

congressional and administration action to modernize the Medicare program and ensure its long-term viability for future generations. The final Medicare conference report is expected to include significant reforms to modernize the Medicare program structure and delivery system by emphasizing quality care, establish a much-needed prescription drug benefit, and offer preventive health care services and disease management."

Mr. Speaker, in conclusion, as I said last night, this bill, this bipartisan effort; and yes, it is bipartisan, and we will have support on both sides of the aisle, this is all about compassion. We hear concerns about cost and certainly we are all concerned about cost and wanting to keep that down as much as we can. But this \$400 billion new benefit under Medicare, I say this: it is going to only cost \$400 billion if it does not work, and this is what I mean by that. You spend the money on taking timely prescription medications, and some of our neediest seniors need three or four pills a day, could be spending \$600, \$700 a month on prescription drugs. But if that will keep them out of the hospital, if that will prevent them from having a stroke; we heard earlier tonight from the Congressional Black Caucus talking about the fact that African Americans are more prone to have high blood pressure. Well, they ought to be so enthusiastic about this bill, we ought to have 100 percent support from the Congressional Black Caucus, because it is true, it is true that they suffer, particularly African American males, more from hypertension. And what happens? They end up in too many cases, far too many cases suffering from a stroke. What kind of life is that, no matter how long they live after, possibly not able to move one side of their body or utter a word.

□ 2330

So as this President has said to us, Mr. Speaker, this is all about compassion and caring, and caring for the most precious seniors that are so important to all of us. So, yes, I am very excited. I will probably leave here in a few minutes and go home and lay awake for another couple of hours because I cannot wait to vote for this bill tomorrow. I am an OB/GYN physician, and I want to be able to say to my constituents and to the seniors of America, The real Dr. Phil, he delivered.

Mr. Speaker, I yield back the balance of my time.

#### THE WAR IN IRAQ

The SPEAKER pro tempore (Mr. ROGERS of Alabama). Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for half the time to midnight, which is 15 minutes. If the Majority Leader does not claim the remainder of the time, the Chair will recognize the gentleman from Massachusetts for an additional 15 minutes.

Mr. DELAHUNT. Mr. Speaker, I am joined here tonight by the gentleman from Washington (Mr. MCDERMOTT), and I anticipate that another colleague of ours, the gentleman from Washington (Mr. INSLEE), will also be here. We are here tonight to discuss the situation, the mess, if you will, that unfortunately we find ourselves mired in, not just in Iraq, but in Afghanistan.

But before we proceed, I think, in response to what I heard from Dr. Phil, the gentleman from Georgia (Mr. GINGREY), my dear friend, I think we should warn the seniors that if this bill passes tomorrow, they better stay healthy because that prescription drug benefit will not take effect this year, it will not take effect in 2004, nor will it take effect in 2005. So make sure that if you are unhealthy, you go visit your State services; see if there is a program at the State level that can get you through to 2006. Because when you go to your druggist in the next several months or in 2004 and 2005, they are going to tell you, sorry, sorry, you do not have the benefit. And we hope that you do have the benefit in 2006, but, of course, if the Republican leadership and the White House continue to pass large, massive tax cuts for the wealthiest Americans, maybe you will not even have it then.

Mr. Speaker, I yield to the gentleman from Washington (Mr. MCDERMOTT), my friend and colleague.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MCDERMOTT. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for having this session tonight. I come out here, it is 11:35 at night. You ask yourself, why does a Congressman come into the well at 11:30 at night to talk about Iraq. Well, today was an absolutely stunning day. And I will submit into the RECORD an article in the Guardian Newspaper from Thursday, November 20, entitled, "War Critics Astonished as U.S. Hawk Admits Invasion was Illegal."

Mr. Speaker, now in an absolutely stunning statement today, Richard Perle, who has been the chairman of the Defense Policy Board, this is the board that talks to the President about what he should do with defense, today he said, "I think in this case international law stood in the way of doing the right thing." Now, consider what that means. International law says what we are doing is illegal, but we are going to go ahead and do it anyway because we made the decision that what we think is more important than international law.

