

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S8323–S8383*

**Measures Introduced:** Six bills and two resolutions were introduced, as follows: S. 1310–1315, and S. Res. 179–180. **Pages S8357–58**

#### Measures Passed:

**Trauma Care Systems Planning and Development Act:** Senate passed S. 239, to amend the Public Health Service Act to add requirements regarding trauma care. **Pages S8377–78**

**National Museum of African American History and Culture Act:** Committee on Rules and Administration was discharged from further consideration of S. 1157, to establish within the Smithsonian Institution the National Museum of African American History and Culture, and the bill was then passed. **Pages S8378–80**

**Senate Legal Representation:** Senate agreed to S. Res. 179, to authorize testimony and legal representation in *State of New Hampshire v. Donald Johnson*. **Page S8380**

**Prescription Drug and Medicare Improvement ACT:** Senate resumed 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 medicare program, taking action on the following amendments proposed thereto: **Pages S8323–56**

#### Withdrawn:

Bingaman Amendment No. 933, to eliminate the application of an asset test for purposes of eligibility for premium and cost-sharing subsidies for low-income beneficiaries. **Pages S8338–40, S8343–45**

#### Pending:

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 S8323**

Kerry Amendment No. 958, to increase the availability of discounted prescription drugs. **Page S8323**

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 S8323**

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 S8323**

Lincoln Amendment No. 959, to establish a demonstration project for direct access to physical therapy services under the Medicare program. **Page S8323**

Baucus (for Jeffords) Amendment No. 964, to include coverage for tobacco cessation products. **Page S8323**

Baucus (for Jeffords) Amendment No. 965, to establish a Council for Technology and Innovation. **Page S8323**

Nelson (FL) Amendment No. 938, to provide for a study and report on the propagation of concierge care. **Page S8324**

Nelson (FL) Amendment No. 936, to provide for an extension of the demonstration for ESRD managed care. **Page S8324**

Baucus (for Harkin) Amendment No. 967, to provide improved payment for certain mammography services. **Page S8324**

Baucus (for Harkin) Amendment No. 968, to restore reimbursement for total body orthotic management for nonambulatory, severely disabled nursing home residents. **Page S8324**

Baucus (for Dodd) Amendment No. 969, to permit continuous open enrollment and disenrollment in Medicare Prescription Drug plans and Medicare Advantage plans until 2008. **Page S8324**

Baucus (for Dodd) Amendment No. 970, to provide 50 percent cost-sharing for a beneficiary whose income is at least 160 percent but not more than 250 percent of the poverty line after the beneficiary has reached the initial coverage gap and before the beneficiary has reached the annual out-of-pocket limit. **Page S8324**

Baucus (for Cantwell) Amendment No. 942, to prohibit an eligible entity offering a Medicare Prescription Drug plan, a Medicare Advantage Organization offering a Medicare Advantage plan, and other health plans from contracting with a pharmacy benefit manager (PBM) unless the PBM satisfies certain requirements. **Page S8324**

Rockefeller Amendment No. 975, to make all Medicare beneficiaries eligible for Medicare prescription drug coverage. **Pages S8324–25**

Rockefeller Amendment No. 976, to treat costs for covered drugs as incurred costs without regard to whether the individual or another person, including a State program or other third-party coverage, has paid for such costs. **Pages S8324–30**

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. **Pages S8330–31**

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. **Pages S8330–31**

Pryor Amendment No. 981, to provide equal access to competitive global prescription medicine prices for American purchasers. **Pages S8331–35, S8341–43**

Bingaman Amendment No. 984, to carve out from payments to Medicare+Choice and MedicareAdvantage organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care. **Pages S8335–36**

Bingaman Amendment No. 972, to provide reimbursement for Federally qualified health centers participating in medicare managed care. **Pages S8336–37**

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 S8337**

Baucus (for Edwards) Amendment No. 985, to strengthen protections for consumers against misleading direct-to-consumer drug advertising. **Pages S8340–41**

Baucus (for Lautenberg) Amendment No. 986, to make prescription drug coverage available beginning on July 1, 2004. **Page S8341**

Murray Amendment No. 990, to make improvements in the MedicareAdvantage benchmark determinations. **Pages S8345–47**

