

The Senator from New Jersey [Mr. LAUTENBERG] proposes amendments numbered 2204 and 2205.

The amendments are as follows:

AMENDMENT NO. 2204

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

At the end of title III add the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Over 43 percent of Americans over the age of 65 are likely to spend time in a nursing home.

(2) Home health care is the fastest growing portion of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), with an average annual growth rate of 32 percent since 1989.

(3) A 1997 report from State Long-Term Care Ombudsmen assisted under the Older Americans Act of 1965 indicated that in 29 States surveyed, 7,043 cases of abuse, gross neglect, or exploitation occurred in nursing homes and board and care facilities.

(4) A random sample survey of nursing home staff found that 10 percent of the staff admitted committing at least 1 act of physical abuse in the preceding year.

(5) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect do occur at an unacceptable rate and are not limited to nursing homes alone.

(6) Most long-term care facilities do not conduct both Federal and State criminal background checks on prospective employees.

(7) Most State nurse aide abuse registries are limited to nursing home aides, thereby failing to cover home health and hospice aides.

(8) Current State nurse aide abuse registries are inadequate to screen out abusive long-term care workers because no national system is in place to track abusers from State to State and facility to facility.

(9) Currently, 29 States have enacted varying forms of criminal background check requirements for prospective long-term care employees. However current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers.

(10) Many facilities would choose to conduct background checks on prospective employees if an efficient, accurate, and cost-effective national system existed.

(11) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care.

(12) It is incumbent on Congress and the President to ensure that patients receiving care under the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.) are protected from abuse, neglect, and mistreatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) funds should be directed toward the establishment of a national background check system for long-term care workers who participate in the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.);

(2) such a system would include both a national registry of abusive long-term care workers and a requirement for a Federal criminal background check before such

workers are employed to provide long-term care; and

(3) such a system would be created with ample input and comment from representatives of the Department of Health and Human Services, State government, law enforcement, the nursing home and home health industries, patient and consumer advocates, and advocates for long-term care workers.

AMENDMENT NO. 2205

(Purpose: To express the sense of Congress regarding the right to affordable, high-quality health care for seniors)

At the end of title III, insert the following:

**SEC. \_\_\_\_ FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.**

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below \$25,000, including 4 percent who have annual incomes below \$5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(8) Allowing private contracting on a claim-by-claim basis under the medicare program would impose significant out-of-pocket costs on beneficiaries under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care and that they have the right to choose their doctors, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GORTON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Kyl amendment at 12 noon, Wednesday, April 1, and no amendments be in order to the Kyl amendment.

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

Mr. GORTON. I announce on behalf of the majority leader there will be no further votes this evening.

**EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1998**

The PRESIDING OFFICER. Under the order of March 26, 1998, the Senate has received H.R. 3579, the supplemental appropriations bill, recently passed by the House. All after the enacting clause of H.R. 3579 is stricken and the text of S. 1768, as amended, is inserted in lieu thereof; the House bill is considered read a third time and passed; the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. BROWNBACK) appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

Mr. GORTON. Does the Presiding Officer have any additional appointments? If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

**THE UNIVERSITY OF TENNESSEE LADY VOLUNTEERS**

Mr. FRIST. Mr. President, on this past Sunday night history was made, perfection was attained, and a dynasty was firmly established in women's collegiate basketball. It is with great Tennessee pride that I salute the 1998 NCAA National Championship Lady Vols of the University of Tennessee.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 203, submitted earlier today by myself and Senator THOMPSON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 203) expressing the sense of the Senate that the University of

Tennessee Lady Volunteers basketball team is the new dynasty in collegiate women's basketball.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. FRIST. Mr. President, this evening, along with my fellow Lady Vol fan, Senator FRED THOMPSON, I introduce this sense-of-the-Senate resolution establishing the Tennessee Lady Vols as the new dynasty in collegiate women's basketball. When one recites the great basketball dynasties of all time, the Boston Celtics, the Chicago Bulls, and the UCLA Bruins Men's team, one should certainly complete that list with the Tennessee Lady Vols.

The greatest coach in women's basketball history, Pat Summitt, who recently appeared on the cover of Sports Illustrated as the "Wizard of Knoxville," has led the Lady Vols to their third national championship in a row by defeating a great Louisiana Tech team by the score of 93-75 in the NCAA Tournament final. This victory capped a perfect season at 39 wins and zero losses, the most victories ever for a woman's team. In fact, their current winning streak is 45 games.

I watched, along with my fellow Tennesseans, with pride as the Lady Vols marched through their perfect season, defeating 39 teams by an average margin of 30 points. And 16 of these victories were against teams ranked in the top 25 in the Nation. This dominance is likely to continue into next year because, as all Lady Vol fans know, only one of these champion players is a senior.

