

from entities that manufacture the articles, materials, or supplies outside of the United States for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-5572. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the report on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States for fiscal years 2003, 2004, 2005, and 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-5573. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, the Commission's Report required by the Government in the Sunshine Act for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-5574. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-5575. A communication from the Colonel, Corps of Engineers and Secretary, Mississippi River Commission, transmitting, pursuant to law, the Commission's report as required by the Government in the Sunshine Act for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-5576. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the report on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States for fiscal year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC-5577. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administrations report as required by the Government in the Sunshine Act for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-5578. A communication from the Comptroller General, Government Accountability Office, transmitting, pursuant to law, a report concerning GAO's Performance and Accountability Highlights for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-5579. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2005 Competitive Sourcing Efforts Report; to the Committee on Commerce, Science, and Transportation.

EC-5580. A communication from the Acting Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the Bureau's Transportation Statistics Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-5581. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish and Summer Flounder Fisheries" (RIN0648-AT50) received on January 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5582. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Cape Sarichef Research Restriction Area Opening for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area" ((RIN0648-AT54)(I.D. 100705C)) received on January 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5583. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 feet (18.3 Meters) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. 120705A) received on January 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5584. A communication from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule, Inseason Retention Limit Adjustment" (I.D.010406B) received on January 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5585. A communication from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Tilefish Fishery; Adjustment to the Fishing Year 2006 Tilefish Full-time Tier 1 Permit Category Commercial Quota" (I.D. 122905B) received on January 31, 2006; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 265. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes (Rept. No. 109-215).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 2240. A bill to amend title XVIII to reform the Medicare prescription drug program; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2241. A bill for the relief of Carmen Shahrzad Kulcsar; to the Committee on the Judiciary.

By Mr. VITTER:

S. 2242. A bill to establish the policy of the United States with respect to the deployment of missile defense systems capable of defending allies of the United States against ballistic missile attack; to the Committee on Foreign Relations.

By Mr. MENENDEZ:

S. 2243. A bill to make college more affordable by expanding and enhancing financial aid options for students and their families and providing loan forgiveness opportunities for public service employees, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2244. A bill to provide funding and incentives for caregiver support and long-term care assistance; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mrs. FEINSTEIN):

S. Res. 365. A resolution to provide a 60 vote point of order against out of scope material in conference reports and open the process of earmarks in the Senate; to the Committee on Rules and Administration.

By Mr. INHOFE (for himself, Mr. COLEMAN, Mr. SANTORUM, Mr. DEMINT, Mrs. HUTCHISON, Mr. DEWINE, Mr. MARTINEZ, Mr. BOND, Mr. CHAMBLISS, Mr. KYL, Mr. SPECTER, Mr. SMITH, Mr. ROBERTS, Mr. ALLARD, Mr. BURNS, Mr. BUNNING, Mr. ENSIGN, Mr. MCCAIN, Mr. SESSIONS, Mr. HATCH, Mr. ENZI, Mr. BENNETT, Mr. GRASSLEY, Mr. CRAIG, Mr. MCCONNELL, Mr. COBURN, Mr. FRIST, Mr. BROWNBACK, Mr. VITTER, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. AKAKA, Mr. PRYOR, Mr. CARPER, Mrs. LINCOLN, Mr. DAYTON, Mr. JEFFORDS, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mr. KENNEDY, and Mr. LAUTENBERG):

S. Res. 366. A resolution affirming the importance of increased international action and a national week of prayer for the Ugandan victims of Joseph Kony's Lord's Resistance Army, and expressing the sense of the Senate that Sudan, Uganda, and the international community bring justice and humanitarian assistance to Northern Uganda and that February 2 through 9, 2006 should be designated as a national week of prayer and reflection for the people of Uganda; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 368

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 424

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 438, a bill to amend title XVIII of the

Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1086

At the request of Mr. BYRD, his name was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1215

At the request of Mr. GREGG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1217

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1263

At the request of Mr. BOND, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the ex-

cise tax on telephone and other communications.

S. 1575

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 1698

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1698, a bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes.

S. 1723

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1723, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

S. 1881

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2180

At the request of Mr. DODD, his name was added as a cosponsor of S. 2180, a bill to provide more rigorous requirements with respect to disclosure and enforcement of ethics and lobbying laws and regulations, and for other purposes.

S. 2182

At the request of Mr. ISAKSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2182, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2231

At the request of Mr. BYRD, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Iowa (Mr. HARKIN) and the Senator from Illinois

(Mr. DURBIN) were added as cosponsors of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

S. 2235

At the request of Mr. SCHUMER, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from South Carolina (Mr. GRAHAM), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. CON. RES. 69

At the request of Mr. ISAKSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 320

At the request of Mr. ENSIGN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 320, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 355

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 355, a resolution honoring the service of the National Guard and requesting consultation by the Department of Defense with Congress and the chief executive officers of the States prior to offering proposals to change the National Guard force structure.

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 355, supra.

S. RES. 357

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 357, a resolution designating January 2006 as "National Mentoring Month".

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 359, a resolution concerning the

Government of Romania's ban on inter-country adoptions and the welfare of orphaned or abandoned children in Romania.

