

the Budget, and International Security be authorized to meet on Tuesday, November 16, 2004, at 10:30 a.m., for a hearing entitled, "Oversight Hearing on Insurance Brokerage Practices, Including Potential Conflicts of Interest and the Adequacy of the Current Regulatory Framework."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent a fellow in my office, Seth Gerson, be granted the privilege of the floor for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDREN'S HOSPITALS EDUCATIONAL EQUITY AND RESEARCH ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 774, S. 2526.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2526) to reauthorize the Children's Hospitals Graduate Medical Education Program.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

(Strike the part printed in black brackets and insert the part printed in italic.)

S. 2526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Children's Hospitals Educational Equity and Research Act" or the "CHEER Act".]

SEC. 2. REAUTHORIZATION OF CHILDREN'S HOSPITALS GRADUATE MEDICAL EDUCATION PROGRAM.

[(a) EXTENSION OF PROGRAM.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended by striking "2005" and inserting "2010".]

[(b) DESCRIPTION OF AMOUNT OF PAYMENTS.—Section 340E(b) of the Public Health Service Act (42 U.S.C. 256e(b)) is amended—

[(1) in paragraph (1)(B), by striking "relating to teaching residents in such" and inserting "associated with graduate medical residency training"; and

[(2) in paragraph (2)(A), by inserting before the period at the end " , except as provided under paragraphs (1)(A) and (2)(B) of subsection (f)".]

[(c) DIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(c) of the Public Health Service Act (42 U.S.C. 245e(c)) is amended—

[(1) in paragraph (1)—

[(A) in the matter preceding subparagraph (A), by striking "product" and inserting "sum";

[(B) in subparagraph (A), by striking "(A) the updated per resident" and inserting the following:

["(A) the product of—

["(i) the updated per resident".]

[(C) by redesignating subparagraph (B) as clause (ii) and indenting appropriately;

[(D) in subparagraph (A)(ii) (as so redesignated)—

[(i) by inserting "but without giving effect to section 1886(h)(7) of such Act" after "section 1886(h)(4) of the Social Security Act"; and

[(ii) by striking the period and inserting " ; and"; and

[(E) by inserting after subparagraph (A) the following:

["(B) amounts for other approved education programs that are provider-operated, as defined for purposes of Medicare payment, limited to not more than 30 percent of costs that would be allowed for such programs under Medicare rules for hospitals reimbursed under section 1886(d) of the Social Security Act."; and

[(2) in paragraph (2)(B), by inserting before the period at the end " , without giving effect to section 1886(d)(3)(E)(ii) of the Social Security Act".]

[(d) INDIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(d) of the Public Health Service Act (42 U.S.C. 256e(d)) is amended—

[(1) in paragraph (1), by striking "related to" and inserting "associated with"; and

[(2) in paragraph (2)(A)—

[(A) by inserting "ratio of the" after "hospitals and the"; and

[(B) by inserting at the end before the semicolon "to beds (but excluding beds or bassinets assigned to healthy newborn infants)".]

[(e) NATURE OF PAYMENTS.—Section 340E(e) of the Public Health Service Act (42 U.S.C. 256e(e)) is amended—

[(1) in paragraph (2), by striking the first sentence;

[(2) in paragraph (3)—

[(A) by striking "made to pay" and inserting "made and pay"; and

[(B) by striking "to the extent possible" and all that follows through the end of the paragraph and inserting the following: ". To the greatest extent possible, amounts recouped from a hospital are to be distributed to other hospitals in the same fiscal year. Amounts recouped from a hospital and not disbursed to other hospitals in the same fiscal year shall remain available for distribution during the subsequent fiscal year. Unless there is fraud, amounts paid to a hospital without a demand for recoupment by the end of the fiscal year shall be final and not subject to recoupment."; and

[(3) by adding at the end the following:

["(4) APPEALS.—

["(A) IN GENERAL.—A decision affecting the amount payable to a hospital pursuant to this section shall—

["(i) be subject to review under section 1878 of the Social Security Act in the same manner as a final determination of a fiscal intermediary of the amount of payment under 1886(d) of such Act is subject to review; and

["(ii) be handled expeditiously so that the review decision is reflected in the final reconciliation for the year in which the appeal is made.

