Congressman ENGEL and I are fully committed to meeting the terms and goals of the protocol. As I also said, we are pleased that the chocolate industry likewise has pledged its full commitment to these terms and goals. I would also like to commend the governments of the Cote d'Ivoire and Ghana for their cooperation in meeting the terms of the protocol. Clearly, it is in the interest of these national governments to eradicate the worst forms of child labor for their own economic and social well-being.

We all realize the stakes are incredibly high and that the time for just talking has passed. Child labor and forced labor continue in the cocoa fields of west Africa and elsewhere. Children today are suffering, being deprived of their childhood, being beaten, being deprived of education. And ultimately the chocolate companies have a big responsibility in stopping this suffering. I will continue to work with them and with the west African governments to eliminate this scourge.

At this time I would like to inform my colleagues of my intent to offer a sense-of-the-Senate resolution to the Foreign Operations appropriations bill that the Senate is now considering. My amendment simply reaffirms the industry's commitments to eradicate child labor from cocoa plantations. The resolution I will offer reflects the main points I have mentioned today. I hope it will be a noncontroversial amend-

ment and that it can be accepted by the managers of the bill.

Furthermore, Mr. President, I would remiss if I did not mention in passing, at least right now, some of the other problems facing the African continent today: HIV/AIDS, hunger, the genocide in Darfur, debt relief, millions of displaced people. Unfortunately, the list is long and the problems severe. I was pleased that the recent G8 meeting held in Scotland addressed some of these issues. This is a positive but, I must add, a small step forward. In order to successfully meet the challenges facing African nations, nations of the world must work together. And I will continue to support our chairman and ranking member and our committee on the foreign operations appropriations subcommittee to do all we can to help in those efforts.

Mr. President, I am going to just read briefly some parts of the amendment that I will be offering to H.R. 3057. Basically, it is just, again, a sense-of-the-Senate resolution to express the sense of Congress regarding abusive child labor practices in the growing and processing of cocoa. It has a number of findings, but it is a sense of Congress that:

The cocoa industry is to be commended, as the Protocol agreement is the first time that an industry has accepted moral, social, and financial responsibility for the production of raw materials wherever they are produced;

The Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;

An independent oversight body should be designated and supported to work with the chocolate industry, national governments and nongovernmental organizations on the progress of the development and implementation of the certification system by July 1, 2008 through a series of public reports;

The governments of West African nations that grow and manufacture cocoa should consider child labor and forced labor issues of top priorities;

The Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industry of Cote d'Ivoire, Ghana, and other cocoa producing regions in the annual trafficking in persons that is submitted to Congress.

Mr. President, I will not read all of it, but those are some of the basic elements of the sense-of-the-Congress resolution that I want to propose.

Mr. President, parliamentary inquiry: Is there an amendment pending at this time?

The PRESIDING OFFICER. There is not.

Mr. HARKIN. I would ask the manager of the bill, would this be an appropriate time to send my amendment to the desk.

Mr. McCONNELL. That would be fine. I would like to take a look at it. I am not sure we have seen it.

Mr. HARKIN. Certainly. I just got it finished a bit ago.

Mr. McCONNELL. I think it would be appropriate to send it to the desk.

Mr. HARKIN. I appreciate it.

Mr. President, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Iowa [MR. HARKIN] proposes an amendment numbered 1239.

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

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

The amendment is as follows:

(Purpose: To express the sense of Congress regarding abusive child labor practices in the growing and processing of cocoa)

On page 326, between lines 10 and 11, insert the following:

ABUSIVE CHILD LABOR PRACTICES IN COCOA INDUSTRY

SEC. 6113. (a) Congress makes the following findings:

(1) The plight of hundreds of thousands of child slaves toiling in cocoa plantations in West Africa was reported in a series by Knight Ridder newspapers in June 2001. (global)

(2) The report found that some of these children are sold or tricked into slavery. Most of them are between the ages of 12 and 16 and some are as young as 9 years old.

(3) There are 1,500,000 farms in West Africa that produce approximately 72 percent of the total global supply of cocoa, with Cote d'Ivoire and Ghana producing about 62 percent and 22 percent, respectively, of the total cocoa production in Africa. Other key producers are Indonesia, Nigeria, Cameroon, and Brazil.

(4) United States consumers purchase over \$13,000,000,000 in chocolate products annually.

(5) On September 19, 2001, representatives of the chocolate industry signed a voluntary Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(6) The Protocol outlines 6 steps the industry formally agreed to undertake to end abusive and forced child labor on cocoa farms by July 2005.

(7) A vital step of the Protocol was the development and implementation by the industry of a credible, transparent, and publicly accountable industry-wide certification system to ensure, by July 1, 2005, that cocoa beans and their derivative products have not been grown or processed by abusive child labor or slave labor.

(8) Since the Protocol was signed, some positive steps have been taken to address the worst forms of child labor and slave labor in cocoa growing, but the July 1, 2005, deadline for creation and implementation of the certification system was not fully met.

(b) It is the sense of Congress that—

(1) the cocoa industry is to be commended, as the Protocol agreement is the first time that an industry has accepted moral, social, and financial responsibility for the production of raw materials, wherever they are produced;

(2) the Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;

(3) even though the cocoa industry did not fully meet the July 1, 2005, deadline for cre-

ation and implementation of the labor certification system, it has agreed to redouble its efforts to achieve a certification system that will cover 50 percent of the cocoa growing regions of Cote d'Ivoire and Ghana by July 1, 2008;

(4) the cocoa industry should make every effort to meet this deadline in Cote d'Ivoire and Ghana and expand the certification process to other West African nations and any other country where abusive child labor and slave labor are used in the growing and processing of cocoa;

(5) an independent oversight body should be designated and supported to work with the chocolate industry, national governments, and nongovernmental organizations on the progress of the development and implementation of the certification system by July 1, 2008, through a series of public reports;

(6) the governments of West African nations that grow and manufacture cocoa should consider child labor and forced labor issues top priorities;

(7) the Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industries of Cote d'Ivoire, Ghana, and other cocoa producing regions in the annual report on trafficking in persons that is submitted to Congress; and

(8) the Department of State should assist the Government of Cote d'Ivoire and the Government of Ghana in preventing the trafficking of persons into the cocoa fields and other industries in West Africa.