## AMENDMENT NO. 2697

At the request of Mr. NELSON of Florida, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 2697 intended to be proposed to H.R. 4297, a bill to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

## AMENDMENT NO. 2698

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2698 intended to be proposed to H.R. 4297, a bill to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

## AMENDMENT NO. 2699

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. DAYTON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2699 intended to be proposed to H.R. 4297, a bill to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

by Mr. LEVIN (for himself and Ms. STABENOW):

S. 2240. A bill to amend title XVIII to reform the Medicare prescription drug program; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I am introducing "The Medicare Part D Reform Act of 2006." This bill is necessary to address some of the major problems in the Medicare prescription drug benefit that took effect on January 1 of this year. As we all know, the reaction of our seniors has been widespread disappointment, mass confusion and downright anger.

Let me describe some of the problems that I am hearing from people in Michigan about this new Medicare prescription drug benefit.

First, many drug companies have previously issued discount cards and are currently providing drugs to low-income people and seniors at a nominal or no cost. These are individuals usually at 200 percent of the Federal poverty level, which is 19,600 for a single person or \$26,400 for a couple, while to qualify for the Medicare low-income subsidy, their income must be \$14,700 for a single person or \$19,800 for a couple. Many of these programs are being discontinued, and seniors are losing a

vital method of obtaining low cost prescription drugs.

Second, prescription drug plans can drop a drug from its list of covered drugs with 60 days notice at any time during the calendar year. This is particularly egregious for a senior who relied on a particular medication being available and covered when the senior chose that particular plan.

Third, the situation of so-called "dual eligibles" is clearly worse now than before enactment of the prescription drug benefit. These are former Medicaid beneficiaries who are being forced into Medicare prescription drug coverage, often putting them in plans with more restrictive formularies and higher co-payments, in other words leaving them worse off.

Fourth, many Michigan residents are retirees from good paying jobs and currently have a good prescription drug plan. This has changed for the worse with the creation of the new Medicare prescription drug benefit because many companies have decided to scale back or eliminate that retiree coverage. As a result, many of those retirees are worse off than they were before the bill became law.

Fifth, Medicare is specifically barred from negotiating lower drug prices for all of its beneficiaries.

Finally, the coverage gap from \$2,250–\$3,600 in prescription drug expenses per year, commonly referred to as the "doughnut hole," is unconscionable. Many seniors do not yet understand that this huge coverage gap is looming in their future and that during this gap, they are still expected to pay their monthly premiums, although they are getting no prescription drug coverage assistance.

To address many of these concerns I, along with my colleague Senator STABENOW, today am introducing the Medicare Part D Reform Act of 2006, and I hope the Senate will immediately consider these positive reforms. My legislation has four goals and I will briefly outline them.

First, this legislation would prohibit prescription drug plans from removing drugs from the plan's list of covered drugs until January 1 of the following year. This will give seniors the opportunity to make an informed decision during open enrollment at the end of each year if one plan decides to remove a particular drug from the plan.

Second, my legislation clearly states that the discount cards that pharmaceutical companies are providing to our lower income seniors are permissible and that seniors should be allowed to participate in these programs. There has been some confusion as to whether companies can legally continue these programs and, if companies do continue their assistance, questions have arisen as to whether that assistance will count towards the "true-out-of-pocket" costs for that beneficiary, which plunges them into the "doughnut hole" when they reach \$2,250. My legislation mandates that there will be

no negative consequences for pharmaceutical companies continuing to provide discount cards to our low-income seniors.

Third, my legislation would allow former Medicaid beneficiaries now receiving their medications under Medicare to continue to receive their prescription drugs even if they cannot meet the worsened co-payment requirements.

Lastly, the legislation would specifically give the Federal Government the authority to negotiate lower prescription drug prices for our seniors. Current Medicare law prohibits the Department of Health and Human Services from negotiating lower prices, as we do for veterans in our VA health programs. As a result, Medicare beneficiaries do not have the benefit of the bargaining power of Medicare.

All of us are hearing from our constituents that we need to improve Medicare Part D. Congress needs to fulfill the promise it made that Medicare Part D would lower prescription drug prices, not increase them. This bill will help us begin to keep that promise.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2240

*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 "Medicare Part D Reform Act of 2006".

## SEC. 2. REMOVAL OF COVERED PART D DRUGS FROM THE PRESCRIPTION DRUG PLAN FORMULARY.

Section 1860D-4(b)(3)(E) of the Social Security Act (42 U.S.C. 1395w-104(b)(3)(E)) is amended to read as follows:

"(E) REMOVING DRUG FROM FORMULARY OR CHANGING PREFERRED OR TIER STATUS OF DRUG.—

"(i) LIMITATION ON REMOVAL OR CHANGE.—Beginning with 2006, the PDP sponsor of a prescription drug plan may not remove a covered part D drug from the plan formulary or change the preferred or tiered cost-sharing status of such a drug other than during the period beginning on September 1 and ending on October 31. Subject to clause (ii), such removal or change shall only be effective beginning on January 1 of the immediately succeeding calendar year.

"(ii) NOTICE.—Any removal or change under this subparagraph shall not take effect unless appropriate notice is made available (such as under subsection (a)(3)) to the Secretary, affected enrollees, physicians, pharmacies, and pharmacists. Such notice shall ensure that such information is made available prior to the annual, coordinated open election period described in section 1851(e)(3)(B)(iii), as applied under section 1860D-1(b)(1)(B)(iii)."

## SEC. 3. PHARMACEUTICAL PATIENT ASSISTANCE PROGRAMS.

(a) PROVIDING A SAFE HARBOR FOR PHARMACEUTICAL PATIENT ASSISTANCE PROGRAMS.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) in subparagraph (G)—

(A) by inserting "or under a patient assistance program (including a pharmaceutical