

other elements that are common to the "competitive service" of the executive branch)?

(3) Does VEO authorize the Board to extend the rights and protections of veterans' preference for purposes of appointment to those positions identified in (2) above notwithstanding they are not technically "competitive service" positions?

(4) In order to provide for effective implementation of veterans' preference rights, could the Board, under the "good cause" provision of §4(c)(4)(B) of VEO, modify the most relevant substantive regulations of the executive branch pertaining to veterans' preference in the appointment of "covered employees" so as to make them applicable to the legislative branch without reference to the "competitive service"?

(5) How would the rights and protections of subchapter I of chapter 35, Title 5 USC (pertaining to retention during RIFs), be applied to "covered employees" (as defined by §4(c)(1) of VEO)?

(6) Does VEO authorize the Board to extend the rights and protections of veterans' preference for purposes of retention during reductions in force to "covered employees" holding positions that are not technically within the "competitive service" or the "excepted service"?

(7) In order to provide for effective implementation of veterans' preference rights, could the Board, under the "good cause" provision of §4(c)(4)(B) of VEO, modify the most relevant substantive regulations of the executive branch pertaining to veterans' preference in the retention of "covered employees" during reductions in force so as to make them applicable to the legislative branch without reference to the "competitive service" or the "excepted service"?

(8) In view of the fact that VEO does not explicitly grant the Board the authority exercised by OPM under 5 USC §1103, §1104, §1301 and §1302 to execute, administer, and enforce the federal civil service system, does the Board have the authority to propose regulations that would vest the Board with responsibilities similar to OPM's over employment practices involving covered employees in the legislative branch?

(9) Is the Board empowered by the statute to give effect to the comment in the legislative history that employing offices of the legislative branch should "create systems that are consistent with the underlying principles of veterans' preference laws," as discussed by the Senate Report accompanying the bill enacted as VEO (Sen. Rept. 105-340, 105th Cong., 2d Sess., at 17 (Sept. 21, 1998)? If so, how should such effect be given?

(10) Under VEO, what steps, if any, must employing offices of the legislative branch take to "create systems that are consistent with the underlying principles of veterans' preference laws," as discussed by the Senate Report accompanying the bill enacted as VEO (Sen. Rept. 105-340 (105th Cong., 2d Sess. Sept. 21, 1998), at 17)?

(11) With respect to positions restricted to preference eligible individuals under 5 USC §3310, namely guards, elevator operators, messengers, and custodians, the Board seeks information and comment on the following issues and questions:

(a) The identity, in the legislative branch, of guard, elevator operator, messenger, and custodian positions within the meaning of these terms under 5 USC §3310.

(b) The identity of covered employing offices responsible for personnel decisions affecting employees who fill positions of guard, elevator operator, messenger, and custodian within the meaning of 5 USC §3310 and the implementing regulations.

(c) Would police officers and other employees of the United State Capitol Police be

considered "guards" under the application of the rights and protections of this section to covered employees under VEO?

(d) Whether the current methods of hiring include an entrance examination within the meaning of 5 CFR §330.401 and, if not, whether the affected employing offices believe that the statute mandates the creation of such an examination and/or allows such an examination to be required of the employing offices?

(e) What changes, if any, in the regulations are required to effectuate the rights and protections of 5 USC §3310 as applied by VEO?

(12) Which executive branch regulations, if any, should not be adopted because they are promulgated to implement inapplicable statutory provisions of veterans' preference law or are otherwise inapplicable to the legislative branch?

(13) What modification, if any, of the executive branch regulations would make them more effective for the implementation of the rights and protections made applicable under VEO as provided by VEO §4(c)(4)(B)?

Signed at Washington, D.C. on this 16th day of February, 2000.

GLENN D. NAGER,
Chair of the Board,
Office of Compliance.

FOOTNOTES

¹ Pub. L. 105-339 (Oct. 31, 1998).

² Sen. Rept. 105-340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

³ Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5, USC.

⁴ Generally, these are positions that are excepted by law, by executive order, or by the action of OPM placing a position or group of positions in what are known as excepted service Schedules A, B, or C. For example, certain entire agencies such as the Postal Service, the Federal Bureau of Investigation, and the Central Intelligence Agency are excepted by law. In other cases, certain jobs or classes of jobs in an agency are excepted by OPM, 5 CFR Part 213. This includes attorneys, chaplains, student trainees, and others.

