

So the sounds of war are about us. I am hearing the rumblings that our planes and our pilots might start flying soon, that bombs might start dropping soon. Our military people will be engaged in military activities of a war-like nature. Now is the time and here is the place to debate that. We cannot shirk our constitutional responsibilities. The debate should be held this afternoon. The vote should be held, no later than tonight or early tomorrow, on whether or not this Congress will support that kind of activity in Kosovo.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would ask if you will notify me when I have talked 6 minutes.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent to extend the time?

Mr. GRASSLEY. Yes.

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

HCFA'S A NO-SHOW

Mr. GRASSLEY. Mr. President, yesterday the Special Committee on Aging, which I chair, held a hearing on the government's oversight role in ensuring quality care in our Nation's nursing homes. The committee has been investigating systemic flaws in nursing home care for two years. A series of reports by the General Accounting Office and the HHS inspector general have now shown this to be a national problem.

The Aging Committee investigates in a bi-partisan manner. The rules of the committee require it. The committee's ranking member, Senator BREAUX, has very ably assisted the committee's work. His insightfulness and interest in issues affecting the elderly population has brought greater credibility to our work.

At yesterday's hearing, we learned much about the breakdown in the complaints process. In other words, when someone makes a formal complaint about the treatment of a loved-one in a nursing home. The various states operate the process. But the federal government has the ultimate responsibility to oversee it to make sure complaints are being addressed.

Yesterday we heard from two citizen witnesses who experienced firsthand a broken-down complaints process. Their stories were tragic, yet real. The committee, the government, and the public learned much from their testimony.

We also heard from the GAO and from the HHS IG.

The committee did not hear from the Health Care Financing Administration,

or HCFA. HCFA is the federal agency charged by law to protect nursing home residents. HCFA must ensure that the enforcement of federal care requirements for nursing homes protects the health, safety, welfare, and rights of nursing home residents. Yet, HCFA was a no-show.

There is a very specific reason for yesterday's hearing, and this series of hearings. It's because the health, safety, welfare, and rights of nursing home residents are at great risk. Yet, the agency responsible was not here.

The committee invited the two private citizens in the public interest. Through their eyes, we saw a complaint process turned upside-down. It's a process that has put some nursing home residents at risk. Their testimony could help correct the process so others don't have to suffer the same wrongful treatment.

The reason HCFA wasn't here is puzzling, given the committee's focus on listening to citizen complaints. HCFA is an agency within the Department of Health and Human Services—HHS. HHS determined that HCFA should not show up because HHS witnesses do not follow citizen witnesses. That's their so-called policy.

In other words, HCFA—the organization that is supposed to serve our elderly citizens by protecting the health, safety, welfare, and rights of nursing home residents—was not here because its protocol prevents them from testifying after citizen witnesses.

Last Friday, when discussing this matter with HHS officials, my staff was told the following: "Our policy is that we testify before citizen witnesses."

Now, I have four comments on this. First, how serious is the Department about the problems we're uncovering in nursing homes when a protocol issue is more important than listening to how their complaints process might be flawed?

Second, I have conducted hearings, in which citizen witnesses go first, since 1983. Other committees have done the same. I don't recall any department at any hearing I conducted since 1983 that became a no-show, even when private citizens testified first. Especially for an issue as important as this.

Third, the Department may be trying to convince the public it cares. But this no-show doesn't help that cause. The public might confuse this with arrogance.

Finally, this situation yesterday could not possibly have illustrated better the main point of the hearing; namely, that citizens' complaints are falling on deaf ears. These witnesses traveled many miles yesterday. They were hoping that government officials—the very officials responsible—would hear their plea. Instead, what did they get? A bureaucratic response. Their agency-protectors were no-shows

because of a protocol. Because of arrogance, perhaps.

So, we'll move forward with yesterday's testimony, learning how the nursing home complaint system is in shambles. And the agency responsible for fixing it wasn't here to listen. Of course, they can read about it once it's in writing—a process they are comfortable with.

Since I have been in the Congress, I have never taken partisan shots at an administration. I believe only in accountability. My heaviest shots were against administrations of my own party. The record reflects that very clearly.

The easy thing to do would be to take partisan pot shots over this. It's much harder to redouble our efforts, in a bipartisan way on the committee—which I intend to do—until HHS and HCFA get the message. When will HHS and HCFA hear what's going on out there in our nation's nursing homes? Perhaps when they learn to listen to the citizens we—all of us in government—serve. Until they get the message, these problems will get worse before they get better.