["(B) LIMITATION.—A review decision pursuant to this section shall not affect payments for a fiscal year prior to the fiscal year in which the review decision is rendered.

["(C) APPLICATION TO SUBSEQUENT FISCAL YEARS.—The Secretary shall apply a review decision in determining the amount of payment for the appealing hospital in the fiscal year in which the decision is rendered and in subsequent years, unless the law at issue in the review decision is amended or there are material differences between the facts for the fiscal year for which the review decision is rendered and the year for which payment

is made. Nothing in this section shall be construed to prohibit a hospital from appealing similar determinations in subsequent periods.".]

[(f) AUTHORIZATION OF APPROPRIATIONS.—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (A)—

[(i) in clause (ii), by striking "and";

[(ii) in clause (iii), by striking the period at the end and inserting a semicolon; and

[(iii) by adding at the end the following:

["(iv) for fiscal year 2006, \$110,000,000; and

["(v) for each of fiscal years 2007 through 2010, such sums as may be necessary, including an annual adjustment to reflect increases in the Consumer Price Index."; and

[(B) in subparagraph (B), by striking "for fiscal year 2000" and all that follows and inserting "for fiscal year 2006 and each subsequent fiscal year shall remain available for obligation for the year appropriated and the subsequent fiscal year."; and

[(2) in paragraph (2)—

[(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

[(B) by striking "There are hereby authorized" and inserting the following:

["(A) IN GENERAL.—There are authorized";

[(C) in clause (ii) (as redesignated by this paragraph), by striking "and";

[(D) in clause (iii) (as redesignated by this paragraph), by striking the period at the end and inserting a semicolon;

[(E) by adding at the end of subparagraph (A) (as designated by this paragraph), the following:

["(iv) for fiscal year 2006, \$220,000,000; and

["(v) for each of fiscal years 2007 through 2010, such sums as may be necessary, including an annual adjustment to reflect increases in the Consumer Price Index."; and

[(F) at the end of paragraph (2), by adding the following:

["(B) CARRYOVER OF EXCESS.—To the extent that amounts are not expended in the year for which they are appropriated, the amounts appropriated under subparagraph (A) for fiscal year 2006 and each subsequent fiscal year shall remain available for obligation through the end of the following fiscal year.".]

[(g) DEFINITIONS.—Section 340E(g)(3) of the Public Health Service Act (42 U.S.C. 256e(g)(3)) is amended by striking "has" and all that follows through the end of the sentence and inserting the following: "includes—

["(A) the meaning given such term in section 1886(h)(5)(C) of the Social Security Act; and

["(B) costs of approved educational activities, as such term is used in section 1886(a)(4) of the Social Security Act.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Hospitals Educational Equity and Research Act" or the "CHEER Act".

SEC. 2. REAUTHORIZATION OF CHILDREN'S HOSPITALS GRADUATE MEDICAL EDUCATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended by striking "2005" and inserting "2010".

(b) DIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(c) of the Public Health Service Act (42 U.S.C. 256e(c)) is amended—

(1) in paragraph (1)(B), by inserting "but without giving effect to section 1886(h)(7) of such Act" after "section 1886(h)(4) of the Social Security Act"; and

(2) in paragraph (2)(E)(ii), by striking "described in subparagraph (C)(ii)" and inserting

“applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year”.

(c) **INDIRECT GRADUATE MEDICAL EDUCATION.**—Section 340E(d)(2)(A) of the Public Health Service Act (42 U.S.C. 256e(d)(2)(A)) is amended—

(1) by inserting “ratio of the” after “hospitals and the”; and

(2) by inserting before the semicolon the following: “to beds (excluding beds or bassinets assigned to healthy newborn infants)”.

