

this affect most? Those who take the most prescription drugs—typically seniors, and those without any kind of prescription drug coverage from their insurance. But all Americans pay more whether through higher prices at the drugstore counter or higher insurance premiums.

Why does this problem exist? American pharmaceutical companies sell the exact same prescription drugs overseas, drugs developed and manufactured here in the U.S., for a fraction of the price they demand from American citizens. Other countries have implemented price control policies that successfully tempt manufacturers to discriminate against American consumers with higher drug prices. Our drug companies agree because the costs of manufacturing are nominal, and they can make some profit overseas by simply charging Americans all of the high costs of research and development.

This bill takes a first step towards solving this problem. It allows wholesalers and pharmacists to go to Canada and other countries where prescription drugs are sold at deep discounts and bring the same FDA-approved, FDA-manufactured products back to the U.S. in order to pass the discounts on to American consumers.

It is important to note that safety is a priority in this bill. Only products that have been determined to be safe and effective can be brought into the United States. The importer is required to test for authenticity and degradation. And importers can only bring in these products from countries that the Secretary of HHS has determined have an appropriate regulatory infrastructure to ensure the safety of prescription drugs.

This provision should give our American families access to lower cost prescription drugs that are safe and effective.

Is it perfect? Probably not. But, I hope it will work and I hope it results in lower prices for consumers in the U.S. and eventually puts pressure on drug companies to end price discrimination in the U.S. Critics say the bill has loopholes and drug companies will find a way around it. Let me be clear—if they do I will be back to make sure this provision is even stronger. I hope that is not necessary, that drug companies will simply end the current discrimination against Americans by charging fair prices here in the United States.

This is not my favorite idea for dealing with price discrimination. It is a much more complicated solution than I would prefer.

My idea is straightforward and based on a law that has applied to every product sale in the U.S. since 1935—the Robinson-Patman Act. This law simply says that manufacturers can't use price to discriminate among buyers. If that principle is applied to prescription drug sales overseas—drug companies would no longer be allowed to discriminate against their best customers—American families.

But this bill is something that can be done this year to lower prices for American consumers. I believe it represents a genuine step forward to lower prescription drug costs for all Americans.

With all that said, the bill before the Senate not only represents a response to the core needs of agriculture, but signifies a profound shift in sanctions reform, and puts the drug companies on notice. While I have indicated that neither proposal represents perfection, what each does signify is the goal of Congress to address issues vital to those we represent. I sincerely hope my colleagues will work to pass this bill without hesitation.

Mr. JEFFORDS. 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. LOTT. 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. LOTT. Mr. President, we do have a number of items that have been cleared for consideration, including in this package a series of energy bills that Senator DASCHLE and I talked about yesterday on the floor. There are a number of Senators who have been involved in this effort. I thank them all. This is important legislation.

We do have a number of other unanimous consent requests we will need to go through. It will take a few minutes. There are a lot of very important issues here. Most of them have been cleared on both sides. There may be a couple here that there will be objections to, but there is a necessity to make that request.

#### UNANIMOUS CONSENT REQUEST— H.R. 4292

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4292, the Born Alive Infant Protection Act of 2000.

Mr. LOTT. I further ask consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There are Members on our side who would like to offer amendments, and on their behalf I am constrained to object at this point.

The PRESIDING OFFICER. The objection is heard.

#### UNANIMOUS CONSENT REQUEST— H.R. 4201

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 779, H.R. 4201, the Noncommercial Broadcasting Freedom of Expression

bill, and I further ask consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Again, there are Members on this side who would like to offer amendments to that legislation, and on their behalf I am constrained to object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. On this bill, Mr. President, we will continue working to see if we can come to some sort of agreement on how it might be considered. I have a special interest in this one because a former staff member of mine—now an outstanding Member of the House of Representatives—Congressman CHARLES “CHIP” PICKERING of Laurel, has been working on this and got it passed through the House. I will continue to see if we can find some way to get it passed before we leave.

#### CALENDAR

Mr. LOTT. Mr. President, with regard to the energy bills and water-related package, I ask unanimous consent that the Senate proceed en bloc to the following bills reported by the Energy Committee: Calendar No. 710, S. 2425; Calendar No. 774, H.R. 2348; Calendar No. 776, H.R. 3468; Calendar No. 849, S. 2594; Calendar No. 853, S. 2951; Calendar No. 856, H.R. 3236; Calendar No. 857, H.R. 3577; Calendar No. 882, S. 1848; Calendar No. 883, S. 2195; Calendar No. 884, S. 2301; Calendar No. 900, S. 2877; Calendar No. 929, S. 3022; Calendar No. 935, S. 1697; and Calendar No. 938, S. 2882.

I further ask unanimous consent that the committee amendments be agreed to, the bills be read the third time and passed, any amendments to the title be agreed to as necessary, the motion to reconsider be laid upon the table, and statements relating to any of these measures be printed in the RECORD, and all proceedings occur en bloc.

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

#### BEND FEED CANAL PIPELINE PROJECT ACT OF 2000

The Senate proceeded to consider the bill (S. 2425) to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(Omit the part in boldface brackets.)  
S. 2425

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Bend Feed Canal Pipeline Project Act of 2000”.

**SEC. 2. FEDERAL PARTICIPATION.**

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the "District"), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated \$2.5 million for the Federal share of the activities authorized under this Act.

[(g) The Bureau of Reclamation shall not charge the District more than one percent of the project cost for carrying out administrative or oversight activities under this Act.]

The committee amendment was agreed to.

The bill (S. 2425), as amended, was read the third time, and passed, as follows:

S. 2425

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Bend Feed Canal Pipeline Project Act of 2000".

**SEC. 2. FEDERAL PARTICIPATION.**

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the "District"), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated \$2,500,000 for the Federal share of the activities authorized under this Act.

**COST SHARING FOR THE ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR THE UPPER COLORADO AND SAN JUAN RIVER BASINS**

The bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for endangered fish recovery implementation programs for the Upper Colorado and San Juan River

Basins, was considered, ordered to a third reading, read the third time, and passed.

**DUSCHENE CITY WATER RIGHTS CONVEYANCE ACT**

The bill (H.R. 3468) to direct the Secretary of the Interior to convey certain water rights to Duschene City, Utah, was considered, ordered to a third reading, read the third time, and passed.

**MANCOS WATER CONSERVANCY DISTRICT**

The Senate proceeded to consider a bill (S. 2594) to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

[Omit the part in bold face brackets.]

S. 2594

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.**

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or

attempts to enlarge the right of the United States, under existing law, to control any water in any State.

[(c) FUNDS RECEIVED AVAILABLE FOR OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—Any funds received by the United States under a contract under subsection (a) shall be available for expenditure for operation and maintenance of the project without further Act of appropriation.

[(2) REVENUE.—Any amount of funds received by the United States under a contract under subsection (a) that is in excess of the amount of funds needed for operation and maintenance of the project shall be applied against the repayment contract of the project.]

The committee amendment was agreed to.

The bill (S. 2594), as amended, was read the third time, and passed, as follows:

S. 2594

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.**

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

**SALMON CREEK WATERSHED OF THE UPPER COLUMBIA RIVER STUDY**

The Senate proceeded to consider the bill (S. 2951) to authorize the Secretary