[From The Guardian, Nov. 20, 2003]

WAR CRITICS ASTONISHED AS U.S. HAWK ADMITS INVASION WAS ILLEGAL

(By Oliver Burkeman and Julian Borger)

International lawyers and anti-war campaigners reacted with astonishment yesterday after the influential Pentagon hawk Richard Perle conceded that the invasion of Iraq had been illegal.

In a startling break with the official White House and Downing Street lines, Mr. Perle told an audience in London: "I think in this case international law stood in the way of doing the right thing."

President George Bush has consistently argued that the war was legal either because of existing UN security council resolutions on Iraq—also the British government's publicly stated view—or as an act of self-defence permitted by international law.

But Mr. Perle, a key member of the defence policy board, which advises the US defence secretary, Donald Rumsfeld, said that "international law . . . would have required us to leave Saddam Hussein alone", and this would have been morally unacceptable. French intransigence, he added, meant there had been "no practical mechanism consistent with the rules of the UN for dealing with Saddam Hussein".

Mr. Perle, who was speaking at an event organised by the Institute of Contemporary Arts in London, had argued loudly for the toppling of the Iraqi dictator since the end of the 1991 Gulf war.

"They're just not interested in international law, are they?" said Linda Hugl, a spokeswoman for the Campaign for Nuclear Disarmament, which launched a high court challenge to the war's legality last year. "It's only when the law suits them that they want to use it."

Mr. Perle's remarks bear little resemblance to official justifications for war, according to Rabinder Singh QC, who represented CND and also participated in Tuesday's event.

Certainly the British government, he said, "has never advanced the suggestion that it is entitled to act, or right to act, contrary to international law in relation to Iraq".

The Pentagon adviser's views, he added, underlined "a divergence of view between the British government and some senior voices in American public life [who] have expressed the view that, well, if it's the case that international law doesn't permit unilateral pre-emptive action without the authority of the UN, then the defect is in international law".

Mr. Perle's view is not the official one put forward by the White House. Its main argument has been that the invasion was justified under the UN charter, which guarantees the right of each state to self-defence, including pre-emptive self-defence. On the night bombing began, in March, Mr. Bush reiterated America's "sovereign authority to use force" to defeat the threat from Baghdad. The UN secretary general, Kofi Annan, has questioned that justification, arguing that the security. . .

Mr. DELAHUNT. Mr. Speaker, if I could interrupt, I think that is not only damning, but diminishes the prestige of the United States in terms of the world. There was a French man by the name of Alexis de Tocqueville that years ago as he was traveling through our Nation, our country, made the observation that America is great because America is good. And implicit in that observation is the acknowledgment that the United States respects the rule of law. If we do not have the rule of law, we have a jungle. And just imagine in this time where weapons of mass destruction are a threat to every human being, we just abrogate conventions, treaties, and ignore it is a national law. To me that is a profoundly damning statement.

Mr. MCDERMOTT. Mr. Speaker, I think that says a lot about why we are

in the problem we are in. Because Perle went on to say that international law would have required us to leave Saddam Hussein alone. He admits it. International law would have required us to leave Saddam Hussein alone.

Now, how can the President of the United States come before us and present this as an imminent danger and all this stuff when the law says you cannot do it? He did not want to go to the United Nations. We understand why he did not want to go to the United Nations. Why? If he had had to stand up to international law, he would never have been able to do this.

Perle went on to say, this is unbelievable, really, when you think about it, he said, "A divergence of view between the British Government and some senior voices in American public life who have expressed the view that, well, if it is the case that international law does not permit unilateral preemptive action without authority of the U.N., then the defect is in the international law."

Now, that is like driving down the highway and saying, well, I am in a hurry, and the speed says I can only go 40. The defect is in that sign. It is in the ordinance. I should be able to go 60 when I am in a hurry. I should not have to pay any attention. This country was hell bent to get into war. And they got into war.

Mr. DELAHUNT. Mr. Speaker, I think it is important to be very clear it was not this Nation, hopefully not even our President. But it was some within the administration that had a plan, a plan that would bring democracy, if you will, to the Middle East. And therefore, in the aftermath of 9/11, they were looking for a rationale that would somehow create a situation where the United States would intervene militarily in Iraq. That is, at least, my opinion. And I know that is shared by others.

