

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5093. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3763) to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. BAKER, Mr. ROYCE, Mr. NEY, Mrs. NELLY, Mr. COX, Mr. LAFALCE, Mr. FRANK, Mr. KANJORSKI, and Ms. WATERS:

That Mr. SHOWS is appointed in lieu of Ms. WATERS for consideration of section 11 of the House bill and section 305 of the Senate amendment, and modifications, committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 306 and 904 of the Senate amendment, and modifications committed to conference: Mr. BOEHNER, Mr. SAM JOHNSON of Texas, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 108 and 109 of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. GREENWOOD, and Mr. DINGELL.

From the Committee on the Judiciary, for consideration of section 105 and titles 8 and 9 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

From the Committee on Ways and Means, for consideration of section 109

of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. MCCRERY, and Mr. RANGEL.

At 5:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5121. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar.

H.R. 5093. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

H.R. 5121. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5010: A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. (Rept. No. 107-213).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 293: A resolution designating the week of November 10 through November 16, 2002, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 862: A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2395: A bill to prevent and punish counterfeiting and copyright piracy, and for other purposes.

S. 2513: A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

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. CRAPO (for himself and Mr. CONRAD):

S. 2750. A bill to improve the provision of telehealth services under the medicare program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2751. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to the Committee on Armed Services.

By Mr. JEFFORDS (for himself, Mr. FRIST, Mr. GREGG, Mr. BREAU, and Mr. FEINGOLD):

S. 2752. A bill to amend title XVIII of the Social Security Act to provide for the establishment of medicare demonstration programs to improve health care quality; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. BOND, Mr. CLELAND, Ms. CANTWELL, Mr. BINGAMAN, and Mrs. CARNAHAN):

S. 2753. A bill to provide for a Small and Disadvantaged Business Ombudsman for Procurement in the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. COLLINS:

S. 2754. A bill to establish a Presidential Commission on the United States Postal Service; to the Committee on Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 2755. A bill to require the Secretary of the Treasury to mint coins in commemoration of the opening of the National Constitution Center in Philadelphia, Pennsylvania, scheduled for July 4, 2003; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. SCHUMER, and Mrs. CLINTON):

S. 2756. A bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2757. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program; to the Committee on Finance.

By Mr. DODD (for himself, Ms. SNOWE, Mr. JEFFORDS, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mrs. MURRAY, and Mr. EDWARDS):

S. 2758. A bill entitled "The Child Care and Development Block Grant Amendments Act"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (for himself, Mr. LOTT, and Mr. BREAU):

S. 2759. A bill to protect the health and safety of American consumers under the Federal Food, Drug, and Cosmetic Act from seafood contaminated by certain substances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. HARKIN):

S.J. Res. 41. A joint resolution calling for Congress to consider and vote on a resolution for the use of force by the United States Armed Forces against Iraq before such force is deployed; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or

market nonambulatory livestock, and for other purposes.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 786

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 1502

At the request of Mr. JEFFORDS, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1502, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs for COBRA continuation coverage, and for other purposes.

S. 1785

At the request of Mr. CLELAND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1945

At the request of Mr. JOHNSON, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 1961

At the request of Mr. SMITH of New Hampshire, his name was withdrawn as a cosponsor of S. 1961, a bill to improve financial and environmental sustainability of the water programs of the United States.

S. 2027

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2027, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 2053

At the request of Mr. FRIST, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2053, a bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of

vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes.

S. 2085

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2085, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2233

At the request of Mr. THOMAS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans.

S. 2239

At the request of Mr. SARBANES, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2268

At the request of Mr. MILLER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2268, *supra*.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2531

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2531, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator

from Idaho (Mr. CRAIG) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2611

At the request of Mr. REED, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2614

At the request of Mr. CORZINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2614, a bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident physicians themselves.

S. 2674

At the request of Mr. BROWNBACK, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2674, a bill to improve access to health care medically underserved areas.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2674, *supra*.

S. 2692

At the request of Mr. CORZINE, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2692, a bill to provide additional funding for the second round of empowerment zones and enterprise communities.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2721

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2721, a bill to improve the voucher rental assistance program under the United States Housing Act of 1937, and for other purposes.

S. 2734

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. RES. 242

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr.

WARNER) was added as a cosponsor of S. Res. 242, a resolution designating August 16, 2002, as "National Airborne Day".

S. RES. 266

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day".

S. RES. 293

At the request of Mr. BIDEN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. Res. 293, a resolution designating the week of November 10 through November 16, 2002, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

AMENDMENT NO. 4305

At the request of Ms. STABENOW, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Michigan (Mr. LEVIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4305 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CONRAD):

S. 2750. A bill to improve the provision of telehealth services under the Medicare program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I am pleased to rise today to introduce, along with Senator CONRAD of North Dakota, legislation that would greatly enhance the use of telehealth technology to bring badly-needed health care services to rural and underserved areas throughout the country.

