

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 181—CONGRATULATING ALL NEW YORKERS ON THE OCCASION OF THEIR FIRST KENTUCKY DERBY VICTORY AND THE SUBSEQUENT PREAKNESS STAKES VICTORY WITH NEW YORK-BRED GELDING, FUNNY CIDE

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 181

Whereas on Saturday, May 3, 2003, Funny Cide won the 129th Kentucky Derby by 1¼ lengths, with a time of 2:01:19, and became the first New York-bred horse to win the Run for the Roses and the first gelding to win the Derby since Clyde Van Dusen in 1929;

Whereas on Saturday, May 17, 2003, Funny Cide won the 128th Preakness Stakes by 9¼ lengths, with a time of 1:55:61, and became the first New York-bred horse in 107 years, and the first gelding since Prairie Bayou in 1993, to win the Preakness;

Whereas Funny Cide is the great-great grandson of the 1977 Triple Crown winner, Seattle Slew;

Whereas Funny Cide was trained by Barclay Tagg and ridden by jockey Jose Santos;

Whereas high school friends from Sackets Harbor, New York, along with friends made thereafter, are the proud owners of Funny Cide,

Whereas Funny Cide races out of Sackatoga Stables, named after the hometown of the original owners — Sacket Harbor, New York — and the home of another owner — Saratoga Springs, New York; and

Whereas Funny Cide, a horse with a reputation as being "from the wrong side of the track", has become the pride and joy of all New Yorkers: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Sackatoga Stables for Funny Cide's victories at the 129th Kentucky Derby and the 128th Preakness Stakes; and

(2) directs the Secretary of the Senate to make available enrolled copies of this resolution for appropriate display to the owners of Funny Cide, trainer Barclay Tagg, and jockey Jose Santos.

SENATE RESOLUTION 182—CONGRATULATING THE AMERICAN DENTAL ASSOCIATION FOR ESTABLISHING THE "GIVE KIDS A SMILE" PROGRAM, EMPHASIZING THE NEED TO IMPROVE ACCESS TO DENTAL CARE FOR CHILDREN, AND THANKING DENTISTS FOR VOLUNTEERING THEIR TIME TO HELP PROVIDE NEEDED DENTAL CARE

Ms. STABENOW submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 182

Whereas access to dental care for children is a vital element of overall health care and development;

Whereas dental caries—more commonly known as tooth decay—is the most common chronic childhood disease;

Whereas untreated tooth decay in children results in thousands of children experiencing poor eating and sleeping patterns, suffering

decreased attention spans at school, and being unable to smile;

Whereas, due to a confluence of factors, children eligible for Medicaid and the State Children's Health Insurance Program are 3 to 5 times more likely than other children to have untreated tooth decay;

Whereas dentists provide an estimated \$1,700,000,000 annually in nonreimbursed dental care;

Whereas dentists participating in the American Dental Association established the "Give Kids a Smile" program to serve as a reminder to the Nation about the need to end untreated childhood dental disease; and

Whereas the "Give Kids a Smile" program treated an estimated 1,000,000 children on February 21, 2003, at approximately 5,000 locations in all 50 States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the American Dental Association for establishing the "Give Kids a Smile" program;

(2) emphasizes the need to improve access to dental care for children; and

(3) thanks the thousands of dentists who volunteered their time and brought a smile to faces of an estimated 1,000,000 children on February 21, 2003.

Ms. STABENOW. Mr. President, someone once said, "A smile costs nothing, but gives much. It enriches those who receive, without making poorer those that give." I rise today to offer a resolution to congratulate the American Dental Association for establishing the "Give Kids a Smile" program.

This program emphasizes the need to improve dental care access for children. Tooth decay is the most common chronic childhood disease. Tooth decay can cause poor eating and sleeping patterns, decreased attention spans at school, and sadly, prevents children from showing their smiles.

Low income children are much more likely to suffer from tooth decay. Children who are eligible for Medicaid and State Children's Health Insurance Program, SCHIP, are 3 to 5 times more likely than other children to have untreated tooth decay. The "Give Kids a Smile" program is helping these children.