Mr. MCDERMOTT. Mr. Speaker, well, I think you and I and the gentleman from Washington (Mr. INSLEE) all voted no on this. So when I say our "country," I was really referring to the President. You are absolutely right. It was he and his advisors, a very small group around him known as neocons who believed from the day after 9/11, on 9/12 they started talking about how they could go to war in Iraq. And they had the most powerful military in the world and they knew they were going to win the battle, so to speak. But they had no plan for what they would do after that. They did not have one generator, one water purifier, one policeman, one anything ready to put on the ground to bring security and civil society back in Iraq.

□ 2340

And the mess we are into now is really about this. That is why it is so good that the gentleman brought this up tonight.

Mr. DELAHUNT. Let me just say this, I think all of us voted to inter-

vene militarily in Afghanistan. And I know that the gentleman from Washington (Mr. INSLEE) did because we did have a right to intervene militarily there. We knew that al Qaeda had found a safe haven provided for bit extremist Taliban government. We had every right. Unfortunately, because of the impetus to intervene in Iraq and the decision to intervene militarily in Iraq, we now find ourselves with a real mess, parts of that \$87 billion mess in Iraq. And the comments from both sides of the aisle, from people like Senator HAGEL, Senator LUGAR, people such as the chair of the Committee on Appropriations, Subcommittee on Defense, the gentleman from California (Mr. LEWIS), and others respected, deplore and have articulated their profound concern about the fact that Afghanistan, where we should be with substantial force, is on the verge of once again becoming a failed state.

When the question is posed, did we ever win the war on terror, I fear that the answer will be we won it and then we lost it in Afghanistan. And I would request or ask my friend, the gentleman from Washington (Mr. INSLEE) if he wishes to comment.

Mr. INSLEE. Mr. Speaker, I do. And I have come here based on some conversations I have had in the last couple of weeks with the father of a soldier who was killed in Iraq, the wife of a soldier who was killed in Iraq from the State of Washington. I met about a week and a half ago with a soldier with a shattered leg over in Walter Reed, actually two soldiers with shattered legs; and that is one of the great, unfortunately, hidden tragedies of this war the number of terrible injuries that have come out of it. That has been kind of hidden, and I think it is unfortunate that folks do not understand how terrible these young men are being injured. In part because of our tremendous medical care, we have saved people that never would have lived in previous wars, but they come away with some terrible injuries.

But the reason I came here tonight is just to say that the U.S. Congress owes it to these men and women in uniform who are serving proudly tonight to not ignore them and not give up trying to help resolve this mess, and that silence is not an option for the U.S. Congress. We took a vote but that was only the start of our obligation to these people who are serving in Iraq tonight. And I just have two messages that I hope the administration would listen to to try to get out of this mess.

One is to finally develop a meaningful plan, to develop a recognizable, credible Iraqi government so that the Iraqi people could have some credibility in the government, so that hopefully at some point we can bring our men and women home; and they are still on the wrong path failing in that fundamental obligation. Our mission is doomed there until this administration has a workable plan to develop a credible government in Iraq. They have

failed in that fundamental mission, in a stumbling, bumbling mechanism.

I will state, we stood in a meeting room about a hundred yards from here very shortly before the war started and said, Where is your plan for postwar Iraq? Where is your plan for establishing a credible government in Iraq so that we can bring our troops home?

Do you know what their answer was? We are starting to think about that. And that is not too much of a paraphrase of what they told us. And now they still are making a fundamental mistake of thinking that we can establish a government by our order as to who will be the governing authority without the involvement of the international community.

We still need to get international folks of other countries involved in there to help develop a credible government. And until we do that, we are not going to win the hearts and minds of the people no matter how many thousand-pound bombs we drop.

Mr. MCDERMOTT. The gentleman raises the question about what the plan was before the war. There was a lot of talk in the government that they wanted to use a guy named Chalabi. And I asked some Iraqis in the United States here about whether Chalabi would be the right guy. They said he is hated by the Kurds. He is hated by the Sunnis. He is hated by the Shia. Maybe it is a good idea to put him in there because he is gone. We are putting all our eggs in Chalabi's basket.

Mr. DELAHUNT. Mr. Speaker, I have some very bad news for the gentleman then. If we accept the idea or the conclusion that he is gone, because Ahmed Chalabi is not gone. There was a report today in the New York Times, and let me quote the relevant portion.