Mr. HARKIN. I thank the chairman for taking a look at it. I hope it will meet his approval.

Basically, as I said, the chocolate industry, I believe, is to be commended for taking positive steps in agreeing to do 50 percent of the farms by July 1 of 2008. We have to be vigilant. It is really a sense of the Congress commending them and then urging we stay on to meet those goals and eventually the ultimate goal of making sure that we don't have any forced labor and child trafficking on cocoa farms anywhere.

It always struck me as really kind of telling, almost bordering on the obscene that so many of our kids in our country, in Europe, around the world enjoy eating chocolate. Who doesn't enjoy eating chocolate? We all love chocolate, hot chocolate, or chocolate of any form. And so I think many people who enjoy chocolate don't know that it is being produced by forced child labor in many cases, kids who are beaten, kids who are deprived of their childhood, kids who are basically child slaves. So I think this is something that we should pay attention to. As I said, we have been working on this now, this is our fourth year, working with the chocolate industry. We have this protocol. We have the framework. Progress is being made. We just need to make sure we don't slip behind, that we continue to support these efforts, to support the Governments, as I said, both Cote d'Ivoire and Ghana, in their efforts, and the chocolate industry, also.

That is basically what this sense-of-the-Congress resolution is all about.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, as the distinguished Senator from Kentucky said earlier, we are on the Foreign Operations, State Department bill. We have virtually completed our work. There is a pending amendment. We are going to be ready very soon to go to third reading.

We have had a number of Members say they might have an amendment, and I am delighted to hear that, but if they "might," they might want to do it while the bill is still on the floor because it is going to be gone.

Some of these amendments are very well thought out. Some Members have their press releases already written. But if Members want the press release released—as well as the well-thought-out amendment—one might want to do it while the bill is on the floor.

I have no desire to hold up this piece of legislation. Senator MCCONNELL has no desire to hold up this legislation. We spent several hours of quorum calls Friday and today. If Members are serious about an amendment, bring it to the floor. Otherwise, from this Senator's point of view, as soon as there is not an amendment pending, I will have no objection to moving to third reading.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRESCRIPTION DRUG PRICES

Mr. DORGAN. Mr. President, I will just take a few minutes. Later this afternoon, at 5:45, we have ordered a vote on the nomination of Dr. Lester Crawford to be Commissioner of the FDA. I had intended to come and speak prior to that vote. My understanding is that there is only a 30-minute time period for debate, equally divided, just prior to the vote on that nomination, so I will take a couple of minutes now to explain why I am going to vote against this nomination.

I have spent most of my time in the Senate voting for nominees sent to us by Presidents, Republicans and Democrats alike, because I believe those who win the Presidency largely have the right to select their own team and to have their own advisers. So I have, in most cases, voted for the nominees who have come before the Senate to serve in the President's Cabinet and other important positions in the administration.

This position is the head of the Food and Drug Administration, a very important agency—one, incidentally, that

has had a substantial amount of controversy in recent years. I have been particularly interested in the FDA because we—myself along with others in the Senate—have spent a lot of time working to try to see if we can put some downward pressure on prescription drug prices.

Much to our chagrin—to those of us on both the Democratic side and the Republican side who have been working toward this end—the opposition, in many cases, has come from the Food and Drug Administration. The FDA has alleged safety issues where, in fact, there are no safety issues at all. It has been the Food and Drug Administration that has been shaking the pom-poms for and cheerleading with the pharmaceutical industry on these issues.

Let me describe the issue just for a moment.

The American consumer pays the highest prices in the world for brand-name prescription drugs. Consumers who purchase those prescription drugs are charged much higher prices in the United States than elsewhere around the world. The pharmaceutical industry says it charges these prices because it can. I held a hearing on this issue when I chaired a subcommittee some years ago. The result is, the drug industry said: Well, we can charge that amount here in the United States, but we can't charge it in other countries because other countries have price controls on prescription drugs.

Yet I notice—because of a sweetheart little tax provision that was put in law about a year ago—that the drug industry has made substantial profits overseas. The sweetheart deal allows those companies that have started enterprises overseas and are earning profits overseas to now pay taxes at a 5.25-percent rate for the income they repatriate to this country, quite a deal for big companies that move their jobs overseas. According to newspaper reports, the pharmaceutical industry now has as much as \$75 billion in profits they have made in other countries that they are set to repatriate to this country for a 5.25-percent income tax rate.

Interesting. They tell us they have to charge higher prices to the American consumers for prescription drugs, and they charge lower prices elsewhere because they are required by pricing policies in those countries to do so. They say they do not make much money in those countries, yet now they have \$75 billion in profits from overseas sales in countries in which they have charged dramatically lower prices. So, obviously, they are making substantial profits in their sales in other countries even though the consumers in those other countries enjoy lower prescription drug prices.

Mr. President, let me, by unanimous consent, show two pill bottles, if I might.

