

the case at all. But we should decide that we as a nation have the capability and the will to modernize and help construct the kind of schools that all of us would be proud to send our children to.

NEED FOR URGENT ACTION ON HOME HEALTH CARE

Mr. DORGAN. Mr. President, as we reach the conclusion of this 105th Congress, I note that there are a good many issues yet to be discussed and resolved. I wanted to come to the floor to talk about one issue that is very important, the issue of home health care. It is vitally important that Congress take action on this issue before adjourning.

I am very familiar with home health care. This is not theory to me. It is not an issue that I just read about and only understand from books and manuals and rules and regulations.

One snowing Wednesday evening in January a number of years ago, my mother was killed in a tragic manslaughter incident in North Dakota. She had gone to the hospital to visit a friend and on her drive home, four blocks from home, a drunk driver going 80 to 100 miles an hour and being chased by the police hit her and killed her instantly.

During this same period, my father was having significant health problems, and as so often is the case, my mother was providing the bulk of his care at home in Bismarck, ND. I will perhaps never forget the moment of having to wake my father up and tell him that my mother had lost her life.

In addition to the shock of losing our mother, my family understood that we were also going to have to struggle to make sure my father got the care he needed. In the days ahead, we began talking about what we could do to help my father in his fragile state of health. One of the things we discovered was that there is in this country a system of home health care. Through this system, skilled health care providers will come into the home on a routine basis to help to meet the health care needs of those who desperately need it.

My family used the home health care system and the services of wonderful nurses and others who worked in home health to care for my father. It allowed us to keep my father out of a nursing home and in the home that he had lived in for so many years with my mother.

Was that important? Yes. It was very important and made life much, much better for him. And it occurred because we have a home health care system that could provide the routine health care needed to allow my father to continue to live at home. My father is gone now, but I still remember how important that home health care was and still is to millions of families all across this country.

Home health care is a wonderful Medicare benefit because it allows older Americans to remain at home

and to be independent where they are most comfortable, rather than having to go into more costly hospitals or nursing homes.

But at this time, we have in our country a very serious financing problem with home health care that is jeopardizing this Medicare benefit. Before we end this session of the Congress, we need to do something to address it. I would like to describe just for a moment what that problem is.

Congress, last year, passed the Balanced Budget Act, something I supported. This legislation made a lot of changes to Medicare and to the home health care program. Some of those changes were warranted because the home health care program had mushroomed, and we had to constrain the rate of growth of home health care spending, which had more than tripled in the early 1990s.

But Congress went too far and, in my judgment, made a mistake in the way it implemented what is called the interim payment system, which is now having a devastating impact on home health care agencies and Medicare beneficiaries. The current interim payment system penalizes the very home health care agencies that have operated most efficiently in the past, and it locks in the payment inequities that currently exist. The result is that 1,100 home health agencies nationwide have closed their doors.

Unfortunately, the very Medicare beneficiaries who are being harmed the most by this interim payment system that is so unfair are those Americans who need home health care the most. That is because, under this interim payment system, more than 80 percent of home health agencies will be paid a capped amount called the "per-beneficiary limit."

In my home State, the average per-beneficiary limit is \$2,247, not nearly enough to cover the cost of care needed by the sickest and the most frail of Medicare beneficiaries.

The home health care folks have a Hobson's choice. They can close their doors, or they can start a kind of cherry-picking with respect to those who need home health care service. In other words, they can choose to serve only the less ill or less sick Medicare beneficiaries whom they know will not exceed the per-beneficiary cap.

I am told cherry-picking is not yet occurring in my home State. But I am afraid it is only a matter of time before home health agencies have no choice and begin to do that.

I don't believe it was Congress' intention to cause efficient home health agencies to close or to stop caring for sicker patients, and I think it is imperative that this Congress solve this problem.

In the negotiations on the budget, I hope very much that will happen. If we wait until next year, it is going to be too late. Hundreds of agencies will probably not be there and a good many of the sickest and the most frail health

care beneficiaries who need home health care will not get it.

