

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, could I ask for 5 more minutes?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Then at 6:30 that night, July 31, after we worked out the portability and the MSA, I remember the call from Senator KASSEBAUM saying that we only had about 10 more minutes to sign. And so this Senator signed on the basis of the representations of what I knew was in the bill and the representations that were made by the various staff and other Members who were familiar with the language. There was never any mention of any special interest provision for Lodine.

We had the press conference announcing the agreement around 8 p.m. that night.

Then, around 10:30 that night, the Democratic staff go to legislative counsel and see the administrative simplification section, which they were being shown for the very first time. And there it was. Stuck in the administrative simplification section was this special provision for Lodine. This is the first time that anyone had seen this provision. Indeed, it was the first time anyone had even heard about it in connection with the health care bill.

They thought they killed it in the Defense authorization. They thought they killed it in the agriculture appropriations bill. But, they didn't. No. It was snuck into the health care bill and no one knew it and the rest is history.

It is interesting that over in the House on August 1, there was a Democratic effort to recommit the bill due to the special patent provision and also because of the nonparity for mental health.

The vote to re-commit in the House was 224 to 198. I have heard from a number of my colleagues that if that motion had only dealt with the patent provision, it would have been rejected and returned to the conference.

Now, Senator LOTT's spokeswoman was quoted in today's CongressDaily. I know Senator LOTT would want to clear up the alleged quote in Congress Daily because it said that this special provision was added with full knowledge of the conferees and was done for fairness. He was either misquoted or wrong on that, because it was not done with the knowledge of the conferees. If it were done with the knowledge of some of the conferees, then I hope they will come over here and explain it. Explain who knew about it. Explain who didn't know about it. Explain why this special provision was slipped into the health care bill without our knowledge.

Now, it certainly was not done for fairness. It was slipped into the bill without telling anyone, because it is not fair, and it is not deserved. Now, Mr. President, I will not take the time now to go into all of the details, but I will draw the Senate's attention to the fact that we have been addressing these

kinds of issues for the last 20, 25 years. Because of the series of different requests during the 1970's and 1980's, the Senate and the Congress, in their wisdom, passed the Hatch-Waxman bill in 1984 to deal with issues of justice and fairness that perhaps arose under some circumstances due to the arbitrariness or termination of patent extensions. To avoid this very problem, that law was passed to treat all companies equally and fairly. That system has worked pretty well. As a matter of fact, Lodine itself has already gone through that process and it has already received a 2-year extension.

But it still claimed that it was treated unfairly by the FDA. It still claimed that the FDA delayed its approval and was unfairly denied years of patent protection. But, as everyone knows, the claim that the FDA delayed approval has no merit. Everyone knows this, because this claim was thoroughly reviewed in 1992 and 1993. In fact, the GAO did a full review and published a detailed report in April of 1993. The conclusions were unambiguous and firm: any delay was the company's fault, not the FDA.

I will conclude with this: In 1993, the GAO issued its report specifically about the Lodine patent. GAO concluded there was no basis for recommending a patent term extension. Lodine's approval was delayed because of the company's actions and for public health reasons. I have that GAO report right here. We will have a chance to get into it in greater detail, but for now let me tell you their fundamental conclusions:

(1) it is a "me-too" drug which provided no significant public health benefit or therapeutic breakthrough, which would justify expedited review (such as AIDS or cancer drugs);

(2) concerns about Lodine's carcinogenicity were raised both in Canada and the United States, which had to be resolved before the drug could be approved;

(3) FDA found that the Lodine submission was "piecemeal, voluminous, disorganized and based on flawed clinical studies."

(4) the Lodine submission to FDA did not contain "enough data to prove efficacy until September 1989"—almost 7 years after the submission was made to FDA.

It goes on and on. Every single claim made by the company was investigated, reviewed and rejected on the merits. That is why this special interest provision keeps being slipped in under cover of darkness. It can't stand the light of day. There is no merit or basis for special treatment. Indeed, the facts show that this particular drug and this company was already treated fairly and appropriately. Under the rules that everyone else has to abide by, Lodine was treated right. It should have to play by the same rules as its competitors and everyone else.

Mr. President, I had hoped this special interest provision would not be included. It is not the way to do business. It is a special interest provision that was added without the knowledge of the members of the conference. It is bad policy.