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

Mr. DORGAN. Mr. President, this is a medicine called Celebrex, made by Pfizer. These bottles are large containers that happen to be empty. It would contain 500 capsules; 200 milligrams, the usual adult dosage, it says. As you can see, this other bottle is also Celebrex. It is the same pill, made by the same company, put in the same bottle. The only difference in these bottles is the color on the labels is a bit different, but the pills that were inside were the same. This one bottle is sold in the United States and the other is sold in Canada.

What is the difference? Well, the U.S. consumer pays \$2.93 per capsule out of this bottle. The Canadian consumer pays \$1.32 out of the other bottle. So the one costs almost \$3, the other just over \$1. The American consumer is charged double the price of the Canadian consumer. It is the same pill, put in the same bottle, made by the same company, at an FDA-approved plant, sent to two different places, and the American consumers pay two and a half times more than the Canadian consumer.

Why is that the case? Well, the drug industry says they charge that price in the United States because they can and because they must in order to gather the funds for research and development. But, of course, the record shows that is not the case either. The drug industry actually spends more money on marketing and advertising than they do on research and development. And they actually spend about the same amount on research and development in Europe that they do in the United States when, in fact, in Europe they charge lower prices for exactly the same prescription drugs.

So what does all of this have to do with Dr. Crawford and the FDA? Well, for those of us who are working to allow for the importation of FDA-approved drugs from other countries—notably from Canada and Europe—one of the most significant areas of opposition has been from the FDA.

Dr. Mark McClellan was the head of the FDA for a while. He was an aggressive advocate on behalf of the pharmaceutical industry. The pharmaceutical industry could not have had a better cheerleader than Dr. McClellan. And during that time, Dr. Crawford has also been at the FDA serving as deputy. He has been there as acting commissioner for much of this administration, both before and now after Dr. McClellan. And during that time, the FDA has continued to be a roadblock to try to get lower prices on prescription drugs for American consumers.

The problem is that there is a law on the books that says the only entity that can import a prescription drug from another country is the manufacturer of that prescription drug. So a licensed pharmacist in Minot, ND, cannot go to Regina, Canada, for example, and buy an FDA-approved prescription drug, even one made in the United States and shipped to Canada. A li-

censed U.S. pharmacist cannot go to a licensed pharmacist in Canada, buy the FDA-approved drug at half or a third of the price and bring it back and pass the savings along to the customer.

Why is that the case? Well, because once again there is a sweetheart deal. Under this deal, trade should apparently only work for everybody but the little guy, the consumer. One would think, with free trade and the opportunity to cross boundaries, that if you are talking about FDA-approved medicines, that American consumers, particularly American pharmacists, would be able to also take advantage of the global marketplace, but they cannot.

So I, along with a bipartisan group of colleagues, have been trying to change the law. We are not proposing price controls but instead competition. Very simple: Allow an American pharmacist, a main street drugstore owner to access the identical prescription drug in Canada or Europe at a fraction of the price and bring it back and pass the savings along to the consumer. We are told that American consumers could save as much as \$38 billion—that is with a “B”—a year if that were to happen.

As a point of fact, if we were able to get our legislation passed, we would not have people shopping in Canada for prescription drugs. But the very fact that they could would force the repricing of prescription drugs based on market forces here in the United States. Unfortunately, we have been thwarted in our efforts. Senator OLYMPIA SNOWE, JOHN MCCAIN, myself, Senator KENNEDY, Senator GRASSLEY, Senator STABENOW, and many others have all worked on this for a long, long time. The first bill I introduced on this was in 1999, and still drug importation has not been allowed because it has been blocked.

Opponents have said there would be safety issues. Well, let me give you an example of the safety issue. In Europe, what we propose is done every single day: cross-border trading in prescription drugs. A pharmacist in Germany wants to buy a prescription drug from Spain, that is not a problem. If you are a pharmacy in England and want to buy a prescription drug from France, that is no problem either because they have something called parallel trading. In fact, we had the person who headed the parallel trading association come and testify before a U.S. Congressional committee. That person said there are no safety issues. But it opens the market, so consumers see lower drug prices as a result of it. But in this country, we are told we apparently cannot do it. It does not take rocket science to understand there is no safety issue.

Let me talk about Canada just for a moment. Canada has nearly an identical chain of custody for the prescription drug that comes from the manufacturer that goes to the consumer. The Canadian system is nearly identical to ours. So if an American licensed pharmacist were to buy a lower

priced FDA-approved drug from a licensed Canadian pharmacist, how on Earth could there be any kind of safety issue? There simply is not.

This is not about safety. It is about profits for the pharmaceutical industry. Now, I understand that issue. If the pharmaceutical industry were represented by people here—rather than serving in the Senate, they served the pharmaceutical industry—I would understand why you would make the case you want maximum profits. But that is not the way our economic system works. It works best for consumers when you have competition and open borders and an opportunity to trade. That is what we have been trying to do.

It is disappointing that over 6 years now we have found a lot of opposition to something that is so filled with common sense. The opposition comes from the pharmaceutical industry, from allies of the pharmaceutical industry here in this Chamber in the Senate, and from the FDA. Now, the FDA is supposed to regulate, not represent. The FDA is to regulate the pharmaceutical industry, not represent the pharmaceutical industry.

These are, in many cases, lifesaving drugs. I don't diminish the importance of prescription drugs. They provide miracles in many cases. But miracle drugs offer no miracles to those who cannot pay for them. We have all heard from people who go to the grocery store and go to the pharmacy in the back of the store first to buy the pharmaceuticals in order to understand how much money they have left for groceries. We also know that senior citizens are especially hard hit. They make up 12 percent of America's population, yet they consume one-third of the prescription drugs. It is not unusual to talk to a senior citizen who is taking 5, 7, 12 different prescription drugs every single day. Many of them simply can't afford it. America's most vulnerable population represents those who are hardest hit by prescription drugs prices.