I have cosponsored a bill introduced by Senator COLLINS and others, the Medicare Home Health Equity Act, that would make the home health payment system more fair to the historically efficient providers, and reduce the incentive for dropping sick patients.

Let me emphasize again that the purpose is to make the home health care system more fair to the historically efficient home health care providers.

There have been dozens of bills introduced to solve the problem, and to date more than two-thirds of the Senate from both political parties have cosponsored one or more of these bills, or have gone on record in support of efforts to address the problem.

With nearly 70 Senators cosponsoring or supporting legislation of this type, I think we ought to, before Monday evening or whenever we adjourn, fix this home health care payment system.

I know my colleagues on the Senate Finance Committee have been working to develop legislation that will at least deal with the most pressing problems in this interim payment system and to tide the home health agencies over until permanent changes can be implemented.

One of the challenges they face is to do this in a fiscally responsible way that will not harm other areas of Medicare.

It is also important, I think, not to be asking older Americans, especially those who have reached the age of declining income, to shoulder the cost for this change through a new copayment on home health services.

I know that the Congress can meet this challenge if it decides this is a priority between now and perhaps Monday evening. Congress must, in my judgment, begin to select the right priorities.

We seem to be at loggerheads here in negotiations between the House and the Senate, the Congress and the President, Democrats and Republicans. Between now and when we complete the final omnibus spending bill, we must make choices about what our priorities are, what is more important, and what is less important.

I ask that we decide that dealing with the home health care payment system is more important. That it be one of the priorities.

This is something we can do. It is not something that is terribly difficult. It is simply a choice that we will make—Democrats, Republicans, liberals, conservatives, all of us deciding together how we spend limited resources on nearly unlimited wants in this country.

Mr. President, I know others wish to speak, and I would say to the majority leader that this will be an interesting couple of days. He, I am sure, will have a significant challenge working with all of us to try to figure out what the priorities will be in the closing hours of

this session. It is my fervent hope that one of those priorities will be to address the interim payment system in home health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the previous unanimous consent agreement with respect to morning business on Monday, October 12, be amended so that 30 minutes are under the control of Senator Bob KERREY, 15 minutes under the control of Senator FORD, and the remaining 15 minutes under the control of Senator LOTT, or my designee.

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

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business be extended until 3 p.m., with Senators permitted to speak for up to 10 minutes each for debate only with no motions in order, and at 3 p.m. the Senate automatically stand in recess under the previous order.

I further ask that during morning business the following Senators be recognized: Senator John KERRY for 15 minutes, Senator DASCHLE for 30 minutes, Senator KENNEDY for 20 minutes, Senator ENZI, Senator KEMPTHORNE, Senator GRAMS for 20 minutes, and Senator DOMENICI for 20 minutes.

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

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, I would like to inquire of the Senator from Mississippi, is that the only morning business leadership would intend to have on Monday? I would like to have 15 minutes in morning business on Monday as well.

Mr. LOTT. I think we will be able to extend that. It was just we had specific requests. Senator Bob KERREY was here. He needs 30 minutes on intelligence. We had thought we would have at least an hour just in general, but we are getting specific requests. I am sure we will extend it. On Monday, hopefully, we will be able to do some business and, hopefully, even do the omnibus appropriations bill. But there is no need to limit it just to that. We will extend it.

Mr. DORGAN. Would the Senator be willing to add me for 15 minutes on Monday?

Mr. LOTT. I certainly will. I ask unanimous consent that Senator DORGAN have 15 minutes in morning business as well on Monday, October 12.

Mr. KENNEDY. Mr. President, would the Senator be kind enough to make a similar request on my behalf?

Mr. LOTT. Why don't I just ask for 15 minutes every morning for Senator KENNEDY for the remainder of the year.

The PRESIDING OFFICER. Is that the Senator's request?

Mr. LOTT. No.

