

services under chapter 17 of title 38, United States Code, at a non-Department facility (as that term is defined in section 1701(4) of such title 38.

“(C) APPLICABLE PERCENT.—For purposes of this paragraph, the term ‘applicable percent’ means the weighted average percentage (based on claims under this section) by which the fiscal year 2001 VA Alaska fee schedule amount for physicians’ services exceeded the amount of payment for such services under this section that applied in Alaska in 2001.”

SA 1043. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription coverage under the medicare program, and for other purposes; which was ordered to lie on the table; as follows:

On page 377, between lines 12 and 13, insert the following:

“(I) Section 1851(d) (relating to the provision of information to promote informed choice).

“(J) Section 1851(h) (relating to the approval of marketing material and application forms).

“(K) Section 1852(e)(4) (relating to treatment of accreditation).

“(L) Section 1857(i) (relating to Medicare+Choice program compatibility with employer or union group health plans).”

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on June 26, 2003 in SR-328A at 9 a.m. The purpose of this meeting will be to review H.R. 1904, The Healthy Forests Restoration Act of 2003.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 24, 2003, at 10 a.m. to conduct a hearing on “Bus Rapid Transit and Other Bus Service Innovations.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 24, 2003, at 9:30 a.m. on Reform of the USOC.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Com-

mittee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 24 at 10 a.m. in room SD-366. The purpose of this oversight hearing is to receive testimony on issues associated with changes in the relationship between the U.S. Department of Energy and the contractors operating its National Laboratories, other laboratories and sites.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 24, 2003 at 2:30 p.m. to hold a hearing on U.S. Relations With A Changing Europe: Differing Views on Technology Issues.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, June 24, 2003, at 10 a.m. for a hearing entitled “Controlling the Costs of Federal Health Programs by Curing Diabetes: A Case Study.”

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

COMMITTEE ON THE JUDICIARY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, June 24, 2003, at 9:30 a.m. in SDG 50.

Agenda

1. Indexing All Awards for Future Inflation: This amendment indexes claim award values to inflation.

2. Removing Collateral Source Offsets: This amendment ensures that more money will go to claimants by striking all existing collateral source offsets in the bill except for compensation from past settlements and judgments for the same asbestos-related injury.

3. Doubling the Statute of Limitations: This amendment doubles the statute of limitations from 2 to 4 years to allow more claimants access to the fund and to help alleviate the potential backlog of claims at the beginning of the Fund’s creation.

4. Coverage for Claimant Exposures on U.S. Flag Ships or While Working for U.S. Companies Abroad: This amendment broadens eligibility to include claims made by U.S. citizens exposed to asbestos while serving on any U.S. flagged or owned ship or exposed to asbestos while working for U.S. companies overseas.

5. Strengthening Enforcement of Contributions: This amendment strengthens the Administrator’s cause of action to enforce contributions by permitting the assessment of punitive damages for willful failure to pay.

6. Recoupment Authority for the Administrator: This amendment protects the funds available to pay claimants by permitting the Administrator to recover any financial hardship or inequity adjustment in future years if a company later becomes financially capable of paying its full allocation into the fund.

7. Criminal Penalties for Fraud or False Information: This amendment protects the integrity of the claims administration process by imposing criminal penalties for fraud and false statements made against the Fund.

8. Bankruptcy Certification: Requires the bankruptcy court to certify whether or not asbestos liabilities were the cause of the bankruptcy.

9. Congressional Oversight—Administrator Annual Reports: This amendment provides appropriate Congressional oversight by requiring the Administrator of the Asbestos Fund to submit an annual report on the functioning of the Fund to Congress.

Technical Amendments

10. Hatch Technical Amendment: Technical amendments to S. 1125.

Other Agreed Upon Amendments

11. Hatch Libby Amendment: Senator BAUCUS has agreed to this Amendment, which ensures that claimants from Libby, Montana will be compensated from this Fund and that their claims will be evaluated by the exceptions panel due to the unique nature of the asbestos there.

12. Hatch Asbestos Ban: This amendment prohibits the manufacture, distribution and importation of the consumer products to which asbestos is deliberately or knowingly added. The amendment also contains specific exemptions and authorizes the Administrator to hear and grant exemptions on a case by case basis.