In closing, I would like to acknowledge the tremendous effort and the team play by the Lady Vols, who include team members, now familiar to this country, Niya Butts, Kyra Elzy, Laurie Milligan, Misty Greene, Kellie Jolly, Semeka Randall, Chamique Holdsclaw, Tamika Catchings, Brynnae Laxton, Kristen Clement, LaShonda Stephens, and Teresa Geter.

I would especially like to acknowledge the tremendous coaching job of Pat Summitt, and all the members of the University of Tennessee who have helped contribute to the building of this great dynasty. Lastly, I would like to recognize the most important group, and one which I am honored to be included in, the great Tennessee Vol fans.

Mr. President, I yield the floor.

Mr. THOMPSON. Mr. President, I rise today to recognize the outstanding victory of the University of Tennessee Lady Volunteers in capturing their third consecutive national basketball championship. And I ask my colleagues to join me in formally recognizing the Lady Vols as our country's newest sports dynasty.

Under the leadership of Coach Pat Summitt, the Lady Volunteers went undefeated this season. Only a few weeks ago, Sports Illustrated compared

Coach Pat Summitt to the great John Wooden. I think the magazine was right on the mark.

Of course, many of my colleagues had their own home-state favorites in the tournament. But Mr. President, I say that they shouldn't be too disappointed with the outcome. They might want to keep in mind that all those other teams were, after all, up against a basketball dynasty that just finished an undefeated season of 39 wins, coming off back-to-back national championships. Plus, we're talking about a Tennessee team here, so what else could you expect? Frankly, Mr. President, my heart goes out to anybody who would get between the UT players and the win that marks their third consecutive national championship.

Back home in Tennessee we are very, very proud of this team. We're proud of the scholar-athletes. We're proud of the coaching staff. We're proud of the parents and the friends and the faculty who support them. We're proud of a program that has made women's basketball into a national phenomenon. And we're proud that at the end of this season, this team wrote itself into the sports history books with six championships in twelve years.

This is just about as flawless a season of athletic performance as you're ever going to see, and we're fortunate in Tennessee to have this tremendous program and these gifted, talented young people.

So today, I congratulate them. My colleagues have enjoyed this kind of excitement with teams from their own states. And I know they appreciate just how pleased we are in Tennessee to get bragging rights for 1998. Year after year, this tremendous program and these outstanding young people make us proud. So, Mr. President, I ask my colleagues to join me in declaring the University of Tennessee Women's Basketball program a certified, world-class sports dynasty.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 203

Whereas the Lady Volunteers (referred to in this resolution as the "Lady Vols") won its third straight National Championship in the National Collegiate Athletic Association women's basketball tournament on March 29, 1998;

Whereas the Lady Vols finished the 1997-1998 basketball season with a perfect record of 39 wins and zero losses; and

Whereas the Lady Vols have won 6 National Championships in the last 12 years: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the University of Tennessee Lady Volunteers basketball team should be recognized as the new dynasty in collegiate women's basketball.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

#### COMMENDING AND CONGRATULATING THE UNIVERSITY OF KENTUCKY ON ITS MEN'S BASKETBALL TEAM WINNING ITS SEVENTH NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mr. FORD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 204) to commend and congratulate the University of Kentucky on its men's basketball team winning its seventh National Collegiate Athletic Association championship.

Whereas the University of Kentucky Wildcats men's basketball team defeated the University of Utah's team on March 30, 1998, in San Antonio, Texas, to win its seventh National Collegiate Athletic Association (NCAA) championship; and

Whereas, the Wildcats overcame the largest halftime deficit in a championship game, earning for themselves the nickname "The Comeback Cats, and

Whereas, Coach Tubby Smith, his staff, and his players displayed outstanding dedication, teamwork, unselfishness, and sportsmanship throughout the course of the season in achieving collegiate basketball's highest honor; and

Whereas Coach Smith and the Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the basketball capital of the world: now, therefore, be it

*Resolved*, That the Senate commends and congratulates the University of Kentucky on its outstanding accomplishment.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Kentucky.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. FORD. Mr. President, I thank the clerk for reading it. I apologize for imposing upon him, but I wanted that to be a part of the RECORD. Not many people will read the RECORD back home. I would like for them to see and hear it. On behalf of the fans and the people of the Commonwealth of Kentucky, it is a great pleasure for me to come to the Senate floor today to brag on a group of young men that refused to give up, a team that showed us all the best about teamwork, selflessness, and dedication—the 1998 NCAA National Champion University of Kentucky Wildcats.

The University of Kentucky has a storied tradition of outstanding basketball teams; the "Fabulous Five," the "Fiddlin Five," "Rupp's Runts," and more recently, "The Unforgettables," to name just a few.