

EC-6184. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-407 adopted by the Council on June 16, 1998; to the Committee on Governmental Affairs.

EC-6185. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the discharge of pollutants from organic pesticide manufacture (FRL6126-6) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6186. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Michigan: Withdrawal of Direct Final Rule" (FRL6128-6) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6187. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Indiana" (FRL6129-7) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6188. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina" (FRL6129-9) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6189. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding approval of Minnesota landfill gas emissions control plans (FRL6128-8) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6190. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Operating Permits Program; Interim Approval Expiration Dates" (FRL6128-9) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6191. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions" (FRL6129-2) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6192. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Respiratory Protection and Controls to Restrict Internal Exposures" (RIN3150-AF81) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6193. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations; Clarifying Amendments and Corrections" (RIN3150-

AE07) received on July 22, 1998; to the Committee on Environment and Public Works.

EC-6194. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule that identifies certain rulings that are no longer considered determinative (Rev. Ru. 98-37) received on July 23, 1998; to the Committee on Finance.

EC-6195. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Surface Coal Mining and Reclamation Operations Under the Federal Land Program; State-Federal Cooperative Agreements; Montana" received on July 23, 1998; to the Committee on Energy and Natural Resources.

EC-6196. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate" (Docket FV98-931-1 IFR) received on July 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6197. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule regarding funding priorities for the National Institute on Disability and Rehabilitation Research received on July 23, 1998; to the Committee on Labor and Human Resources.

EC-6198. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL6130-9) received on July 23, 1998; to the Committee on Environment and Public Works.

EC-6199. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Canton, Normal, and Heyworth, Illinois)" (Docket 96-225) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6200. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Gurdon, Arkansas)" (Docket 98-40) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6201. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Johnstown and Altamont, New York)" (Docket 98-31) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6202. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Walla Walla and Pullman, Washington, and Hermiston, Oregon)" (Docket 97-246) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6203. A communication from the Associate Managing Director for Performance

Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Horseshoe Beach and Otter Creek, Florida)" (Docket 97-239) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6204. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Salmon, Idaho)" (Docket 98-51) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6205. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Concerning Maritime Communications" (Docket 92-257) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6206. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Board on Universal Service" (Docket 96-45) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6207. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Shenandoah, Virginia)" (Docket 98-30) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6208. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Point Arena, California)" (Docket 97-236) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6209. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Fowler, Indiana)" (Docket 98-38) received on July 23, 1998; to the Committee on Commerce, Science, and Transportation.

#### REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1883. A bill to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes (Rept. No. 105-263).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 2351. A bill to direct the Secretary of the interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. ASHCROFT, and Mr. BURNS):

S. 2352. A bill to protect the privacy rights of patients; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. CLELAND, Mr. GRAMS, Mr. SARBANES, Mr. LEVIN, and Mr. DEWINE):

S. 2353. A bill to redesignate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. HOLLINGS, Mr. FAIRCLOTH, Mr. COCHRAN, and Mr. BENNETT):

S. 2354. A bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2355. A bill to prevent truancy and daytime juvenile crime; to the Committee on Labor and Human Resources.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Mr. HOLLINGS, Mr. FAIRCLOTH, Mr. COCHRAN, and Mr. BENNETT):

S. 2354. A bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes; to the Committee on Finance.

#### MEDICAL HOME HEALTH BENEFICIARY PROTECTION ACT OF 1998

Mr. BOND. Mr. President, I rise today to introduce the "Medicare Home Health Beneficiary Protection Act of 1998" on behalf of myself, Mr. HOLLINGS, Mr. FAIRCLOTH, and Mr. COCHRAN.

I have long believed that home care is the key to fulfilling the desire of virtually all seniors and those with disabilities to remain independent and within the comfort of their own homes. Home care is also often the only source of care for many disabled individuals and frail elderly, especially those living in underserved rural and urban areas of our country.

Today, however, home health care is facing a crisis.