Harkin 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 S8347–48**

Dayton Amendment No. 957, to provide that prescription drug benefits for any Member of Congress who is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, may not exceed the level of prescription drug benefits passed in the 1st session of the 108th Congress. **Page S8348**

Dayton Amendment No. 960, to require a streamlining of the Medicare regulations. **Page S8348**

Dayton Amendment No. 977, to require that benefits be made available under part D on January 1, 2004. **Pages S8348–50**

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 S8350**

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 S8350**

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. **Pages S8351–52**

Durbin Amendment No. 994, to deliver a meaningful benefit and lower prescription drug prices. **Pages S8352–56**

A unanimous-consent agreement was reached providing that at 11 a.m., on Tuesday, June 24, 2003, Senate proceed to vote on or in relation to Rockefeller Amendment No. 976 (listed above), to be followed by a vote on or in relation to Bingaman Amendment No. 984 (listed above); and that at 2:15 p.m., Senate proceed to vote on or in relation to Baucus (for Dodd) Amendment No. 969, following 10 minutes of debate. **Page S8356**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Tuesday, June 24, 2003. **Page S8381**

**Nominations Confirmed:** Senate confirmed the following nominations:

Frank Libutti, of New York, to be Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security. (New Position)

18 Air Force nominations in the rank of general.

5 Coast Guard nominations in the rank of admiral.

A routine list in the Coast Guard. **Page S8383**

**Executive Communications:** **Page S8357**

**Additional Cosponsors:** **Pages S8358–59**

**Statements on Introduced Bills/Resolutions:** **Pages S8359–67**

**Additional Statements:** **Pages S8356–57**

**Amendments Submitted:** **Pages S8367–77**

**Adjournment:** Senate met at 2 p.m., and adjourned at 7:42 p.m., until 9:30 a.m., on Tuesday, June 24, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8381.)

## Committee Meetings

No committee meetings were held.

# House of Representatives

## Chamber Action

**Measures Introduced:** 12 public bills, H.R. 2556–2558, 2560–2568; and; 1 resolution, H. Con. Res. 226, were introduced. **Page H5713**

**Additional Cosponsors:** **Pages H5713–14**

**Reports Filed:** Reports were filed today as follows:

H. Res. 260, requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents or other materials in the President's possession relating to Iraq's weapons of mass destruction, adverse, amended (H. Rept. 108–168);

H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004 (H. Rept. 108–169);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2003 (H. Rept. 108–170);

Report on the Suballocation of Budget Allocations for Fiscal Year 2004 (H. Rept. 108–171);

A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (H. Rept. 108–172);

H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004 (H. Rept. 108–173);

H. Res. 292, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–174); and

H. Res. 293, providing for consideration of H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004 (H. Rept. 108–175). **Page H5713**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Bishop to act as Speaker Pro Tempore for today. **Page H5667**

**Recess:** The House recessed at 12:33 p.m. and reconvened at 2 p.m. **Page H5667**

**Recess:** The House recessed at 3:06 p.m. and adjourned at 6:30 p.m. **Page H5679**

**Presidential Messages:** Read the following messages from the President:

*Six Month Report on the National Emergency re Western Balkans:* Message wherein he transmitted a 6-month report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001—referred to the Committee on International Relations and ordered printed (H. Doc. 108–86); and **Page H5668**

*Continuation of the Western Balkans Emergency Beyond June 26, 2003:* Message wherein he transmitted a notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2003—referred to the Committee on International Relations and ordered printed (H. Doc. 108–87). **Page H5668**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Expressing Sympathy for the Victims of the Earthquake that struck Algeria:* H. Res. 264, expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003 (agreed to by 2/3 yea-and-nay vote of 382 yeas to 1 nay, Roll No. 297); **Pages H5668–69, H5679–80**

*Commending the Democratic Elections in Kenya:* H. Res. 177, amended, commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition (agreed to by 2/3 yea-and-nay vote of 380 yeas with none voting "nay", Roll No. 298); **Pages H5669–71, H5680–81**

*Commending the Signing of the United States-Adriatic Charter:* H. Con. Res. 209, amended, commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia (agreed to by 2/3 yea-and-nay vote of 381 yeas to 1 nay, Roll No. 299); and **Pages H5671–73, H5681**

**Family Farmer Bankruptcy Relief Act:** H.R. 2465, to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted (agreed to by 2/3 yeas-and-nays vote of 379 yeas to 3 nays, Roll No. 300).