Along with helping children get the dental care that they need, this program brings attention to the fact that this is a serious issue that children in our nation are facing. This program provides for and promotes education on dental care, good dental hygiene, dental screenings, exams and radiographs, and even gives sealants and fillings.

On February 21st, my State, Michigan, brought healthier teeth and brighter smiles to 12,800 low-income and disadvantage children. Nearly 1 million children were treated nationwide.

Dentists, such as Dr. John Buchheister, Dr. Sara Wassenaar, Dr. Dale Nester, Dr. Martha Bamfield, and Dr. Gary Schluckebier in Michigan, volunteered their time, resources, and services to give children dental screenings, exams, sealants, and fillings.

Nearly 8,300 children in Michigan also listened to dental education presentations by dental professionals.

I am pleased to stand here today and congratulate the American Dental Association for their leadership on this important children's health issue and for establishing the "Give Kids a Smile" program.

I also want to thank the Michigan Dental Association for participating in this program and I want to thank all of the dentists in Michigan and across the Nation that took the time to make the inaugural "Give Kids a Smile" day a great success. After all, "A smile can open a heart faster than a key can open a door."

AMENDMENTS SUBMITTED & PROPOSED

SA 1001. Mrs. BOXER (for herself and Ms. MIKULSKI) proposed an amendment to the bill 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 for other purposes.

SA 1002. Mrs. LINCOLN (for herself, Mr. CONRAD, Mr. MILLER, Mr. CARPER, Mr. JOHNSON, Ms. MIKULSKI, Mrs. CLINTON, and Mr. DORGAN) proposed an amendment to the bill S. 1, supra.

SA 1003. Mr. BROWBACK (for himself and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1004. Mrs. HUTCHISON proposed an amendment to the bill S. 1, supra.

SA 1005. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1006. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1007. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1008. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1009. Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1010. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1, supra.

SA 1011. Mr. SESSIONS proposed an amendment to the bill S. 1, supra.

SA 1012. Mr. HAGEL (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1013. Mr. BOND (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1014. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1015. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1016. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1017. Mr. ALLARD (for himself, Mr. FITZGERALD, and Ms. COLLINS) submitted an

amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1018. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1019. Mr. CONRAD (for himself, Mrs. MURRAY, Mr. SMITH, Mrs. LINCOLN, and Mr. JEFFORDS) proposed an amendment to the bill S. 1, supra.

SA 1020. Mr. CONRAD proposed an amendment to the bill S. 1, supra.

SA 1021. Mr. CONRAD proposed an amendment to the bill S. 1, supra.

SA 1022. Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1023. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1024. Mr. ENSIGN (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1025. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1026. Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LOTT, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1027. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1028. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1029. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1030. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1031. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1032. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1033. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1034. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1035. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1036. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 1, supra.

SA 1037. Mr. REID (for Mr. CORZINE) proposed an amendment to the bill S. 1, supra.

SA 1038. Mr. REID (for Mr. JEFFORDS) proposed an amendment to the bill S. 1, supra.

SA 1039. Mr. REID (for Mr. INOUE) proposed an amendment to the bill S. 1, supra.

SA 1040. Mr. SCHUMER (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 1041. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1042. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1043. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1001. Mrs. BOXER (for herself and Ms. MIKULSKI) proposed an amendment to the bill 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 for other purposes; as follows:

On page 49, strike line 3 through page 50, line 2 and insert the following:

“(2) LIMITS ON COST-SHARING.—

“(A) IN GENERAL.—The coverage has cost-sharing (for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket limit under paragraph (4)) that is equal to 50 percent or that is actuarially consistent (using processes established under subsection (f)) with an average expected payment of 50 percent of such costs.

“(B) APPLICATION.—Notwithstanding the succeeding provisions of this part, the Administrator shall not apply subsection (d)(1)(C) and paragraphs (1)(D), (2)(D), and (3)(A)(iv) of section 1860D–19(a).

