

wheeling and dealing that takes place where Senators leverage the votes for the amount of money that goes to their States as opposed to some kind of rational policy, and as opposed to the needs of the people in those States.

I am also out here as an advocate for my State of Minnesota. In the dark of night in 3 hours, all of a sudden Minnesota has \$500 million less of support. Mr. President, let me now translate this, if I can, in human terms, in personal terms.

Let me first of all just say to my colleagues that I am concerned about this because it is not just some dry formula. We are talking about 300,000 children in the State of Minnesota that are covered by medical assistance. With the kind of reductions that we are going to be faced with—about \$2.9 billion—the question becomes, What happens to those children? Mr. President, in the State of Minnesota we have a program called the TEFRA Program, which is extremely important, that allows 300,000 children with severe disabilities to be eligible for Medicaid based upon their own income and which allows families, therefore, to be able to keep those children at home.

Mr. President, the question becomes what happens to those children with disabilities and those families that provide tender loving care to those children with disabilities when we have these kind of draconian reductions in medical assistance? That is why I have some indignation about some dark-of-the-night decision that takes \$500 million more away from my State of Minnesota.

But it is not just my State. It is some of the most vulnerable citizens in America. Mr. President, 60 percent of our medical assistance funds—that is what we call it in Minnesota; we are talking about Medicaid nationally—will go to pay for nursing home care. About two-thirds of all of the seniors that are in nursing homes in Minnesota rely on some medical assistance funds.

Mr. President, I am a huge advocate of home-based care. I think people should be able to live at home in as near a normal circumstance as possible with dignity. But sometimes the nursing home is the home away from home, and the question becomes what in the world are we going to do as caregivers who care about taking care of elderly people? What is going to happen to senior citizens that are in those nursing homes? Who is going to make up the difference?

Mr. President, all too often in my State of Minnesota—and I am guessing it is the same way in Louisiana or Michigan—I am hearing at the county level commissioners say to me: Senator, what is going to happen is we are going to be asked to raise the property taxes, and we are not going to be able to do so. And if we are not going to be able to do so, we are going to redefine eligibility; we are going to reduce services, and there are going to be a lot of persons who will be hurt.

Above and beyond that, there are some 70,000 senior citizens in Minnesota who are below the poverty level, and for those senior citizens the medical assistance funds are what enable them to pay their part B premium for Medicare, which is the physician services.

So again the question becomes, why does the U.S. Senate make decisions based on wheeling and dealing to get votes, not based upon the needs of citizens in our States? Why a medical assistance formula in the dark of night which is so patently unfair to so many States, including my State of Minnesota? And above and beyond my State and above and beyond the formula the real issue is, what about the impact on the people?

I have said 10 times in this Chamber that this is a rush to recklessness. I will say it an 11th time. This is not good policy. It does not pay attention to the impact it is going to have on people's lives. This instruction to conferees which relates to this formula is extremely important.

I conclude by repeating it one more time. Our instruction is to delete any provisions that provide a greater or lesser Medicaid spending in States based upon the votes needed for the passage of legislation rather than the needs of the people in those States. Without apology, without equivocation, I am proud to advocate it for citizens in my State of Minnesota. It is not just the seniors. It is not just the children. It is not just people with disabilities. It is also a State that values good health care. We want support for our medical education. We want our rural hospitals that depend so much on the Medicare and Medicaid patient payment mix to be able to continue to provide care. We want to be able to deliver primary care out in the communities. This budget that has been worked out is not based upon any kind of understanding of health care policy that will respond to people's needs in Minnesota or Iowa or any other State.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 20 seconds.

Mr. WELLSTONE. Mr. President, I yield 2 minutes and 20 seconds back to the Senator from Massachusetts when he brings this motion out.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. WELLSTONE. I yield the floor.

#### ORDER OF PROCEDURE

Mr. BREAU addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. BREAU. Mr. President, I would just ask the Chair to state the current business before the Senate.

The PRESIDING OFFICER. The Chair would inform the Senator that there is no stated business before the Senate at this particular time.