I was at a farm in North Dakota last summer, as I was touring around. One fellow, who was about 85 years old, and his wife, who was in her mid 80s, sat on a hay bale and told me their story. He said: My wife has been fighting breast cancer for 4 years. For 4 years we have driven to the Canadian border to buy Tamoxifen because you can buy Tamoxifen at 80-percent less cost in Canada than in the United States. He talked about the number of trips they made. The only reason they could afford Tamoxifen was because they could drive to the border and get it. A small supply of drugs for personal use, a 3-month supply, has been allowed to come across the border for individuals. But very few Americans can reach that Canadian border and, on a routine basis, find a way to buy their FDA-approved drugs from Canada.

I took a group of American retired folks to Canada in a bus. We went to a little, one-room drugstore in Emerson,

Canada. I saw person to person the prescription drugs they had to buy and the savings with each of them. You should have seen the look of surprise on their faces when they found out what the price was in Canada versus what they had been paying here in the U.S. This is unfair pricing. We need to do something about it. But the cavalier attitude at the FDA, the attitude of representing the drug companies rather than regulating the drug companies, means that we will continue to have to battle the FDA. Having to battle the FDA to do something that is so filled with common sense is a frustrating thing for those of us who have been working on this for years and years.

Incidentally, there are some other issues with this Commissioner, and I will not spend my time talking about those.

My colleagues, including Senator KENNEDY, with whom I spoke the other day, will make the point eloquently that we need an FDA Commissioner. It is unbelievable that we have gone all this time without having an FDA Commissioner. We have had someone who is acting for the bulk of this administration. I don't disagree with that notion. It doesn't make any sense that we have not had a full-time, permanent FDA Commissioner filling that term. But that doesn't mean that Dr. Crawford is the right person. He is not in my judgment. I wish I could vote for him, but I don't intend to.

My hope is that in the coming months, we will persuade the majority leader and others, to get a vote on drug importation legislation. If necessary, we will offer amendments at the right time and on the right bills that forces the hand of those who oppose the work we are trying to do.

My hope is at the end of the day, we will get a vote. If we get a vote allowing the reimportation of prescription drugs, there is no question it is going to pass the Senate. It will get 60-65 or more votes in the Senate. The question is getting the vote. We thought we had a commitment in the last Congress for a vote. The Senate majority leader and I had a disagreement about what the commitment said, and so we didn't get the vote. What has happened is, the majority has successfully blocked it, and the White House that stands with the pharmaceutical industry has successfully blocked it. There is now a very strong bipartisan group of Senators. I mentioned Senator SNOWE, Senators VITTER, MCCAIN, STABENOW, KENNEDY, and many others. We have over 30 Senators who have now joined as cosponsors of this legislation. One way or another we are going to prevail. When it is passed, we will see reasonable and competitive prices for prescription drugs.

I regret to say that I will vote against Dr. Crawford's nomination when the vote occurs. I wish I could come to the floor and say I will vote for the nominee. But I don't want to put further roadblocks in the way of

those of us who are trying to get fair prescription drug pricing for American citizens. I believe it is critically important that we understand prescription drugs are something different, something unusual. Most countries have already understood that. If you need a prescription drug, a lifesaving drug that can either save your life or keep you out of an acute care hospital bed, you don't have a choice. You have to try and buy it, at prices that are double, triple and, in some cases, 10 times the cost for the identical drug in other countries. That is unfair to the American consumer.

Some day we will force enough people on the floor of this Senate to stand up and vote. When we do, we will have sufficient votes to move this through the Senate. I will say this: I doubt whether it will be with anything other than the obstruction of Dr. Crawford. He and Dr. McClellan before him have run the play called by the pharmaceutical industry. I really regret that is the way it is going.

I yield the floor and 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. DORGAN. 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. DORGAN. Mr. President, I am going to be filing an amendment and also noticing an intention to suspend the rules for such an amendment. I want to preserve the right to address it on this piece of legislation. This is an amendment that would prohibit the sale of Unocal, an American oil company, to CNOOC, a Chinese Government-controlled and owned oil company.

I mentioned Friday that I think that this is a fairly simple proposition. The Chinese Government would never, ever allow an American company, let alone a Chinese oil company, to buy a Chinese oil company. The Chinese oil companies are controlled by the Chinese Government. What we have here is a proposal by CNOOC, which is a Chinese oil company controlled by the Government, wishing to purchase an American oil company. You don't have reciprocal capabilities.

They say: Let the free market deal with this. Let's let the marketplace decide.

There is no free market or marketplace in a circumstance where the Chinese Government controls a company and the controlled company, through deeply subsidized Government loans, wishes to buy an American company, especially in something as strategic as oil.

I don't bear any ill will toward the Chinese. They are a big and growing country with a significant impact around the world. They will be a significant part of our future. But we do

have an extraordinary trade deficit with China which is dangerous for us. It is headed to over \$200 billion this year. That is completely unsustainable. It is dangerous for us. Our relationship with the Chinese should and must be mutually beneficial, especially in the area of trade. Regrettably, it is not.

We are a cash cow for the hard currency needs of China. They continue to ratchet up these deficits in a significant way. In many cases, the Chinese markets are closed to our country. We also find on the streets of China a substantial amount of counterfeit and pirated goods that come from intellectual property in this country. The Chinese say they have trouble controlling all that. They don't have trouble controlling it. In fact, the logo now that belongs to the Chinese Government for the Olympic games, the minute that showed up on the streets in China under counterfeiting, the Chinese Government took immediate action, and you can't find it any more because the Chinese Government had an interest in stopping counterfeit and piracy when it came to the logo for the Chinese Olympic games.

