

mittee staff, were very cooperative and provided many helpful suggestions.

The Department of Interior Solicitor's office provided good counsel and worked with us through the process. And the people out in the field, the coal companies, who have valid concerns about their existing and future leases to main federal coal, were great to work with. Nothing in this bill should be construed to limit their ability to mine federal coal under valid leases, nor should anything be construed to expand their liabilities to coalbed methane owners covered by the bill. The gas producers and land owners really came together and proposed reasonable solutions to solve the problems. Without their cooperative effort, this bill would not have happened.

So again, my appreciation goes out to all the people who helped us remove the possibility of devastating situation—extensive private property takings, retroactive liabilities, and mountains of combative litigation. On behalf of thousands of Wyomingites, thank you.

Mr. President, I yield the floor.

ROLE OF THE SENATE SUBCOMMITTEE ON COMMUNICATIONS

Mr. LOTT. Mr. President, I want to take this time to recognize the important role and work of the Senate's Subcommittee on Communications this Congress and emphasize the challenges that lie ahead.

The communications world encompasses so many areas that personally touch the lives of practically every person in America—from the telephone to the television to the computer. The ways we interact is a fitting reflection of the fast times in which we live and the constant evolution of technologies. Traditional systems are changing. Options are expanding. Companies continue to shift gears and take the necessary risks to bring fruition of the landmark 1996 Telecommunications Act to the marketplace and to consumers.

Enacting policies to encourage, and not hinder, such activity is Congress' challenge. Mr. President, I believe the members of this subcommittee are ready and willing to embrace that challenge.

I want to express my sincere gratitude to my colleague and friend, Senator CONRAD BURNS of Montana, for his yeoman's work as chairman of the subcommittee during the course of this Congress. His guidance has been instrumental in bringing focus to the many issues that merit attention. His inclusive and enthusiastic approach has engaged all who work with him, and I appreciate that.

Mr. President, many contentious policy areas were considered by the subcommittee during the 105th, and consensus proved elusive. I am confident, though, that the stage has been set for several productive debates in the first

session of the 106th—from Federal Communications Commission reauthorization, to international satellite privatization, to transition to digital, to competition issues, to Internet privacy and content.

Speaking of the Internet, let me take this opportunity to mention my deep admiration for the contributions made by retiring Senator DAN COATS in this area. Although not a member of the Commerce Committee, he has tirelessly advocated against the Internet becoming a dirty book for our children, while responsibly taking into account first amendment concerns. I have the utmost respect for his efforts, and will truly miss his wisdom and his counsel.

Mr. President, I appreciate the contributions of each of my subcommittee colleagues this Congress, and look forward to working with them next year in tackling some tough issues and ushering in a truly new era of communications.

NATIONAL BIBLE WEEK

Mr. LOTT. Mr. President, one of our country's most important observances is National Bible Week sponsored by the National Bible Association. This year, as in the past, it will be observed by houses of worship and individuals of all faiths during the week in which Thanksgiving Day falls. That will be from Sunday, November 22 through Sunday, November 29.

It is my great and underserved honor to be this year's congressional co-chair of that observance. In that capacity, I would like to recommend to all my colleagues, and to the American people, that, in this season of strife and division we look to National Bible Week as an opportunity to join together in prayerful reflection.

The German poet Heinrich Heine called the Bible "that great medicine chest of humanity," the greatest cure for the worst ills of mankind. And he observed how—during the great fire that destroyed the Second Temple of ancient Israel—the Jewish people rushed to save, not the gold and silver vessels of sacrifice, not the bejeweled breastplate of the High Priest, but their Scriptures. For the Word of God was the greatest treasure they had.

It remains our greatest treasure today. The lessons it teaches, and the morality it commands, are the foundation on which a free people build self-government. In that sense, the Bible is the charter of our liberties. Daniel Webster put it this way: "If we abide by the principles taught by the Bible, our country will go on prospering."

That has never been a partisan sentiment, and neither should it be so today. Two great political rivals of the early twentieth century, both of whom achieved the Presidency and attained world leadership, agreed on this one point.

Teddy Roosevelt said, "A thorough knowledge of the Bible is worth more than a college education." And Wood-

row Wilson, a university president at Princeton before reaching the White House, counselled, "When you have read the Bible, you will know it is the word of God, because you will have found in it the key to your own heart, your own happiness and your own duty."

Here in the Senate, as in the House of Representatives, there are several small Bible study groups. Members of all faiths regularly come together, away from the public spotlight, to learn from one another and seek inspiration from sacred Scripture.

For my part, I find in those sessions both enlightenment and challenge. For any time we read the Bible with an open heart, we may find ourselves falling short, in some way, of the standard it sets for us and the promise it offers us.

