

fastest growing drug problems in the Nation, resulting in ever increasing rates of robberies and other attendant crimes.

Yesterday, I was in the Cleveland suburb of Fairview Park at Ohliger Drugs. That store has been a target in the last couple of years. I spoke with Tom Ohliger, the fourth generation owner of this drugstore, and he described being held up at gunpoint on more than one occasion.

There is a new report showing drug users and addicts are now targeting seniors for help getting pain killers to feed their addiction. There is also a rise in the outright theft and stealing of these drugs. We are seeing over and over on newscasts and in newspapers across the State stories of addicts and criminals targeting pharmacies to obtain pain killers and prescription drugs.

Last month, in Parma—another Cleveland suburb—a man claiming to have a weapon made off with more than \$14,000 worth of prescription pain killers before he was apprehended by the police.

That is why I worked with Senator SCHUMER and others on the Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety—SAFE DOSES—Act. The bill would use Federal antiracketeering laws to arm law enforcement with the tools to stop and prosecute pharmaceutical theft and robberies.

Last year, as we toughened penalties for theft, we also cracked down on the fraud and trafficking of prescription drugs. It also, of course, dealt with the human side of counseling, in education, to help people break that addiction.

Also last year, I convened a first-of-its-kind roundtable in southern Ohio, where the problem has been most acute in my State, with Federal and local law enforcement, community activists, elected officials, and members of the medical community. They raised a concern with criminal manipulation of Ohio's Medicaid Program, which spends upward of \$800 million on prescription medicines.

While most prescription pain medicines are used as prescribed—after surgery, after some kind of accident, often in the case of people with intense pain from some kind of acute illness—criminals too often have defrauded the Medicaid system and fleeced Ohioans and America's taxpayers by acquiring multiple prescriptions and filling them at multiple pharmacies. That is why I introduced legislation to require all States to establish Medicaid “lock-in” programs to crack down on the use of Medicaid cards to obtain and illegally sell these prescription drugs.

This bill would prevent drug abusers from acquiring excess legal prescription drugs, though they are not doing it legally—which they may abuse or illegally resell—by barring them from visiting multiple doctors and pharmacies.

It means high-risk prescription drug users would be placed in the program

and they would only get Medicaid assistance when they are limited to one physician and one pharmacy. States would also identify prescription drugs that are dispensed under Medicaid and represent a high risk of overutilization. Nearly 20 States have adopted similar programs.

South Carolina's Medicaid lock-in program targeted high-use beneficiaries and resulted in a 43-percent decrease in the total number of prescribed prescription pain medications.

Consider Scioto County, on the Ohio River. In this Ohio river town, prescription drugs cause 9 of every 10 fatal drug overdoses. In nearly two-thirds of those cases, the individuals involved did not have prescriptions, indicating they obtained the drugs illegally.

Recently, the Government Accountability Office audited the Medicaid Program in the 5 largest States and found 65,000 cases in which Medicaid beneficiaries visited 6 or more doctors and up to 46 different pharmacies to acquire prescriptions. This same report found some 1,800 prescriptions written for dead patients and 1,200 prescriptions “written” by dead physicians. The numbers are staggering.

In southeast Ohio it has been particularly tragic. Old factory towns and rural communities have become havens for prescription drug abuse. Across the country, communities are struggling to find ways to respond and develop strategies to reduce the diversion and abuse of prescription drugs.

Out of the often sad stories, there are successes. Last month, I was in Portsmouth, in Scioto County, which I mentioned earlier, at the Second Chance Counseling Center. It has received critical Federal resources—not a lot of dollars but critical dollars—for a job retraining program for those recovering from abuse. The center is about second chances, combating the epidemic with the focus on recovery and rehabilitation—helping Ohioans with the resources they need to be the productive citizens they want to be.

This past July I was at the Amethyst Family Treatment Residence in Columbus, with the Director of the Office of National Drug Control Policy, Gil Kerlikowske. We talked about the administration's comprehensive prescription drug strategy and ways FDA can crack down on the abuse. The staff at the residence—such as health professionals, law enforcement officials, and community activists—described the stories of victims and families they represent. I met with many of those people who were going through these programs and are getting their lives back in order.

