

The Rx Flexibility for States Act would seek to remove the legal hurdles that are preventing States from providing lower priced prescription drugs to all their citizens.

Specifically, States would be able to extend Medicaid rebates and discounts for prescription drugs to non-Medicaid eligible persons.

State governments are closer to the people and deserve the flexibility to set up their own programs to lower the costs of prescription drugs for their citizens.

This bill will give them that flexibility. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2536

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 “Rx Flexibility for States Act”.

SEC. 2. CLARIFICATION OF STATE AUTHORITY RELATING TO MEDICAID DRUG REBATE AGREEMENTS.

Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended by adding at the end the following:

“(1) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as prohibiting a State from—

“(1) directly entering into rebate agreements that are similar to a rebate agreement described in subsection (b) with a manufacturer for purposes of ensuring the affordability of outpatient prescription drugs in order to provide access to such drugs by residents of a State who are not otherwise eligible for medical assistance under this title; or

“(2) making prior authorization (that satisfies the requirements of subsection (d) and that does not violate any requirements of this title that are designed to ensure access to medically necessary prescribed drugs for individuals enrolled in the State program under this title) a condition of not participating in such a similar rebate agreement.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 273—RECOGNIZING THE CENTENNIAL OF THE ESTABLISHMENT OF CRATER LAKE NATIONAL PARK

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas Crater Lake, at 1,943 feet deep, is the deepest lake in the United States;

Whereas Crater Lake is a significant natural feature, the creation of which, through the eruption of Mount Mazama 7,700 years ago, dramatically affected the landscape of an area that extends from southern Oregon into Canada;

Whereas legends of the formation of Crater Lake have been passed down through generations of the Klamath Tribe, Umpqua Tribe, and other Indian tribes;

Whereas on June 12, 1853, while in search of the legendary Lost Cabin gold mine, John Wesley Hillman, Henry Klippel, and Isaac Skeeters discovered Crater Lake;

Whereas William Gladstone Steele dedicated 17 years to developing strong local support for the conservation of Crater Lake, of which Steele said, “All ingenuity of nature seems to have been exerted to the fullest capacity to build a grand awe-inspiring temple the likes of which the world has never seen before”;

Whereas on May 22, 1902, President Theodore Roosevelt signed into law a bill establishing Crater Lake as the Nation’s sixth national park, mandating that Crater Lake National Park be “dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States” (32 Stat. 202);

Whereas Crater Lake National Park is a monument to the beauty of nature and the importance of providing public access to the natural treasures of the United States; and

Whereas May 22, 2002, marks the 100th anniversary of the designation of Crater Lake as a national park: Now, therefore, be it

Resolved, That the Senate recognizes May 22, 2002, as the centennial of the establishment of Crater Lake National Park.

SENATE CONCURRENT RESOLUTION 115—EXPRESSING THE SENSE OF THE CONGRESS THAT ALL WORKERS DESERVE FAIR TREATMENT AND SAFE WORKING CONDITIONS, AND HONORING DOLORES HUERTA FOR HER COMMITMENT TO THE IMPROVEMENT OF WORKING CONDITIONS FOR CHILDREN, WOMEN, AND FARM WORKER FAMILIES

Mr. KENNEDY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 115

Whereas Dolores Huerta is a preeminent civil rights leader who has been fighting for the rights of the underserved for more than 40 years;

Whereas Dolores Huerta was born on April 10, 1930, in Dawson, New Mexico;

Whereas Dolores Huerta was raised, along with her 2 brothers and 2 sisters, in the San Joaquin Valley town of Stockton, California, where she was witness to her mother’s care and generosity for local, poverty-stricken farm worker families;

Whereas after earning a teaching credential from Stockton College, Dolores Huerta was motivated to become a public servant and community leader upon seeing her students suffer from hunger and poverty;

Whereas Dolores Huerta defied cultural and gender stereotypes by becoming a powerful and distinguished champion for farm worker families;

Whereas in addition to her unyielding support for farm workers’ rights, Dolores Huerta has been a stalwart advocate for the protection of women and children;

Whereas notwithstanding her intensity of spirit and her willingness to brave challenges, Dolores Huerta has always espoused peaceful, nonviolent tactics to promote her ideals and achieve her goals;

Whereas Dolores Huerta established her career as a social activist in 1955 when she founded the Stockton chapter of the Community Service Organization, a Latino association based in California, and became involved in the association’s civic and educational programs;

Whereas in 1962, together with Cesar Chavez, Dolores Huerta founded the National Farm Workers Association, a precursor to the United Farm Workers Organizing Committee, which was formed in 1967;

Whereas Dolores Huerta is the proud mother of 11 children and has 14 grandchildren; and

Whereas Dolores Huerta was inducted into the Women’s Hall of Fame in 1993 for her relentless dedication to farm worker issues: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that all workers deserve fair treatment and safe working conditions; and

(2) the Congress honors Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3467. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3468. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3469. Mr. WELLSTONE (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3470. Mr. REID (for Ms. LANDRIEU) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3471. Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3472. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3473. Mrs. LINCOLN (for herself and Mr. BUNNING) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3474. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3446 proposed by Mr. BROWNBACK to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3475. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3476. Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3530. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3467. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, between lines 15 and 16, insert the following new paragraph:

(12) **HUMAN RIGHTS AND DEMOCRACY.**—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect intentionally recognized civil, political, and human rights.

SA 3468. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 224, strike line 1, and all that follows through page 345, line 19.