We have a lot of issues with the Chinese—counterfeiting, piracy, trade deficit, many more. This issue is simple; should we allow a Chinese-controlled and largely Chinese-owned oil company to purchase an American oil company, especially in circumstances where they would not allow that same transaction to take place?

My answer to that is no. I don't think it makes sense for this country's strategic or economic future, and it does not make sense from the standpoint of national security. I don't believe it makes sense from the standpoint of reciprocal trade opportunities, and I don't believe those who say this is some sort of marketplace transaction. There is not a marketplace when you have government control of both the industry and the companies in the industry trying to buy American businesses.

I am filing the amendment and noticing along with it an intent to suspend the rules which would be required for me to do when I offer such an amendment. I mentioned that I also likely would offer a funding limitation amendment in the Appropriations Committee, and the House of Representatives has done the same. The funding limitation would apply to the Treasury Department, where approval for such a transaction would be required to take place.

This is not a reflection of whether I think the Chinese country is trying to do harm to our economy or anything of the sort. China is a large and growing country with 1.3 billion people, an economy that is growing by leaps and bounds. I have been to China a couple of times, and it is quite a remarkable place. But with respect to our relationship with China, that relationship must be mutually beneficial, especially

in the area of international trade. It is not now mutually beneficial. There is one-way trade going on, and we are up to our neck in trade debt to the Chinese.

This transaction does not advance our interest. It might advance the Chinese interest by giving them more access to oil, but it does not advance America's interest. I hope that it is viewed through the prism of what advances our country's interests. What is it that represents the best policy choice for our country?

My sense of that is that we ought to prohibit this sale. The amendment is very simple. It doesn't beat around the bush. It is very short. It is an amendment that would prohibit the sale of an American oil company to a Government-controlled and deeply subsidized oil company in the country of China.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent to read into the RECORD a statement about the passing of one of our most dedicated public officials.

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

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 1245

Ms. LANDRIEU. Mr. President, I call up an amendment to the underlying bill, Foreign Operations.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1245.

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

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

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the use of funds for orphans, and displaced and abandoned children)

On page 326, between lines 10 and 11, insert the following:

ORPHANS, AND DISPLACED AND ABANDONED CHILDREN

SEC. 6113. (a) Congress—

(1) reaffirms its commitment to the founding principle of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, that a child, for the full and harmonious development of the child's personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding;

(2) recognizes that each State should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin, but when not possible should strive to place the child in a permanent and loving home through adoption;

(3) affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's State of origin;

(4) affirms that long-term foster care or institutionalization are not permanent options and should therefore only be used when no other permanent options are available; and

(5) recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

(b) The funds appropriated under title III of this Act shall be made available in a manner consistent with the principles described in subsection (a).

Ms. LANDRIEU. Mr. President, I send this amendment to the desk and I ask my colleagues to consider this amendment. We can vote on the amendment at any time before, of course, the final passage of this bill. I send this amendment to the desk, and I will spend a few minutes this afternoon talking about the underlying bill as it relates to the U.S. work and position on orphans.

We have done a lot of great work promoting the idea that children should be raised in families. We have in the United States made a lot of progress over the last 10 years. The former administration, the Clinton administration, and the current Bush administration have made child welfare a priority, have made families a priority.

We believe very strongly in the Congress, both on the Republican side and the Democratic side, that children are best raised in families. We would like our budget to reflect that commonsense principle. I have been in a couple of hearings and a couple of meetings over the course of the last year or two that have given me, some question whether that is clear in this Foreign Operations bill. So my amendment attempts to make clear in the underlying bill what I think is the clear and overwhelming contention of the Senate—and I would imagine the House of Representatives—that we spend money promoting social policy around the world, and that we adhere to a very commonsense principle—it is not an American principle; it is a universal principle. But I can most certainly say in America people feel very strongly about the fact that children should not raise themselves and should not be raised in orphanages, unless absolutely necessary. They should not be raised in group homes and should not be left alone to raise themselves on the street. We should do everything we can to keep children in families.

Let me spend a few minutes being a little more specific. A couple of years ago, under the great leadership of Senator Jesse Helms, we passed an international treaty that put into place this principle, which basically says that in our foreign policy it is the principle of the United States to say clearly that

children should remain in the families to which they are born—that our policies should promote family stabilization, family reunification, reunifying children who might be separated because of war or disease. We should try our very best to keep children in the families to which they are born.

Separation is occurring at an alarming rate in this world today for a number of reasons. AIDS is like a factory for orphans. There is an unprecedented number of children becoming orphaned because of this particular disease. The way this disease affects families, it takes both the father and the mother, leaving children truly orphaned. “Double orphaned” is the way the international community talks about a child who has lost both a mother and a father. So we have a growing number of orphans in the world because of the AIDS epidemic.

But even if it weren't for the AIDS epidemic moving through, for instance, Africa and India at an alarming rate, we would still have a growing number of orphans in the world. The question is: What do we do as a human family to see that each of these children has a home, a place? That is simply what my amendment does. It recognizes it is the sense of the Congress and it recognizes the principle that children should grow up in the homes to which they were born. But if they are separated by disease, or war, or death, or for good reason—because some children are at risk in the home, perhaps from mental or physical abuse; sometimes children, unfortunately, have to be taken from parents, according to laws and customs of some countries. When that happens, those children should be raised by a relative, a caring, responsible relative, someone right there in the extended family.

