

Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for PM10 Nonattainment Area" (FRL # 6340-1), "Approval and Promulgation of Implementation Plans under Section 112(l); State of Iowa" (FRL # 6340-3) and "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District" (FRL # 6334-5), received May 6, 1999; to the Committee on Environment and Public Works.

EC-3061. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Air Quality Plans; Georgia; Revised Format for Materials Being Incorporated by Reference" (FRL # 6335-9), "Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable" (FRL # 6344-4) and "National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Products" (FRL # 6344-7), received May 13, 1999; to the Committee on Environment and Public Works.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-119. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to Social Security; to the Committee on Finance.

#### SENATE RESOLUTION

Whereas, the Congress of the United States, as part of its efforts to address the financial crisis confronting the Social Security System, is considering a proposal mandating Social Security coverage for public employees, including public employees in Massachusetts who presently do not participate in the Social Security system; and

Whereas, the Commonwealth of Massachusetts and its cities and towns provided retirement benefits to employees prior to the creation of Social Security and, after being explicitly precluded from participation in the Social Security System, adopted a retirement structure providing adequate retirement and survivor benefits to employees including vital benefits for those permanently disabled in the line of duty; and

Whereas, in the early 1980's the Commonwealth of Massachusetts and its cities and towns were confronted by a similar financial crisis in retirement funding which, through the adoption of aggressive funding and investment policies following major statutory reforms, has been averted resulting in the secure financing of retirement benefits; and

Whereas, conservative estimates indicate that such public employee mandated Social Security coverage would impose billions of dollars in added costs on public employers in the Commonwealth of Massachusetts thereby diverting public resources from education, public safety, public works, health care and child care without having a serious impact on the fiscal condition of the Social Security System; and

Whereas, it has been determined that nationally such mandatory Social Security coverage would provide a short term fiscal solution that ultimately would extend the Social Security trust fund solvency by only two years; and

Whereas, the mandating of Social Security coverage for non-federal public employees may raise significant legal issues; now therefore be it

*Resolved*, that the Massachusetts Senate hereby urges the Congress of the United States to reject any proposal to reform Social Security that includes mandatory Social Security coverage for public employees; and be it further

*Resolved*, that a copy of these resolutions be transmitted by the clerk of the Senate to the President of the United States, the presiding officers of both Houses of Congress and the entire congressional delegation from the Commonwealth.

POM-120. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Social Security; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION 203

Whereas, an administrative fee to process the state supplement for Supplemental Security Income was implemented by section 5102 of the Balanced Budget Act of 1997; and

Whereas, the administrative fee to process the state supplement for Supplemental Security Income increases annually, and in fiscal year 2003 will increase to coincide with the Consumer Price Index; and

Whereas, there is no increase in the services provided by the Social Security Administration; and

Whereas, therefore, in fiscal year 1999, Hawaii is paying \$7.60 to issue a supplement of \$4.90; and

Whereas, Hawaii must continue to pay the administrative fee to avoid jeopardizing Medicaid reimbursements; and

Whereas, the contracting of the state supplement for Supplemental Security Income to a private vendor will decrease eligibility for Aged, Blind, and Disabled individuals because the Social Security Administration will allow the State to use only the Supplemental Security Income Federal Benefit Rate as the standard of assistance for all individuals regardless of living arrangement; now, therefore, be it

*Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the Senate concurring*, That this body urges the United States Congress, the President of the United States, and the Secretary of Health and Human Services to support United States Senator Daniel K. Akaka, United States Senator Daniel K. Inouye, United States Representative Neil Abercrombie, and United States Representative Patsy T. Mink's federal legislation to amend the Social Security Act in the following manner:

(1) To allow Hawaii to not issue a state supplement for Supplemental Security Income;

(2) To limit the cost of the administrative fees to process the state supplement for Supplemental Security Income by determining a maximum fee;

(3) To prohibit the Social Security Administration from increasing the amount of administrative fees to process the state supplement for Supplemental Security Income without any increase in services; and

(4) To allow Hawaii to contract the processing of state supplements for Supplemental Security Income to a private vendor without being penalized by decreasing the standard of assistance to the Federal Benefit Rate only; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the Secretary of the United States

Department of Health and Human Services, and the members of Hawaii's congressional delegation.

