

1927(b)(3)(D) shall apply to information disclosed to the Administrator under this paragraph. The annual disclosure to the Administrator shall include, but shall not be limited to—

“(A) the value, nature, and amount of any rebate, discount, price concession or other form of direct or indirect remuneration provided to the eligible entity, or any agent thereof (such as formulary access fees, formulary market share movement fees, pharmacy and therapeutic fees, disease or patient management programs, administrative fees, data processing fees, direct or indirect educational grants, mail order supplier fees, or other forms of remuneration or compensation) during the preceding calendar year by a drug manufacturer, packer, distributor, pharmacy or other entity; and

“(B) sufficient financial information to allow the Administrator to publish annually specific information on the total amount of discounts, price concessions or other remuneration passed through to enrollees, as well as the total revenues, operating costs and net profit (expressed both in dollar and percentage terms) of the eligible entity for each regional contract.

“(b) Eligible entities shall report the same information to the General Accounting Office, which is directed to report annually to Congress on the status of the value, nature, and amount of any rebate, discount, price concession or other form of direct or indirect remuneration provided to the eligible entity, or any agent thereof.

“(c) AUDITS AND REPORTS.—To protect against fraud and abuse and to ensure proper disclosures and accounting, the Administrator shall on an annual basis audit the financial statements and records of the eligible entity or organization. Notwithstanding the provisions of section 1927(b)(3)(D), for each contract with an eligible entity the Administrator shall publicly report the aggregate results of such audits, as well as the disclosures made in subparagraph (d)(2)(B) of this section

“(2) USE OF REBATED FUNDS TO REDUCE COSTS TO BENEFICIARIES.—

“(A) The eligible entity agrees to allocate funds provided to the entity or retained by the entity from a rebate, discount, other reduction in price or a return of an overpayment in the amount it is required to tender to acquire covered pharmaceuticals as defined in Sec. 1860 __ so that the amount paid by the participating beneficiary or its predecessor in interest to obtain covered pharmaceuticals is reduced in a proportion that is equal to not less than half of the rebated, discounted, refunded, or otherwise retained amount and that the rebate, discount, other reduction in price or retained amount be applied to the covered pharmaceutical class, category, active ingredient, or other combination thereof for which the rebate, discount, other reduction in price or retained amount was provided or otherwise made available by the manufacturer, distributor, or other party in interest.

“(a) FAILURE TO COMPLY OR PROVISION OF FALSE INFORMATION.—Any eligible entity that enters into a contract under this part that knowingly fails to comply with the terms and conditions of this section or that knowingly provides false information related to the terms and conditions of this section is subject to a civil money penalty in an amount not to exceed \$100,000 for each instance in which funds described in section (A) were not allocated in the prescribed manner or where the eligible entity knowingly provides false information related to actions required pursuant to section (A). Such civil money penalties are in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than sub-

sections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).”

SA 928. Mr. CORNYN (for Mr. CRAPO) proposed an amendment to the bill S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; as follows:

On page 2, lines 14 and 15, strike “(Contract No. 1425-0901-09MA-0910-093310)” and insert “(Contract No. 1425-01-MA-10-3310)”.

On page 3, line 10, strike “No. 1425-0901-09MA-0910-093310” and insert “No. 1425-01-MA-10-3310”.

On page 4, lines 1 and 2, strike “1425-0901-09MA-0910-093310” and insert “1425-01-MA-10-3310”.

On page 4, line 6, strike “7-0907-0910-090W0179” and insert “7-07-10-W0179”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a meeting on June 18, 2003 in SR-328A at 9 a.m. The purpose of this meeting will be to discuss the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 24, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

This is the first in a series of hearings devoted to the improved understanding of the governance of the Department of Energy laboratories and approaches to optimize the capability of those laboratories to respond to national needs.

The purpose of this first hearing is to evaluate changes over time in the relationship between the Department of Energy and its predecessors and contractors operating DOE laboratories and sites to determine if these changes have affected the ability of scientists and engineers to respond to national missions.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that privileges of the floor be granted during the consid-

eration of this legislation to Stacey Sachs, Debra Whitman, Jennifer Loukissas, David Dorsey, Prema Arasu, and Eric Sapp.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that a member of my staff, Alan Fishman, and my legislative fellow, Dr. Jon Tilburt, be granted the privilege of the floor during debate on S.1, the Prescription Drug and Medicare Improvement Act of 2003.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the following staff members be allowed on the Senate floor for the duration of the debate on the Prescription Drug and Medicare Improvement Act of 2003: Nicholas J. Podsiadly, Collen Haddow, and Molly Zito.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Thad Kousser, a legislative fellow in my office, be granted floor privileges for the duration of the debate on Medicare reform.

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

RECOGNIZING THAT THE SAN ANTONIO SPURS ARE THE 2002-2003 NATIONAL BASKETBALL ASSOCIATION CHAMPIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 171, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (S. Res. 171) recognizing that the San Antonio Spurs are the 2002-2003 National Basketball Association champions and congratulating the team for its outstanding excellence, discipline, and dominance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 171) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 171

Whereas the San Antonio Spurs are the undisputed 2002-2003 National Basketball Association champions and thus the basketball champions of the world;

Whereas the San Antonio Spurs are one of America's preeminent sports franchises and have now won their second NBA Championship in 5 years;