If a relative is not available or willing or able to take on the care of this orphan or sibling group, then those children should be raised right there in the community or within the country of origin. And if not, then we should find a way for these children to be adopted somewhere in the world. My amendment is not making this the law; this is the law now in the United States. These are the principles that are followed by our treaty, as passed by this Congress.

My amendment simply restates, for the purpose of this bill, that the \$1.6 billion the U.S. taxpayers are sending out all over the world to support children's health and survival through USAID, which is our primary agency that distributes these funds, shall be distributed mindful of this principle on which this Congress has already acted.

I believe we will have a unanimous vote on this amendment. I do not think it is something that will generate opposition, but if there are Members who oppose it, I will be happy to talk with them about adjusting any language they find objectionable.

One of the things we need to promote in this world, not only at home but

abroad, is the strength and support of families because if families are strong, if children can be nurtured and cared for within the loving context of a family, then I believe communities are strong, and when communities are strong, then nations are strong. It does start with the family unit.

Any idea that we could promote successful social policy around that principle or over it or underneath it instead of embracing it fully I think is a real mistake.

That is all my amendment does. The language tracks from The Hague Treaty which has already been passed. It will leave no shadow of a doubt that the Members of this body think that as USAID gives this money to NGOs or to regular recipients, that this principle be included in the distribution of this \$1.6 billion.

I would be happy to answer any questions about the amendment. The amendment is rather short, a page and a half. It is rather clear. Again, I think it will go a long way in restating in this funding bill that we are, in fact, committed to the idea that children should be raised in families and that there is really so such thing as unwanted children, just unfound families. If we would spend a little extra time and be a little bit more committed on this issue, we could, despite the growing numbers, I believe, find a home for every child who needs one. I know that is a tall order, and I know people will say: Senator, that can never be done. I know the number of orphans is on the rise. But I also know from my personal experience and the thousands of parents who have adopted children that there is plenty of room in the homes and hearts of people all over the world. If governments would just make a little better effort to identify some of these families and to promote these concepts and continue to restate them in all of our work, that is not as far-fetched as it may seem.

We want to respect the family, recognize the extended family, recognize the right of relatives to raise children, but when relatives and extended family members cannot be found, we believe that children should be placed in another family, to be raised as their own, and sibling groups kept together, which is the new practice in child welfare, not only in the United States but around the world, and that governments have an obligation to reduce barriers to adoption, to cut down the costs, to eliminate the corruption, to encourage transparency, to cut down on the paperwork, and to do their best to make what is so natural and what happened before governments existed, I am certain of it. When a parent or parents died, the most responsible adult next to the child took that child under their wing and raised them as their own. It is the way it has been done since the beginning of time. I don't know why governments in this world find this very complicated. It really is not. It is quite simple.

I want to make sure our primary aid giver USAID, understands clearly that the Members of this Senate are not trying to dictate, are not trying to earmark, are not trying to tell them the specifics of how to do their work. This amendment says that in giving money for social welfare and child survival and health, the principle that children should be raised in a family should be ever present in their decisionmaking. I believe this amendment would make this issue very clear, and there needs to be clarity on this subject.

If there are no other questions, I submit the amendment for consideration by the body and will expect a vote sometime at the managers' discretion. I yield the floor.

Mr. MCCONNELL. Mr. President, is the Landrieu amendment now pending?

The PRESIDING OFFICER. That is correct, the Landrieu amendment is pending.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Landrieu amendment be temporarily set aside.

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

AMENDMENT NOS. 1248, 1249, AND 1239, AS MODIFIED, EN BLOC

Mr. MCCONNELL. Mr. President, Senator LEAHY and I have taken a look at three amendments. We find them acceptable. I send them to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 1248, 1249, and 1239, as modified, en bloc.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1248

(Purpose: To encourage assistance for programs to address protracted refugee situations)

On page 189, line 14, strike the period at the end and insert “: *Provided further*, That funds appropriated under this heading should be made available to develop effective responses to protracted refugee situations, including the development of programs to assist long-term refugee populations within and outside traditional camp settings that support refugees living or working in local communities such as integration of refugees into local schools and services, resource conservation projects and other projects designed to diminish conflict between refugee hosting communities and refugees, and encouraging dialogue among refugee hosting communities, the United Nations High Commissioner for Refugees, and international and nongovernmental refugee assistance organizations to promote the rights to which refugees are entitled under the Convention Relating to the Status of Refugees of July 28, 1951 and the Protocol Relating to the Status of Refugees, done at New York January 31, 1967.”

AMENDMENT NO. 1249

(Purpose: Technical amendment relating to Nepal)

On page 303, line 17, strike “a commitment to a clear timetable for the return to democratic representative” and insert in lieu thereof:

“, through dialogue with Nepal’s political parties, a commitment to a clear timetable for the return to multi-party, democratic”.

On page 303, line 21, strike “Royal” and everything thereafter through “process” on line 25 and insert in lieu thereof:

“Commission for Investigation of Abuse of Authority is receiving adequate support to effectively implement its anti-corruption mandate and that no other anti-corruption body is functioning in violation of the 1990 Nepalese Constitution or international standards of due process”.

On page 304, line 6, strike “ensuring” and insert in lieu thereof: “restoring”.

AMENDMENT NO 1239, AS MODIFIED

(Purpose: To express the sense of the Senate regarding abusive child labor practices in the growing and processing of cocoa)

On page 326, between lines 10 and 11, insert the following:

ABUSIVE CHILD LABOR PRACTICES IN COCOA INDUSTRY

SEC. __. (a) The Senate makes the following findings:

(1) The plight of hundreds of thousands of child slaves toiling in cocoa plantations in West Africa was reported in a series by Knight Ridder newspapers in June 2001. (global)

(2) The report found that some of these children are sold or tricked into slavery. Most of them are between the ages of 12 and 16 and some are as young as 9 years old.