⁵ These generally are high-level, managerial positions in the executive department whose appointment does not require Senate confirmation. See 5 USC §3123 (a)(2), which defines the term "Senior Executive Service position."

⁶ The definition of "covered employee" under section VEO §4(c)(1) has the same meaning as the term under section 101 of the CAA, 2 USC §1302, which includes any employee of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, or the Office of Technology Assessment. Under VEO §4(c)(5), the following employees are excluded from the term "covered employee": (A) presidential appointees confirmed by the Senate, (B) employees appointed by a Member of Congress or by a committee or subcommittee of either House of Congress, and (C) employees holding positions the duties of which are equivalent to those in Senior Executive Service.

⁷ Compare VEO §4(c)(3)(B) with CAA §§202(d)(2), 203(c)(2), 204(c)(2), 205(c)(2), 206(c)(2), 210(e)(2), 215(d)(2), 220(d)(2)(A).

⁸ See, e.g. 5 CFR §351.205 ("The Office of Personnel Management may establish further guidance and instructions for planning, preparation, conduct and review of reductions in force through the Federal Personnel Manual System. OPM may examine an agency's preparations for reduction in force at any stage.")

⁹ Sen. Rept. 105-340, 105 Cong., 2d Sess. at 17 (Sept. 21, 1998).

¹⁰ Compare Administrative Office of the United States Courts Personnel Act of 1990, Pub. L. 101-474, 104 Stat. 1097, §3. Individuals in this office of the judicial branch are afforded the right to veterans' preference "in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch." §3(a)(11). However, the Congress also empowered the Director the Administrative Office to establish by regulation a personnel management system that parallels many of the features of the executive branch's personnel system regulated by OPM. VEO contains no comparable provisions giving similar powers to the Board or any other legislative branch entity.

¹¹ For a description of the "excepted service," see note 4 *infra*.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, February 25, 2000, the Federal debt stood at \$5,748,251,779,017.69 (Five trillion, seven hundred forty-eight billion, two hundred fifty-one million, seven hundred seventy-nine thousand, seventeen dollars and sixty-nine cents).

One year ago, February 25, 1999, the Federal debt stood at \$5,620,928,000,000 (Five trillion, six hundred twenty billion, nine hundred twenty-eight million).

Fifteen years ago, February 25, 1985, the Federal debt stood at \$1,695,295,000,000 (One trillion, six hundred ninety-five billion, two hundred ninety-five million).

Twenty-five years ago, February 25, 1975, the Federal debt stood at \$496,984,000,000 (Four hundred ninety-six billion, nine hundred eighty-four million) which reflects a debt increase of more than \$5 trillion—\$5,251,267,779,017.69 (Five trillion, two hundred fifty-one billion, two hundred sixty-seven million, seven hundred seventy-nine thousand, seventeen dollars and sixty-nine cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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-7714. 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: Adhesives and Components of Coatings and Paper and Paperboard Compounds" (Docket No. 92F-0111), received February 24, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7715. A communication from the Board Members, Railroad Retirement Board, transmitting the justification of budget estimates for fiscal year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-7716. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting the annual report for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-7717. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Reorganization of Federal Housing Finance Board Regulations" (RIN3069-AA87), received February 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7718. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting and Procedures: Mandatory License Application Form for Unblocking Funds Transfers" (31 CFR 501.801), received February 23, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7719. A communication from the Deputy Chief, National Forest System, Department of Agriculture transmitting, pursuant to law, detailed boundary maps for the East Fork Jemez and Pecos Rivers, NM; to the Committee on Energy and Natural Resources.

EC-7720. A communication from the Secretary of Energy, transmitting the "Advanced Automotive Technologies" annual report for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC-7721. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB cost estimate for pay-as-you-go calculations; to the Committee on the Budget.

EC-7722. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR part 170, Distribution of Fiscal Year 2000 Indian Reservation Roads Funds" (RIN1076-AD99), received February 24, 2000; to the Committee on Indian Affairs.

EC-7723. A communication from the Assistant Attorney General, Office of Justice Programs transmitting, pursuant to law, the report of a rule entitled "Timing of Police Corps Reimbursement of Educational Expenses" (RIN1121-AA50), received February 24, 2000; to the Committee on the Judiciary.

EC-7724. A communication from the Assistant Attorney General, Legislative Affairs transmitting a draft of proposed legislation to amend the Inspector General Act; to the Committee on the Judiciary.