POM-121. A joint resolution adopted by the Legislature of the State of Maine relative to the proposed "Prescription Drug Fairness for Seniors Act"; to the Committee on Finance.

#### JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, the elderly of the United States are 14% of the population and consume 30% of the prescription drugs and Medicare does not cover the cost of prescription drugs except in a very few cases; and

Whereas, the House Government Reform and Oversight Committee conducted studies in 20 congressional districts in 1998 and discovered there are vast differences between prices that pharmaceutical companies charge their favored customers, such as HMOs, large hospitals and the Federal Government, and the prices they charge uninsured senior citizens; and

Whereas, older Americans, who are often on fixed and limited incomes, pay on the average nearly double the price for prescription drugs that the favored customers of the pharmaceutical companies pay; and

Whereas, there is now before Congress legislation that would address this inequity by protecting the elderly from drug price discrimination and making prescription drugs available to Medicare beneficiaries at substantially reduced prices; and

Whereas, the Prescription Drug Fairness for Seniors Act, sponsored by Representative Tom Allen of the First District in Maine and cosponsored by countless others, would not establish new federal bureaucracy but would utilize an existing pharmacy distribution system; and

Whereas, this important legislation would ensure that no older American would need to choose between buying food or medicine or paying the basic bills or choosing to live in pain and anxiety; now, therefore, be it

*Resolved*, That We, your Memorialists, request that the President of the United States and the United States Congress work together to pass this important and far-reaching legislation that would help the elderly and, in turn, all Americans; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 1034. A bill to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

#### 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 Ms. COLLINS:

S. 1063. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Finance.

By Mr. THURMOND:

S. 1064. A bill to provide for the location of the National Museum of the United States Army; to the Committee on Armed Services.

By Mr. DODD:

S. 1065. A bill to authorize negotiation for the accession of Chile to the North American Free Trade Agreement, to provide for Fast Track Consideration and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. MURKOWSKI, Mr. GRAMS, Mr. HAGEL, and Mr. CRAIG):

S. 1066. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. DEWINE, Ms. COLLINS, Ms. LANDRIEU, Mr. LEVIN, Mr. MOYNIHAN, Mr. KERREY, Mr. DORGAN, Mr. CONRAD, Mr. INOUE, Mr. BREAUX, Mr. DURBIN, and Mr. TORRICELLI):

S. 1067. A bill to promote the adoption of children with special needs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. BOND, Mr. HOLLINGS, Mr. WELLSTONE, Mr. TORRICELLI, Mr. MOYNIHAN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. LEVIN):

S. 1068. A bill to provide for health, education, and welfare of children under 6 years of age; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE (for himself, Mrs. MURRAY, and Mr. SCHUMER):

S. 1069. A bill to provide economic security and safety for battered women, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself, Mr. ENZI, Mr. JEFFORDS, Mr. BURNS, Mr. VOINOVICH, Ms. SNOWE, Mr. ASHCROFT, Mr. MCCONNELL, Mr. LOTT, Mr. NICKLES, Mr. HUTCHINSON, Mr. MACK, Mr. COVERDELL, Mr. SHELBY, Mr. KYL, Mr. FITZGERALD, Mr. ABRAHAM, Mr. GREGG, Mrs. HUTCHISON, Mr. HELMS, Mr. BUNNING, Mr. CRAPO, Mr. BENNETT, Mr. DEWINE, Mr. HAGEL, Mr. SESSIONS, Mr. CHAFEE, Ms. COLLINS, and Mr. BROWNBACK):

S. 1070. A bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1071. A bill to designate the Idaho National Engineering and Environmental Laboratory as the Center of Excellence for Environmental Stewardship of the Department of Energy Land, and establish the Natural Resources Institute within the Center; to the Committee on Armed Services.