Furthermore, it will result in the fact that millions of senior citizens will pay an unwarranted, unjustified additional amount for their prescription drugs because of one particular drug company which refused to follow the rules in terms of going through public hearings, public notice, and to give consumers a right to speak. It is absolutely wrong, Mr. President.

I hope we will have an opportunity to address this more, then move very quickly to the final consideration of the very important health care bill which we have reached resolution on. I see no other reason, if that unjustified special provision was resolved, that we could not resolve the conference report in an hour, or even less, so that it could be on its way to the President of the United States.

But, before we can do that, this special interest slipped into the health care bill will have to be examined. The American consumers deserve better than this type of shabby treatment.

The PRESIDING OFFICER (Mr. KYL). The Senator from Vermont.

MOLLIE BEATTIE REMEMBERED

Mr. LEAHY. I will be very brief, Mr. President. A few weeks ago, one of Vermont's most noted and valued citizens, Mollie Beattie, died. Much was said on the floor of the Senate about her. Much was said in Vermont at her memorial service and again at the Department of Interior when the Secretary of Interior, as well as the Vice President, her husband and others spoke. Much also was written in Vermont.

I noted a commentary by Jim Wilkinson in one of our Vermont newspapers about Mollie Beattie. Jim Wilkinson is one of those quintessential Vermonters who represents the best values of our State. I have known him for decades, both in his role as the commissioner of Vermont Department of Forest, Parks and Recreation, and more recently as the consulting forester for the tree farm my wife and I have in Middlesex, VT. He is a man of great depth, great honesty, and, frankly, great wisdom.

I ask unanimous consent that what he had to say about Mollie Beattie, reported in the Rutland Daily Herald, be printed in the RECORD.

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

[From the Rutland Daily Herald, July 23, 1996]

MOLLIE BEATTIE REMEMBERED

(By Jim Wilkinson)

Webster defines "memoir" as "a report on an event of significance." This memoir is a personal observation on the life of Mollie Beattie, an event of great significance.

Mollie has been proclaimed as a scholar, a forester, a writer, a philosopher—all that and more. She was known as a friend, a public servant, a leader. In all of these roles Mollie's time with us was lived to the fullest, with vitality, commitment, and serenity.

Others have written or spoken of her career in public service to Vermont and to the

nation. Her political savvy and integrity brought professional respect, as well as outstanding accomplishment. The great courage of her final year has been cited as she fought and at last accepted death with confidence, peace and encouragement for others. Not only at death's door was courage so evident. Her professional standards and personal values demanded courage and confidence and determination in reaching the goals she set for herself.

Mollie recognized the importance of maintaining a strong, healthy persona—physically, mentally and spiritually—not a selfish concern for her ego, but the pragmatic acceptance that thus only could she give the most of her life. Carlyle wrote that "Life is a little gleam of time between two eternities." Mollie's life was a great burst of light in that time allotted to her. We have been blessed by it.

She had one unusual and wonderful attribute—that of an unconscious but strong sense of personal presence, not one of power or command, but a presence that, of itself, demanded attention and got it. Hard to describe, but easy to recognize when you were exposed to it. Yet there were occasions when, while looking directly at you, she would leave you dreaming or thinking of some secret, transmundane reality, some mystic other world that only she could know and could not share. Then with a glance and a grin she would return her attention to you.

At the end Mollie could have assured us, "I own only my name. I've only borrowed this dust." Mollie's dust has returned to the earth from which it evolved. But her name will live long in our memories. May those memories serve to guide, strengthen and encourage us in our lives of service.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

BLANKET HOLDS ON ENERGY COMMITTEE BILLS

Mr. MURKOWSKI. I rise today to inform my colleagues of my degree of frustration with the gridlock that has occurred this entire Congress preventing passage of virtually every bill reported by my committee, the Committee on Energy and Natural Resources. As chairman of that committee, I obviously have the obligation of moving the bills out. I have attempted to do that.

I think it was the night before last, Mr. President, that the minority leader, Senator DASCHLE, expressed similar frustration over an objection from this side of the aisle to a judicial nominee. You can imagine my frustration when a few Senators from the Democratic side have prevented passage of all 72 bills from my committee currently pending on the calendar. Those objections, Mr. President, were not based on the merits of the bills being held; they were based on a problem with some other bill. So we have this chain of "you are not going to support my bill unless your bill passes."

