

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004".

SA 1543 Mr. BYRD proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 36, line 16, strike the period and insert "": *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, \$1,500,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$14,103,356,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$20,253,356,000: *Provided further*, That the amount \$6,582,294,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$12,732,294,000: *Provided further*, That the amount \$1,670,239,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$4,745,239,000: *Provided further*, That the amount \$2,207,448,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$5,282,448,000: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$13,045,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$633,301,000."

SA 1544 Mr. AKAKA (for himself, Mr. SARBANES, Mr. ALLEN, Mr. CORZINE, Mr. KENNEDY, Mr. DODD, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:
Sec. 306. In addition to any amounts that may be made available under this Act to carry out the Excellence in Economic Education Act of 2001 under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 to carry out the Excellence in Economic Education Act of 2001.

SA 1545. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE.

(a) STUDY.—
(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on

conciERGE care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term "conciERGE care" means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395a(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

SA 1546. Mr. DEWINE (for Mr. SHELBY) proposed an amendment to the bill H.R. 659, to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital Mortgage Insurance Act of 2003".

SEC. 2. STANDARDS FOR DETERMINING NEED AND FEASIBILITY FOR HOSPITALS.

(a) IN GENERAL.—Paragraph (4) of section 242(d) of the National Housing Act (12 U.S.C. 1715z-7) is amended to read as follows:

"(4)(A) The Secretary shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

"(B) The Secretary shall establish the means for determining need and feasibility for the hospital, if the State does not have an official procedure for determining need for hospitals. If the State has an official procedure for determining need for hospitals, the Secretary shall require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this subsection (a) shall take effect and apply as of the date of the enactment of this Act.

(2) EFFECT OF REGULATORY AUTHORITY.—Any authority of the Secretary of Housing and Urban Development to issue regulations to carry out the amendment made by subsection (a) may not be construed to affect the effectiveness or applicability of such amendment under paragraph (1) of this subsection.

SEC. 3. EXEMPTION FOR CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 242 of the National Housing Act (12 U.S.C.1715z-7) is amended—

(1) in subsection (b)(1)(B), by inserting " , unless the facility is a critical access hospital (as that term is defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)))" after "tuberculosis"; and

(2) by adding at the end the following:

"(i) TERMINATION OF EXEMPTION FOR CRITICAL ACCESS HOSPITALS.—

"(1) IN GENERAL.—The exemption for critical access hospitals under subsection (b)(1)(B) shall have no effect after July 31, 2006.

"(2) REPORT TO CONGRESS.—Not later than 3 years after July 31, 2003, the Secretary shall submit a report to Congress detailing the effects of the exemption of critical access hospitals from the provisions of subsection (b)(1)(B) on—

"(A) the provision of mortgage insurance to hospitals under this section; and

"(B) the General Insurance Fund established under section 519."

SEC. 4. STUDY OF BARRIERS TO RECEIPT OF INSURED MORTGAGES BY FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study on the barriers to the receipt of mortgage insurance by Federally qualified health centers (as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))) under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report regarding any appropriate legislative and regulatory changes needed to enable Federally qualified health centers to access mortgage insurance under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Julie Carter of my staff be accorded floor privileges during the consideration of the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that Ms. Lisa Bernhardt and Ms. Kathleen Pierce be granted privileges of the floor during the consideration of this bill and any votes thereon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Shawn Gallagher, a fellow in my office, be granted floor privileges for the duration of Senate consideration of the Labor-HHS-Education Appropriations bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Con. Res. 63.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and that the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 63) was agreed to, as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

COMMENDING MICHAEL J. MCGHEE, KEEPER OF THE STATIONERY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 218, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 218) commending Michael J. McGhee, Keeper of the Stationery, United States Senate.

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

Mr. FRIST. Mr. President, I wish to take a moment to recognize a faithful, long-serving member of our Senate family. Mike McGhee—our Keeper of the Stationery—retired this past 29th day of August, after serving the Senate for almost 30 years.

Mike began his Senate career in July 1974 as a sales clerk when the stationery room operation was located in the basement of the Russell Building. He worked his way up in the stationery room to become the 17th Keeper of the Stationery. It is interesting to note that the Senate Stationery Room has been in existence since the very first Congress assembled in Federal Hall in New York City. Since that time—a period of 230 plus years—there have only been 16 other Keepers of the Stationery, a very exclusive group of people indeed!

During Mike's almost three-decade career, he has developed life-long professional relationships with many Sen-

ate employees. Indeed, most Senate staff and members know him and know that they can count on Mike to provide the help they need.

Of special note is Mike's "beyond the call of duty" response to the anthrax attack and related closure of the Hart Building, including the Stationery Room. Under Mike's leadership, the Stationery Room continued operations throughout the response period, fulfilling the countless requests for supplies under a most challenging atmosphere. Mike and his staff helped keep the work of the Senate rolling.

Mike's family—his wife Kathleen, son Luke, and daughter Molly—are justly proud of their husband and dad, respectively, for his many tireless efforts and the significant contributions he has made to the Senate and our country.

As Mike leaves the Senate family, the Senate will miss him. On behalf of all my colleagues and our entire Senate family, I thank Mike for his dedicated service and wish him and his family God-speed in retirement.

Mr. DASCHLE. Mr. President, I wish to add my congratulations to Mike McGhee on his career here in the Senate and to wish him well on his retirement. His rise, over nearly a 30-year span, from clerk in the Stationery Room to become the 17th Keeper of the Stationery shows the dedication and hard work that everyone has come to expect from Mike. The stationery office serves the entire Senate community and involves managing over a \$4 million budget. He has accomplished this task both efficiently and effectively. His commitment to public service has been exemplary. I wish him and his family all the best in the years to come, and I congratulate him on a job well done.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 218) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 218

Whereas the Senate recognizes that its Keeper of the Stationery, Michael J. McGhee, retired on August 29, 2003;

Whereas Michael J. McGhee became an employee of the Senate in August 1974, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included 16 Congresses;

Whereas Michael J. McGhee has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence; and

Whereas Michael J. McGhee's exceptional service and his unflinching dedication have earned him the esteem and affection of the Senate: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael J. McGhee for his exemplary service to the Senate and the Nation;

(2) wishes to express its deep appreciation for his long, faithful and outstanding service; and

(3) extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Michael J. McGhee.

HOSPITAL MORTGAGE INSURANCE ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 659 and that the Senate 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 (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the substitute that is at the desk be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1546) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital Mortgage Insurance Act of 2003".

SEC. 2. STANDARDS FOR DETERMINING NEED AND FEASIBILITY FOR HOSPITALS.

(a) IN GENERAL.—Paragraph (4) of section 242(d) of the National Housing Act (12 U.S.C. 1715z-7) is amended to read as follows:

"(4)(A) The Secretary shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

"(B) The Secretary shall establish the means for determining need and feasibility for the hospital, if the State does not have an official procedure for determining need for hospitals. If the State has an official procedure for determining need for hospitals, the Secretary shall require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this subsection (a) shall take effect and apply as of the date of the enactment of this Act.

(2) EFFECT OF REGULATORY AUTHORITY.—Any authority of the Secretary of Housing and Urban Development to issue regulations to carry out the amendment made by subsection (a) may not be construed to affect the effectiveness or applicability of such