

the heart and respond automatically when indicated. When the heart's rhythm triggers certain interventions, the patient is required to immediately contact their physician and must travel to the emergency room to determine if a more serious problem has developed. It is also crucial at these times to determine that the device is working properly. Access to care in these circumstances is imperative.

With these new devices, this important information can be transmitted electronically to the physician. The physician can then analyze this clinical data and determine if further intervention is required. As a result of this innovation, costly emergency room visits are avoided and patients can receive their physician's assessment more quickly. This reduces the cost of the health care intervention by avoiding the emergency room visit and provides piece of mind to the patient that the life-saving device is working properly. One can easily see that this is of greatest value to patients in rural areas who would otherwise have to travel great distances to the emergency room for evaluation, many times in the middle of the night.

While these new technologies hold great promise, Medicare reimbursement policies are an unfortunate barrier to their use. Under current Medicare payment policy, most physician billing codes are limited to face-to-face interactions between physician and patient. The physician payment system does not provide reimbursement for time spent on a clinical evaluation when a face-to-face encounter is not needed. As a result, Medicare payment rules will inhibit the adoption of this promising technology. This is unfortunate when one considers that, in many cases, costly emergency room visits can be avoided while the identical clinical analysis and interpretation takes place using data that is transmitted electronically to the physician.

This legislation, which we are introducing today, would create reimbursement parity between physician visits on a face-to-face basis and equivalent interventions resulting from remote patient management made possible by these devices. The legislation would provide the same Medicare coverage and level of reimbursement for remote monitoring services that are found to be comparable to face-to-face, encounter-based, services specifically for data collection and analysis. This new reimbursement policy will be implemented in a budget-neutral manner and simply designed to pay for remote monitoring when a face-to-face physician encounter would be reimbursed for the same services under the same set of circumstances.

This proposal will improve patient care and promote the adoption of this innovative new technology. Moreover, it will provide better access and im-

proved quality of care for patients who rely on these devices, particularly in rural areas. This is especially true in cases when an immediate evaluation is required. We believe this is a sensible proposal that will reduce costs in the long-run and will ensure that seniors have access to cutting edge, life-saving technologies. We are hopeful that this legislation can be adopted quickly to assure that Medicare beneficiaries are not prevented from accessing this technology.

By Mr. SMITH of New Hampshire  
(for himself, Mr. JEFFORDS, Mr. GRAHAM, and Mr. CRAPO):

S. 1608. A bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1608

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

**SECTION 1. WATER SECURITY GRANTS.**

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a publicly- or privately-owned drinking water or wastewater facility.

(3) ELIGIBLE PROJECT OR ACTIVITY.—

(A) IN GENERAL.—The term "eligible project or activity" means a project or activity carried out by an eligible entity to address an immediate physical security need.

(B) INCLUSIONS.—The term "eligible project or activity" includes a project or activity relating to—

- (i) security staffing;
- (ii) detection of intruders;
- (iii) installation and maintenance of fencing, gating, or lighting;
- (iv) installation of and monitoring on closed-circuit television;
- (v) rekeying of doors and locks;
- (vi) site maintenance, such as maintenance to increase visibility around facilities, windows, and doorways;
- (vii) development, acquisition, or use of guidance manuals, educational videos, or training programs; and
- (viii) a program established by a State to provide technical assistance or training to water and wastewater facility managers, especially such a program that emphasizes small or rural eligible entities.

(C) EXCLUSIONS.—The term "eligible project or activity" does not include any large-scale or system-wide project that includes a large capital improvement or vulnerability assessment.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program to allocate to States, in accordance with paragraph (2), funds for use in awarding grants to eligible entities under subsection (c).

(2) ALLOCATION TO STATES.—Not later than 30 days after the date on which funds are

made available to carry out this section, the Administrator shall allocate the funds to States in accordance with the formula for the distribution of funds described in section 1452(a)(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(1)(D)).

(3) NOTICE.—Not later than 30 days after the date described in paragraph (2), each State shall provide to each eligible entity in the State a notice that funds are available to assist the eligible entity in addressing immediate physical security needs.

(c) AWARD OF GRANTS.—

(1) APPLICATION.—An eligible entity that seeks to receive a grant under this section shall submit to the State in which the eligible entity is located an application for the grant in such form and containing such information as the State may prescribe.