(3) There are 1,500,000 farms in West Africa that produce approximately 72 percent of the total global supply of cocoa, with Cote d’Ivoire and Ghana producing about 62 percent and 22 percent, respectively, of the total cocoa production in Africa. Other key producers are Indonesia, Nigeria, Cameroon, and Brazil.

(4) United States consumers purchase over \$13,000,000,000 in chocolate products annually.

(5) On September 19, 2001, representatives of the chocolate industry signed a voluntary Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(6) The Protocol outlines 6 steps the industry formally agreed to undertake to end abusive and forced child labor on cocoa farms by July 2005.

(7) A vital step of the Protocol was the development and implementation by the industry of a credible, transparent, and publicly accountable industry-wide certification system to ensure, by July 1, 2005, that cocoa beans and their derivative products have not been grown or processed by abusive child labor or slave labor.

(8) Since the Protocol was signed, some positive steps have been taken to address the worst forms of child labor and slave labor in cocoa growing, but the July 1, 2005, deadline for creation and implementation of the certification system was not fully met.

(b) It is the sense of the Senate that—

(1) the cocoa industry is to be commended, as the Protocol agreement is the first time that an industry has accepted moral, social, and financial responsibility for the production of raw materials, wherever they are produced;

(2) the Government of the Republic of Cote d’Ivoire and the Government of the Republic of Ghana should be commended for the tan-

gible steps they have taken to address the situation of child labor in the cocoa sector;

(3) even though the cocoa industry did not fully meet the July 1, 2005, deadline for creation and implementation of the labor certification system, it has agreed to redouble its efforts to achieve a certification system that will cover 50 percent of the cocoa growing regions of Cote d’Ivoire and Ghana by July 1, 2008;

(4) the cocoa industry should make every effort to meet this deadline in Cote d’Ivoire and Ghana and expand the certification process to other West African nations and any other country where abusive child labor and slave labor are used in the growing and processing of cocoa;

(5) an independent oversight body should be designated and supported to work with the chocolate industry, national governments, and nongovernmental organizations on the progress of the development and implementation of the certification system by July 1, 2008, through a series of public reports;

(6) the governments of West African nations that grow and manufacture cocoa should consider child labor and forced labor issues top priorities;

(7) the Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industries of Cote d’Ivoire, Ghana, and other cocoa producing regions in the annual report on trafficking in persons that is submitted to Congress; and

(8) the Department of State should assist the Government of Cote d’Ivoire and the Government of Ghana in preventing the trafficking of persons into the cocoa fields and other industries in West Africa.

Mr. MCCONNELL. For the information of our colleagues, these are three amendments, one is a modification to the Harkin amendment previously filed, one is a Leahy technical amendment regarding Nepal, and one is a Lieberman-Brownback-Kennedy amendment regarding refugees.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised these amendments are cleared by all the parties with interest on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1248, 1249, and 1239, as modified) were agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I know Senator LEAHY shares my view that we are going to finish this bill tomorrow. Last year, we were fortunate to finish it in half a day. Obviously, that will not be the case this year because we started it on Friday and clearly will not be able to finish it tonight. We do intend to finish it tomorrow. The Senate will be interrupted in the morning by a speech to a joint meeting by the Prime Minister of India, which many Members will want to attend. But we intend to press on as rapidly as possible. If any Members on this side of the aisle have any amendments they have not discussed yet with

either myself or staff, we would appreciate them coming over now and discussing it with us because we intend to move rapidly tomorrow and hopefully clear this bill out of the Senate by sometime in the afternoon.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I totally concur with the senior Senator from Kentucky. Friday, both he and I were here in a rather lonely Chamber, I might say. We would have been happy to have gone to third reading on Friday. We were advised Members on both sides of the aisle had matters to come before this committee. Of course, extending the normal courtesy managers do on such bills, we did not go to third reading so we could accommodate those Members. We are fast approaching that time. Frankly, if we reach a time tomorrow where we are ready to wrap up this bill, I will join with the Senator from Kentucky in doing that.

I note to all Members that the bill is different than it has been in past years. We have both the operations of the State Department as well as what we normally consider the foreign aid bill. There are a number of items in the bill strongly supported by both Democrats and Republicans and a number of items sought by the President as part of his efforts in foreign policy.

We have crafted what, by anybody’s measure, has to be considered a bipartisan piece of legislation, one that should get overwhelming support by this body. We have taken into consideration those items the White House needs in the normal conduct of foreign affairs, as well as those items the State Department needs in their normal operations. But we still have to pass the bill. The bill, if it was brought to a vote right now, would pass overwhelmingly. But it still has to pass.

I have never served as either leader of the Senate, but I sympathize with them. The leaders of this Senate—majority leaders Senator Mansfield, Senator BYRD, Senator Baker, Senator Dole, Senator Mitchell, Senator LOTT, Senator FRIST, as well as their counterparts—Senator Scott, Senator Griffin, and some of the same Senators I mentioned served as both minority and majority leaders, and Senator REID. It is not an easy job to schedule the Senate. The distinguished Senator from Kentucky is the deputy Republican leader. He knows that. We are trying to accommodate him. We have done everything Senator FRIST or Senator REID have asked us to do in moving this bill forward. With a little cooperation from everybody else, we can wrap up this bill and get on to other matters because we still have to go to conference, which I would like to get to very quickly so we can get a final package before the Senate.