In that way, reading the Bible can be like a spiritual work-out. And if, in the process, we feel the spiritual equivalent of a few sore muscles, we can remember the saying, "No pain, no gain." And the gain that Scripture offers lasts a lifetime—and even longer.

For that reason, it is especially appropriate that Thanksgiving Day comes during National Bible Week, for the Bible itself is something for which we should give thanks, on that day and every day.

TITLE BRANDING LEGISLATION

Mr. CAMPBELL. Today I express my appreciation to the majority leader, Senator FORD, Senator GORTON, and Senator MCCAIN for their hard work and efforts on S. 852, the National Salvage Motor Vehicle Consumer Protection Act. I believe S. 852 will deter automobile theft and protect consumers by providing them with notice of severely damaged vehicles. I would like to emphasize one provision contained in the bill. It is my understanding that the process of reducing salvage and nonrepairable vehicles to parts cannot begin before receipt of a salvage title, nonrepairable vehicle certificate, or other appropriate ownership documentation under state law. If a vehicle could be dismantled prior to the receipt of the appropriate ownership documents, then the parts from a severely damaged vehicle could skirt the titling system which this bill has put in place to deter automobile theft. Is my understanding correct?

Mr. LOTT. Yes, that is correct. A vehicle that would qualify as a nonrepairable or as salvage vehicle cannot be taken apart for its parts before appropriate ownership documentation has been received for that vehicle.

Mr. President, I appreciate that the Senator from Colorado has taken the time to address this important issue.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998

Mr. HATCH. Mr. President, as we begin to wrap-up the 105th Congress,

there remains one essential item of business which I strongly believe warrants Senate action before we adjourn for the year.

Over the past year, numerous concerns have been raised by home health care agency officials and Medicare beneficiaries over the new Medicare payment system established in the Balanced Budget Act of 1997.

As a strong home health care advocate in the Senate for virtually my entire career, I am well aware of the importance home health care is for Medicare beneficiaries with acute needs such as recovering from joint replacements and chronic conditions such as heart failure.

Utahns have consistently told me they prefer to receive care in their homes rather than in institutional settings such as hospitals and nursing homes.

In fact, patients actually do better in their recovery while at home than in a nursing home or hospital. And, clearly, the costs associated with home care are far less than what is charged in an institutional setting.

As a member of the Finance Committee, which has jurisdiction over the Medicare program, I am also well aware of the impending financial crisis Medicare was facing last year. Home health care was the fastest growing component in Medicare.

Between 1989 and 1996, Medicare spending for home health services rose from \$2.5 billion to \$16.8 billion. Currently, according to the GAO, the number of home health agencies grew from 5,700 in 1989 to more than 10,000 in 1997.

Indeed, home health care spending threatened to consume more and more of the limited Medicare dollars.

Last year, Congress was faced with an extraordinary and daunting task—namely, the financial survival of the Medicare program.

No less than President Clinton's own advisors who serve as his appointed Trustees for the Medicare Trust Fund warned Congress that absent immediate action Medicare Part A would be insolvent by the year 2001.

Clearly something had to be done. The status quo was unacceptable.

To control the rapid cost growth in all components of Medicare, Congress passed the Balanced Budget Act of 1997, or the BBA, which required the Health Care Financing Administration (HCFA), the agency responsible for administering the Medicare program, to implement a Prospective Payment System that sets fixed, predetermined payments for home health services.

Until that system could be developed and implemented, agencies would be paid through an Interim Payment System, or IPS, which imposes limits on agencies' cost-based payments. These limits were designed to provide incentives to control per visit costs and the number and mix of visits for each user.

Since the implementation of the IPS on October 1, 1997, numerous concerns

have been raised about severe equity issues in the payment limit levels.

For instance, wide disparities exist in reimbursement levels ranging from \$760 to \$53,000 on average per beneficiary. The payment limits are further exacerbated by a major distinction in the payment rules between the so-called "new" versus "old" agencies.

The impact of the IPS has caused comparable home health agencies providing comparable home health services to receive very different reimbursement payments. The payment limit issues are further exacerbated by the imposition of a 15% across the board cut in payment rates which is scheduled to take effect in October 1999.

According to a September 1998 report from the General Accounting Office, at least 12 home health agencies in my state of Utah have been forced to close their doors since the implementation of the IPS.

This leaves just 75 agencies to serve the entire estimated home health care population of 22,000 home health beneficiaries throughout my state.

And, I note for my colleagues who have not had the pleasure of visiting Utah, with its spectacular vistas and magnificent mountains, essentially is a rural state with population centers far apart.

So if you live in Panguitch or Vernal, and your home health agency closes its doors, you will be very lucky if there is any other service option available.

Home health care is particularly vital in improving efforts to deliver health care in rural areas where quality, long term care has been deficient for too long.

