

provision banning preferred drug lists. If they do not want to limit beneficiaries' access to drugs, my amendment should have been easy for them to support.

But by voting against my amendment, they were voting in favor of the Government setting a preferred drug list. Now, the preferred drug list might sound like a good thing, but in reality it is not. It is a Government-controlled list of drugs that you can or cannot have because the Government is not going to pay for what they say you cannot have.

The preferred drug list then operates similar to a formulary. In my opinion, if it walks like a duck, if it quacks like a duck, then it is a duck. But that is not what the courts have found. So what does that mean for Medicare beneficiaries? It means that even though S. 3 prohibits the Secretary from using a formulary, it does not prohibit the Secretary from using a preferred drug list. It is clear now then from all this analysis and their votes on this amendment that supporters of this Senate bill want the Government to set a preferred drug list. They want the Government to determine for what seniors can get coverage.

A number of States have implemented preferred drug lists. Michigan, for example, has a preferred drug list. Here is what the Kaiser Family Foundation found in a 2003 case study on that preferred drug list:

Fearing opposition from the pharmaceutical industry, the State sought virtually no input from providers, pharmacists, beneficiaries and manufacturers.

Continuing the quote:

Ultimately the department [meaning Michigan] made only a few changes to the list of drugs on the Michigan preferred drug list in response to beneficiaries and provider concerns.

Both the Illinois House and the Illinois Senate resolutions were introduced in 2002 to establish a committee to oversee that State's preferred drug list.

The resolution noted that the creation of Illinois' preferred drug list "could lead to unintended consequences such as inferior health care, increased hospitalizations and emergency care, increased admissions into long-term care, and unnecessary patient suffering and potentially death."

In a statement about this bill, S. 345, the assistant majority leader said that: The Medicare-administered plan envisioned under this bill would have a preferred drug list.

So this morning I talked about fitting all of the pieces of a legislative puzzle together.

Here are some of those pieces: The bill approved by the House allows price controls. The bill that was before the Senate does not prohibit the Secretary from dictating the drugs beneficiaries can get. We have Senator DURBIN's statement about his own bill and how he envisioned a preferred drug list.

So despite claims by those on the other side of the aisle, this bill is not

harmless to senior citizens. If this Trojan horse attack succeeds in a Government takeover of the drug benefit, here is what seniors can look forward to: They can look forward to fewer choices. They can look forward to fewer opportunities to choose a plan that best meets their needs—the needs of 44 million senior citizens in America.

If the Senate bill were to pass, seniors will get only the drugs some Government bureaucrat determines they can have. All other Americans will see the prices of their prescription drugs going up. That is not me saying it. Professor Scott Morton of Yale University testified before the Senate Finance Committee to that mathematical fact, that if you have 44 million senior citizens, and you have the Government dictating the price, when you deal with that number of people, the price is going to go up for everybody. If that is what the other side calls harmless, I shudder to think what their definition of "harmful" might be.

We should have and did stop this bill in its tracks. Voting no was a vote against Government-controlled drug lists, Government setting prices, and Government restrictions on seniors' access to drugs. That was the right thing to do today, and I am glad the vote came out the way it did. I hope it stays that way because if it ain't broke, don't fix it.

(Mr. CASEY assumed the Chair.)

NATIONAL INFANT IMMUNIZATION WEEK

Mr. REID. Mr. President, I rise in recognition of National Infant Immunization Week, which is being held this year from April 21–28. In Nevada and throughout the country, State and local health departments, health care providers, parents, and other partners will be working together to make sure that all infants are protected against vaccine-preventable diseases. This week is also an opportunity for all of us to spread the message about getting immunized. Not only do immunizations give our children a healthy start to life, they also save lives and protect the American public's health.

Immunization against vaccine-preventable diseases is a tremendous success story. Due to the development of vaccines and immunization campaigns, infectious diseases that used to devastate entire communities have been reduced to record lows or eradicated outright. Thanks to immunizations, few Americans today have any direct knowledge of once commonplace scourges like polio, smallpox, measles, and diphtheria. For most of us, the deaths, suffering, and disability associated with these diseases are now known only through textbooks and old newspaper accounts.

The National Infant Immunization Week is a time to reflect on these achievements. More importantly, this week is also a reminder that we cannot

lose ground by becoming complacent or taking the benefits of immunizations for granted. Approximately 1 million children in this country are not fully immunized by age two and many regions of the country have disturbingly low immunization rates. In my home State of Nevada, the immunization rate for infants and young children is ranked last in the country.

Fortunately, there are Federal and State programs that work to provide lifesaving vaccinations to children and adults who would otherwise have to go without. During this year's National Infant Immunization Week, I urge my colleagues in the Senate to support these efforts. By promoting access to immunizations against serious but preventable diseases, we can work to ensure that all Americans will benefit from this invaluable public health tool for generations to come.

EARTH DAY

Mr. REID. Mr. President, Sunday is the 37th anniversary of Earth Day. I have been pleased to read reports that people across the country are planning to come together to celebrate our environmental accomplishments and to renew their environmental commitment to future and current generations. Everyone should celebrate the major steps forward we have taken to achieve clean air and water, to reduce pollution, and to clean up hazardous waste sites.

Earth Day is celebrated because of the great work of former Senator Gaylord Nelson of Wisconsin. In 1970, he founded Earth Day to celebrate the environment and to bring attention to the legislative challenges facing those who want to protect the environment. Senator Nelson also cosponsored the Wilderness Act of 1964, a law that has been amazingly important to protecting Nevada's beauty.

Nevada is one of the many States that has greatly benefited from the increased environmental awareness that former Senator Nelson helped to cultivate. Nevada's dramatic landscapes from the high alpine lakes of the Ruby Mountains to the stark open spaces of the Black Rock Desert to the incredible Joshua tree forests in the Piute Valley have provided inspiration to generations of Nevadans. Protecting Nevada's wild lands ensured that those who follow us will have the same opportunity to find and experience these incredible places as we had.

The Wilderness Act of 1964, which was cosponsored by former Senator Nelson, has done tremendous things in Nevada. I have been proud to help designate nearly 2 million acres of wilderness across Nevada, in addition to creating the Sloan Canyon, Red Rock Canyon, and Black Rock Desert-High Rock Canyon National Conservation Areas and Great Basin National Park.

Protecting and serving our environment has always been one of my passions, and I have twice had the privilege to chair the Environment and