The SPEAKER pro tempore (Mr. ROGERS of Alabama). The gentleman from Massachusetts (Mr. DELAHUNT) is recognized for an additional 15 minutes.

Mr. DELAHUNT. Mr. Speaker, I am quoting from today's New York Times regarding this new temporary, tentative, possible plan.

Another possibility some in the administration say is that Iraq could evolve towards a political compromise forced by the exile Ahmed Chalabi. Chalabi might manage to stitch together pro-Iranian groups, Kurds and others into a government, a top administration official predicted recently that in that event Mr. Chalabi, who set up an office for his opposition group in Tehran before the American invasion of Iraq, could become the first prime minister.

Well, I guess the question is, who is Ahmed Chalabi? Well, to go back to the comments that the gentleman made earlier regarding Mr. Perle, he and Mr. Perle are very close, are allied together. They have had a long relationship. Mr. Perle some believe is the, if you will, the author or the architect of this policy, described Mr. Chalabi in the most effusive of terms, as if he

were going to be the George Washington of Iraq.

What the American people are unaware of, however, is that Mr. Chalabi fled Iraq, went to Jordan, got into the banking business, and was convicted of the crime of embezzling some \$70 million.

Now, I am not particularly conversant with the Jordanian legal system, but I know this, that Mr. Chalabi has a sentence hanging over his head from a Jordanian court of some 22 years.

Now, our relationship with Jordan has been a positive one, and we see some incipient signs of democracy there. When King Abdallah came here, I inquired of him, Were you ever consulted by the Department of State or anyone in the White House about the appointment of this convicted felon according to Jordanian law in terms of his appointment to the Iraqi governing council? And he said, No, Mr. Congressman, I was not.

What a great way to create good will among our allies in the war against terrorism. Who is Ahmed Chalabi? And top administration is suggesting that he might be the next prime minister when he has absolutely no support among the Iraqi people, none at all. He lived in London after he fled Jordan for decades.

I am really concerned about the mess we are in.

Mr. INSLEE. If I may inquire, basically what we have is it sounds like the only international support the administration has had to try to help establish a new Iraqi government is a fellow from London, Mr. Chalabi, and that is not what we think we need when it comes to international support to try and establish a government. Because we know that ultimately to bring our men and women home, we are going to have to be in a position where there is a secure government that has some degree of trust to the Iraqi people. And the one thing we know is a decision, a unilateral decision by the United States to decide who that is is not working at the moment.

□ 2350

We believe and have been arguing now since the beginning of hostilities that involving the international community to help establish a definition who is going to be at the table when the constitution is adopted, when the elections are set up, are going to help get the hearts and minds of the Iraqi people which ultimately we need to succeed in this mission.

So we are here again tonight urging the administration to learn from past problems and indeed mistakes. One of those mistakes has been acting with such unilateralism, and unilateralism to date has resulted in folks allegedly running Iraq with no security and no credibility. So we will continue to beat that drum, and we hope at some point the administration will learn from these past errors.

I want to mention another thing, too, that I hope that Congress does not lose

sight of its responsibility to the men and women in Iraq tonight. Those men and women deserve to know why Americans did not get the straight scoop before this war started, and we just began just the baby step for Congress to start to get to the root of why Americans were told things that were not true before this war started. We owe this to the people in the field right now in Iraq, and we are going to call on the administration to stop stonewalling on that investigation.

We have been trying to get multiple documents. We are not getting that, and it is interesting to me, when a true patriot, Joe Wilson, who was an ambassador, who was called a hero by the first President Bush for serving as the last counselor in Iraq, who stood up to Saddam Hussein and maybe saved hundreds of Americans before the first Persian Gulf War, when he helped blow the whistle and indicate there had been a mistake in the State of the Union address that came from that podium out to the American people, when he helped demonstrate that there had been a mistake made by the President as to what he said when he said that there was this uranium in Africa, what did the administration do? Instead of thanking Mr. Wilson for helping correct a mistake that the President had made on a pivotal issue and on which they had hung the hat to start this war, instead somebody in the administration, and we better darn well find out who blew the cover on Mr. Wilson's wife as a CIA agent, and that is the type of attitude to date this administration has in getting to the bottom of why we did not get the truth before this war started.

Mr. MCDERMOTT. My colleagues are both lawyers. My understanding is they broke a law. It is a felony. Somebody broke the law.