As my colleagues recall last year, there was no disagreement on the need to move to the PPS. The home health care industry was supportive of the new system—and remains supportive to this day.

The problem is with moving to the PPS from the current cost-based payment system. Data which was not available to accurately develop the PPS would be needed before such a system could be put into place.

Accordingly, the IPS was proposed as a mechanism to provide HCFA was the necessary baseline information to develop the PPS.

As we now know, the IPS has resulted in new cost limits causing many home health agencies to close and resulted in beneficiaries, particularly those with high-cost needs, to have difficulty in obtaining care.

I am especially mindful of the situation in my state of Utah where many of my constituents have talked to me about the problem.

I have met with officials from Utah's home health agencies from around the state as well as with beneficiaries who depend on the services performed by these agencies.

Moreover, the Senate Small Business Committee held a hearing on July 15, 1998 on the impact of the IPS on small

home health businesses. One of my constituents, Mr. Marty Hoelscher, CEO of Superior Home Care in Salt Lake City testified at the hearing. He stated:

The IPS provides a flat payment to agencies for each patient, regardless of the amount of care the patient medically requires. What happens to the really sick patients? What happens to the agencies who don't turn their backs on them? In Utah, the patients of the 18 free standing agencies which have recently ceased operations are filling our emergency rooms, intensive care units, nursing homes or morgues.

I have been working concertedly with my Senate colleagues to resolve these problems. For example, in July, I joined with 20 of my colleagues in the Senate on July 16, 1998 to cosponsor S. 2323, the "Home Health Access Preservation Act of 1998."

This legislation was designed to alleviate the problems created by the IPS, and specifically, to address the problems associated with the high costs of caring for the sickest patients and those who need care on a long term basis.

After Senator GRASSLEY introduced S. 2323, it became evident that the budget neutrality provision—which necessitated that S. 2323 incur no new spending—was requiring us to reallocate resources in a way that disadvantaged some home health providers in order to assist others.

Many members expressed concerns that because of the problems inherent in such a reallocation, we should just repeal the IPS totally. I was extremely sympathetic to those concerns, but unfortunately, the Congressional Budget Office advised us that such a repeal was very costly; in fact, it was so costly that a total repeal was clearly out of question if we are to maintain the balanced budget which is so important to our country.

I am pleased that as a result of several months work by the Chairman and ranking minority member of the Finance Committee, Senator ROTH and Senator MOYNIHAN along with those of us on the committee have developed this bipartisan proposal which is supported by the home health industry.

The legislation we are introducing today, while not a perfect measure, is a responsible bill that will improve problems inherent in the current law and which will work to the benefit of thousands of Americans who rely on very valuable home health care services.

Under this legislation, several steps will be taken to improve the IPS.

First, the bill will reduce the extreme variations in payment limits applicable to old agencies within states and across state lines.

The bill also provides for a reduction in the payment level differences between "old" and "new" agencies. Such provider distinctions exist nowhere else in the Medicare system and contribute to the arbitrary nature of the payment system for health care services.

Moreover, the bill delays for one year the 15% across the board cut in payment limits for all agencies that was to

take effect in October 1999. Home health agencies in my state tell me this is perhaps the most significant and important feature of the bill.

The bill further directs the Health Care Financing Administration to take all feasible steps necessary to minimize the delay in the implementation of the PPS. Specifically, HCFA will be required to accelerate data collection efforts necessary to develop the case-mix system which is at the heart of the PPS model.

Mr. President, I am pleased to add my name as an original cosponsor to this vitally needed legislation.

As we are all too painfully aware, our budget rules require that any legislation such as this which proposes "new" Medicare spending be accompanied by a reduction in spending to offset the costs.

While I understand the need to maintain budget neutrality, I am concerned about the offsets in the Roth bill, but I am pleased Senator ROTH has agreed to consider other offsets in order to address my concerns. We cannot move forward without an offset since the Congressional Budget Office has scored the bill at a cost of \$1 billion.

With the assurance that I now have received from the Chairman of the Finance Committee, I am lending my support to this important bill.

Our overriding objective at this late time with only hours left in the 105th Congress is to get this bill passed by the Senate and into conference with the House.

I am pleased that the House approved its version of the legislation just moments ago, and while the House legislation is not the measure I would want, its passage does move us substantially closer toward enactment of a final bill prior to adjournment.

I can assure my constituents in Utah who depend on home health care services that I will continue to pursue legislative resolution of these financing issues to preserve the home health care benefit for all Medicare beneficiaries.

And finally, let me also assure the dedicated and hard working people of Utah who provide home health care services that I will continue to work with them to bring some logic to the new Medicare payment system.