13. Feinstein Second Degree to Hatch Asbestos Ban: This amendment adds certification requirements for the Government Use exemption, and authorizes the Administrator of the EPA to review the exemption for roofing cements and related products.

Medical Criteria Amendments

14. Hatch Medical Exceptions Panel Amendment: This panel will review claims which do not fit the criteria but may have an exceptional case to merit payment. Libby claims will automatically go through this panel.

15. Hatch Striking Product ID Amendment: (Leahy co-sponsor)—Drops requirements to identify particular asbestos product.

16. Hatch Latency Period Amendment: (Leahy co-sponsor)—Clarifies the 10-year latency period for all claims.

17. Hatch Medical Monitoring Amendment: Requires the administrator to notify qualifying claimants about medical monitoring options.

18. Hatch Doctor Evaluation Amendment: Requires physician to evaluate smoking and exposure history before making a diagnosis.

19. Hatch Deceased Claimant Amendment: Eliminates in-person examination requirement for persons who have died prior to filing their claim.

20. Hatch Disease Categories and Standards Amendment: (Sec. 124)—Replaces the previous criteria with a new level for severe asbestosis (V); a mixed-causation level (II); three levels of lung cancer payments; substantial occupational exposure measured in “weighted” years.

21. Hatch Independent Review Amendment: This allows the Asbestos Court to conduct its own reviews of medical evidence to ensure quality control.

22. Hatch Smoking Assessment Amendment: Allows the Asbestos Court to make a limited investigation into a claimant’s smoking history to determine veracity.

23. Hatch Treating Doctor Amendment: Requires that a doctor making a diagnosis be the “claimant’s doctor,” as opposed to “treating” doctor.

24. Hatch IOM Study Amendment: Directs the Institute of Medicine to study the link between asbestos and “other cancers.”

25. Hatch Weighted Exposure Amendment: For substantial occupational exposure requirement, the weighted exposure gives more credit for exposure in earlier years, or in certain occupations, than exposure in more recent, post-regulation years.

26. Hatch Take Home Exposure Amendment: Amendment clarifies that claimants exposed to asbestos by cohabitants who brought home asbestos on their clothes from their jobs will meet the exposure requirement in the bill.

27. Kyl Significant Amount Amendment: This amendment amends section 124(a)(8)(B) and (C) of S. 1125 to require “significant amounts” of exposure to qualify for having “significant occupational exposure.”

28. Kyl Significant Amount Amendment: This amendment amends section 124(a)(16)(B) and (C) of amended medical criteria to require “significant amounts” of exposure to qualify for having “significant occupational exposure.”

29. Kyl Lock Box Amendment: Inserts a new section 223(e) into the introduced bill that requires a “lock box” mesothelioma account used solely to make payments for claimants at Levels IV, VII, and VIII.

30. Kyl Lock Box Amendment: Inserts a new section 223(e) into S. 1125 as amended with new Hatch criteria that requires a “lock box” mesothelioma account used solely to make payments for claimants at Level IX, Lung Cancer II, Severe Asbestos II and Severe Asbestos I.

31. Leahy Colorectal Cancer Amendment: Adds colorectal cancers as compensable cancers in the fund.

32. Leahy Take Home Exposure Amendment: A claimant meets the medical requirements if they can show exposure to asbestos was result of liv-

ing with a person who was occupationally defined.

33. Kennedy Medical Advisory Committee/Exceptional Medical Claim Amendment: Adds to section 114 to grant the chief judge the authority to appoint a Medical Advisory Committee of doctors with certain qualifications. Also creates, in section 124, a process for a claimant to submit an application for an “exceptional medical claim” that does not fall within the medical criteria parameters within the bill.

34. Kennedy Awards Amendment: Amends the awards allowed by increasing the amounts for: (1) Lung Cancer I to “individual determination”; (2) Lung Cancer II to \$500,000 or \$1,500,000; (3) Mesothelioma to \$1,500,000; (4) Increases amounts non-smokers receive by lots of money.