SA 1002. Mrs. LINCOLN (for herself, Mr. CONRAD, Mr. MILLER, Mr. CARPER, Mr. JOHNSON, Ms. MIKULSKI, Mrs. CLINTON, and Mr. DORGAN) proposed an amendment to the bill 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 for other purposes; as follows:

On page 83, strike lines 1 through 7, and insert the following:

“(5) CONTRACT TO BE AVAILABLE IN DESIGNATED AREA FOR 2 YEARS.—Notwithstanding paragraph (1), if the Administrator enters into a contract with an entity with respect to an area designated under subparagraph (B) of such paragraph for a year, the following rules shall apply:

“(A) The contract shall be for a 2-year period.

“(B) The Secretary is not required to make the determination under paragraph (1)(A) with respect to the second year of the contract for the area.

“(C) During the second year of the contract, an eligible beneficiary residing in the area may continue to receive standard prescription drug coverage (including access to negotiated prices for such beneficiaries pursuant to section 1860D–6(e)) under such contract or through any Medicare Prescription Drug plan that is available in the area.

At the end of title VI, add the following:

SEC. ____ MEDICARE SECONDARY PAYOR (MSP) PROVISIONS.

(a) TECHNICAL AMENDMENT CONCERNING SECRETARY'S AUTHORITY TO MAKE CONDITIONAL PAYMENT WHEN CERTAIN PRIMARY PLANS DO NOT PAY PROMPTLY.—

(1) IN GENERAL.—Section 1862(b)(2) (42 U.S.C. 1395y(b)(2)) is amended—

(A) in subparagraph (A)(ii), by striking “promptly (as determined in accordance with regulations)”;

(B) in subparagraph (B)—

(i) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(ii) by inserting before clause (ii), as so redesignated, the following new clause:

“(i) AUTHORITY TO MAKE CONDITIONAL PAYMENT.—The Secretary may make payment under this title with respect to an item or service if a primary plan described in subparagraph (A)(ii) has not made or cannot reasonably be expected to make payment with respect to such item or service promptly (as determined in accordance with regulations). Any such payment by the Secretary shall be conditioned on reimbursement to the appropriate Trust Fund in accordance with the succeeding provisions of this subsection.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of title III of the Medicare and Medicaid Budget Reconciliation Amendments of 1984 (Public Law 98-369).

(b) CLARIFYING AMENDMENTS TO CONDITIONAL PAYMENT PROVISIONS.—Section 1862(b)(2) (42 U.S.C. 1395y(b)(2)) is further amended—

(1) in subparagraph (A), in the matter following clause (ii), by inserting the following sentence at the end: “An entity that engages in a business, trade, or profession shall be deemed to have a self-insured plan if it carries its own risk (whether by a failure to obtain insurance, or otherwise) in whole or in part.”;

(2) in subparagraph (B)(ii), as redesignated by subsection (a)(2)(B)—

(A) by striking the first sentence and inserting the following: “A primary plan, and an entity that receives payment from a primary plan, shall reimburse the appropriate Trust Fund for any payment made by the Secretary under this title with respect to an item or service if it is demonstrated that such primary plan has or had a responsibility to make payment with respect to such item or service. A primary plan's responsibility for such payment may be demonstrated by a judgment, a payment conditioned upon the recipient's compromise, waiver, or release (whether or not there is a determination or admission of liability) of payment for items or services included in a claim against the primary plan or the primary plan's insured, or by other means.”; and

(B) in the final sentence, by striking “on the date such notice or other information is received” and inserting “on the date notice of, or information related to, a primary plan's responsibility for such payment or other information is received”; and

(3) in subparagraph (B)(iii), as redesignated by subsection (a)(2)(B), by striking the first sentence and inserting the following: “In order to recover payment made under this title for an item or service, the United States may bring an action against any or all entities that are or were required or responsible (directly, as an insurer or self-insurer, as a third-party administrator, as an employer that sponsors or contributes to a group health plan, or large group health plan, or otherwise) to make payment with respect to the same item or service (or any portion thereof) under a primary plan. The United States may, in accordance with paragraph (3)(A) collect double damages against any such entity. In addition, the United States may recover under this clause from any entity that has received payment from a primary plan or from the proceeds of a primary plan's payment to any entity.”

(c) CLERICAL AMENDMENTS.—Section 1862(b) (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (1)(A), by moving the indentation of clauses (ii) through (v) 2 ems to the left; and

(2) in paragraph (3)(A), by striking “such” before “paragraphs”.