EC-7725. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a report relative to the Chemical Weapons Convention Implementation Act of 1998; to the Committee on Foreign Relations.

EC-7726. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Compensation Cost-of-Living Adjustment Act of 2000"; to the Committee on Veterans' Affairs.

EC-7727. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Importation of Chemicals Subject to the Toxic Substances Control Act" (RIN1515-AC04), received February 24, 2000; to the Committee on Finance.

EC-7728. A communication from the Commissioner of Social Security, transmitting a draft of proposed legislation relative to Social Security; to the Committee on Finance.

EC-7729. A communication from the Administrator, Risk Management Agency, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Forage Production Crop Provisions; and Forage Seeding Crop Provisions", received February 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7730. A communication from the Administrator, Risk Management Agency, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations, Subpart-L Reinsurance Agreement-Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years", received February 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7731. A communication from the Secretary of Defense, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7732. 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 the Procurement List, received February 24, 2000; to the Committee on Governmental Affairs.

EC-7733. A communication from the Director, Office of Administration, Executive Office of the President, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7734. A communication from the Chief Financial Officer, Export-Import Bank, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7735. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-225, "Government Employer-Assisted Housing Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7736. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-262, "Transfer of Jurisdiction over Georgetown Waterfront Park for Public and Recreational Purposes, S.O. 84-230, Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-7737. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-250, "Department of Health Functions Clarification Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-7738. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-254, "District of Columbia Housing Authority Act of 1999"; to the Committee on Governmental Affairs.

EC-7739. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-256, "Retail Electric Competition and Consumer Protection Act of 1999"; to the Committee on Governmental Affairs.

EC-7740. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Hurricane Floyd Property Acquisition and Relocation Grants; 65 FR 7270; 02/11/2000", received February 17, 2000; to the Committee on Environment and Public Works.

EC-7741. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the designation of an Acting Deputy Administrator and the nomination of a Deputy Administrator; to the Committee on Environment and Public Works.

EC-7742. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered

and Threatened Wildlife and Plants; Endangered Status for the Armored Snail and Slender Campeloma" (RIN1018-AF29), received February 18, 2000; to the Committee on Environment and Public Works.

EC-7743. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Delisting of the Dismal Swamp Southeastern Shrew", received February 22, 2000; to the Committee on Environment and Public Works.

EC-7744. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the 'Sylvilagus bachmani riparius' (riparian Brush Rabbit) and 'Neotoma fuscipes Riparia' (riparian or San Joaquin Valley woodrat)" (RIN1018-AE40), received February 16, 2000; to the Committee on Environment and Public Works.

EC-7745. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Use of Collected PM2.5 Data and Parameter Occurrence Codes"; to the Committee on Environment and Public Works.

EC-7746. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of California's Authorization Application"; to the Committee on Environment and Public Works.

EC-7747. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Limited Request for Pre-Proposals Pilot Projects on Improved Drinking Water Management and Source Protection in Honduras"; to the Committee on Environment and Public Works.

EC-7748. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Placement of Proceeds from CERCLA Settlements in Special Accounts"; to the Committee on Environment and Public Works.

EC-7749. 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 a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL # 6538-5), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7750. 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 a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Tennessee: Approval of 111(d) Plan for Municipal Solid Waste Landfills in Knox County" (FRL # 6539-6), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7751. 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 a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL # 6538-5), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7752. 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 a rule entitled "National Volatile Organic Compound Emission Standards for Architectural Coatings" (FRL # 6539-2), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7753. 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 a rule entitled "Technical Amendment: Requirements for Preparation, Adoption, and Submittal of State Implementation Plans" (FRL # 6540-1), received February 15, 2000; 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-416. A resolution adopted by the Council of the Borough of Ship Bottom, NJ relative to the disposal of dredge materials at the Mud Dump site; to the Committee on Environment and Public Works.

POM-417. A petition from a citizen of the District of Columbia relative to the District of Columbia Housing Authority Act of 1999; to the Committee on Governmental Affairs.

POM-418. A resolution adopted by the National Conference of Insurance Legislators Executive Committee relative to the Federalism Act; to the Committee on Governmental Affairs.

POM-419. A resolution adopted by the Municipal Assembly of San Juan, PR relative to Vieques, PR; to the Committee on Armed Services.