Mr. BREAU. I ask unanimous consent that I may be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, but only to inquire.

The PRESIDING OFFICER. The Senator from New Mexico reserves the right to object.

Mr. DOMENICI. I thought at 4:30 this afternoon Senator KENNEDY was to lay down his instruction motion.

The PRESIDING OFFICER. The Chair would inform the Senator from New Mexico that that was the order.

Mr. DOMENICI. And I understand under unanimous consent we agreed to let Senator WELLSTONE use part of Senator KENNEDY's time on that.

The PRESIDING OFFICER. About 8 minutes was used.

Mr. DOMENICI. So is not the subject matter—

The PRESIDING OFFICER. The motion has not been made.

Mr. DOMENICI. So we have nothing pending before the Senate at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. What was the Senator's request?

Mr. BREAU. I was going to ask to speak as if in morning business.

Mr. DOMENICI. How long?

Mr. BREAU. Five minutes.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes as if in morning business.

#### BUDGET COMPROMISE

Mr. BREAU. Mr. President, I take this time to voice my concern about the current situation with regard to the continuing resolution that is before this Senate to try to keep the Government functioning. Throughout Washington and I think throughout the various States people who work for the Federal Government and people who have concerns about the services the Federal Government provides are wondering whether we in the Congress are going to be able to get together and make Government work or, rather, are we going to fight to the finish and nobody will be a winner, least of all the American people.

Many Federal offices right now are debating the question of whether they are essential or not, which is sort of a novel thing to have to debate as a Federal employee in offices on the Hill and other agencies because they know if they are a nonessential employee, they do not go to work tomorrow unless we fix this problem. But if they are an essential employee, they have to come to work even though they might not get paid. So it is interesting to see whether you are determined to be a Federal employee who is essential or one who is not in order to determine whether you come to work tomorrow or stay home because we in the Congress and the administration have not been able to get

together and even come to an agreement on how to continue the functions of the Government.

Mr. President, I am concerned that many people in my home State of Louisiana are beginning to believe that the Congress is sort of a nonessential arm of the Federal Government, and they are saying that Republicans and Democrats in the Congress are really non-essential because they cannot get together to find a way to resolve this problem.

I think there is a lot of blame that should be evenly divided among all of us who have not been able to solve this problem. My Republican colleagues, because they have not been able to pass all of the appropriations bills to fund Government, have necessitated a continuing resolution to continue the functions of Government as if they were being continued last year, because we have not finished the appropriations bills. The problem is they have added a couple of little items to the continuing resolution which make major policy changes, and that is where the problem is. But it is not an irresolvable problem, in my opinion.

It should be that grown men and women can come together and say we are going to move toward a position that will allow the Government to continue, allow the functions of Government to work, and I happen to feel if we are able to do that, everybody wins. The American people win because Government works. The Congress wins because we have been able to resolve a problem.

I think we all lose if we bring this Government to a standstill. We are admitting that we are unable to govern. We are admitting that we cannot make it work. We are admitting that we are so stubborn, in my opinion, that we cannot meet somewhere in the middle.

I think there is a way to fix this problem. I know there are those who want to bring everything to a halt to make a political point, but I think the political point we all make is that we all lose.

Let me suggest this. The whole question is about Medicare premiums. Under the current law, Medicare premiums are going to fall down to about 25 percent of the cost of insurance. That is going to occur January 1. That means that if the law is not changed January 1, Medicare premiums will go down to about \$42.50 unless some changes are made. Republicans have said: Well, no, we are going to not let it go down. We are going to keep it at 31½ percent, which means that come January 1 Medicare recipients are going to have to pay about \$53.50. That is their proposal.

That is a major change. I do not think it ought to be on the CR. I think it is a back-door way to change public policy, and that is not the way we should be doing it. So there are those who say: No, it should go down to \$42.50. Others say: No, it should rise to \$53.50 because Medicare is in danger of

going bankrupt so we need to pay more to protect it.