One key reason why HCFA's presence was important, yesterday, was to nail down just who is in charge. At our hearing last July, Mr. Mike Hash, HCFA's deputy administrator, told the committee that HCFA is responsible for enforcement for nursing homes. Yet in yesterday's written testimony submitted for the record, Mr. Hash says the states have the responsibility.

This needs to be clarified. Who's in charge, here? Is this why we're seeing all these problems in nursing homes? Because no one's in charge?

In my opinion, this matter has to get cleared up at once. Every day that passes means more and more nursing home residents may be at risk. The Department of HHS has to restore public confidence that it truly cares, that it's doing something about it, and that improving nursing home care is a higher priority than protocols for witnesses at a hearing.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

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

The PRESIDING OFFICER (Mr. INHOFE.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, we are obviously dealing with very serious matters for the future of our country and our military men and women today. We want to make sure we proceed properly. We are looking at how to proceed on the Kosovo issue and the supplemental appropriations and be prepared for consideration of the budget resolution beginning tomorrow.

We have looked at a lot of options. Obviously, we have been talking among ourselves and the administration, and Senator DASCHLE and I have gone through a couple proposals.

Our conclusion is, at this time we should go forward with the cloture vote as scheduled. The cloture vote is on the Smith amendment, which is an amendment to the Hutchison amendment to the supplemental appropriations bill.

When that vote is concluded, depending on how that vote turns out, then we will either proceed on the Smith amendment or we will set it aside, if cloture is defeated, and work on the supplemental appropriations bill while we see if we can work out an agreement on language or how we proceed further on the Kosovo issue.

We thought the better part of valor at this time is to have the vote on cloture. Is that Senator DASCHLE's understanding, too? We will continue to work with the interested parties. A bipartisan group will sit down together and look at language to see if we can come up with an agreement on that language. We may be able to, maybe not. But we should make that effort. Then we also will press on the supplemental appropriations bill while we do that.

With that, Mr. President, I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Lott amendment No. 124 prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia:

Trent Lott, Paul Coverdell, Bob Smith of New Hampshire, Jeff Sessions, Don Nickles, Charles E. Grassley, Sam Brownback, Tim Hutchinson, Michael B. Enzi, Bill Frist, Frank Murkowski, Jim Inhofe, Conrad Burns, Mitch

McConnell, Ted Stevens, and Jim Bunning.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 124 to S. 544, a bill making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

(Rollcall Vote No. 55 Leg.)
YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Collins	Hutchison	Specker
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Feingold	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Hutchison amendment, No. 81, be temporarily set aside under the same terms as previously agreed to with respect to the call for the regular order.

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

Mr. LOTT. Mr. President, we will resume consideration of the supplemental appropriations bill with amendments in order as outlined in the consent agreement reached on March 19.

I should advise the Senate that there is beginning now a working group of Senators who will be working to determine if they can draft language for the resolution regarding the Kosovo situation. We still have pending the Hutchison amendment and the Smith amendment. And there will be a bipartisan effort to see if there can be some compromise language worked out or some language that might be voted on in some form before the afternoon is over.

In the meantime, we are working now toward an agreement with regard to consideration of the supplemental appropriations and beginning of the consideration of the budget resolution. The managers are here, and they are ready to begin to work on some amendments, I believe, which have been cleared. We hope that within the next 30 minutes we can enter into an agreement with regard to finishing the supplemental today, with Kosovo language being considered in the process as a possibility, and then begin tomorrow on the budget resolution.

With that, I yield the floor so that the distinguished chairman can begin to have these amendments considered that are ready to be cleared.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I now ask unanimous consent that there be stricken from the amendment list Senator HARKIN's relevant amendment, Senator JEFFORDS' three relevant amendments, and Senator REED's OSHA small farm rider amendment.

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

AMENDMENTS NOS. 125, 126, AND 127, EN BLOC

Mr. STEVENS. Mr. President, let me state, so that everyone understands, that there is a sense-of-the-Senate amendment offered by Senator BINGAMAN regarding the use of sequential billing policy in making payments to home health care agencies under the Medicare Program; an amendment by Senators LEAHY, JEFFORDS, and COLLINS providing additional funds and an appropriate rescission to promote the recovery of the apple industry in New England; and the third amendment is offered by Senator LINCOLN to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year.

I send these amendments to the desk and ask for their immediate consideration, and ask unanimous consent that they be considered and agreed to en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments en bloc numbered 125 through 127.