

Daily Digest

HIGHLIGHTS

House Committee ordered reported the following appropriations for fiscal year 2004: Labor, HHS, Education and Related Agencies; Interior and Related Agencies; and Agriculture, Rural Development, FDA and Related Agencies.

House Committee ordered reported eight sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S8479–S8604

Measures Introduced: Twelve bills and four resolutions were introduced, as follows: S. 1326–1337, and S. Res. 183–186. **Page S8559**

Measures Reported:

S. 1334, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system. (S. Rept. No. 108–79)

S. 498, to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation, with an amendment. **Pages S8558–59**

Measures Passed:

Michael J. Healy Post Office: Senate passed H.R. 825, to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building", clearing the measure for the President. **Page S8598**

Floyd Spence Post Office: Senate passed H.R. 917, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building", clearing the measure for the President. **Page S8598**

Cesar Chavez Post Office: Senate passed H.R. 925, to redesignate the facility of the United States Postal Service located at 1859 South Ashland Ave-

nue in Chicago, Illinois, as the "Cesar Chavez Post Office", clearing the measure for the President.

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James R. Merry Post Office: Senate passed H.R. 981, to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the "James R. Merry Post Office", clearing the measure for the President.

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Delbert L. Latta Post Office: Senate passed

H.R. 985, to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the "Delbert L. Latta Post Office Building", clearing the measure for the President.

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Dr. Roswell N. Beck Post Office: Senate passed H.R. 1055, to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the "Dr. Roswell N. Beck Post Office Building", clearing the measure for the President.

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Norman D. Shumway Post Office: Senate passed H.R. 1368, To designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the "Norman D. Shumway Post Office Building", clearing the measure for the President.

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General Charles Gabriel Post Office: Senate passed H.R. 1465, to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the "General Charles Gabriel Post Office", clearing the measure for the President.

Pages S8598–99

Timothy Michael Gaffney Post Office: Senate passed H.R. 1596, to designate the facility of the

United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the “Timothy Michael Gaffney Post Office Building”, clearing the measure for the President. **Page S8599**

Admiral Donald Davis Post Office: Senate passed H.R. 1609, to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the “Admiral Donald Davis Post Office Building”, clearing the measure for the President. **Page S8599**

Dr. Caesar A.W. Clark, Sr. Post Office: Senate passed H.R. 1740, to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the “Dr. Caesar A.W. Clark, Sr. Post Office Building”, clearing the measure for the President. **Page S8599**

Patsy Takemoto Mink Post Office: Senate passed H.R. 2030, to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the “Patsy Takemoto Mink Post Office Building”, clearing the measure for the President. **Page S8599**

Ronald Reagan Post Office: Senate passed S. 867, to designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the “Ronald Reagan Post Office Building”. **Page S8598**

Walt Disney Post Office: Senate passed S. 1207, to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the “Walt Disney Post Office Building”. **Page S8598**

National Internet Safety Month: Senate agreed to S. Res. 185, expressing the sense of the Senate with respect to raising awareness and encouraging education about safety on the Internet and supporting the goals and ideals of National Internet Safety Month. **Pages S8599–S8600**

Environmental Policy and Conflict Resolution Advancement Act: Senate passed S. 163, to reauthorize the United States Institute for Environmental Conflict Resolution. **Page S8600**

Joseph A. De Laine Posthumous Gold Medal Award Act: Senate passed S. 498, to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation, after agreeing to the committee amendment. **Page S8600**

Prescription Drug and Medicare Improvement Act: Senate continued consideration of S. 1, to amend title XVIII of the Social Security Act to make improvements in the Medicare program, to provide prescription drug coverage under the Medi-

care program, taking action on the following amendments proposed thereto: **Pages S8479–S8546**

Adopted:

By 94 yeas to 1 nay (Vote No. 242), Snowe/Bingaman Amendment No. 972, to provide reimbursement for Federally qualified health centers participating in Medicare managed care. **Pages S8481–83, S8485**

Grassley (for Wyden) Amendment No. 941, to provide for a study by MedPAC on Medicare payments and efficiencies in the health care system. **Page S8538**

Baucus (for Harkin) Modified Amendment No. 967, to provide improved payment for certain mammography services. **Page S8538**

Grassley (for Murray) Amendment No. 961, to fund the blended capitation rate for purposes of determining benchmarks under the Medicare Advantage program. **Page S8538**