Let me make a suggestion. Let me make a suggestion that grown men and women can agree to keep the premium just as it is, \$46.10, until we work out this problem. It does not go up. It does not go down. Keep it where it is until we resolve the major differences in the budget. Let us not make Medicare recipients hostage while we battle over what Government should do. Keep the premium exactly where it is—no increase, no decrease.

Now, the administration points out, and I think correctly, that the Republicans have also tried to do something different from the current CR, and that is that they would fund all of these other programs at the lowest level between the House and the Senate version of these appropriations bills. I think that is wrong. The current CR funds these programs at an average of what the House did and the Senate did. So why not do both of those things and fix this problem and assure the American people that we can make Government work.

My suggestion is quite simple. Keep the Medicare premium at \$46.10 and fund the rest of the programs at the average between the House and the Senate. That is not magical.

I mean, I bet a person in the eighth grade could figure that out and say that is a fair compromise. But you know what? He probably would not be a politician, because if he is a politician he is going to say, "Well, I can't do that because the other side may get an advantage, and, by God, I sure can't let that happen." So, I almost have decided the only way to solve some of these problems is to get people who are not running for reelection to come in and sit down, maybe get some of those kids in the eighth grade that know how to add and divide by two and split the difference.

I think we could bring this to a conclusion if we did just those two things, fund all of the bills that have not been completed with an average between the House and the Senate. It is easy to figure out. That is what the current continuing resolution does exactly. If it was good earlier, it is good now. And, second, freeze the Medicare premium at \$46.10 until we finish this. We can send that to the White House, a bipartisan agreement between Republicans and Democrats to get the job done. That would allow us enough time until the end of this month to work on the bigger issues. We should not hold this country hostage, neither side, because of who gets the political gain.

Again, I repeat, the people of Louisiana are beginning to believe that Congress is a nonessential Federal employee. And that is a bad statement about the ability of this Congress to get the job done. I suggest we come together and get the job done.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Massachusetts is recognized.

## THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Would the Senator suspend while we report the motion?

Mr. KENNEDY. Fine. I would be glad to send it to the desk, if that is agreeable.

### MOTION TO INSTRUCT—HEALTH CARE

Mr. President, I send a motion to instruct conferees on H.R. 2491 to the desk on behalf of myself, Senator PRYOR and Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the instructions.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves to instruct the conferees on the part of the Senate to insist upon removal of the following provisions included in the House or Senate bills:

Mr. KENNEDY. I ask further reading of the instructions be dispensed with.

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

The motion is as follows:

The Senator from Massachusetts [Mr. KENNEDY] on behalf of himself, Mr. WELLSTONE, and Mr. PRYOR moves to instruct the conferees on the part of the Senate to insist upon removal of the following provisions included in the House or Senate bills:

(1) Provisions eliminating requirements in the Medicaid law providing drug discounts to State Medicaid programs, public hospitals, other programs or facilities serving low income people, such as community and migrant health centers, health care for the homeless centers, Ryan White AIDS programs, pediatric AIDS demonstrations, family planning clinics, black lung clinics, and public housing clinics;

(2) Provisions benefitting unscrupulous health care providers at the expense of Medicare and private patients by:

(a) repealing current prohibitions against additional charges (balance billing) by physicians and other providers rendering services to Medicare beneficiaries enrolled in private insurance plans;

(b) weakening current statutory provisions to prevent and combat fraud and abuse, including such abusive practices as self-referral and kickbacks, and such proposals to weaken anti-fraud efforts as establishing more lenient standards for imposing civil money penalties;

(3) Provisions threatening the quality and affordability of care in nursing homes by:

(a) weakening or eliminating Federal nursing home standards by repealing such standards or allowing state waivers from such standards and Federal enforcement of such standards;

(b) repealing prohibitions against nursing homes charging Medicaid patients fees for covered services in addition to the payment made by the State;

(c) repealing current prohibitions against States placing liens on the homes of nursing home patients.

(4) Provisions providing greater or lesser Medicaid spending in states based upon the votes needed for the passage of legislation rather than the needs of the people in those states.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

Mr. President, in the reconciliation bill the Republicans have extended an open hand to powerful special interests