

or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. THOMAS. I thank the Presiding Officer, the Senator from West Virginia, and the clerk.

By the way, just for information, these treaties were all approved by the Foreign Relations Committee on October 4 and 5.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. THOMAS. 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. ALLARD. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. ALLARD. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes for the purpose of introducing legislation.

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

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3213 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. CRAPO.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. BRYAN. Mr. President, may I inquire as to whether it would be appropriate at this point to request to speak as in morning business for a period of time not to exceed 8 minutes.

The PRESIDING OFFICER. That would be appropriate.

Mr. BRYAN. I make that request.

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

REFORM OF MEDICARE

Mr. BRYAN. Mr. President, I am now in my last days of serving the people of

the State of Nevada as a U.S. Senator. It is a role in which I am proud and privileged to have had an opportunity to serve. I am also very proud of the opportunity I have had to serve as a member of the Finance Committee, the committee with jurisdiction over the Medicare program.

Having said that, I am greatly troubled by this body's failure to take action on several fronts as it relates to Medicare. I am disappointed that we failed to act on Medicare coverage for prescription drugs as well as the proposed payment changes in the so-called BBA relief bill, a piece of legislation that deals with provider payment enhancements to those services and companies that provide service to Medicare patients.

The impact of Medicare over the past 35 years cannot be overemphasized. Prior to enactment of Medicare in 1965, fewer than half the seniors in America had any kind of health care coverage at all. Today, as a result of Medicare's enactment, 99 percent do. As a result, health care for the Nation's seniors has been improved and the burden of health care costs for them has been greatly ameliorated. But a Medicare program without prescription drug coverage does not meet the promise we made to seniors in 1965.

In 1965, the Medicare program roughly paralleled what was available in the private sector. Today, as all of us know, prescription drugs play such a vital role, a greatly enhanced role in terms of our own Medicare treatment. We had a historic opportunity this year to fulfill the promise of Medicare and to guarantee access to comprehensive prescription drug coverage for Medicare beneficiaries. Yet we have squandered it.

There is no legitimate reason for the Republican leadership to have pushed meaningful prescription drug reform off for another year. The Finance Committee has spent the last 2 years considering prescription drugs. We have heard from experts on all sides of the issue. We have talked to our constituents. Many of us have worked diligently to put together legislation to provide a meaningful, comprehensive, affordable benefit for all Medicare beneficiaries. Yet the Finance Committee did not even hold a markup of a prescription drug benefit bill. By that I mean, for those who are not familiar with legislative language, we did not have the opportunity to vote on a Medicare bill in the Finance Committee, move it from the committee, and debate it on the floor.

I consider it a great tragedy that could have made a difference in the lives of our seniors. Our inaction will consign some 227,000 Medicare beneficiaries in my own State of Nevada and 39 million beneficiaries nationally to yet another year of spending an ever-increasing share of their fixed in-

comes on medically necessary drugs or trying to stretch their prescriptions by taking them every other day instead of every day or sharing them with spouses and friends or, worse, even going without.

We will be voting on the conference report to accompany the Agriculture appropriations bill this afternoon. The prescription drug importation provision is included in the conference report. I was pleased to join Senators DORGAN and JEFFORDS in their amendment in July. I believe this amendment is an important measure that can be helpful. There is no credible reason, no defensible basis that only drug manufacturers should be allowed to reimport prescription drugs.

A well defined reimportation program could help to make drugs more affordable for American consumers. The majority of our seniors are often faced with the difficult choice of paying extremely high prices at retail outlets or forgoing medically necessary prescription drugs because they simply do not have the financial resources to pay for them. However, the best designed reimportation provision is not a sufficient answer to the millions of Medicare beneficiaries who lack prescription drug coverage.

I hope my colleagues will not hide behind this provision when they are asked by their constituents why the Senate didn't approve a Medicare prescription drug benefit this year.

Moreover, the important provision has been altered by the Republican leadership such that it is extremely questionable whether it will actually meet the goal Senators DORGAN and JEFFORDS and others desired—that of lowered prices.

One very basic problem with the provision is that a "sunset" date was added so that the importation system would end 5 years after it goes into effect. In order to assure the safety of the drugs being imported, laboratory testing facilities would be required. Distribution systems would also clearly be needed. I have serious doubts that the private sector investment to carry out this program will materialize if it is known that the program will only be in operation for 5 years. Why spend the money to develop the infrastructure for such a short-lived program? There is also a serious labeling problem that gives manufacturers the ability to shut down the program.

It is unquestionably and undeniably wrong that American citizens pay the highest prices for prescription drugs—particularly when many of these drugs are developed on American soil, by American companies who are receiving enormous tax breaks, patent protections and the benefit of billions of NIH research dollars.

I have been hoping to offer a germane amendment to the Foreign Sales Corporation (FSC) legislation that would