Mr. KENNEDY. And a happy birthday to you.

Mr. LOTT. I amend that request to include 15 minutes for Senator KENNEDY on Monday morning, also.

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

Mr. LOTT. I yield the floor.

Mr. KENNEDY. I thank the majority leader.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I hope my friend, our majority leader, had a joyous and happy birthday.

Mr. LOTT. Thank you very much.

Mr. KENNEDY. Maybe it is spilling over to today. But we wish to thank him.

FUNDING EDUCATION

Mr. KENNEDY. Mr. President, I appreciate the opportunity to speak on the Senate floor this afternoon about matters which I am very hopeful can be addressed and will be addressed and I think should be addressed in the remaining hours before the Congress actually recesses. And this is in the area of education and what we are going to do finally in trying to meet the responsibilities that we have to assure a smaller class size for the 53 million Americans who will be attending and are attending schools across this country, which means an expansion in terms of the total number of teachers.

I am very hopeful that in the ultimate and final budget agreement there will be an agreement on the President's recommendation of 100,000 teachers over the period of the next 5 years, and that we will also embrace the very, very important and, I think, essential school modernization program which effectively would provide about \$22 billion in interest-free bonds to local communities all over this country in order to modernize their schools.

What we have seen now is a rather dramatic change in the demography and the growth in the total number of children who are going into the school systems all across this country, and at the same time you have seen a continued deterioration in many of the school buildings across the country. That is certainly true in my State, which has many of the oldest school buildings in the country, but it is also true in many of the other States across this country, and even in a number of the rural communities.

As a matter of fact, the General Accounting Office did a study in terms of what would be necessary in our country in order to make sure that we are going to have good classrooms for the students, and it was estimated to be \$110 billion. That is what the need is according to a nonpartisan evaluation of what the conditions are in our school buildings across the country.

Therefore, the recommendation the President has made for \$122 billion is a

very modest recommendation. We have not embraced that recommendation at the present time. The urging of the President of the United States is that before we move out from this Congress, we ought to be about the business of addressing that particular education need. Education is of prime importance to every family in this country. It is of essential importance to every young person in this Nation, and it is a matter of enormous importance in terms of our country being able to compete in a global economy.

So the urgency of these proposals—one is to have a reduced class size and the second is to be able to modernize our classrooms—is enormously important. If we look over the amount of resources we devote to education in the budget of this country, we will find that it is only about 2 percent. It is only 2 percent of our national budget.

This is the 1998 Federal budget, and you can see from this pie chart the allocations of resources. The area of education is only 2 percent. If you ask people what percent of a dollar they believe goes to education, I think most Americans would think 10 or 12 percent, or 10 or 12 cents should be going to education. If you ask what they believe they would like to be the number, it would be even higher.

We are only talking about 2 percent. So the real question is, in a time now when our appropriators and negotiators are meeting to have final resolution on what will be a \$1.7 billion budget, will we be able to find the resources to provide for the reduced class size for K through 3—\$1 billion for fiscal 1999, \$7 billion over the next 5 years—to see a dramatic reduction in the number of students per class in K through 3, that is what we are trying to do, and to modernize our school buildings all across this country.

Those are two priorities. I must say I strongly agree with the President, with Senator DASCHLE, and with Leader GEPHARDT who said we should not leave this city until we respond in a positive way to make sure those requirements are fulfilled, because there is nothing that is more important than meeting the needs of the children of this country.

Finally, Mr. President, I think this is important to do for a number of reasons. Every day that children go into the school systems of this country, they go into dilapidated schools, they go into old schools, they go to classrooms with windows broken or with poor heating or poor air-conditioning in the course of the early fall and the late spring and early summer in many other parts of the country, or where the pipes are leaking, or where some schools are actually closed in the wintertime because of the failure of the heating system, we are sending a very powerful message to those children.

On the one hand, we as parents are saying that education counts, that we believe it ought to be a priority, that we think the future of this Nation is