SA 3469. Mr. WELLSTONE (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Title XLII is amended by adding at the end the following new section:

SEC. 4203. PROHIBITION ON USE OF TANF FUNDS FOR CONTRACTING WITH ENTITIES THAT EMPLOY WORKERS LOCATED OUTSIDE OF THE UNITED STATES TO CARRY OUT THE CONTRACT.

(a) **IN GENERAL.**—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) **CONTRACTING WITH ENTITIES THAT EMPLOY WORKERS LOCATED OUTSIDE OF THE UNITED STATES.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), a State to which a grant is made under section 403 shall not use any part of the grant to enter into a contract with an entity that employs workers who are located outside of the United States to carry out the activities required under the contract.

“(B) **WAIVER.**—The Secretary may waive the application of subparagraph (A) with respect to a State upon certification from the State that the State has taken good faith steps to enter into a contract with an entity that employs United States workers to carry out the activities required under the contract.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on the date of enactment of this Act and applies to contracts entered into or renewed by a State on or after that date.

SA 3470. Mr. REID (for Ms. LANDRIEU) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, between lines 17 and 18, insert the following new section:

SEC. 113. TRADE ADJUSTMENT ASSISTANCE FOR MARITIME EMPLOYEES.

Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary of Labor shall establish a program to provide health care coverage assistance under title VI of that Act, and program benefits under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) to longshoremen, harbor and port pilots, port personnel, stevedores, crane operators, warehouse personnel, and other harbor workers who have become totally or partially separated, or are threatened to become totally or partially separated, as a result of the decline in the importation of steel products into the United States caused by the safeguard measures taken by the United States on March 5, 2002, under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SA 3471. Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 303. COMMUNITY WORKFORCE PARTNERSHIPS.

(a) **SHORT TITLE.**—This section may be cited as the “Community Workforce Development and Modernization Partnership Act”.

(b) **GENERAL AUTHORITY.**—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) (as amended by sections 401 and 501) is further amended by inserting after chapter 7 the following:

“CHAPTER 8—COMMUNITY WORKFORCE PARTNERSHIPS

“SEC. 299K. AUTHORIZATION.

“(a) **IN GENERAL.**—From amounts made available to carry out this chapter, the Secretary of Labor (referred to in this chapter as the ‘Secretary’), in consultation with the Secretary of Commerce and the Secretary of Education, shall award grants on a competitive basis to eligible entities described in subsection (b) to assist each entity to—

“(1) help workers improve those job skills that are necessary for employment by businesses in the industry with respect to which the entity was established;

“(2) help dislocated workers find employment; and

“(3) upgrade the operating and competitive capacities of businesses that are members of the entity.

“(b) **ELIGIBLE ENTITIES.**—An eligible entity described in this subsection is a consortium (either established prior to the date of enactment of the Community Workforce Development and Modernization Partnership Act or established specifically to carry out programs under this chapter) that—

“(1) shall include—

“(A) 2 or more businesses (or nonprofit organizations representing businesses) that are facing similar workforce development or business modernization challenges;

“(B) labor organizations, if the businesses described in subparagraph (A) employ workers who are covered by collective bargaining agreements; and

“(C) 1 or more businesses (or nonprofit organizations that represent businesses) with resources or expertise that can be brought to bear on the workforce development and business modernization challenges referred to in subparagraph (A); and

“(2) may include—

“(A) State governments and units of local government;

“(B) educational institutions;

“(C) labor organizations; or

“(D) nonprofit organizations.

“(c) **COMMON GEOGRAPHIC REGION.**—To the maximum extent practicable, the organizations that are members of an eligible entity described in subsection (b) shall be located within a single geographic region of the United States.

“(d) **PRIORITY CONSIDERATION.**—In awarding grants under subsection (a), the Secretary shall give priority consideration to—

“(1) eligible entities that serve dislocated workers or workers who are threatened with becoming totally or partially separated from employment;

“(2) eligible entities that include businesses with fewer than 250 employees; or

“(3) eligible entities from a geographic region in the United States that has been adversely impacted by the movement of manufacturing operations or businesses to other regions or countries, due to corporate restructuring, technological advances, Federal law, international trade, or another factor, as determined by the Secretary.

“(e) **APPLICATION.**—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“SEC. 299L. PARTNERSHIP ACTIVITIES.

“(a) **USE OF GRANT AMOUNTS.**—Each eligible entity that receives a grant under section 299K shall use the amount made available through the grant to carry out a program that provides—

“(1) workforce development activities to improve the job skills of individuals who have, are seeking, or have been dislocated from, employment with a business that is a member of that eligible entity, or with a business that is in the industry of a business that is a member of that eligible entity;

“(2) business modernization activities; or

“(3) activities that are—

“(A) workforce investment activities (including such activities carried out through one-stop delivery systems) carried out under subtitle B of title I of the Workforce Investment Act of 1998 (42 U.S.C. 2811 et seq.); or

“(B) activities described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

“(b) **ACTIVITIES INCLUDED.**—

“(1) **WORKFORCE DEVELOPMENT ACTIVITIES.**—The workforce development activities referred to in subsection (a)(1) may include activities that—

“(A) develop skill standards and provide training, including—

“(i) assessing the training and job skill needs of the industry involved;

“(ii) developing a sequence of skill standards that are benchmarked to advanced industry practices;

“(iii) developing curricula and training methods;

“(iv) purchasing, leasing, or receiving donations of training equipment;