Grassley Amendment No. 974, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs. **Page S8538**

Grassley (for Specter) Amendment No. 983, to provide Medicare beneficiaries with information on advance directives. **Page S8538**

Sununu Amendment No. 1010, to improve outpatient vision services under part B of the Medicare program. **Page S8538**

Rejected:

By 26 yeas to 69 nays (Vote No. 243), Baucus (for Edwards) Further Modified Amendment No. 985, to strengthen protections for consumers against misleading direct-to-consumer drug advertising. **Pages S8483–86**

By 39 yeas to 56 nays (Vote No. 244), Graham (FL) Amendment No. 956, to provide that an eligible beneficiary is not responsible for paying the applicable percent of the monthly national average premium while the beneficiary is in the coverage gap and to sunset the bill. **Page S8486**

By 39 yeas to 56 nays (Vote No. 245), Durbin Amendment No. 994, to deliver a meaningful benefit and lower prescription drug prices. **Pages S8516–21, S8523–29**

By 43 yeas to 52 nays (Vote No. 246), Clinton Amendment No. 1000, to study the comparative effectiveness and safety of important Medicare covered drugs to ensure that consumers can make meaningful comparisons about the quality and efficacy. **Pages S8529–30**

Withdrawn:

Reid (for Boxer) Amendment No. 1062 (to Amendment No. 974) to eliminate the coverage gap for individuals with cancer. **Pages S8496–98**

Schumer Amendment No. 1040, to provide for equitable reimbursement rates in 2004 and 2005 for Medicare+Choice organizations making the transition to MedicareAdvantage organizations. **Pages S8500–02, S8506–12**

Baucus (for Stabenow) Amendment No. 992, to clarify that the Medicaid statute does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the Medicaid program. **Page S8538**

Pending:

Kerry Amendment No. 958, to increase the availability of discounted prescription drugs. **Page S8479**

Lincoln Modified Amendment No. 934, to ensure coverage for syringes for the administration of insulin, and necessary medical supplies associated with the administration of insulin. **Page S8479**

Lincoln Amendment No. 935, to clarify the intent of Congress regarding an exception to the initial residency period for geriatric residency or fellowship programs. **Page S8479**

Lincoln Amendment No. 959, to establish a demonstration project for direct access to physical therapy services under the Medicare program. **Page S8479**

Baucus (for Jeffords) Amendment No. 964, to include coverage for tobacco cessation products. **Page S8479**

Baucus (for Jeffords) Amendment No. 965, to establish a Council for Technology and Innovation. **Page S8479**

Nelson (FL) Amendment No. 938, to provide for a study and report on the propagation of concierge care. **Page S8479**

Nelson (FL) Amendment No. 936, to provide for an extension of the demonstration for ESRD managed care. **Page S8479**

Baucus (for Harkin) Amendment No. 968, to restore reimbursement for total body orthotic management for nonambulatory, severely disabled nursing home residents. **Page S8479**

Baucus (for Cantwell) Amendment No. 942, to prohibit an eligible entity offering a Medicare Prescription Drug plan, a MedicareAdvantage Organization offering a MedicareAdvantage plan, and other health plans from contracting with a pharmacy benefit manager (PBM) unless the PBM satisfies certain requirements. **Page S8479**

Rockefeller Amendment No. 975, to make all Medicare beneficiaries eligible for Medicare prescription drug coverage. **Page S8480**

Akaka Amendment No. 980, to expand assistance with coverage for legal immigrants under the Medicaid program and SCHIP to include citizens of the Freely Associated States. **Page S8480**

Akaka Amendment No. 979, to ensure that current prescription drug benefits to Medicare-eligible enrollees in the Federal Employees Health Benefits Program will not be diminished. **Page S8480**

Bingaman Amendment No. 973, to amend title XVIII of the Social Security Act to provide for the authorization of reimbursement for all Medicare part B services furnished by certain Indian hospitals and clinics. **Page S8480**

Baucus (for Lautenberg) Amendment No. 986, to make prescription drug coverage available beginning on July 1, 2004. **Page S8480**

Murray Amendment No. 990, to make improvements in the MedicareAdvantage benchmark determinations. **Page S8480**

