

have to accomplish what all of those who want clean air set out to do. In fact, I think the Senator shares this observation with me. The Kyoto agreement, with all of its preamble work—the whereases—was totally void of a reference to nuclear power.

Mr. MURKOWSKI. That is correct.

Mr. DOMENICI. I discussed that report with one of the most eminent physicists in the world. What he said to me was: I looked from cover to cover, and since I could not find one word on nuclear power, I put the report down and said it cannot be one that is really objective and realistic.

Now, that is better than I can say it. I think that is what the Senator has been saying and what my friend from Alabama, who has regularly talked with me about nuclear power and clean air, has said. It is amazing, if we can just come to the floor and talk about the other sources of energy and what they have done to human life in terms of deaths in mining, the deaths on the trains that have carried coal, and all of the other things related to producing energy that we use willfully and without great concern about the danger and the risks, and then put that up alongside nuclear power from its origin, it will look like a big giant heap of coal versus a little tiny package of salt over here that will represent the harm we have caused to people and the environment with nuclear power. They are not even in the same league in terms of damage to people, deaths to people, and the like. It has been a very safe industry, and in the United States, it has been truly miraculous that with this kind of engineering we have had two accidents and neither were fatal.

Mr. MURKOWSKI. No fatalities. I thank my friend from New Mexico.

BALANCED BUDGET ACT

Mr. DOMENICI. Mr. President, I came down to make a few remarks about a bill that is in conference, a subject matter we have been talking about for some time, and that is the Balanced Budget Act and what kind of impact it had on skilled nursing homes, on rural hospitals, and other parts of the entire health delivery network in the United States. While I won't take very long today, I do come because I think it is very urgent to the conferees on what we have been calling a "Medicare replenishment" bill—a bill that goes back and says let's make a few adjustments to the Balanced Budget Act as that Budget Act sought to restrain the cost of health care in three, four, or five areas.

Particularly, I want to talk about the House and Senate and the ultimate compromise on the legislation to increase payments for the nursing home patients and proprietors and owners of skilled nursing homes and that industry. In fact, the problems in the nurs-

ing home industry are as severe, if not more severe, than in any other part of the health care system in the United States. To talk about hospitals as if they are more important than skilled nursing homes, and that we should worry more about hospitals and less about skilled nursing homes, is not to address the issue properly, for there are literally hundreds of thousands of Americans, men and women, predominantly women, in the skilled nursing homes across this land. Some are Ma and Pa owners of one or two units; some are corporately owned, where hundreds of these particular skilled nursing home facilities are owned by a company.

A couple of weeks ago, a very large nursing home company with headquarters in my home State filed for chapter 11 bankruptcy protection. That was a second nursing home chain to file for bankruptcy protection in the last 2 months. These two nursing home chains own hundreds of facilities all over the country. So every Senator should be concerned about what is happening to this industry and to these facilities and their ability to care for our senior citizens.

The Senate Finance Committee, which got input from many Senators and many parts of America's health delivery system, reported out a very good bill in the area of skilled nursing homes and, likewise, in the other delivery components of American health care. In it, there are two provisions which are particularly important. First, it provides, over the next 3 years, for \$1.4 billion in higher payment rates for skilled nursing facilities. These increases are targeted at what everyone agrees is the problem—that current rates do not cover the high costs of medically complex cases. In other words, skilled nursing homes and the population of these homes have changed rather dramatically in the last 15 years, and there are more and more very sick people in the skilled nursing home facilities, and we call these medically complex cases. The reimbursements we are now giving skilled nursing homes do not cover the care for the medically complex cases. Secondly, it put a moratorium—that is, the Senate bill—on the \$1,500 therapy caps that have been so disruptive to care to many seniors.

Quite frankly, one of the messages I would like the Senate to hear today is that the House bill is completely inadequate in this area. In fact, the House bill puts only \$100 million—one-tenth of \$1 billion—directly into the payment rates to correct the problem of high cost cases. That is \$1.3 billion less than the Senate bill. Obviously, there is a problem, or there isn't a problem. If there is no problem, then the House is right. Fund it with \$100 million, which is almost nothing. But if there is a problem, obviously \$100 million over 3

years will not solve that problem. The Senate is more apt to be right at \$1.3 billion for skilled nursing homes.

