

EC-8198. A communication from the Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission and Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled "Joint FCC/FTC Policy Statement for the Advertising of Dial-Around and Other Long-Distance Services to Consumers" (File No. 00-EB-TCD-1[PS], FCC 00-72), received March 22, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 2251) to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes (Rept. No. 106-249).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 1374: A bill to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the "John K. Rafferty Hamilton Post Office Building."

H.R. 3189: A bill to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Iletto Post Office."

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

Herschelle S. Challenor, of Georgia, to be a Member of the National Security Education Board for a term of four years. (Reappointment)

Rudy deLeon, of California, to be Deputy Secretary of Defense.

Douglas A. Dworkin, of Maryland, to be General Counsel of the Department of Defense.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself, Mr. EDWARDS, Mr. HELMS, Mr. MURKOWSKI, and Mrs. HUTCHISON):

S. 2293. A bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2294. A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 2295. A bill to provide for the liquidation or reliquidation of certain entries of copper and brass sheet and strip; to the Committee on Finance.

By Mr. CRAPO:

S. 2296. A bill to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities; to the Committee on Environment and Public Works.

By Mr. CRAPO (for himself, Mr. REID, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2297. A bill to reauthorize the Water Resources Research Act of 1984; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 2298. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program; to the Committee on Finance.

By Mr. L. CHAFEE (for himself and Ms. SNOWE):

S. 2299. A bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2294. A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

ROSIE THE RIVETER-WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK ACT

Mrs. FEINSTEIN. Mr. President, I am proud to introduce this bill today to establish the Rosie the Riveter/World War II Home Front National Historic Park. This park will be constructed on the former site of Richmond Kaiser Shipyard #2 which produced WWII ships at the site of the present-day Marina Park in Richmond California.

The Home Front industrial buildup in Richmond, California and across America to strengthen U.S. military capability and eventually win World War II started in early 1941 with the Lend Lease Program. Employment at the Richmond Shipyards peaked at 90,000 and forced an unprecedented integration of workers into the nation's work force.

"Rosie the Riveter" was a term coined to help recruit female civilian workers and came to symbolize a workforce mobilized to fill the gap created by working men who left their jobs for active military duty. Nationwide, six million women entered the WWII Home Front workforce, which also provided unprecedented opportunities for minorities.

I am proud to offer this legislation to commemorate these invaluable contributions to the U.S. victory in World War II, and I urge my colleagues to support this bill.

By Mr. CRAPO:

S. 2296. A bill to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities; to the Committee on Environment and Public Works.

PROJECT SEARCH

Mr. CRAPO. Mr. President, I rise today to introduce legislation to authorize a national environmental grants program for small communities called Project SEARCH.

The national Project SEARCH (Special Environmental Assistance for the Regulation of Communities and Habitat) concept is based on a demonstration program that has been operating with great success in Idaho in 1999 and 2000. In short, the bill establishes a simplified application process for communities of under 2,500 individuals to receive assistance in meeting a broad array of federal, state, or local environmental regulations. Grants would be available for initial feasibility studies, to address unanticipated costs arising during the course of a project, or when a community has been turned down or underfunded by traditional sources. The grant program would require no match from the recipients.

Some of the major highlights of the program are:

A simplified application process—no special grants coordinators required;

No unsolicited bureaucratic intrusions into the decision-making process; Communities must first have attempted to receive funds from traditional sources;

It is open to studies or projects involving any environmental regulation;

Applications are reviewed and approved by citizens panel of volunteers;

The panel chooses number of recipients and size of grants;

The panel consists of volunteers representing all regions of the state; and

No local match is required to receive the SEARCH funds.

Over the past several years, it has become increasingly apparent that small communities are having problems complying with environmental rules and regulations due primarily to lack of funding, not a willingness to do so. They, like all of us, want clean water and air and a healthy natural environment. Sometimes, they simply cannot shoulder the financial burden with their limited resources.

In addition, small communities wishing to pursue unique collaborative efforts might be discouraged by grant administrators who prefer conformity. Some run into unexpected costs during a project and have borrowed and bonded to the maximum. Others are in critical habitat locations and any project may have additional costs, which may not be recognized by traditional financial sources. Still others just need help

for the initial environmental feasibility study so they can identify the most effective path forward.