I say that hoping someone will hear and know what the heck we are talking about, other than Supreme Court Justices. We really do want to get this bill wrapped up. Please do because once we reach a point with the amendments, we

are going to vote them up or down and finish the bill. I yield the floor.

Mr. McCONNELL. Mr. President, let me add, we will finish the bill tomorrow for certain. It will be, obviously, easier on the membership if we do it earlier in the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF LESTER M. CRAWFORD TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Executive Calendar No. 172, which the clerk will report.

The legislative clerk read the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. There will now be 30 minutes of debate equally divided prior to the vote.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself 5 minutes.

I rise to discuss the pending nomination of Dr. Lester Crawford to be the Commissioner of Food and Drugs. I particularly thank all of the people who have been involved in this nomination process. It has been a great bipartisan effort. It has been thoroughly explored and we finally are at a point where we can have an actual FDA Commissioner approved. It will be a tremendous relief to me and to the Nation, I am sure.

I particularly want to thank Senator KENNEDY for his efforts in proceeding through the different hearings that we have had and all of the other work that we have had to do. The Food and Drug Administration is tasked with the broad and critical mission of protecting public health. The FDA Commissioner is in charge of an agency that regulates \$1 trillion worth of products a year.

The agency ensures the safety and effectiveness of all drugs and biological products like vaccines, medical devices, and animal drugs and feed. It also oversees the safety of a vast variety of food products as well as medical and consumer products, including cosmetics.

In addition, the Commissioner is responsible for advancing the public health by helping to speed innovations in its mission areas and by helping the

public get accurate, science-based information on medicines and foods. The FDA has been without a confirmed Commissioner for more than a year.

In January of this year, 17 members of the Senate Committee on Health, Education, Labor and Pensions sent a bipartisan letter to the President urging him to nominate a Commissioner to provide the agency with greater clarity and certainty in its mission to protect our food and drug supplies. Recent breakthroughs in medical science and technology show how quickly science and technology are changing our lives each and every day.

The FDA is at a critical point in its history. The potential benefits from our medical research are staggering. A fully confirmed FDA Commissioner is essential to ensuring that these medical breakthroughs can be brought to the market safely and effectively. Consumers deserve to have a fully functional FDA that can oversee the industry with confidence and authority and harness the technical achievements that can improve and save lives.

I believe the President's nominee, Dr. Lester Crawford, has the right qualifications to lead the FDA and to bring about the necessary reforms to maintain consumer confidence in our Nation's drug safety. Clearly we need someone at the helm of the FDA who can direct the agency and work with Congress to find the answers to these and many other difficult issues that will continue to come before us.

Dr. Crawford has been Acting Commissioner of FDA since March of 2004. He has a long and distinguished career in private and public service. He worked at the FDA in other capabilities before joining the agency again in 2002.

The show of support for Dr. Crawford's nomination has been strong. In the runup to Dr. Crawford's confirmation hearing in March, my committee received letters of support from more than 100 individuals and organizations. It is high time we had this debate and this vote. We waited many months for President Bush to send us a qualified nominee for the post.

In response to our bipartisan letter to the President, the President nominated Dr. Crawford. We have waited long enough. I think we can all agree that we need a strong leader at the FDA right now and one who has a mandate to act. We must be forward looking. There are many items before the FDA that require the immediate attention of an FDA Commissioner vested with full authority.

The authority flows directly from the act of Senate confirmation. Without a Senate-confirmed leader, we cannot expect the FDA to be as effective as we need it to be.

Dr. Crawford's nomination was reported favorably out of the Committee on Health, Education, Labor and Pensions on June 15. So I am pleased that we are now ready to confirm Dr. Crawford so that he can take charge,

and take responsibility for leading the FDA in the best interests of the public health.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I congratulate my friend and chairman of the Committee on Health, Education, Labor, and Pensions for his leadership in ensuring that the Senate will have an opportunity to vote on Dr. Crawford and, hopefully, approve his nomination.

During one time or another during 3 of the last 4 years we have not had a head of the Food and Drug Administration. As Chairman ENZI has pointed out, this agency has enormous power, influence, and say-so on many of the different issues that affect every family in this country. It regulates food, cosmetics, drugs, medical devices, even televisions and cell phones a full quarter of every dollar consumers spend. And FDA really sets the standard for the rest of the world in how it regulates these products. The rest of the world looks to our Food and Drug Administration as the gold standard, and, as Chairman ENZI pointed out, we have not had a permanent Commissioner for 3 of the last 4 years. I think we have suffered because of it.

Now we have the opportunity, with Dr. Crawford, to fill that job, and I will explain in just a few moments why I think he is eminently qualified.

I agree with those who believe that we are in the life science century. We have seen a commitment to the promise of the this century by the Congress and by administrations in recent times when we effectively doubled the NIH budget. We have seen the sequencing of the gene, the progress that we have made with DNA, the real possibility of breakthrough drugs, and the debates we are having on stem cell research. This is truly the life science century.

Quite frankly, the most important position in this life science century is who is heads the Food and Drug Administration, because we will want to have these breakthrough drugs and other treatments available to people at the earliest possible time, and that is FDA's job. We want to make sure these treatments are safe and effective. That is going to be an enormous responsibility, but I believe the possibilities and the meaning for families will be breathtaking.

So that is why this position, and the FDA, is so important. There are many things that we do in this body, and many people who are directly involved say this or that thing is the most important thing that we are going to do in the session. Well, this might not be the most important thing that is done in this session, but having a responsible, informed, enlightened, future-looking, tough-minded administrator at the Food and Drug Administration is enormously important for all Americans. That is what this debate and discussion is about.