I especially want to thank Marty Hoelscher, Steve Hansen, Grant Howarth, Vaughn McDonald, Dee Bangarter and the many others in Utah, especially the Utah Association of Home Health Agencies, for their counsel and leadership over the past year in working on this very complex issue.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for such time as I may consume.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IRAQ

Mr. KERRY. Mr. President, there are two subjects that I wish to bring to my colleagues' attention this afternoon. First, I want to talk about an issue of enormous international consequence—the situation with respect to Iraq. For the last 2 months, as we know, Saddam Hussein has been testing, yet again, the full measure of the international community's resolve to force Iraq to eliminate its weapons of mass destruction. That has been the fundamental goal of our policy toward Iraq since the end of the gulf war and is reflected in the U.N. agreements reached in the aftermath of the war.

Two months ago, on August 5, Saddam Hussein, formally adopting a recommendation that had been made by the Iraqi parliament 2 days earlier, announced that Iraq would no longer permit U.N. weapons inspectors to conduct random searches in defiance of its obligations under those U.N. resolutions that were adopted at the end of the war, and also in violation, I might add, of its agreement last February with U.N. Secretary General Kofi Annan, to give UNSCOM teams, accompanied by diplomatic overseers, unconditional access to all sites where UNSCOM believed that Iraq may be stockpiling weapons or agents to make those weapons.

Let's understand very clearly that ever since the end of the war, it has been the clear, declared, accepted, and implemented policy of the United States of America and its allies to prevent Saddam Hussein from building weapons of mass destruction. And as part of that agreed-upon policy, we were to be permitted unlimited, unfettered, unconditional, immediate access to the sites that we needed to inspect in order to be able to make that policy real.

Iraq's defiance and the low-key—some would say weak—response of the United States and the United Nations initially went unnoticed, in part because of other events, including the dual bombings of our embassies in Kenya and Tanzania, as well as the obvious fascination with domestic events that have dominated the headlines now for so many months. Those events, frankly, have continued to obscure the reality of what is happening in Iraq; and, accordingly, the reality of the potential threat to the region—a region where, obviously, the United States, for 50 years or more, has invested enormous amounts of our diplomatic and even our domestic energy.

Press reports of the administration's efforts to intervene in, or at minimum, to influence UNSCOM's inspection process and the resignation of American UNSCOM inspector, Scott Ritter, focused the spotlight briefly on our Iraqi policy and raised some serious and troubling questions about our efforts to eliminate Iraq's weapons of mass destruction. The principal question raised was a very simple one: Are those efforts still intact, or has our policy changed?

Last month, press reports suggested that administration officials had secretly tried to quash aggressive U.N. inspections at various times over the last year, most recently in August, in order to avoid a confrontation with Iraq—this despite repeatedly demanding the unconditional, unfettered accesses that I referred to earlier for the inspection teams. Scott Ritter, the longest serving American inspector in UNSCOM, charged at the time that the administration had intervened at least six or seven times since last November when Iraq tried to thwart UNSCOM's work by refusing to allow Ritter and other Americans to participate on the teams, in an effort to delay or postpone or cancel certain UNSCOM operations out of fear of confrontation with Iraq.

Those were serious charges. We held an open hearing, a joint hearing between the Armed Services Committee and Foreign Relations Committee on these charges. There were some protestations to the contrary by the administration and a subsequent effort to ensure that the Security Council would maintain the sanctions against Iraq, but, frankly, nothing more.

In explaining his reasons for resigning, Scott Ritter stated that the policy shift in the Security Council supported "at least implicitly" by the United States, away from an aggressive inspections policy is a surrender to Iraqi leadership that makes a "farce" of the commission's efforts to prove that Iraq is still concealing its chemical, biological, and nuclear weapons programs.

Administration officials have categorically rejected the notion that U.S. policy has shifted, either in terms of our willingness to use force or support for UNSCOM. They have also disputed Ritter's charges of repeated U.S. efforts to limit UNSCOM's work. Writing in the New York Times on August 17, Secretary Albright stated that the administration has "ruled nothing out, including the use of force" in determining how to respond to Iraqi actions, and that supporting UNSCOM is "at the heart of U.S. efforts to prevent Saddam Hussein from threatening his neighborhood." While acknowledging that she did consult with UNSCOM's Chairman, Richard Butler, after Iraq suspended inspections last month, she argued that he "came to his own conclusion that it was wiser to keep the focus on Iraq's open defiance of the Security Council." Attempting to proceed with the inspections, in her view, would have "allowed some in the Security Council to muddy the waters by claiming again that UNSCOM had provoked Iraq," whereas, not proceeding would give us a "free hand to use other means" if Iraq does not "resume cooperation" with the Security Council. At that time, she also stressed the importance of maintaining the comprehensive sanctions in place to deny Saddam Hussein the ability to rearm Iraq and thus threaten his neighbors.

I appreciate the Secretary's efforts to set the record straight. But, Mr. President, I have to say, in all candor, that