

surgery, patients in Ontario are told they have to wait 6 months for surgery. Americans often get right away.

The patients at Kingston General Hospital in Kingston, Ontario, have been understandably unhappy with all the waiting they have to do. Fran Tooley was one of them.

Two years ago, Fran herniated three disks in her back and was told that it would take at least a year before she could consult a neurosurgeon about her injury which had left her in constant pain and unable to sit or stand for more than a half hour at a time. According to a story in the Kingston Whig-Standard, Fran's doctor referred her to a neurosurgeon after an MRI scan showed the herniated disks were affecting the nerves in her legs. The story went on to say that patients in Ontario can be forced to wait for up to 2 years and sometimes even longer for tests, appointments with specialists, or even urgent surgery.

Americans don't want to end up like Fran Tooley. They like being able to get the care they need when they need it. They don't want to be forced to give up their private health plans or to be pushed into a government plan that threatens their choices and the quality of their care. They don't want to wait 2 years for surgery their doctors say they need right away. And they don't want to be told they are too old for surgery or that a drug they need is too expensive. But all of these things could be headed our way. Americans want health care reform, but they don't want reform that forces them into a government plan and replaces the freedoms and choices they now enjoy with bureaucratic hassles, hours spent on hold, and surgeries and treatments being denied and delayed. They don't want a remote bureaucrat in Washington making life-and-death decisions for them or their loved ones. But if we enact the government-run plan, that is precisely what Americans can expect.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period for the transaction of morning business until 5:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Arizona.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT OF 2009

Mr. McCAIN. Mr. President, I take the floor this afternoon to discuss the issue of importation of prescription drugs and the amendment, which is No.

1229, which is pending but may be made nongermane because of a vote, if cloture is invoked.

There has also been some discussion about the fact that I am holding up the bill because of my desire for this amendment. I am not. I am simply asking for 15 minutes or even 10 minutes of debate and a vote. I understand there are other amendments, such as one by Senator LIEBERMAN and one by Senator BURR, that also should be considered. I wish to point out that I am not holding up the bill nor putting any hold on the legislation. The fact is, importation of prescription drugs is certainly germane and should apply to this legislation before us.

Last week, the majority leader was kind enough to say he would see about this amendment and when it could be considered. He has just informed me that he has discussed the possibility that it be brought up on the health care legislation when it comes to the floor. One, the issue cannot wait and, two, that is not an ironclad commitment. As much as I enjoy people's consideration around this body, from time to time I have found that without an ironclad commitment, sometimes those commitments of consideration go by the wayside. But I do appreciate very much the majority leader seeking to help me address this issue.

Mr. President, I ask unanimous consent that when the Senate begins consideration of H.R. 1256, it be in order for the Senate to consider amendment No. 1229 regarding prescription drug importation, the text of which is at the desk, and I ask that the amendment be considered in order, with 15 minutes of debate on the amendment equally divided between both sides, and that at the disposition of such time, the Senate vote on or in relation to the amendment.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from the State of Virginia and at the request of the leadership, I object.

Mr. McCAIN. I thank the Chair. I am not surprised. But if there is to be any allegation that this bill is being held up because of this amendment, that is simply patently false. In fact, I am more than eager to vote on this legislation because it has been before this body for a long time and it is a very clear-cut issue. The pharmaceutical industry has spent millions of dollars to sway lawmakers against the idea of drug importation.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from The Hill newspaper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, June 3, 2009]

PHARMA DEFENDS VULNERABLE DEMS

(By Aaron Blake and Reid Wilson)

What a difference a Speaker's gavel makes. Just a few years ago, before Democrats took control of Congress, the pharmaceutical industry was busy funneling millions to Republican candidates, at times giving the GOP

three dollars for every one headed to Democrats.

Over the last two cycles, though, drug makers have been much more generous with the other party. In the 2008 cycle, pharmaceutical companies gave the two parties about \$14.5 million each, and this year the industry has given \$714,000 to Republicans and \$721,000 to Democrats.

But the industry's main lobbying arm in Washington is now going beyond writing a check. The Pharmaceutical Research and Manufacturers of America, better known as PhRMA, spent the congressional recess running advertisements thanking four vulnerable Democratic freshmen for their early work in Congress.

The advertisements are running on behalf of Reps. Parker Griffith (D-Ala.), Bobby Bright (D-Ala.), Tom Perriello (D-Va.) and Frank Kratovil (D-Md.). They cite the four freshmen's votes for the State Children's Health Insurance Program (CHIP) and for extending healthcare benefits to unemployed workers, a measure contained within the stimulus package passed earlier this year.