35. Kohl Mesothelioma Amendment: Increases the mesothelioma compensation award from \$750,000 to \$1,500,000.

36. Feingold Medical Monitoring Amendment: Establishes a medical monitoring system within 180 days of the Act’s implementation. Creates criteria required to obtain medical monitoring and the protocols used for medical screening. Screening shall occur within 5 years. The administrator will promulgate procedures and regulations establishing medical monitoring program.

Other Amendments

37. Hatch Back-End Amendment: Provides defendant contributors the option to continue paying into the fund after year 27 or be subject to a civil claim filed in federal court.

38. Hatch Silica Mixed Dust Amendment: This amendment clarifies that asbestos related mixed dust claims are covered by the bill.

39. Grassley Asbestos Court Amendment: Eliminates the Court of Asbestos claims, instead housing the tribunal in the Federal Court of Claims. The Chief Judge may appoint up to 20 special asbestos masters without Congressional approval. A special master will make the determination, appealed to the Court of Claims and the Federal Circuit.

40. Grassley Federal Liability Amendment: Amendment provides that nothing in the act establishes liability against the Federal Government nor should it be construed to obligate funding from the United States government.

41. Leahy Environmental Crimes Amendment: Amendment enhances the penalties for environmental crimes by expanding the available crimes covered involving asbestos and applies the provision retroactively and requires the person who discovers the crime report to the proper State law enforcement authorities within 30 days.

42. Sessions Cap on Attorneys’ Fee Amendment: Amendment imposes a 10 percent cap on attorneys fees.

43. Sessions Pro Bono Amendment: Amendment requires the Asbestos Court to provide information to claim-

ants of pro bono representation. Attorneys must provide notice of pro bono representation.

44. Sessions Substitute Amendment: Amendment substitutes S. 1125 with language from Senator Nickles alternative tort reform proposal.

45. Leahy FOIA Amendment for the Commission: Amendment extends the Freedom of Information Act to apply to the Asbestos Insurance Commission.

46. Leahy FOIA Amendment for the Office of Asbestos Injury Claims Resolution: Amendment extends the Freedom of Information Act to apply to the Office of Asbestos Injury Claims Resolution.

47. Leahy Successor in Interest Amendment: Requires that a business that changes its formal structure, yet “substantially continues” to maintain the same function, will remain obligated to fund the Trust.

48. Kennedy Purpose of S. 1125 Amendment: Amendment specifies that the purpose of S. 1125 should be expeditious compensation to individuals exposed to asbestos, provide compensation based on a system “flexible enough to accommodate individuals whose conditions worsen”, to establish a trust fund to create certainty and predictability, and relieve federal and state courts of asbestos litigation burdens.

49. Kohl Contingent Call and Fund Certification Amendment: Amendment permits the Administrator to assess additional contributions during the first 27 years of the fund and/or decline any scheduled allocation reductions unless the Administrator certifies. Amendment also requires the Administrator, prior to reducing defendant allocations, to certify that the fund will have sufficient money to compensate past, present and future claimants, for various segments during the life of the fund, including a procedure for making the determination.

50. Feinstein Occupational Related Disease Study Amendment: Amendment requires any excess funds from the Trust to be directed to NIH for the study of occupational-related diseases.

51. Feinstein Date of Occupational Exposure Amendment: This amendment strikes the December 31, 1982 cut-off dates for occupational exposures.

52. Feinstein Back End Proposal: Requires mandatory payments to continue after year 27 at year 26 levels if the Administrator deems it necessary to ensure adequate funding of the Fund. The Administrator will provide a report to Congress if additional future funds are necessary.

53. Feinstein Asbestos Ban Amendment: Adds Title V to ban the use of asbestos in commercial products. Provides for exceptions with a list of products and provides for civil penalties. Amends title 18 U.S.C. to add chapter 34 enumerating an asbestos related crime. Provides money for research into asbestos-causing diseases, a mesothelioma registry and establishes Mesothelioma research and treatment

centers. The amendment is superfluous after Senators Hatch, Feinstein, Kohl and Murray agreed to the Hatch Asbestos ban Amendment.

54. Feingold Sunset Amendment: Provides a check on liability that (c) and (d) has no effect on January 1, 2010 unless the Administrator certifies prior to that date that 95 percent of all compensable claims file on or before May 1, 2006 have been paid in full.

