

structure of prospective payment systems. We are now on the verge of fundamentally revamping the current cost-plus payment system for these important services.

Let me briefly describe the key parts of my legislation.

First, during fiscal year 1998, the Health Care Financing Administration will begin phase one of a per diem, prospective payment system [PPS] for skilled nursing facilities. Such payment would be based on historical data regarding a particular facility's costs and services provided. While it is expected that the new rate is an all-inclusive rate, encompassing routine costs, ancillary services, and capital-related expenses, during the first year, HCFA is likely to adjust both the inclusion of ancillary services and capital costs only when they have sufficient data to adequately measure and quantify the level of those services.

It would be unfortunate for HCFA to put into effect a system that did not adequately account for the medical services offered to residents within a skilled nursing home. I urge HCFA to implement and include all ancillaries only when the data and the information are adequate.

Second, during the 4 four years the prospective payment system will evolve into a full PPS system where the services for an individual in a skilled nursing facility bed will be adjusted for their medical and nursing needs. This legislation calls on HCFA to develop a case-mix methodology that adequately reflects the medical needs of each patient. I have heard from many experts that the current case mix methodology does not adequately reflect certain medical needs of many skilled nursing home patients. It is my intention that the case-mix methodology be current and reflect all services provided.

And third, once this system is in place, it will provide the right kind of economic incentives so that providers will seek all services medically necessary. The Medicare Program will not be in a situation of overpaying for such services; it will provide a competitive balance so that all skilled nursing services, regardless of whether they are hospital SNF beds or freestanding SNF beds, will have comparable incentives to provide high quality services to beneficiaries.

It is extremely important that we change the existing and limited incentives in the Medicare system so that providers will offer services in the most cost-effective way. Hospitals are already under a PPS system; physicians are reimbursed on a predetermined rate as well. This approach is now the next important step in our continuing effort to ensure appropriate fiscal responsibility by the Federal Government while also ensuring that seniors have access to the important health benefits offered under the Medicare Program.

Mr. President, for the benefit of my colleagues, I have prepared a section-

by-section summary of my bill and I ask unanimous consent that it be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

Establishes a prospective payment system for skilled nursing facility (SNF) services and provides for consolidated billing of Part B services provided to residents of such facilities.

Subsection (a): Provides for the establishment of a prospective payment system for services covered by the Medicare skilled nursing facility benefit, including routine service, ancillary services (except diagnostic services), and related capital costs, beginning with cost reporting periods starting on or after July 1, 1998. Payment would be based on per diem rates established by the Secretary of Health and Human Services.

Provides a four-year transition period for shifting the calculation of payments rates from facility-specific historic cost data to average national or regional costs. During the first year of the new system, payments would be based on facility-specific per diem rates. For the second through fourth years, payments would be based on a blend of facility-specific and federal rates. In the fifth year and thereafter, payments would be based exclusively on federal per diem rates.

Payments to new facilities would be based on federal per diem rates.

Federal per diem rates would be determined by the Secretary on the basis of 1995 cost data for all SNF settings and would include an estimate of amounts that would be payable under Part B for services furnished to SNF residents. Rates would be adjusted by variations in wage levels and case mix and could be computed separately for urban and rural areas based on national or regional classification. Rates would be updated annually by the skilled nursing facility market basket index.

Federal payment rates would be applied to individual facilities subject to adjustments for case mix and geographic variations in labor costs. A method of making adjustments based on case mix variations would be required to be developed by the Secretary in the form of a regulation subject to public notice and comment.

SNFs would be required to provide to the Secretary with resident assessment data as may be necessary to develop and implement per diem rates.

The Secretary would be required to develop an appropriate method of applying a prospective payment system to Medicare low volume SNFs and swing bed hospitals.

Subsection (b): Provides for consolidated billing of most Part B services furnished to residents of a skilled nursing facility, including services provided by other entities under arrangement. Claims for such services would be required to be submitted directly by the SNF and include a code or codes identifying the items or services delivered. Payment would be made to the SNF based on the Part B payment methodology (such as fee schedules) applicable to the particular item or service. Facilities would be permitted to reassign such payments when the item or service was furnished by another entity. Payments for therapy services would be required to reflect the new salary equivalency guidelines for physical, occupational, and respiratory therapy and speech-language pathology after such guidelines are finalized through the regulatory process.

The Secretary would be required to establish a medical review process to examine the effects of the changes made by the Act on

the quality of skilled nursing facility furnished to Medicare beneficiaries.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Government Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act, as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I am submitting my third *Annual Report on Federal Advisory Committees*, covering fiscal year 1995.