Mr. INSLEE. It appears that there could have been a felony committed; but even if there was not a felony committed, this administration, instead of thanking Mr. Wilson for correcting this grievous mistake that the President made in the State of the Union address, I do not recall he has ever thanked Mr. Wilson. Instead, they have hunkered down and they have refused to recognize that this war was started on the basis of false information given to the American people, and we need to know and the people serving in Iraq tonight deserve to know how and why that happened because it should not happen again.

Now, if, in fact, it was a simple failure of intelligence by the CIA, and that the White House, all they did was convey to us the purest, most virginal intelligence given to them by the CIA, we need to know that; but if, in fact, that was not the case, if, in fact, it was the case that they took information and exaggerated it, stretched it, fudged it, told us things were certain when there was doubt, we need to know that, too; and this Congress has an obligation to get to the bottom of it. I hope that we have just started that process.

With that, I need to bid adieu.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for joining us tonight and thank him for his input. I think he goes to the issue of credibility.

Recently, there was a report by a conservative magazine, the Weekly Standard, that said case closed. They established a memorandum that was leaked. Somehow, in their calculation, it was conclusive as to links between Saddam Hussein and Osama bin Laden.

The gentleman from Washington (Mr. MCDERMOTT) circulated a memorandum to all of us here in the House with a statement from the Department of Defense. If the gentleman wants to give us a synopsis, I would be fascinated, and I hope those who are listening would pay attention.

Mr. MCDERMOTT. It basically absolutely contradicted what has come out of this Weekly Standard article, and in fact, the Weekly Standard is really the mouthpiece for the neocons, Perle and Wolfowitz and all these people who have been involved in this, and the Defense Department came out and said, this is wrong. I mean, they are trying to bury it. They are trying to stonewall it, and that is why we are out here tonight.

Mr. DELAHUNT. Mr. Speaker, I want to compliment the White House for finally being honest with the American people as it relates to Afghanistan. Again, from this week, Wednesday, November 19, the new ambassador to Afghanistan, Ambassador Kahlizad, gave the administration's bleakest assessment yet of security conditions in Afghanistan, saying that a regrouping of the Taliban and al Qaeda, increased drug trafficking and even common criminals are hampering President Karzai and the transition to democracy. Taliban rebels have dramatically stepped up operations in recent months and, the ambassador said, common criminals and al Qaeda followers are increasingly active. This is most disturbing news.

There was an interesting and, again, unfortunate story coming from the United Nations. This week reported in the New York Times, the United Nations refugee agency announced Tuesday that it was temporarily pulling 30 foreign staff members out of large areas of southern and eastern Afghanistan and closing refugee reception centers in four provinces, officials said. The suspension of operations comes after three attacks on the United Nations offices and staff members in the last week by suspected Taliban fighters.

Mr. MCDERMOTT. Mr. Speaker, what the gentleman is doing is shining the light on the fact that we never finished the job.

Mr. DELAHUNT. We never finished the job in Afghanistan.

Mr. MCDERMOTT. They never put up a sign that said mission accomplished for Afghanistan.

Mr. DELAHUNT. The gentleman is absolutely right.

Mr. McDERMOTT. And left a mess and went on to Iraq, and now we have got two messes on our hands. The gentleman is absolutely right, what is happening in Afghanistan is a terrible mess.

Mr. DELAHUNT. To think that our military, as it has in Iraq, performed so professionally and admirably in Afghanistan, and now we are on the verge of seeing Afghanistan becoming a failed state.

Nicolas Kristoff, a columnist in the New York Times, says, and again it is this week, in the 2 years since the war in Afghanistan, opium production, and he has given us three choices, virtually been eliminated, declined 30 percent, soared 19-fold and become the major source of the world's heroin. That is what is happening in Afghanistan today.

In two provinces that are religiously conservative parts of Afghanistan, the number of children going to school has quintupled, has risen 40 percent, has plummeted as poor security has closed nearly all the schools there. The right answer is the last one.

This is truly potentially a disaster. President Karzai's brother, Ahmed Karzai, who represents the government in one of the southern provinces, was very blunt to an AP reporter this past Monday: it is like I am seeing the same movie twice, and no one is trying to fix the problem. What was promised to Afghans with the collapse of the Taliban was a new life of hope and change. Those are the words of President Bush, but what was delivered, nothing. There had been no significant changes for people. Karzai says he does not know what to say to people anymore.