By Mr. DEWINE (for himself, Mr. HELMS, and Mr. VOINOVICH):

S. 1072. A bill to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.); to the Committee on Governmental Affairs.

By Mr. ASHCROFT (for himself, Mr. INOUE, Mr. BURNS, Mr. GRASSLEY,

Mr. ROBERTS, Mr. ENZI, and Mr. HAGEL):

S. 1073. A bill to amend the Trade Act of 1974 to ensure that United States industry is consulted with respect to all aspects of the WTO dispute settlement process; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. FEINGOLD, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. BUNNING, Mr. KYL, Mr. ABRAHAM, Mr. SESSIONS, Mr. GRASSLEY, Ms. SNOWE, Mr. JEFFORDS, and Mr. BROWNBACK):

S. Res. 103. A resolution concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 1063. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Finance.

#### MEDICARE HOME HEALTH TECHNICAL CORRECTIONS LEGISLATION

Ms. COLLINS. Mr. President, I rise today to introduce legislation that would make a technical correction to a provision of the Balanced Budget Act of 1997 that is causing great unfairness to long-established home health agencies and their patients. It would provide for a special rule for long-existing home health agencies that have been classified as "new" home health agencies for purposes of the Interim Payment System (IPS) simply because they happened to change the ending date of their fiscal year, and, as a consequence, do not have a full 12-month cost reporting period in federal fiscal year 1994.

Under the complicated formula for the Medicare Interim Payment System for home health agencies, Medicare determines a limit for most established agencies using a formula that recognizes the agency's historical costs and blends them, in a proportion of 75 percent to 25 percent, with regional norms. For new home health agencies without a historic record of cost reports, the per-beneficiary limit is set at the national median.

In defining the difference between new and existing agencies, the Administration focused on fiscal year 1994 and established a general rule that the national median per-beneficiary limit would apply to "new providers and providers without a 12-month reporting period ending in fiscal year 1994." Congress did, however, specifically exclude from the "new" category any home health agency that had changed its name or corporate structure.

Nevertheless, one of the home health agencies in my State—Hancock County HomeCare—has been classified as a "new" home health agency, even though it has been serving the people of rural Down East Maine for more than 60 years. I am sure that there are other long-standing home health agencies across the country that have found themselves in a similar situation as a consequence of this provision.

Hancock County HomeCare is a division of Blue Hill Memorial Hospital, a charitable, tax-exempt hospital. Hancock County HomeCare emerged as a result of a merger of the hospital with the Four Town Nursing Service and Bar Harbor Public Health Nursing, both non-profit home health agencies that have provided uninterrupted service to residents of Hancock County, Maine for more than 60 years. The unified agency, which provides skilled home nursing and therapies to residents of 36 towns, has been part of Blue Hill Memorial Hospital since 1981.

Despite its 60-year history of service to the community, Hancock County HomeCare has been classified as a "new" agency simply because it happened to change the ending date of its fiscal year during 1994, when Blue Hill Memorial and its affiliate changed theirs. Solely because it changed its fiscal year from a period ending June 30 to a period ending March 31, this 60-year old agency is being treated as a new agency by HCFA. Given the care taken by Congress to exclude name changes and corporate structure changes from the definition of a "new" agency, I simply do not believe that it was our intent to visit radically different treatment upon an agency that simply changed its financial reporting practices, but otherwise has a continuous history of operation and is fully able to provide 12 months of reliable data in accordance with Medicare cost reporting requirements.

I believe that the statute gives the Health Care Financing Administration sufficient discretion to deal with this situation administratively. Unfortunately, however, HCFA does not agree with that interpretation and insists that further legislative action is necessary if Hancock County HomeCare is to be considered an "old" agency for purposes of the Interim Payment System.

The legislation that I am introducing today to clarify the law was prepared with technical assistance from HCFA. Essentially, the bill would provide for a special rule for home care agencies that were in existence and had an active Medicare provider number prior to fiscal year 1980, but which had less than a 12-month cost reporting period in fiscal year 1994 because the agency changed the end date of its cost reporting period in that year. For these agencies, Medicare could, upon the request of the agency, use the agency's partial-year cost report from fiscal year 1994 to