I think it is fair to note that during part of the last year and a half, all of my committee bills were being held not because of any inaction by the Senate or my committee, but the excuse was the House was not acting quickly enough on some matter of interest.

There are many, many items that are very important to Senators. I want to get them cleared and get them out.

For example, Sterling Forest, my good friend Senator D'AMATO has been urging me, clear Sterling Forest. The New York Times has taken up the charge. I certainly want to see Sterling Forest cleared. I want to support the position of my friend, Senator D'AMATO from New York, who responded to the editorial of the New York Times as it affects New Jersey, as it affects New York. We attempted to clear that, along with the Utah ski bill, and a couple of small native items for Alaska.

I cannot recall how many holds—it was like a rabbit trail. You could not keep up with it fast enough. Once we attempted to clear them, one hold would go on, someone would attempt to remove the hold, and, bingo, it is back on. My good friend from Utah, Senator BENNETT, spent endless hours trying to clear that. This is a blatant abuse of the whole process. It has to stop. I know the leadership feels that way. The Members are going to have to recognize a few realities.

Over the past several months, I have been working with my House counterparts to put together a package in conference on the Presidio bill. It has virtually everything in it. Everybody is not going to like everything in it, but there is virtually something in it for every Member. If you want to get behind this bill and get these land issues passed, you are simply going to have to recognize that we will have to keep the bill together.

Due to the holds and the situation of the Senate, the process has become cumbersome, to say the least. Virtually everyone who has a parks or public lands bill introduced in the House or Senate wants to be included in any package that is moving.

On the other hand, if I try to move an individual bill separately, Members think the Presidio package is dying and want to be included in the measure, as well. So what we have, Mr. President, is gridlock. I am not going to point fingers. It is just the reality.

Mr. President, frankly, I have had it. Unless those Members who have blanket holds on Energy Committee bills, unless they lift those holds and allow me, as chairman, to work the system, to start moving individual bills and packages where appropriate, no bills are going to move. That would be a shame, Mr. President, because these bills affect our Nation's parks, public lands, our forests. They are good public policy, and they are good for the environment.

I want to also add one more thing, because there is some confusion about the interests of the Senator from the State of Alaska. The Tongass is not part of this package. There is a proposal to allow an extension, for 15 years, of a competitive timber contract with the Forest Service for Louisiana Pulp Co., Louisiana Pacific Co. The ra-

tionale behind that, or the necessity, is that they are prepared and required, under the new laws governing effluent and air quality, to invest roughly \$200 million in converting this plant—which, I might add, is our only year-round manufacturing plant—in southeastern Alaska, upon which 2,000 jobs are dependent. They simply must have a contractual commitment from the Forest Service for supply of raw material.

Now, why is that different in Alaska? It is different in Alaska, Mr. President, because we have no other source of timber. There is no private timber. There is no State timber. It is all owned by the Federal Government, and their current contract is about to expire.

I ask unanimous consent to have 1½ more minutes.

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

Mr. MURKOWSKI. If the 15-year contract is not extended, this plant—the only manufacturing plant, with 2,000 jobs—will be lost, and the pulp timber will be exported out of the State, which is really a travesty.

Now, that is the interest of the Senator from Alaska in this package. So, Mr. President, I hope that clears up any doubts in the minds of anybody relative to the environmental aspects of the merits of this contract. This is to provide a chlorine-free new mill to replace the old one. But it can only happen if there is a contractual commitment for timber, because nobody is going to spend \$200 million without an assured supply and a contract with the Federal Government.

So I am committed to moving these bills. My committee has held hearings on these bills and held the markups. I have supported and voted for each of these bills. I am not the problem, Mr. President. But unless these holds are lifted, I don't see how I can be part of the solution. So I urge my colleagues—particularly the leadership—to do what they can to end this gridlock. It just has to be stopped.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTENSION OF PATENT FOR LODINE

Mr. WELLSTONE. Mr. President, I will be very brief.

Mr. President, I have sent a letter to my colleagues about the inclusion of the extension for the patent of the drug Lodine in the health insurance conference report and announced my intention to raise a point of order about this, since a similar provision was not included in either the House or the Senate bill. Whatever the intentions of whoever inserted this into conference committee report in the dark of night—and I don't know what their intentions were—certainly the impact of