RESOLUTION 35

Whereas, The Municipal Assembly of San Juan approved a resolution the 29 of April of 1999 requiring the United States Navy to cease immediately and permanently all military practices, bombardments and exercises in Vieques, as well as their total withdrawal from that island, returning to the people of Puerto Rico the lands that the Navy now occupies.

Whereas, The Assembly recognizes that the military practices, exercises, and bombardments in Vieques and its surroundings have been continuous during the last 50 years, affecting the 9,300 residents of that Municipality negatively;

Whereas, In addition to the continuous threat to the safety, health and human life that these military exercises mean in Vieques, they have had a harmful effect on the environment as a whole and in particular, on marine life and the natural beauty of this island.

Whereas, In an historical effort of solidarity regarding the suffering of the people of Vieques, the political, religious, and civic leadership of Puerto Rico, came together with the purpose of calling for the immediate cease of all military exercises by the Navy on soil and beaches of Vieques and for the unconditional and immediate exit of the Navy from this island-municipality, and hereby petition President, Hon. William Jefferson Clinton to that effect.

Whereas, The Mayor of San Juan, Hon. Sila M. Calderon, has made a particular ef-

fort to this effect as have other Puerto Rican leaders in Puerto Rico and in the United States.

Whereas, President Clinton has received pressures from the Pentagon and certain congressional leaders favoring the permanency of the Navy on Vieques, and has disappointed the people of Puerto Rico who had placed their hope in him. President Clinton emitted a decision, which permits the Navy to continue with their war exercises in Vieques for approximately five years. This decision does not establish a specific date for the absolute and total exit of the Navy from Vieques.

Whereas, The action taken by President Clinton is unacceptable to this City Council, as it is for all the Puerto Rican people who are allied in brotherhood with the people of Vieques: Now, therefore, be it

Resolved by the San Juan City Council:

Section 1, To express strong rejection of the President of the United States, Hon. William Jefferson Clinton's decision on the case of Vieques; to support the actions accomplished by the Puerto Rican leadership and in particular by the people of Vieques, for the Navy to leave that territory as soon as possible without imposing conditions; to support the negotiations of the Mayor of San Juan, Hon. Sila M. Calderon, in connection with this matter; and to urge the members of congress and elected officials of New York and other states to join the people of Puerto Rico in this effort.

Section 2, To send a copy of this resolution, duly translated to the English Language, to the President of the United States, Hon. William Jefferson Clinton; to the Congress, and to the press.

Section 3, This resolution will come into effect immediately after its approval.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRAMM (for himself, Mr. GRAMS, Mr. SCHUMER, and Mr. MACK):

S. 2107. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:

S. 2108. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI:

S. 2109. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 2110. A bill to amend title XVIII of the Social Security Act to provide for payment of claims by health care providers against insolvent Medicare+Choice Organizations, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2111. A bill to direct the Secretary of Agriculture to convey for fair market value

1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI (for himself, Mr. JEFFORDS, Mrs. MURRAY, Mr. KERRY, and Ms. LANDRIEU):

S. 2112. A bill to provide housing assistance to domestic violence victims; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ASHCROFT (for himself, Mr. ABRAHAM, Mr. GRASSLEY, Mr. SANTORUM, Mr. HUTCHINSON, and Mr. SMITH of New Hampshire):

S. Res. 263. A resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2110. A bill to amend title XVIII of the Social Security Act to provide for payment of claims by health care providers against insolvent Medicare+Choice Organizations, and for other purposes; to the Committee on Finance.

BANKRUPTCY OF PREMIER HMO

Mr. KYL. Mr. President, I rise to bring to the attention of the Senate a serious problem facing many thousands of Medicare beneficiaries in Arizona. On November 16, 1999, Premier Health Care of Arizona went into receivership. The health care of more than 20,000 Medicare beneficiaries who were enrolled in Premier has been affected by this solvency.

Since Premier Medicare HMO was placed in receivership, I have been advised that some non-contract providers—providers outside of the HMO network—have asserted that Medicare beneficiaries are personally liable for unpaid claims and have referred the outstanding claims to collection agencies.

These unpaid claims—some of which may date back more than six months and amount to significant sums of money—have made it difficult for many contract and non-contract providers to continue to provide care to Medicare beneficiaries. Because Premier operated in a largely rural area where few alternative providers were accessible, this has created a dire health-care delivery situation for Medicare beneficiaries.

Mr. President, today I introduce legislation that addresses the Arizona situation, as well as future