Harkin Modified Amendment No. 991, to establish a demonstration project under the Medicaid program to encourage the provision of community-based services to individuals with disabilities. **Pages S8480, S8534–37**

Dayton Amendment No. 960, to require a streamlining of the Medicare regulations. **Page S8480**

Dayton Amendment No. 977, to require that benefits be made available under part D on January 1, 2004. **Page S8480**

Baucus (for Dorgan) Amendment No. 993, to amend title XVIII of the Social Security Act to provide for coverage of cardiovascular screening tests under the Medicare program. **Page S8480**

Smith/Bingaman Amendment No. 962, to provide reimbursement for Federally qualified health centers participating in Medicare managed care. **Page S8480**

Hutchison Amendment No. 1004, to amend title XVIII of the Social Security Act to freeze the indirect medical education adjustment percentage under the Medicare program at 6.5 percent. **Page S8480**

Sessions Amendment No. 1011, to express the sense of the Senate that the Committee on Finance should hold hearings regarding permitting States to provide health benefits to legal immigrants under Medicaid and SCHIP as part of the reauthorization of the temporary assistance for needy families program. **Page S8480**

Conrad Amendment No. 1019, to provide for coverage of self-injected biologicals under part B of the Medicare program until Medicare Prescription Drug plans are available. **Page S8480**

Conrad Amendment No. 1020, to permanently and fully equalize the standardized payment rate beginning in fiscal year 2004. **Page S8480**

Conrad Amendment No. 1021, to address Medicare payment inequities. **Page S8480**

Clinton Amendment No. 999, to provide for the development of quality indicators for the priority areas of the Institute of Medicine, for the standardization of quality indicators for Federal agencies, and for the establishment of a demonstration program for the reporting of health care quality data at the community level. **Page S8480**

Clinton Amendment No. 953, to provide training to long-term care ombudsman. **Page S8480**

Clinton Amendment No. 954, to require the Secretary of Health and Human Services to develop literacy standards for informational materials, particularly drug information. **Page S8480**

Reid (for Boxer) Amendment No. 1036, to eliminate the coverage gap for individuals with cancer. **Page S8480**

Reid (for Corzine) Amendment No. 1037, to permit Medicare beneficiaries to use Federally qualified health centers to fill their prescriptions. **Page S8480**

Reid (for Jeffords) Amendment No. 1038, to improve the critical access hospital program. **Page S8480**

Reid (for Inouye) Amendment No. 1039, to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally-qualified health center or a Native Hawaiian health care system. **Page S8480**

Thomas/Lincoln Amendment No. 988, to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program. **Pages S8480–81**

Edwards/Harkin Amendment No. 1052, to strengthen protections for consumers against misleading direct-to-consumer drug advertising. **Page S8487**

Enzi/Lincoln Amendment No. 1051, to ensure convenient access to pharmacies and prohibit the tying of contracts. **Pages S8487–89**

Enzi Amendment No. 1030, to encourage the availability of Medicare Advantage benefits in medically underserved areas. **Pages S8489–93**

Hagel/Ensign Amendment No. 1012, to provide Medicare beneficiaries with an additional choice of Medicare Prescription Drug plans under part D that consists of a drug discount card and protection against high out-of-pocket drug costs. **Pages S8493–95**

Hagel Amendment No. 1026, to provide Medicare beneficiaries with a discount card that ensures access to privately-negotiated discounts on drugs and protection against high out-of-pocket drug costs. **Page S8493**

Baucus (for Feinstein) Amendment No. 1060, to provide for an income-related increase in the part B premium for individuals with income in excess of \$75,000 and married couples with income in excess of \$150,000. **Page S8495**

Baucus (for Akaka) Amendment No. 1061, to provide for treatment of Hawaii as a low-DSH State for purposes of determining a Medicaid DSH allotment for the State for fiscal years 2004 and 2005. **Pages S8495–96**

Bingaman/Domenici Amendment No. 1065, to update, beginning in 2009, the asset or resource test used for purposes of determining the eligibility of low-income beneficiaries for premium and cost-sharing subsidies. **Page S8502**

Bingaman Amendment No. 1066, to permit the establishment of 2 new Medigap plans for Medicare beneficiaries enrolled for prescription drug coverage under part D. **Pages S8502–06**

Graham (SC) Modified Amendment No. 948, to provide for the establishment of a National Bipartisan Commission on Medicare Reform. **Pages S8512–15**