(d) **NATURE OF PAYMENTS.**—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended by striking “made to pay” and inserting “made and pay”.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking “and”;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(iv) for fiscal year 2006, \$110,000,000; and

“(v) for each of fiscal years 2007 through 2010, such sums as may be necessary.”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “There are hereby authorized” and inserting “There are authorized”; and

(ii) by striking “(b)(1)(A)” and inserting “(b)(1)(B)”;

(B) in subparagraph (B), by striking “and”;

(C) in subparagraph (C), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

“(D) for fiscal year 2006, \$220,000,000; and

“(E) for each of fiscal years 2007 through 2010, such sums as may be necessary.”.

(f) **TECHNICAL AMENDMENT.**—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended by striking the first sentence.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that perinatal hospitals play an important role in providing quality care and ensuring the best possible outcomes for thousands of seriously ill newborns each year, and that medical training programs at perinatal hospitals give providers essential training in treating healthy mothers and babies as well as patients in neonatal intensive care units.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2526), as amended, was passed.

STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 2283 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2283) to extend Federal funding for operations of State high risk health insurance pools.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2283) was read the third time and passed as follows:

S. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “State High Risk Pool Funding Extension Act of 2004”.

SEC. 2. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

(a) **EXTENSION OF SEED GRANTS.**—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (a), in the subsection heading by inserting “EXTENSION OF” before “SEED”; and

(2) in subsection (c)(1), by striking “\$20,000,000” and all that follows through “2003” and inserting “\$15,000,000 for the period of fiscal years 2004 and 2005”.

(b) **FUNDS FOR OPERATIONS.**—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (b)—

(A) in the subsection heading by striking “MATCHING”; and

(B) by striking paragraph (2) and inserting the following:

“(2) **ALLOTMENT.**—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States (or the entities that operate the high risk pool under applicable State law) as follows:

“(A) An amount equal to 50 percent of the appropriated amount for the fiscal year shall be allocated in equal amounts among each eligible State that applies for assistance under this subsection.

“(B) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals in all States (as determined by the Secretary).

“(C) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools in all States (as determined by the Secretary).”;

(2) in subsection (c)(2), by striking “\$40,000,000” and all that follows through the period and inserting “\$75,000,000 for each of fiscal years 2005 through 2009 to make allotments under subsection (b)(2).”.

(c) **DEFINITIONS.**—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (d), by inserting after “2744(c)(2)” the following: “, except that

with respect to subparagraph (A) of such section a State may elect to provide for the enrollment of eligible individuals through an acceptable alternative mechanism,”; and

(2) by adding at the end the following:

“(e) **STANDARD RISK RATE.**—In subsection (b)(1)(A), the term ‘standard risk rate’ means a rate—

“(1) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

“(2) that is established using reasonable actuarial techniques; and

“(3) that reflects anticipated claims experience and expenses for the coverage involved.”.

COASTAL AND OCEAN MAPPING INTEGRATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 793, S. 2489.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2489) to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment in the nature of a substitute.

[Strike the part printed in black brackets and insert the part printed in italic.]

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the “Coastal and Ocean Mapping Integration Act”.

SEC. 2. INTEGRATED COASTAL AND OCEAN MAPPING PROGRAM.

[(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Coastal and Ocean Mapping, a coordinated and comprehensive Federal ocean and coastal mapping program for the Great Lakes and Coastal State waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances conservation and management of marine resources, improves decision-making regarding research priorities and the siting of research and other platforms, and advances coastal and ocean science.

[(b) **PROGRAM PARAMETERS.**—In developing such a program, the Administrator shall work with the Committee to—

[(1) identify all Federal programs conducting shoreline delineation and coastal or ocean mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

[(2) promote cost-effective, cooperative mapping efforts among all Federal coastal and ocean mapping agencies by increasing data sharing, developing data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;