The House bill tries to salvage the concept of putting caps on therapy services, which is the wrong way to be approaching and controlling the costs in this area.

The Medicare relief package reported by our Finance Committee—I give the Finance Committee great credit and Chairman BILL ROTH extraordinary credit—includes other provisions: \$1.8 billion for teaching hospitals, all hospitals \$2.5 billion more than today's plans, and for home health, \$1.3 billion to delay a 15-percent cut.

Many of us have looked at all of these and think they are needed and should be supported. But certainly to go to conference and tragically leave out of the package anything significant for skilled nursing homes, I tell you that we will rue the day. It will not be 6 months to a year when there will be closings across this land, and we will have sick senior citizens unattended in nursing home after nursing home across this country.

Even if the other provisions survive the conference and the nursing provisions do not, let me repeat that I think we will have failed the No. 1 problem in the delivery system right now, especially for those who can do nothing for themselves. They are the very sick seniors in nursing homes.

I don't know any other way than to say that the Senate voted overwhelmingly for these provisions. I hope that means they will carry this message into this conference and will insist that the House concede when it comes to skilled nursing home parts of this bill and put substantially more into reimbursing provisions; that is, the two that I have mentioned here today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

MESSAGES FROM THE HOUSE

At 11:54 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 900) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:50 p.m., a message from the House of Representatives, delivered by 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. 3196. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 37. Joint resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999.

The following bill was read twice and placed on the calendar:

H.R. 3196. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The following joint resolution, previously signed by the Speaker of the House, was signed on today, November 5, 1999, by the President pro tempore (Mr. THURMOND):

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

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-6037. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to its formal management control review program for fiscal year 1999; to the Committee on Governmental Affairs.

EC-6038. A communication from the Director, U.S. Trade and Development Agency, transmitting, pursuant to law, a report relative to its audit and internal management activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC-6039. A communication from the Office of Independent Counsel, transmitting, pursuant to law, a report relative to its audit and investigative activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC-6040. A communication from the Office of Independent Counsel, transmitting, pursuant to law, a report relative to its audit and investigative activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC-6041. A communication from the Director, the Woodrow Wilson Center, transmitting, pursuant to law, a report relative to its audit and investigative activities for fiscal year 1998; to the Committee on Governmental Affairs.

EC-6042. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the Federal Manager's Financial Integrity Act and the Inspector General Act Amendments of 1978 for fiscal year 1999; to the Committee on Governmental Affairs.

EC-6043. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-146, "Josephine Butler Parks Center Property Tax Relief Act of 1999"; to the Committee on Governmental Affairs.

EC-6044. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-156, "Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6045. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-159, "Motor Vehicle Excessive Idling Exemption Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6046. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-154, "District of Columbia Board of Real Property Assessments and Appeals Membership Simplification Act of 1999"; to the Committee on Governmental Affairs.

EC-6047. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-155, "Adoption and Safe Families Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6048. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-147, "Separation Pay Adjustment Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6049. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-149, "Annuitants' Health and Life Insurance Employer Contribution Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6050. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-157, "University of the District of Columbia Board of Trustees Residency Requirement Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6051. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-158, "Noise Control Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6052. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-148, "Mt. Gilead Baptist Church Equitable Real Property Tax Relief

Act of 1999"; to the Committee on Governmental Affairs.

EC-6053. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-163, "Temporary Real Property Tax Exemption for the Phillips Collection Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-6054. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-161, "Lateral Appointment of Law Enforcement Officers Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-6055. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-162, "Sex Offender Registration Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-6056. A communication from the Chair, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to the District of Columbia Financial Responsibility and Management Assistance Act for fiscal year 1999; to the Committee on Governmental Affairs.

EC-6057. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received November 2, 1999; to the Committee on Governmental Affairs.

EC-6058. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Polysorbate 60" (84F-0050), received November 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-6059. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (99F-0345), received November 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-6060. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Meniscal Tacks; D&C Violet No. 2; Confirmation of Effective Date" (98C-0158), received November 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-6061. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions-Student Eligibility", received November 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-6062. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Board of Immigration Appeals: Streamlining" (RIN1125-AA22), received November 2, 1999; to the Committee on the Judiciary.