Stabenow/Levin Amendment No. 1075, to permanently extend a moratorium on the treatment of a certain facility as an institution for mental diseases. **Pages S8515–16**

Stabenow/Levin Amendment No. 1076, to provide for the treatment of payments to certain comprehensive cancer centers. **Page S8516**

Stabenow/Levin Amendment No. 1077, to provide for the redistribution of unused resident positions. **Page S8516**

Ensign/Lincoln Amendment No. 1024, to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps. **Pages S8521–22**

Smith/Feingold Amendment No. 1073, to allow the Secretary to include in the definition of 'specialized Medicare+Choice plans for special needs beneficiaries' plans that disproportionately serve such special needs beneficiaries or frail, elderly Medicare beneficiaries. **Pages S8522–23**

Grassley (for Craig) Amendment No. 1087, to permit the offering of consumer-driven health plans under Medicare Advantage. **Pages S8537–38**

Baucus (for Mikulski) Amendment No. 1088, to provide equitable treatment for children's hospitals. **Page S8539**

Baucus (for Milulski) Amendment No. 1089, to provide equitable treatment for certain children's hospitals. **Page S8539**

Baucus (for Mikulski) Amendment No. 1090, to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities. **Page S8539**

Baucus (for Mikulski) Amendment No. 1091, to extend certain municipal health service demonstration projects. **Page S8539**

Grassley/Baucus Amendment No. 1092, to evaluate alternative payment and delivery systems.

Pages S8539–42

Kyl Amendment No. 1093 (to Amendment No. 1092), in the nature of a substitute. Pages S8542–46

A unanimous-consent agreement was reached providing that at 9:15 a.m., on Thursday, June 26, 2003, Senate proceed to vote on or in relation to Harkin Amendment No. 991 (listed above), to be followed by a vote on or in relation to Edwards Amendment No. 1052 (listed above); and that no second degree amendments be in order to the amendments prior to the votes. Page S8601

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:15 a.m., on Thursday, June 26, 2003. Page S8601

Nominations Received: Senate received the following nominations:

Rixio Enrique Medina, of Oklahoma, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce.

Jeffrey A. Marcus, of Texas, to be Ambassador to Belgium.

Deborah Ann Spagnoli, of California, to be a Commissioner of the United States Parole Commission for a term of six years.

1 Air Force nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Foreign Service, Navy.

Pages S8601–04

Messages From the House: Page S8556

Measures Referred: Page S8556

Measures Placed on Calendar: Page S8556

Measures Held at Desk: Page S8556

Executive Communications: Pages S8556–58

Executive Reports of Committees: Page S8559

Additional Cosponsors: Pages S8559–61

Statements on Introduced Bills/Resolutions: Pages S8562–77

Additional Statements: Pages S8554–56

Amendments Submitted: Pages S8577–96

Notices of Hearings/Meetings: Page S8596

Authority for Committees to Meet: Pages S8596–98

Privilege of the Floor: Page S8598

Record Votes: Five record votes were taken today. (Total—246) Page S8485, S8486, S8529, S8530

Adjournment: Senate met at 9:30 a.m., and adjourned at 10:50 p.m., until 9:15 a.m., on Thursday, June 26, 2003. (For Senate's program, see the re-

marks of the Acting Majority Leader in today's Record on page S8601.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS LABOR—HHS/ EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education approved for full Committee consideration an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2004.

NOMINATION

Committee on Armed Services: Committee concluded hearings to examine the nomination of Lieutenant General John P. Abizaid, USA, for appointment to the grade of general and to be Commander, United States Central Command, after the nominee testified and answered questions in his own behalf.

RURAL ECONOMY

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy concluded oversight hearings to examine the problems and challenges facing rural America, focusing on certain job and economic development measures, including the Land Grant mission, after receiving testimony from Hilda Gay Legg, Administrator, Rural Utilities Service, Rural Development Mission Area, Department of Agriculture; M. Scott Smith, University of Kentucky College of Agriculture, Lexington; and Mark Haney, Kentucky Farm Bureau Federation, Nancy.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr., with an amendment in the nature of a substitute;

S. 490, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, with an amendment;

S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, with an amendment in the nature of a substitute;

S. 546, to provide for the protection of paleontological resources on Federal lands, with an amendment in the nature of a substitute;