(2) CONDITION FOR RECEIPT OF GRANT.—An eligible entity that receives a grant under this section shall agree to expend all funds provided by the grant not later than September 30, 2002.

(3) DISADVANTAGED, SMALL, AND RURAL ELIGIBLE ENTITIES.—A State that awards a grant under this section shall ensure, to the maximum extent practicable in accordance with the income and population distribution of the State, that a sufficient percentage of the funds allocated to the State under subsection (b)(2) are available for disadvantaged, small, and rural eligible entities in the State.

(d) ELIGIBLE PROJECTS AND ACTIVITIES.—

(1) IN GENERAL.—A grant awarded by a State under subsection (c) shall be used by an eligible entity to carry out 1 or more eligible projects or activities.

(2) COORDINATION WITH EXISTING TRAINING PROGRAMS.—In awarding a grant for an eligible project or activity described in subsection (a)(3)(B)(vii), a State shall, to the maximum extent practicable, coordinate with training programs of rural water associations of the State that are in effect as of the date on which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2002.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2040. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2041. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2042. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2043. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2044. Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICELLI, Mr. CORZINE, Mrs. CLINTON, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 3061, supra.

SA 2045. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2046. Mr. SESSIONS (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2047. Mr. HATCH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2048. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

SA 2049. Mr. HARKIN (for Mr. WYDEN) proposed an amendment to the bill H.R. 3061, supra.

SA 2050. Mr. HARKIN (for Ms. COLLINS (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2051. Mr. HARKIN (for Mr. HATCH) proposed an amendment to the bill H.R. 3061, supra.

SA 2052. Mr. HARKIN (for Mr. INOUE) proposed an amendment to the bill H.R. 3061, supra.

SA 2053. Mr. HARKIN (for Mr. BAYH) proposed an amendment to the bill H.R. 3061, supra.

SA 2054. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2055. Mr. GRAMM proposed an amendment to amendment SA 2044 proposed by Mr. DASCHLE to the bill (H.R. 3061) supra.

#### TEXT OF AMENDMENTS

**SA 2040.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 7, strike "\$361,524,000" and insert "\$291,524,000".

On page 43, line 23, strike "\$305,000,000" and insert "\$375,000,000".

**SA 2041.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 23, strike "\$305,000,000" and insert "\$375,000,000, except that the amounts appropriated in this Act for administrative expenditures shall be reduced on a pro rata basis by \$70,000,000".

**SA 2042.** Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ (a) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT HOSPITAL SERVICES.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting "(i) IN GENERAL.—" before "The Secretary", and adjusting the margin two ems to the right;

(2) by striking "The Secretary" and inserting "Subject to clause (ii), the Secretary"; and

(3) by adding at the end the following new clause:

"(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

"(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

"(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t) to which the factors established under clause (i) apply.".

(b) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR OUTPATIENT HOSPITAL SERVICES.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: "For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.".

**SA 2043.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PROHIBITION ON MIXING HUMAN AND ANIMAL GAMETES.

(a) DEFINITIONS.—In this section:

(1) GAMETE.—The term "gamete" means a haploid germ cell that is an egg or a sperm.

(2) SOMATIC CELL.—The term "somatic cell" means a diploid cell whose nucleus contains the full set of chromosomes of a human or an animal.

(b) PROHIBITION.—It shall be unlawful for any person to knowingly attempt to create a human-animal hybrid by—

(1) combine a human gamete and an animal gamete; or

(2) conducting nuclear transfer cloning using a human egg or a human somatic cell nucleus.

(c) SANCTIONS.—

(1) IN GENERAL.—Any person who violates subsection (b) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(2) CIVIL PENALTIES.—The Secretary of Health and Human Services shall promulgate regulations providing for the application of civil penalties to persons who violate subsection (b).

**SA 2044.** Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICELLI, Mr. CORZINE, Mrs. CLINTON, and Mr.

WELLSTONE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

#### TITLE \_\_\_\_—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

##### SEC. \_\_\_\_ 01. SHORT TITLE.

This title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001".

##### SEC. \_\_\_\_ 02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent work stoppages and industrial strife between labor and management that interferes with the normal flow of commerce.

##### SEC. \_\_\_\_ 03. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).