PhRMA is also running advertisements for a few Republican candidates, though the group declined to provide their names.

Nonetheless, Democrats are encouraged by the group's ads on behalf of the four members, all of whom won in 2008 by the narrowest of margins.

PhRMA "has really stepped it up and shown a willingness to work with us where our policy interests intersect," one senior Democratic aide said.

The group isn't the only one that gives overwhelmingly to Republicans that has had to change its approach lately. In February, the Chamber of Commerce put out press releases praising Democratic votes in favor of the stimulus legislation, and the National Federation of Independent Businesses backed Democrats on the credit card bill last month.

PhRMA itself has grown more bipartisan. In recent years, Democratic strategist Steve McMahon has crafted many of the organization's advertisements, and former Democratic Congressional Campaign Committee political director Brian Smoot has been helping its efforts as well.

The group said the ads are part of a year-long campaign run in conjunction with the Healthcare Leadership Council. Both groups say they "share the goal of getting a comprehensive healthcare reform bill on the president's desk this year," according to PhRMA Senior Vice President Ken Johnson.

Ken Spain, spokesman for the National Republican Congressional Committee, said the question going forward is "whether or not Democrats in Congress will choose to do for the healthcare industry what they have done for General Motors. That is a concern many in the healthcare community share with Republicans in Congress."—R.W.

No partnership among brothers when it gets down to promotions.

Republicans are Republicans and Democrats are Democrats.

Except, that is, when it comes to House members eyeing the Senate.

The start of the 2010 election cycle has been marked by a pretty overt attempt by House campaign committees—specifically the Democratic Congressional Campaign Committee (DCCC)—to push members of the opposing party into statewide races.

Problem is, those statewide races are pretty important, too. And when the pressure on people like Reps. Mark Kirk (R-Ill.) and Mike Castle (R-Del.) pushes them out of their House seats and into their states' open Senate races, they could seriously hamper Senate Democrats' efforts to win those much rarer seats.

The equation is really pretty simple: If you're a random Democrat somewhere, even if you are guaranteed to win that House seat—one of 435—do you really want Kirk and Castle to run for Senate, where they have a good chance at winning one out of 100 Senate seats?

That goes double when the upper chamber often requires 60 percent of the votes to prevail. After all, one House seat is pretty expensive when you are close to an 80-seat majority, but one Senate seat is golden when you have an 18- or 20-seat edge in the filibuster-able Senate.

The latest example is Rep. Pete King (R-N.Y.), about whom our colleague Jeremy Jacobs writes in today's Campaign section.

Sure, Democrats want his ripe Long Island seat in their hands, but polling has also shown him within 11 digits of Sen. Kirsten Gillibrand (D-N.Y.), and he has the right kind of profile to be competitive for her seat.

King was bound and ready to run for Senate when it looked like Caroline Kennedy would win the Senate appointment, but he has since backed off. Now Democrats are working hard to put pressure on him, emphasizing that the State Legislature might make his reelections much harder in the next round of redistricting.

Democrats have also been applying pressure to another frequent target—Rep. Jim Gerlach (R-Pa.). Gerlach is a centrist in the same vein as Kirk, Castle and King, and he could pack some bipartisan appeal in a run for Senate.

Of course, the tactic isn't solely a Democratic province. Republicans have sought to put pressure on Reps. Peter DeFazio (D-Ore.), Stephanie Herseth Sandlin (D-S.D.) and Loretta Sanchez (D-Calif.) to seek their states' governors' mansions.

—A.B.

Mr. MCCAIN. Mr. President, it says:

Just a few years ago, before Democrats took control of Congress, the pharmaceutical industry was busy funneling millions to Republican candidates, at times giving the GOP three dollars for every one headed to Democrats.

Over the last two cycles, though, drug makers have been much more generous with the other party. In the 2008 cycle, pharmaceutical companies gave the two parties about \$14.5 million each, and this year the industry has given \$714,000 to Republicans and \$721,000 to Democrats.

Which helps to explain the e-mail sent by the top lobbyist for the Pharmaceutical Research and Manufacturers of America, known as PhRMA, which stated:

The Senate is on the tobacco bill today. Unless we get some significant movement, the full-blown Dorgan or Vitter bill will pass. . . . We're trying to get Senator DORGAN to back down—calling the White House and Senator REID. Our understanding is that Senator MCCAIN has said he will offer regardless. . . . Please make sure your staff is fully engaged in this process. This is real.