With these needs in mind, in 1998, I was able to secure \$1.3 million through the Environmental Protection Agency (EPA) for a demonstration grant program for Idaho's small communities. Idaho's program does not replace other funding sources, but serves as a final resort when all other means have been exhausted.

The application process was simplified so that any small town mayor, county commissioner, sewer district chairman, or community leader could manage it without hiring a professional grant writer. An independent citizens committee with statewide representation was established to make the selections and get the funds on the ground as quickly as possible. No bureaucratic or political intrusions were permitted.

Although the EPA subsequently insisted that grants be limited to water and wastewater projects, forty-four communities in Idaho ultimately applied, not including two that failed to meet the eligibility requirements. Ultimately, twenty-one communities were awarded grants in several categories, and ranged in size from \$9,000 to \$319,000. A Native American community, a migrant community, and several innovative collaborative efforts were included in the successful applicants. The communities that were not selected are being given assistance in exploring other funding sources and other advice.

The response and feedback from all participants has been overwhelming positive. Environmental officials from the state and EPA who witnessed the process have stated that the process worked well and was able to accomplish much on a volunteer basis. There was even extraordinary appreciation from other funding agencies because some communities they were not able to reach were provided funds for feasibility studies. The only negative comments were from those who wished that the EPA had not limited the program to water and wastewater projects.

The conclusion of all participants was that Project SEARCH is a program worthy of being expanded nationally. So many small communities in so many states can benefit from a program that assists underserved and often overlooked communities. This legislation provides us the opportunity to help small communities throughout the United States.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 2298. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the Medicare Program; to the Committee on Finance.

THE HOMEBOUND CLARIFICATION ACT

• Mr. JEFFORDS. Mr. President, I am here today to introduce the Home-

bound Clarification Act of 2000. This important bill has been crafted to protect Medicare beneficiaries from a growing problem that is impeding access to vital home care services. I want to recognize my cosponsors, Senator REED of Rhode Island and Senator LEAHY, for their continued effort and dedication to protecting access to home health care.

Federally funded home health care is an often quiet but invaluable part of life for America's seniors. Medical treatment can often mean being subjected to a strange and unfamiliar environment. For our nation's elderly, who may have special needs, this inconvenience can be more severe and detrimental to successful recovery. Home health care means that people recovering from surgery can go home sooner—it means that someone recovering from an accident can get physical therapy in their home, it means our seniors can stay at home, and out of nursing homes.

The sooner you can return patients to their homes, the sooner they can recover. The familiar environment of the home, family, and friends is more nurturing to recovering patients than the often stressful and unfamiliar surroundings of a hospital. Home health is also a great avenue for education. It empowers families to assist in the care of their loved ones. It is smart policy from human and financial standpoints.

But there are some seniors who are being denied access to this smart policy. An individual must be considered "homebound" to qualify for Medicare reimbursement for home health. Though an individual is not required to be bed-ridden, the condition of the individual should include "a normal inability to leave the home." Under the current definition, an individual is "homebound" if "leaving the home requires a considerable and taxing effort by the individual, and that absences of the individual from home are infrequent and of short duration, or are attributable to the need to receive medical treatment." The definition allows for "infrequent" or "short duration," recognizing that short excursions may be a part of a successful recovery process, but leaves it up to fiscal intermediaries to interpret exactly what number is frequent and how short an absence must be. Interpretation of this definition has varied widely.

Sadly, there is a ready supply of disturbing examples of the overzealous and arbitrary interpretation of the definition. Many seniors have found themselves virtual prisoners in their homes, threatened with loss of coverage if they attend adult day care, weekly religious services, or even visit family members in the hospital. This makes no sense because all of these activities are steps on the road to successful and healthy recovery. Often, health professionals want patients to get outside for fresh air or exercise, as part of their care plan. This helps fight off depression.

Seniors deserve a more consistent standard to depend upon, rather than a

completely arbitrary number of absences from the home. In April 1999, Secretary of Health and Human Services Donna Shalala sent a report to Congress on the homebound definition. The report identifies the wide variety in interpretation of the definition and the absurdity of some coverage determinations that follow. While the Administration unfortunately stopped short of taking action themselves, Shalala did propose that a clarification of the definition is needed to improve uniformity of determination.

The Homebound Clarification Act states that eligibility of an individual depends on the condition of the patient, how "taxing" it is for the patient to leave home. It strikes the clause that states: "that absences of the individual from home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment." This is consistent with the intent of Congress and the Administration. This will not open the door to wider coverage of home health, but rather protect coverage for those who need it.