Pages H5673–75, H5681–82

**Suspension Proceedings Postponed—Veterans Entrepreneurship and Benefits Improvement Act:** The House completed debate on the motion to suspend the rules and pass H.R. 1460, amended, to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal. Further proceedings on the motion were postponed until tomorrow.

Pages H5675–79

**Senate Messages:** Message received from the Senate appears on page H5667.

**Referrals:** S. 504 was referred to the Committee on Education and the Workforce and S. 686 was referred to the Committee on Energy and Commerce.

Page H5711

**Quorum Calls—Votes:** Four yeas-and-nays votes developed during the proceedings of the House today and appear on pages H5679–80, H5680–81, H5681, and H5681–82. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 11:58 p.m.

## Committee Meetings

### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS

*Committee on Rules:* Granted, by voice vote, an open rule providing one hour of general debate on H.R. 2555, Department of Homeland Security Appropriations for Fiscal Year 2004 equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with section 501 of House Concurrent Resolution 95 (prohibiting advanced appropriations) and clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or

without instructions. Testimony was heard from Representatives Wolf, Rogers of Kentucky, Manzullo, Obey, Sabo, DeLauro, Waters, Filner, Millender-McDonald, and Baldwin.

### EXTENDING SUSPENSION DAYS ON WEDNESDAY THROUGH END OF 108TH CONGRESS

*Committee on Rules:* Subcommittee on Technology and the House held a hearing on Extending Suspension Days on Wednesday Through the End of the 108th Congress. Testimony was heard from Representatives Dreier, Hoyer and Frank of Massachusetts.

### SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY THE RULES COMMITTEE RELATING TO FY 2004 INTELLIGENCE AUTHORIZATION ACT

*Committee on Rules:* Granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on the legislative day of Tuesday, June 24, 2003, providing for consideration or disposition of H.R. 2417, to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

### MEMBERS OF THE BRITISH INTELLIGENCE AND SECURITY COMMITTEES

*Permanent Select Committee on Intelligence:* Met in executive session with Members of the British Intelligence and Security Committees.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D689)

H.R. 1625, to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the "Robert P. Hammer Post Office Building". Signed on June 23, 2003. (Public Law 108–33)

S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona. Signed on June 23, 2003. (Public Law 108–34)

S. 763, to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse". Signed on June 23, 2003. (Public Law 108–35)

## COMMITTEE MEETINGS FOR TUESDAY, JUNE 24, 2003

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Armed Services:* Subcommittee on Personnel, with the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, to hold joint hearings to examine support for military families, 2:30 p.m., SD-106.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine bus rapid transit and other bus service innovations, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine proposals to reform the United States Olympic Committee, 9:30 a.m., SR-253.

*Committee on Energy and Natural Resources:* to hold hearings to examine 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, 10 a.m., SD-366.

*Committee on Environment and Public Works:* Subcommittee on Fisheries, Wildlife, and Water, to hold hearings 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, 9:30 a.m., SD-406.

*Committee on Foreign Relations:* Subcommittee on European Affairs, to hold hearings to examine U.S. relations with respect to a changing Europe, focusing on differing views on technology issues, 2:30 p.m., SD-419.

*Committee on Governmental Affairs:* to hold hearings to examine controlling the cost of Federal Health Programs by curing diabetes, focusing on a case study, 10 a.m., SH-216.

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Children and Families, with the Committee on Armed Services, Subcommittee on Personnel, to hold joint hearings to examine support for military families, 2:30 p.m., SD-106.

*Committee on the Judiciary:* business meeting to resume markup of S. 1125, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and other pending calendar business, 9:30 a.m., SD-G50.

*Committee on Rules and Administration:* business meeting to consider pending legislative and administrative business, 9:30 a.m., SR-301.

### House

*Committee on Armed Services,* Subcommittee on Projection Forces, hearing on the KC-767 tanker lease initiative, 2 p.m., 2118 Rayburn.