It really is real. It is real that it would provide savings to the millions of Americans who have lost a job, millions of Americans who are struggling to put food on the dinner table, and millions of Americans who are struggling with health care costs and the high cost of prescription drugs.

The Congressional Budget Office has estimated that this amendment would save American consumers \$50 billion over the next decade. Let me repeat—\$50 billion. Why is that? The Fraser In-

stitute found in 2008 that Canadians paid on average 53 percent less than Americans for identical brand-name drugs. Specifically, the institute found that the most commonly prescribed brand-name drug, Lipitor, is 40 percent less in Canada, Crestor is 57 percent less in Canada, and the popular arthritis drug Celebrex is 62 percent less expensive in Canada. Americans would love a 60-percent off coupon for prescription drugs and deserve such a discount now more than ever.

This morning, President Obama met with his Cabinet and announced that he intended to accelerate the distribution of the \$787 billion stimulus funds, which, by the way, were all supposed to be shovel-ready, but that is the subject of a different debate. Many have lamented the slow pace at which the stimulus funds are being spent. This amendment would provide an immediate stimulus to each and every American if enacted. Over half of all Americans must take a prescription drug every day, according to a 2008 poll by Kaiser Public Opinion, and millions more take prescription drugs when diagnosed with a virus or other ailment. Many Americans who are cutting household expenses cannot afford to cut out the prescription drugs they must take each day for their health. We must help these Americans by enacting this amendment.

Some of my colleagues have argued that this amendment should not be considered on legislation regulating tobacco and my efforts to add this amendment to the bill are actually holding up the bill.

The amendment is directly relevant to the underlying legislation. The bill would require the Food and Drug Administration to regulate tobacco because of its well-known negative health effects. This amendment would require the Food and Drug Administration to regulate the importation of prescription drugs from importers declared safe by the FDA. I reject any argument that this amendment is not related.

Furthermore, it is well documented that smokers have higher health costs than nonsmokers. So this amendment is necessary to assist those who have experienced so many health issues due to smoking. Smoking kills. I have supported stricter regulation of tobacco products for 10 years. In fact, this bill contains many of the provisions included in the National Tobacco Policy and Youth Smoking Reduction Act I introduced and fought for weeks on the floor of this Senate to achieve passage.

I don't seek to hold up consideration of the bill. I merely ask for an up-or-down vote on the amendment. Therefore, I think the American people deserve better than the monetary influence buying by PhRMA, an organization that has spent tens of millions of dollars to prevent the American consumer from being able to acquire prescription drugs, screened by the FDA, at a lower cost. That is what this is all about. It is the special interests versus

the American interests, and special interests—in this case, PhRMA—have won rounds 1 through 9. We will not quit this fight because the American people deserve it, particularly in these difficult economic times.

We may be blocked on this bill. We may be blocked on the next bill. But we will come back and back and keep coming back. That is my message to the other side and those at PhRMA. We will succeed in allowing Americans to acquire much needed, in some cases lifesaving, prescription drugs at a lower cost for themselves and their families. That is what this amendment is all about.

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

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Nebraska.

TRIBUTE TO OUR ARMED FORCES

SERGEANT JUSTIN J. DUFFY

Mr. JOHANNIS. Mr. President, today I rise in solemn remembrance of the life of a fallen hero, SGT Justin J. Duffy, of the U.S. Army's 82nd Airborne Division.

Justin died while serving his country in Iraq on June 2 when his humvee was struck by an improvised explosive device in eastern Baghdad. He was 31 years old.

A native Nebraskan, Justin was born in Moline and later moved with his family to Cozad, graduating from Cozad High School in 1995. He earned a degree in criminal justice from the University of Nebraska at Kearney.

After working in Kearney for 5 years, Justin joined the Army in June 2007, beginning a career that satisfied his sense of adventure and work ethic. He had been serving with the 82nd Airborne Division in Iraq since November of 2008.

Justin's family and friends referred to him as "The Shepherd." He was always looking after the welfare of others, putting their well-being above his own. In this same fashion, Justin selflessly gave his life while protecting the safety of others.

Justin is survived by his parents, Joseph and Janet Duffy, his two sisters, and his grandfather. Today I join them in mourning the death of their beloved son, brother, and grandson. Justin made the ultimate sacrifice in service to his country. Our Nation owes him and his family an immeasurable debt of gratitude. May God's peace be with Justin's family, friends, and all those who continue to mourn his death and remember his life.

Let us also pause today to remember and celebrate the lives of all our Nation's fallen soldiers, marines, sailors,