Consistent with my commitment to create a more responsive government, the executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, my Administration held the number of discretionary advisory committees (established under general congressional authorizations) to 512, or 36 percent fewer than the 801 committees in existence at the time I took office.

During fiscal year 1995, executive departments and agencies expanded their efforts to coordinate the implementation of Federal programs with State, local, and tribal governments. To facilitate these important efforts, my Administration worked with the Congress to pass the "Unfunded Mandates Reform Act of 1995" (Public Law 104-4), which I signed into law on March 22, 1995. The Act provides for an exclusion from the Federal Advisory Committee Act (FACA) for interactions between Federal officials and their intergovernmental partners while acting in their official capacities. This action will directly support our joint efforts to strengthen accountability for program results at the local level.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the number of advisory committees specifically mandated by statute. There were 407 such groups in existence at the end of fiscal year 1995, representing a 7 percent decrease over the 439 at the beginning of my Administration. However,

we can do more to assure that the total costs to fund these groups, \$46 million, are dedicated to support high-priority public involvement efforts.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining groups are instrumental in achieving national interests. The results that can be realized by working together to achieve our mutual objective of a better, more accessible government will increase the public's confidence in the effectiveness of our democratic system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 23, 1997.

MESSAGES FROM THE HOUSE

At 1:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1902. An act to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2267. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition"; to the Committee on Energy and Natural Resources.

EC-2268. A communication from the Acting Deputy, Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report relative to the El Camino Real de Tierra Adentro; to the Committee on Energy and Natural Resources.

EC-2269. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Amtrak Restructuring Act of 1997"; to the Committee on Commerce, Science, and Transportation.

EC-2270. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Regional Attorney Pilot Project"; to the Committee on Commerce, Science, and Transportation.

EC-2271. A communication from the Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs, transmitting, a draft of proposed legislation entitled "The NOAA Corps Disestablishment Act"; to the Committee on Commerce, Science, and Transportation.

EC-2272. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation that would clarify the treatment of military and National Guard aircraft as public aircraft; to the Committee on Commerce, Science, and Transportation.

EC-2273. A communication from the Executive Director of the U.S. Olympic Com-

mittee, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC-2274. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, a rule requiring child-resistant packaging for ketoprofen received on May 22, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2275. A communication from the Director of Resource Management and Planning Staff, Trade Development, International Trade Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning the Market Development Cooperator Program (RIN0625-ZA05) received on June 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2276. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the use of Advanced Telecommunications Services for medical purposes; to the Committee on Commerce, Science, and Transportation.

EC-2277. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of its accomplishments for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-2278. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Limes Grown in Florida" (FV97-911-1A-IFR) received on June 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2279. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a report relative to reducing the cost of Base Operating Support; to the Committee on Armed Services.

EC-2280. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a report relative to cost comparison of the Housing Maintenance function at Ramstein Air Base, Germany; to the Committee on Armed Services.

EC-2281. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a report relative to initiating cost comparisons of the Telephone Operations functions; to the Committee on Armed Services.

EC-2282. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of three rules relative to Air Quality Implementation Plans, received on June 20, 1997; to the Committee on Environment and Public Works.

EC-2283. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, a report of a rule relative to prescribed rates for federal income tax purposes, received on June 20, 1997; to the Committee on Finance.

EC-2284. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Investigational New Drug

Application; Exception from Informed Consent; Technical Amendment"; received on June 20, 1997; to the Committee on Labor and Human Resources.

EC-2285. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, a resolution relative to the disapproval of financial plan and budget Act 12-94; to the Committee on Governmental Affairs.

EC-2286. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Standards for a Merit System of Personnel Administration" (RIN3206-AH90), received on June 20, 1997; to the Committee on Governmental Affairs.

EC-2287. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-85 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2288. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-86 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2289. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-87 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2290. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-90 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2291. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-88 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2292. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-91 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2293. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-92 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2294. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-93 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC-2295. A communication from the Director, U.S. Office of Governmental Ethics, transmitting, pursuant to law, a report of a rule entitled "Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture" (RIN3209-AA00), received on June 18, 1997; to the Committee on Governmental Affairs.

EC-2296. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Inspector General's Act for the period of October 1, 1996 to March 31, 1997; to the Committee on Governmental Affairs.

EC-2297. A communication from the Office of the Chairman, Board of Directors, Panama Canal Commission, transmitting, pursuant to law, a report under the Inspector General's Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2298. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a rule relative to the Thrift Savings Plan, received on June 16, 1997; to the Committee on Governmental Affairs.

EC-2299. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant