

Mildred takes prescription drugs which cost about \$200 a month. After paying her Medicare premium and drug expenses, she has spent well over 27 percent of her income. She said that she and her two sisters, Evalee and Betty, who each make about \$600 a month, do not even go to the doctor anymore because they cannot even afford the prescription drugs the doctor would prescribe. Sometimes Mildred and her sisters must rely on their children to help pay for some of their medications.

If the tripartisan plan were law and if Mildred and her sisters asked me what their monthly premium was going to be and what their benefits would be for prescription drug coverage under Medicare, I would have to say to them, actually, I do not know; I cannot give you a specific; we will have to wait and see what actually happens in our area. Mildred may, in fact, end up paying a different premium for prescription drugs than her friends pay in California or Florida or New York or other States. Yet they both paid taxes into Medicare all of their lives and therefore should be entitled to the same Medicare benefit.

The point is, we do not know yet what private plans might offer in different regions of the country. We do not know what their benefits would be. We do not know if private plans would want to participate. We do not know how much they would charge for it. And there is absolutely no guarantee that seniors would be able to depend on the same plan or benefit structure from year to year. These are just too many unknowns, and for seniors, nothing is more frightening than the unknown.

Why do we want to force our parents and grandparents into an untested delivery system that is unlike any other system in American health care as we know it?

Why should seniors in rural Arkansas, who are older and sicker and more likely to use prescription drugs, be in the dark about what their premiums will be until the Federal Government entices the private insurers to compete in their area of the country?

Why should we risk forcing them to pay higher premiums than those in urban areas?

Show me where it has worked. I ask my colleagues: Show me a study, show me a demonstration project. If the sponsors of the tripartisan plan are so confident that their delivery model will work, then I propose a compromise that could garner the 60 votes needed to pass a Medicare prescription drug plan.

Let's put a demonstration project in the home State of the bill's chief architects and use the Graham delivery model in Arkansas and the rest of the country so that we can be assured of what we are going to get until we know what works. Let's see if this untested delivery model works in a few States before we take it nationwide and put everyone at risk.

Why subject our seniors to a vast social experiment? Why should we subsidize private insurance companies when we should instead empower our seniors with the ability to afford the prescription drugs they need?

I am also concerned that the tripartisan bill has a gap in coverage, albeit a much smaller one than originally proposed. How can I tell seniors in my State that they will not receive any coverage for their drug costs between \$3,451 and \$5,300?

Although the tripartisan plan says it only contains a gap of \$250, in reality it is actually a gap of \$1,850 because the first threshold includes the combined expenditures of seniors and the Government, while the second only refers to the senior's out-of-pocket expenses.

How can I explain to Mildred Owens that no other American but Medicare beneficiaries will have this gap in coverage? Members of Congress and Federal employees do not face a gap in prescription drug coverage, nor do non-Federal retirees or employees. This gap in coverage for seniors who use more prescription drugs than any other population group in our country is not only unfair, it is simply unreasonable.

Further, this gap in coverage is opposed by the AARP, which counts about 350,000 Arkansans in their nationwide membership. AARP has surveyed their membership on the value of a prescription drug benefit and has identified five characteristics that any prescription drug benefit must include in order to attract the enrollees it needs. One of those characteristics is a benefit that does not expose beneficiaries to a gap in insurance coverage.

Mr. President, I ask unanimous consent to print a letter from the Arkansas AARP State chapter in the RECORD that shows how the tripartisan bill fails to meet the kitchen-table test that their Members will likely use when determining if the drug benefit is a good buy.

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

AARP,  
Washington, DC, July 12, 2002.

Hon. BLANCHE L. LINCOLN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LINCOLN: Medicare beneficiaries cannot wait any longer for protection against the increasing cost of prescription drugs. The 439,000 Medicare beneficiaries in Arkansas need an affordable prescription drug benefit enacted into law this year.

Currently, about 13 million Medicare beneficiaries nationwide lack prescription drug coverage for the entire year and about 16 million lack coverage for some point during the year. State pharmacy assistance programs often provide some prescription drug benefits to low to moderate-income beneficiaries. However, as you know, Arkansas does not even have such a program to help meet the needs of low-income beneficiaries in the state.

The prescription drug legislation recently passed by the House of Representatives begins to move the Medicare program one step closer to providing millions of older Ameri-

cans and people with disabilities with some help against the rising costs of prescription drugs. But more needs to be done.

We know from our membership that they will assess the value of a prescription drug benefit by adding up the premium, coinsurance and deductible to determine if it is a good buy. We believe that in order for a voluntary Medicare prescription drug benefit to pass this "kitchen table test" and attract enough enrollee it should:

Provide an affordable benefit as a permanent part of Medicare's benefit package;

Keep the monthly premium to no more than \$35;

Ensure reasonable and stable cost-sharing for beneficiaries;

Ensure that there are no gaps in coverage that leave beneficiaries vulnerable;

Be voluntary and available to all beneficiaries no matter where they live;

Help to bring down the soaring costs of prescription drugs; and

Protect low-income beneficiaries.

It is critical that the Senate pass a Medicare prescription drug bill this month that meets these goals. The 205,000 AARP households in Arkansas are counting on your support for a prescription drug benefit at least as good as the Graham-Miller proposal.

If you have any questions please call one of us or have your staff call David Certner, Director of our Federal Affairs Department, at (202) 434-3750.