Prescription drug abuse and crime is nonpartisan. It is an issue of life and death in too many parts of our Nation, and especially in my State. I wish to share three brief letters describing how this is a human tragedy above all else. It is a law enforcement issue, it is a counseling of substance abuse issue, and it is an education issue, but fun-

damentally it is a human tragedy, with the addiction people have experienced coupled with the crime that is often committed and compounded with the defrauding of taxpayers.

Let me read three stories from letters that were sent to me from my State. The first is from a rural county, one from sort of a medium-sized county, and one from a large urban county.

David from Union County writes:

Our son David was a college graduate, 42 years old, a father, and a husband for 18 years. He abused prescription drugs because of a motorcycle accident 10 years earlier. He was a 3 year clean drug addict because of all the support he was given by so many caring individuals. He was pursuing his master's degree with a 4.0 average, but in spite of all of this, he passed away last May due to an accidental overdose of oxycotin. We need to protect family members from the heartbreak [and] pain that we are suffering because our son made a bad mistake.

Amy, from Stark County, the Canton area, writes:

In our extended family, we have a close family member who has become addicted to prescription drugs. The problem has become so bad for our individual family member that she has sought illegally obtained prescription drugs from dealers from two counties away. I always believed that drug abuse was something committed by rebellious, high-risk teenagers and young adults. But prescription drug abuse is something that can happen with much older adults who would “know better.”

And then Tara from Lucas County—the Toledo area.

Through my previous job as the director of an anti-drug coalition, I personally witnessed many families fall apart because of prescription drug abuse. I will never forget the day I visited my dear friend at the hospital because her 16 year old son had overdosed on oxycontin. The average citizen needs to be educated about proper disposal of their drugs, and parents need to be made aware of this issue. Better policing and controls around the transportation and distribution of prescription drugs is definitely a key step; however, we can all raise the importance over educating ourselves, our schools, and our children about how to keep this issue from persisting.

As I said, it is about law enforcement, it is about drug treatment, and it is about education. It is about all these things to end these human tragedies that cost taxpayer dollars, that inflict criminal activity on innocent pharmacists and others, and that create so much tragedy for so many of my State's families and so many American families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. MORAN. Mr. President, in large and small communities across our country, way too many Americans find themselves placed in danger by the very people who are supposed to love and protect them—their families. Each year, more than 2 million women are victims of domestic violence across our

country. In Kansas, an estimated 1 in 10 adult women will suffer from domestic violence this year.

I am here this evening to try to give a voice to the hopeless—to those who have often been too afraid to speak for themselves. Domestic violence is not just a problem for women; children and men are all too often its victims as well. Throughout October, during Domestic Violence Awareness Month, we are especially mindful of these victims and the urgent need to put an end to the cycle of violence.

I imagine many Americans may assume that domestic violence does not occur in their neighborhoods or among their friends, with those with whom they are acquainted. Unfortunately, this is not the case. Domestic violence does not discriminate by race, gender, age group, education, or social status. Three years ago, citizens in my hometown of Hays, KS, learned of the tragic death of a young woman from domestic violence.

Today, I wish to share with you the story of Jana Lynne Mackey. I shared Jana's story with my colleagues when I served in the House of Representatives, but it bears repeating because it is a solemn reminder of the urgent need to put an end to this so-called silent crime that plagues hundreds of thousands of homes across our country.

Jana was born in 1982 in Harper, KS, and spent her childhood in Hays. She was an active member of 4-H, an athlete, and a talented musician. Upon graduation from high school, Jana completed a bachelor's degree, where she discovered her passion—advocating on the behalf of others.

She went on to pursue a law degree from the University of Kansas and fought for equality and social justice through her work with countless organizations, including volunteer work in Lawrence, KS, at the GaDuGi SafeCenter, a shelter that aids victims of sexual assault and domestic violence. But 3 years ago, on July 3, 2008, at the young age of 25, Jana's own life was taken by domestic violence.

More than 1,100 people gathered at Jana's memorial service to celebrate her life. In her death, Jana's parents, Curt and Christie Brungardt, started the Eleven Hundred Torches Campaign to encourage 1,100 people to carry on Jana's torch. Since its creation, the campaign has attracted more than 1,100 volunteers who now make a difference in lives across the country through civic engagement and voluntarism. Yet there is so much more that must be done.