*Committee on Education and the Workforce,* Subcommittee on Employer-Employee Relations, hearing on "Union Democracy Reforms to the Labor-Management Reporting and Disclosure Act: H.R. 992, Union Members' Right-to-Know Act; H.R. 993, Labor-Management Account-

ability Act; and H.R. 994, Union Member Information Enforcement Act, 2 p.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Energy and Air Quality, hearing on "Future Options for Generation of Electricity from Coal," 2 p.m., 2123 Rayburn.

Subcommittee on Oversight and Investigation, hearing on "A System Overwhelmed: The Avalanche of Imported, Counterfeit, and Unapproved Drugs into U.S.," 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Fighting Identity Theft-The Role of FCRA," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* hearing on "School Choice in the District of Columbia: Opening Doors for Parents and Students," 2 p.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, hearing on "Emerging Threats: Assessing Nuclear Weapons Complex Facility Security," 9 a.m., 2247 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing on "Cyber Security: The Status of Information Security and the Effects of the Federal Information Security Management Act (FISMA) at Federal Agencies," 10 a.m., 2154 Rayburn.

*Committee on International Relations,* Subcommittee on Africa, hearing on Boosting Africa's Agricultural Trade, 2 p.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on "The Federal Judiciary: Is There a Need for Additional Federal Judges?" 2 p.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing on "The Deadly Consequences of Illegal Alien Smuggling," 10 a.m., 2141 Rayburn.

*Committee on Resources,* Subcommittee on Energy and Mineral Resources, oversight hearing on "The Ability of Federal Lands to Meet our Energy Needs," 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 1521, Johnstown Flood National Memorial Boundary Adjustment Act of 2003; H.R. 1658, Railroad Right-of-Way Conveyance Validation Act of 2003; and H.R. 2055, to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore, 2 p.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 1794, to authorize the Secretary of the Interior to construct and rehabilitate Federal water supply lines associated with Folsom Dam in California; and H.R. 2040, to amend the Irrigation Project Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the State of Wyoming and Nebraska, 2 p.m., 1324 Longworth.

*Committee on Rules,* to consider H.R. 2417, Intelligence Authorization Act for Fiscal Year 2004, 2 p.m., H-313 Capitol.

*Committee on Veterans' Affairs*, Subcommittee on Health, to mark up the following bills: H.R. 116, Veterans' New Fitzsimons Health Care Facilities Act of 2003; H.R. 1720, Veterans Health Care Facilities Capital Improvement Act; H.R. 2357, to amend title 38, United States Code, to establish standards of access to care for veterans

seeking health care from the Department of Veterans Affairs; and H.R. 2433, Health Care for Veterans of Project 112/ Project SHAD Act of 2003, 11 a.m., 334 Cannon.

*Permanent Select Committee on Intelligence*, Subcommittee on Terrorism and Homeland Security, executive, hearing on Terrorist Financing, 2 p.m., H-404 Capitol.

*Next Meeting of the SENATE*

9:30 a.m., Tuesday, June 24

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Tuesday, June 24

## Senate Chamber

**Program for Tuesday:** Senate will continue 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 medicare program and that at 11 a.m., Senate will vote on or in relation to Rockefeller Amendment No. 976 (listed above), to be followed by a vote on or in relation to Bingaman Amendment No. 984 (listed above); and that at 2:15 p.m., Senate proceed to vote on or in relation to Baucus (for Dodd) Amendment No. 969, following 10 minutes of debate.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

## House Chamber

**Program for Tuesday:** Consideration of Suspensions:

- (1) H.R. 1772, Small Business Advocacy Improvement Act;
- (2) H.R. 923, Premier Certified Lenders Program Improvement Act;
- (3) H.R. 1416, Homeland Security Technical Corrections Act;

Consideration of H.R. 2555, Homeland Security Appropriations Act for Fiscal Year 2004 (open rule, one hour of debate).

## Extensions of Remarks, as inserted in this issue

## HOUSE

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Cox, Christopher, Calif., E1325  
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Smith, Nick, Mich., E1326, E1327  
Stupak, Bart, Mich., E1328  
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Walsh, James T., N.Y., E1324



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