Sincerely,

WILLIAM D. NOVELLI,  
*Executive Director and  
CEO.*

CECIL MALONE,  
*AARP Arkansas State  
President.*

MARIA REYNOLDS-DIAZ,  
*AARP Arkansas State  
Director.*

Mrs. LINCOLN. Mr. President, I am also hopeful that a compromise on the Medicare prescription drug benefit is imminent. I am ever optimistic that we can all agree on a good basic solution at the end of the day. We must not fall into the trap of all talk and no action once again. For the almost 4 years I have served in the Senate, I have continually gone home to my State of Arkansas, talked to seniors across our great State, and assured them that the Senate would act on a prescription drug package.

I can no longer in good faith continue to simply talk about the benefit that is so needed. Our parents and our grandparents are depending on us. It would be a national tragedy to let them all down.

We have talked and talked about it for years. Let us act this year and in this session. Let us not adjourn until we pass a Medicare prescription drug benefit that is meaningful and affordable for all seniors across this great country, no matter where they live.

#### ADDITIONAL STATEMENTS

#### FIFTIETH ANNIVERSARY OF THE ESTONIAN AMERICAN NATIONAL COUNCIL

● Ms. MIKULSKI. Mr. President, today I pay tribute to the 50th anniversary of the Estonian American National Council. On July 19, 1952, Estonian Americans founded this Council to preserve

the Estonian cultural heritage. For 50 years, it has provided an independent voice for the Estonian people in their successful campaign for human rights and democracy in their homeland.

The Estonian American National Council combined the strong spirits of America and Estonia in its fight for Estonian independence. Forcibly annexed and occupied by the Soviet Union in 1940, Estonians could not speak freely for themselves in their own homeland. But as the leader of the free world, the United States never recognized the Soviet Union's oppressive regimes in Estonia or its Baltic neighbors, Latvia, and Lithuania. So with the start of the cold war, Americans of Estonian descent established their own organiza-

tion. Half a century later, I visited Estonia. I was so happy to see the tremendous strides the country was making toward developing its democratic and market-based systems. Estonia is proving its abilities through high-tech initiatives in everything from cellular phones to paperless government. I also appreciate the Baltic States' renewed senses of culture while respecting the rights of Russian-speaking minorities.

As a founding member of the Senate Baltic Freedom Caucus, I applaud the work of the Estonian American National Council, a critical member of the Joint Baltic American National Committee. Together, America, Estonia and the other Baltic States are doing all they can in the war against terrorism. With America's support, Estonia, Lithuania, and Latvia are already contributing to our mutual security by developing modern armed forces, air surveillance systems, and participating in peacekeeping activities. I believe Estonia and its Baltic partners will make a wonderful contribution to NATO.

Since Estonia achieved independence in 1991, the Estonian American National Council has been instrumental in bringing America and Estonia together to make both countries more secure. The council has funded scholarships, schools, cultural activities, youth programs and exchange missions that have enhanced the ties that it began to build between America and Estonia many years ago. I am proud of the partnerships Maryland had built with Estonia through our National Guard and their Armed Forces, and the trade between our great cities and ports.

Everywhere I look, America's interest in strengthening its ties with Estonia and the other Baltic States is growing. I congratulate the council on its 50th anniversary, and I send my best wishes to the Estonia American community in Maryland and nationwide. You can count on me to continue to help promote a closer and more comprehensive relationship between the United States and Estonia. I ask my colleagues to join me in congratulating the Estonian American National Council on its contributions to America and Estonia for the last 50 years.●

## LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 17, 1997, in Chicago, IL. Two minors pushed a gay man down a flight of stairs because of his sexual orientation. The assailants used anti-gay obscenities during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5118. An act to provide for enhanced penalties for accounting and auditing improprieties at publicly traded companies, and for other purposes; to the Committee on the Judiciary.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8005. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Report on Federal Agencies' Use of the Physicians' Comparability Allowance (PCA) Program for 2002; to the Committee on Governmental Affairs.

EC-8006. A communication from the Chair of the Board of Directors, Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-8007. A communication from Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period from October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-8008. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-404, "Tax Clarity and Recorder of Deeds Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC-8009. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the report of the Office of the Inspector General for the period from October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-8010. A communication from the Director, Regulations Policy and Management

Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Sunscreen Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment" (RIN0910-AA01) received on July 16, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-8011. A communication from the Director, Corporation Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on July 16, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-8012. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on June 26, 2002 referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Health, Education, Labor, and Pensions; and Governmental Affairs.

EC-8013. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Pre-Classical and Classical Archaeological Material Originating in Cyprus" (RIN1515-AC86) received on July 16, 2002; to the Committee on Finance.

EC-8014. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 96-13" (Rev. Proc. 2002-52) received on July 14, 2002; to the Committee on Finance.

EC-8015. A communication from the Acting Director, Office of Regulatory Law, Board of Veterans' Affairs, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on the Grounds of Clear and Unmistakable Error" (RIN2900-AK74) received on July 14, 2002; to the Committee on Veterans' Affairs.

EC-8016. A communication from the Acting Director, Office of Regulatory Law, Board of Veterans' Affairs, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Adjudication; Fiduciary Activities—Nomenclature Changes" (RIN2900-AL10) received on July 14, 2002; to the Committee on Veterans' Affairs.

EC-8017. A communication from the Acting Director, Office of Regulatory Law, Board of Veterans' Affairs, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Policy Regarding Participation in Natural Practitioner Data Bank" (RIN2900-AJ76) received on July 14, 2002; to the Committee on Veterans' Affairs.

EC-8018. A communication from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Hazard Communication (HazCom)" (RIN1219-AA47) received on July 14, 2002; to the Committee on Energy and Natural Resources.

EC-8019. A communication from the Assistant Secretary, Land and Minerals Management, Engineering and Operations Division, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Prospecting for Minerals Other Than Oil,