Throughout our country, an estimated one in four women still suffers abuse during their lifetime. Domestic violence brings fear and hopelessness and depression into the lives of every victim. But we must not only work to end this silent crime; also, we must care for those who are the victims. By volunteering at a local shelter, speaking out when you become aware of domestic violence or making a donation

to a local organization, every citizen can find a way to get involved and make a difference.

This October, and throughout the year, let us be mindful of the victims of domestic violence and do our part to help break the cycle and bring hope to those who suffer. Let each of us be a torch to see that we bring about an end to domestic or family violence.

The tragedy of Jana's death is a rallying cry, calling each of us to make a difference in the lives of others.

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

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

EXECUTIVE NOMINATION

Mr. REID. Mr. President, we were hopeful today that we could clear the nomination of John Edgar Bryson to be Secretary of Commerce. This has been outstanding for a long time. We have been told by our Republican friends that as soon as we got the trade bills done we would work this out. The trade bills are done. So I hope we can move forward. It is very unfortunate that one of the President's very important Cabinet positions; that is, Secretary of Commerce, which is directly related to the jobs we are trying to create, is not filled at this time. Hopefully we can get the minority to work with us in processing this nomination. I hope I do not have to file cloture on it.

COLOMBIA FREE TRADE AGREEMENT

Mr. HARKIN. Mr. President, I have said on a number of occasions that trade is an incredibly important part of our economy, especially in my home State of Iowa. For this reason, I am a longtime supporter of policies designed to open foreign markets to our Nation's exports through new trade agreements. I have fought to break down the barriers that many other countries have erected to block our exports, and I have sought to reduce the practices by which many of them seek to compete unfairly in world markets.

However, trade is more than just the shipment of goods and services across borders. Trade policy and the impacts of trade also have wide ranging consequences for workers and the environment inside the trading countries. Properly designed, our trade policy can expand opportunities and promote the welfare of workers in both the United States and abroad. Ill-designed trade policy can have the opposite effect as well.

For this reason, I have to express my strong opposition to the free trade agreement with Colombia. Simply put, Colombia is one of the most dangerous

countries in the world to be a trade unionist. According to Colombia's National Labor School, ENS, in the last 25 years, over 2,800 Colombian trade unionists have been killed. According to the AFL-CIO, 23 trade unionists have been assassinated this year alone in Colombia, including 16 since the conclusion of the labor action plan, which I will speak more about later. The ENS also reports that over the last 10 years, Colombian trade unionists have faced almost 4,000 death threats.

While some improvements have been made in recent years, the Colombian government has not sought to hold those responsible for these brutal crimes. According to the International Labor Organization's, ILO, High-level Tripartite Mission to Colombia, "the majority of trade unionist killings have not yet been investigated nor have the perpetrators, including the intellectual authors of these crimes, been brought to justice." ENS data indicates that since 1986, only 6 percent of the cases brought to trial have resulted in any convictions.

The current Colombian government led by President Santos has made some progress. I believe that the Colombian action plan related to labor rights that the Obama administration negotiated with the Santos administration is a step in the right direction. If the changes that the Santos administration have begun making are continued, and the labor action plan is fully implemented and enforced, Colombia will have made significant progress to addressing many of my concerns.

But given all that I have described earlier, it would be irresponsible of us to rush into a free trade agreement before we see the results of this endeavor. Unfortunately, while the labor action plan requires the Colombian government to issue new laws, regulations, and reports, there is no mechanism to ensure that these policies will be effective at improving the living and working conditions of Colombians. The only follow-up mechanism included in the labor action plan is a series of meetings to take place in 2012 and 2013. After 2013, those meetings may cease to occur.

Even more, should Colombia not meet its obligations under the labor action plan or take future action that is contrary to the labor action plan, only some portions may be subject to the binding dispute settlement procedures in the text of the agreement. The limited enforceability of the action plan further cautions against moving forward too hastily, as we will not have enough leverage to ensure that fundamental labor rights are respected once the agreement is implemented. As my colleagues may remember, the side agreement to the North American Free Trade Agreement is ultimately meaningless and unenforceable.

One of the goals of our trade policy must be to further the internationally recognized right of workers to organize. Supporting the rights of workers