55. Feingold Payments Amendment: Amendment changes the word "less" to "more" on page 40 line 4 so that all payments will be made within 3 years.

56. Durbin Lawsuit Filing Date Amendment: Amendment does not require any lawsuit filed before June 1, 2003 to be dismissed prior to adjudication.

57. Durbin Prior Asbestos Expenditure Amendment: Amends the term "prior asbestos expenditure" to exclude defense costs mounted in a successful defense against an asbestos claim.

58. Durbin FELA Amendment: Amendment removes the FAIR Act's preemption of FELA claims for asbestos injuries.

59. Durbin Hardship Amendment: Doubles the current caps for the financial hardship and inequity adjustments while revising the definition of "inequity adjustments" to include costs incurred in cases where the defendant mounted a successful defense.

60. Hatch Congressional Findings.

61. Leahy Congressional Findings.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 24, 2003, at 9:30 a.m., to consider the markup of pending legislative and administrative business, including any other items that may be ready for consideration.

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

SUBCOMMITTEE ON CHILDREN AND FAMILIES SUBCOMMITTEE ON PERSONNEL

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, and Committee on Armed Services, Subcommittee on Personnel be authorized to meet for a hearing on Supporting Our Military Families during the session of the Senate on Tuesday, June 24, 2003, at 2:30 p.m.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Tuesday, June 24 at 9:30 a.m. to examine

implementation of the National Marine Fisheries Service's 2000 Biological Opinion for listed anadromous fish regarding operation of the Federal Columbia River Power System.

The hearing will take place in SD 406, Hearing Room.

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

SUBCOMMITTEE ON PERSONNEL

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 24, 2003, at 2:30 p.m., in open session to continue to receive testimony on issues affecting families of soldiers, sailors, airmen and marines.

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

PRIVILEGES OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Meghan Taira, a fellow on Senator DASCHLE's staff, be granted floor privileges during the consideration of S. 1.

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

Mrs. CLINTON. Mr. President, I ask unanimous consent that Dr. Leonardo Trasande and Dr. Murali Raju, legislative fellows in my office, be granted floor privileges for the duration of this debate.

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

Mr. REID. Mr. President, I ask unanimous consent that Jessica Donze and Michelle Curtis, two fellows in Senator BINGAMAN's office, be granted the privilege of the floor during the pendency of the debate on S. 1.

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

MEASURE READ THE FIRST TIME—S. 1323

Mr. FRIST. I understand that S. 1323 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1323) to extend the period for which chapter 12 of title 11, United States Code, is reenacted by 6 months.

Mr. FRIST. I now ask for its second reading and object to further proceeding on this matter.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, JUNE 25, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, June 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1, the prescription drug benefits bill.

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

PROGRAM

Mr. FRIST. Mr. President, today we made great progress toward finishing the prescription drug/Medicare reform legislation. We debated many amendments. We had nine rollcall votes in relation to the pending amendments during today's consideration of this bill.

Tomorrow morning, we will resume consideration of S. 1. I would anticipate another busy day on this bill as well tomorrow. On Wednesday, the first rollcall vote was anticipated to be at 10 a.m. However, at this time the final legislative draft is not ready. We will continue to work on that draft over the course of the evening and into the morning, but at this juncture I will likely have to notify our Members as early as possible tomorrow morning as to whether we will actually call that rollcall vote at 10 a.m. I am hopeful that we can. If the legislative language is not ready, we will not have that vote at 10 a.m., but I hope to be able to announce that at 9:30 in the morning.

I do want to remind my colleagues that at this juncture we have approximately 42 amendments still pending to the bill. These amendments will have to be addressed by the Senate in some fashion, although I am very hopeful that many of these amendments can be disposed of without a rollcall vote. In any event, we have a lot of work to do before we have passage of this bill.

I, once again, will state that it is my intention that we will finish consideration of the prescription drug/Medicare reform bill prior to the July 4 recess—many hours, a lot of hard work, but we are on course to accomplish that, and I expect that we will do so.

I look forward to another productive day tomorrow as we begin the final consideration of this bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:13 p.m., adjourned until Wednesday, June 25, 2003, at 9:30 a.m.