We better pay attention to Afghanistan because with the focus now on Iraq, the media is taking the glare of the cameras away from a totally, potentially disastrous situation. They are scheduled to have elections in Afghanistan next June. It is estimated that the need would be for 70,000 police security forces. Does my colleague know how many have been trained? Does the gentleman know how many have been trained? Seven thousand, 7,000. This is, again, a potential foreign policy disaster, not just for this President but for this country.

With that, if the gentleman has anything further to say.

Mr. McDERMOTT. Mr. Speaker, I think we have said enough for tonight, but this issue will not go away.

One fact that I will finish with, this week now, more people have died in Iraq since the war began than died in the first 3 full years in Vietnam. So if we do not think we have got a developing mess on our hands, just remember how we eased into Vietnam, and this is where we are going if this administration does not begin to develop a plan.

Mr. DELAHUNT. Twenty-six people died today in Turkey, the victims of an act of terrorism. Some 400 were wounded. In the northern part of Iraq, not in

the so-called Sunni Triangle, 12 died as a result of acts of terrorism in northern Iraq.

We are in a mess. Let us get our act together. Let us support our President, but let us do it in consultation and make sure that America can continue to be proud and claim that it is great because it is good and it has a moral compass.

#### RECESS

The SPEAKER pro tempore (Mr. ROGERS of Alabama). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at midnight), the House stood in recess subject to the call of the Chair.

□ 0117

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. NUNES) at 1 o'clock and 17 minutes a.m.

#### CONFERENCE REPORT ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. THOMAS submitted the following conference report and statement on the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes:

##### CONFERENCE REPORT (H. REPT. 108-391)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1), to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following.

#### SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BIPA AND SECRETARY; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Medicare Prescription Drug, Improvement, and Modernization Act of 2003”.

(b) *AMENDMENTS TO SOCIAL SECURITY ACT.*—Except as otherwise specifically provided, whenever in division A of this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) *BIPA; SECRETARY.*—In this Act:

(1) *BIPA.*—The term “BIPA” means the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106-554.

(2) *SECRETARY.*—The term “Secretary” means the Secretary of Health and Human Services.

(d) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

*Sec. 1. Short title; amendments to Social Security Act; references to BIPA and Secretary; table of contents.*

#### TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

*Sec. 101. Medicare prescription drug benefit.*

##### “PART D—VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM

##### “Subpart 1—Part D Eligible Individuals and Prescription Drug Benefits

“Sec. 1860D-1. Eligibility, enrollment, and information.

“Sec. 1860D-2. Prescription drug benefits.

“Sec. 1860D-3. Access to a choice of qualified prescription drug coverage.

“Sec. 1860D-4. Beneficiary protections for qualified prescription drug coverage.

##### “Subpart 2—Prescription Drug Plans; PDP Sponsors; Financing

“Sec. 1860D-11. PDP regions; submission of bids; plan approval.

“Sec. 1860D-12. Requirements for and contracts with prescription drug plan (PDP) sponsors.

“Sec. 1860D-13. Premiums; late enrollment penalty.

“Sec. 1860D-14. Premium and cost-sharing subsidies for low-income individuals.

“Sec. 1860D-15. Subsidies for part D eligible individuals for qualified prescription drug coverage.

“Sec. 1860D-16. Medicare Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund.

##### “Subpart 3—Application to Medicare Advantage Program and Treatment of Employer-Sponsored Programs and Other Prescription Drug Plans

“Sec. 1860D-21. Application to Medicare Advantage program and related managed care programs.

“Sec. 1860D-22. Special rules for employer-sponsored programs.

“Sec. 1860D-23. State pharmaceutical assistance programs.

“Sec. 1860D-24. Coordination requirements for plans providing prescription drug coverage.

##### “Subpart 4—Medicare Prescription Drug Discount Card and Transitional Assistance Program

“Sec. 1860D-31. Medicare prescription drug discount card and transitional assistance program.

##### “Subpart 5—Definitions and Miscellaneous Provisions

“Sec. 1860D-41. Definitions; treatment of references to provisions in part C.