In an effort to reduce Medicare home health expenditures and fraud and abuse, the Balanced Budget Act of 1997 replaces cost-based reimbursement for home health services with a Prospective Payment System (PPS), effective October 1, 1999. In the meantime, Congress, at the recommendation of the Health Care Financing Administration (HCFA), imposed an Interim Payment System (IPS), or new per beneficiary caps on home health agencies.

There is no question that transitioning home health into a PPS is needed to ensure that all home health providers are cost-effective in the deliverance of services. But is also quite clear that the current IPS, coupled with HCFA's interpretation of the surety bond statute, is threatening access to these invaluable services throughout our nation. Quite simply, the IPS is fatally flawed and works tremendous injustice and hardship.

In my home State of Missouri, reputable home health agencies provide high quality care to over 124,000 seniors and disabled are facing a crisis. I support making the deliverance of services more efficient and rooting out bad actors in the Medicare home health program, but I am deeply concerned about a punitive IPS which is driving scrupulous, quality providers out of business. In Missouri alone, over 35 home health agencies have shut their doors since enactment of the BBA of 1997. Nationwide, over 1000 home health providers have closed or stopped accepting Medicare patients.

In St. Louis, the two largest, free-standing home health providers closed their doors this year—leaving hundreds of elderly and disabled patients searching for a new provider. The Visiting Nurse Association of St. Louis which served the St. Louis area for 87 years eliminated all of their Medicare home health services as of May, forcing over 600 patients to find a new source of care.

It is imperative that Congress act now to impose a moratorium on the IPS. My bill not only accomplishes this equitable goal, but it also puts pressure on HCFA to move expeditiously towards the establishment of PPS for home care.

I have written a letter to Secretary Shalala outlining the concerns and outlining the serious situation and I have asked she move expeditiously on this.

A study conducted by The George Washington University Medical Center, Center for Health Policy Research, entitled "Medicare Home Health Services: An Analysis of the Implications of the Balanced Budget Act of 1997 for Access and Quality", confirms why Congress must take expedited action in removing the IPS.

Summarizing, the study concluded that:

The home care population represents an increasingly sicker population requiring more acute management of chronic illness and higher intensity acute care;

The BBA's reductions in Medicare home health coverage and financing can be expected to affect the sickest and highest cost patients and punish the very agencies that specialize in the provision of care to this population;

The most severe effects of the interim payment system fall on the sickest patients living in states with the lowest utilization patterns;

The BBA's interim payment system will shift costs to other payers (notably Medicaid) while rewarding inefficient agencies who care for relatively healthier patients; and

The interim payment system will make it more difficult to design and implement the permanent prospective payment system scheduled to become effective in FY 2000.

To those, I might add, Mr. President, when you take a look at cost when you force people out of home health care if they are Medicare-eligible beneficiaries, you are going to wind up putting them in institutions where the cost will be significantly greater and the benefits to the individuals served and to the communities will be far less.

This is false economy and it is causing a real crisis in communities throughout our country. So not only are beneficiaries and providers of home health alerting us to the devastation of this system, but outside experts are also telling us why we must revisit this issue.

Reducing Medicare's growth rate is a worthy and much needed goal; however, doing it in such a way that threatens access to critical home health services is downright unconscionable. Truly reforming Medicare means more than simply ratcheting down payments to providers and services to beneficiaries. While this approach is the short-term solution, it has serious consequences for many vulnerable patients and honest providers.

Mr. President, I want to conclude my remarks by recognizing the efforts of my distinguished colleague from Iowa and Chairman of the Senate Committee on Aging, Senator CHUCK GRASSLEY, who first highlighted the devastating impact of the IPS and HCFA's surety bond rule on Medicare beneficiaries and home health providers. I thank him for his dedication and leadership and look forward to working with him to rectify this problem.

I ask unanimous consent that letters from the National Easter Seal Society and the National Council of Senior Citizens as well as my letter to Secretary Shalala dated July 24, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL EASTER SEAL SOCIETY,  
OFFICE OF PUBLIC AFFAIRS,  
Washington, DC, July 23, 1998.

Hon. CHRISTOPHER BOND,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BOND: Easter Seals is pleased to support your legislation to place a moratorium on the Medicare interim payment system (IPS) for home health agencies