This bill would allow for greater reimbursement for telehealth services under Medicare and calls for a valuable investment in the development of new and more advanced telehealth networks in underserved areas. Telehealth is the future of rural health care. Access to quality health care in rural areas is at a critical stage. Today, many ill and disabled people must drive hundreds of miles, often in bad weather on dangerous roads, just to receive the most basic of health care. Access to specialists is even more prohibi-

tive. However, by using much of the same technologies that we use to communicate with our constituents from here in Washington, we can bring quality health care, and specialty care, to their local health care provider.

I would like to thank Senator CONRAD, who has been a longtime supporter of telehealth services, for joining me in introducing this important legislation. Our bill would allow a wide variety of health care practitioners to provide telehealth services under Medicare. One of the biggest challenges for rural practitioners is obtaining the resources and infrastructure to provide technologically advanced telehealth services. Our bill would also provide valuable resources for the development of new telehealth networks in rural and underserved areas.

Technology in America is booming. We must embrace this technology as a cost-effective way to improve health care in rural and underserved areas. This legislation takes a large step in providing a modest investment toward the improvement of rural health care.

By Mr. JEFFORDS (for himself, Mr. FRIST, Mr. GREGG, Mr. BREAUX, and Mr. FEINGOLD):

S. 2752. A bill to amend title XVIII of the Social Security Act to provide for the establishment of medicare demonstration programs to improve health care quality; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, I appreciate the opportunity to speak today on an issue that has been and will continue to be important and vital to the health of all Medicare beneficiaries. Medicare's origins date back to 1965; since that time little has changed in the relationship between incentives to provide care and quality of care received. The current system does not reward or provide incentives for providing quality health care. Instead, what has evolved over the last years is a perplexing data base of well documented facts concerning quality and utilization. This information is very difficult to explain but hard to ignore. Why is it that the utilization of some surgical procedures varies tremendously from one part of the country to the next? Why is it that the cost of care per beneficiary varies from location to location without clear differences in outcomes, survival, or quality? Today, after much work with numerous health systems, patient advocacy organizations, and medical quality researchers, my colleagues Senators FRIST, GREGG, BREAUX and FEINGOLD and I are pleased to announce the introduction of legislation to create Medicare demonstration projects to address these issues.

The incentives, both financial and non-financial, to provide best healthcare to Medicare beneficiaries are complex and poorly understood. These incentives have historically been rooted in the longstanding Medicare fee-for-service payment model. In an

effort to better align the incentives to provide care with best practice guidelines, appropriate utilization, adherence to best medical information, and best outcomes we have written legislation to address these issues through a Medicare demonstration project. This project will implement continuous quality improvement mechanisms that are aimed at integrating primary care, referral care, support care, and outpatient services. The bill will encourage patient participation in care decisions; strive to achieve the proper allocation of health care resources; identify the appropriate use of culturally and ethnically sensitive services in health care delivery; and document the financial effects of these decisions on the medical marketplace.

As we enter an era of rapidly increasing numbers of Medicare beneficiaries, it will be increasingly important that we re-evaluate the Medicare program to insure that the quality of care received is uniformly exceptional in its delivery and quality. It is appropriate that we continue to find better ways to insure that the norms of quality health care are established and followed. It is my sincere hope that my colleagues will join me in this endeavor.

Mr. FRIST. Mr. President, I rise today to introduce the Medicare Quality Improvement Act—a bill to help revitalize the Medicare Program by providing for the alignment of payment and other incentives. I want to thank Senators JEFFORDS, GREGG, and BREAUX for their work in helping craft this crucial legislation.

To meet the needs of the 21st century health care system, it is critical that payment policies be aligned to encourage and support quality improvement efforts. Even among health professionals motivated to provide the best care possible, the structure of payment and other incentives may not facilitate the actions needed to systematically improve the quality of care, and may even prevent such actions. For example, redesigning care processes to improve follow-up for chronically ill patients through electronic communication may reduce office visits and decrease revenues for a medical group under some payment schemes.

Current payment practices are complex and contradictory; and although incremental improvements are possible, more fundamental reform will be needed. In this report, "Crossing the Quality Chasm," the Institute of Medicine encouraged the Centers for Medicare and Medicaid Services and the Agency for Healthcare Research and Quality to develop a research agenda to identify, test, and evaluate options for better aligning payment methods with quality improvement goals. The demonstration project authorized by this legislation is part of that larger research agenda—to help us understand the appropriate alight of payment and other incentives and improve the quality of health care in a way that will not increase the overall costs of Medicare.