We ask that seniors put their trust in the Medicare program. We are responsible for making sure that the Medicare program lives up to its promise and that home health will be available to those who need it. Once again, I would like to thank my cosponsors, Senators REED and LEAHY for their work. We look forward to working with the rest of Congress to turn this legislation into law. •

By Mr. L. CHAFEE (for himself and Ms. SNOWE):

S. 2299. A bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000; to the Committee on Finance.

THE MEDICAID DSH PRESERVATION ACT OF 2000

Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senator SNOWE in introducing the Medicaid DSH Preservation Act of 2000. This legislation will freeze Medicaid disproportionate share hospital (DSH) reductions at Fiscal Year 2000 levels, thereby mitigating the forthcoming reductions in Fiscal Years 2001 and 2002. This bill will also provide a growth rate adjustment to help compensate for the increases in the cost of providing care to the most needy and indigent patients.

In addition to the Medicare payment reductions in the Balanced Budget Act of 1997 (BBA), federal payments to the Medicaid DSH program were also reduced by \$10.4 billion over 5 years, with these reductions being absorbed by States and our Nation's vulnerable safety net hospitals. Medicaid DSH payments help reimburse hospitals' costs of treating Medicaid patients, particularly those with complex medical needs. These payments also make it possible for communities to care for the uninsured—a population that is projected to increase considerably during the next few years.

The impact of these financial pressures was not fully anticipated at the time the BBA was enacted. Other financial pressures such as declining Medicaid enrollment have had a significant impact on these safety net hospitals, thereby adding to the rapidly rising number of Americans without health insurance. At a time when our Nation's uninsured rate continues to climb above 44 million, it makes little sense to be reducing much-needed Medicaid DSH payments to our nation's safety net hospitals.

Hospitals in Rhode Island will absorb \$400 million in reductions as a result of changes made to the Medicare and Medicaid programs in the BBA. Ten out of fourteen hospitals in my State had operating losses in 1999. After the BBA was enacted, it was predicted that cuts in federal Medicare and Medicaid payments would cost hospitals in Rhode Island \$220 million over 5 years; however, this estimate has proven to be about \$180 million off the mark. Every other State is experiencing similar problems. Since the BBA was signed into law, the American Hospital Association commissioned a study by the Lewin Group, which estimated that there would be \$71 billion less paid to hospitals nationwide over 5 years. The original estimate of the impact of the BBA was \$18 billion. While the Balanced Budget Refinement Act of 1999 provided some relief to our Nation's financially strapped hospitals, that relief was targeted to the Medicare program. Clearly, more needs to be done to keep our vulnerable safety net hospitals from continuing on this downward spiral.

This legislation we are introducing today represents a commonsense compromise that will help prevent the further erosion of our Nation's safety net hospitals and the long-term viability of our country's health care system.

I urge my colleagues to join me in supporting this important legislation and I ask unanimous consent that the legislation be printed in the RECORD.

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

S. 2299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid DSH Preservation Act of 2000".

SEC. 2. CONTINUATION OF MEDICAID DSH ALLOTMENTS AT FISCAL YEAR 2000 LEVELS FOR FISCAL YEAR 2001.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r-4(f)), as amended by section 601 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by section 1000(a)(6) of Public Law 106-113 (113 Stat. 1501A-394), is amended—

(1) in paragraph (2)—
(A) in the heading, by striking "2002" and inserting "2001";

(B) in the matter preceding the table, by striking "2002" and inserting "2001"; and

(C) in the table in such paragraph, by striking the column labeled "FY 02" relating to fiscal year 2002; and

(2) in paragraph (3)—

(A) in the heading, by striking "2003" and inserting "2002"; and

(B) in subparagraph (A), by striking "2003" and inserting "2002".

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 210

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 210, a bill to establish a medical education trust fund, and for other purposes.

S. 512

At the request of Mr. GORTON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 873

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 873, a bill to close the United States Army School of the Americas.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 931

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1037

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1037, a bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes.

S. 1180

At the request of Mr. HELMS, his name was withdrawn as a cosponsor of

S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1858

At the request of Mr. BREAUX, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1858, a bill to revitalize the international competitiveness of the United States-flag maritime industry through tax relief.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1969, a bill to provide for improved