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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 28, 2003, at 12:30 p.m.

## Senate

MONDAY, OCTOBER 27, 2003

The Senate met at 12 noon and was called to order by the president pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Our guest Chaplain today is the Chaplain of the House of Representatives, the Rev. Daniel P. Coughlin, who will lead us in prayer.

### PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father of all and Creator of the whole world, fill our Nation with Your peace and Your blessings, Your splendor of virtues and surpassing gifts.

By Your direction, the heavens are in motion. Day and night fulfill the course You have set. The Sun, the Moon, and the choir of stars revolve in harmony at Your command on their appointed paths. By Your will, the Earth blossoms in full seasons—spring, summer, autumn and winter—following one another all in proper order.

Guide the Members of the Senate today and all the workings of our Government, that the harmony of nature may pattern American life and a new order be established in the community of nations.

This we ask in Your holy name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Foreign Operations appropriations measure. Senator MCCONNELL and the ranking member will be available to discuss and debate amendments. There is an expectation that this bill can be completed in short order. Therefore, if Members do intend to offer amendments, they should contact the cloakroom soon so they are not precluded by a unanimous consent agreement.

As a reminder, at 5:30 p.m. today, the Senate will conduct a cloture vote with respect to the nomination of Michael Leavitt to be Administrator of the Environmental Protection Agency. That rollcall vote will be the first vote of today's session. I do anticipate we will be able to invoke cloture and, therefore, would like to complete this nomination procedure at some point tonight.

For the remainder of the week, we will consider and complete the appropriations bills that are available. I will be discussing with Senator STEVENS the remaining appropriations process. This week, we will also be addressing any appropriations conference reports that are made available.

In addition to these bills, the Senate must still act on the fair credit reporting bill. I look forward to the first opportunity to bring that bill to the floor, most likely this week. The Inter-

net tax moratorium legislation has been discussed as a possibility for this week. I do hope Members will be able to work out any differences on that bill. We will need to address this bill soon due to the existing expiration of that moratorium.

Healthy Forests continues to remain a challenge. There had been an initial hope for an agreement to move forward on this bill with amendments that would be relevant. However, we have not been able to have an agreement reached on the relevancy of those amendments, and we will have to consider other options.

The CARE Act is still sitting at the desk ready for conference, but, once again, there is an outstanding objection to that procedure. I mentioned at the end of last week and will mention again, the gun liability measure is one that should be considered before we close out this session. Again, we will be looking for time to do just that.

As mentioned on the floor at the end of last week, we expect to be dealing with the appropriations bills for the most part over the course of the day and spending the early or very late afternoons and early evenings addressing these other very important measures. There may be exceptions to that as issues present themselves, but it will be important for us to continue a dual-tracking approach as agreed to on both sides of the aisle to address the important issues that must be addressed.

As we know and will see later this afternoon and evening, nominations are critically important. They are always a focus. Tonight's vote shows the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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challenge we have on each and every one of these executive nominations, as well as all of the judicial nominations. I will continue to look for ways to give the executive nominations their due process—an up-or-down vote on the Senate floor. Again, this is with respect to both executive nominations and judicial nominations.

The list I have just mentioned is lengthy in part, but it is within reason. We can complete these issues, and we will do our very best to complete all these issues, including the appropriations process, including the Energy conference report, including the Medicare prescription drug conference report, before we leave. It is going to require working together. It will require a lot of cooperation on both sides of the aisle to accomplish that.

With that cooperation, with the expectation we can work hand in hand on these issues, we will be able to still adjourn in a timely way this year.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to speak for 6 or 7 minutes in morning business. I ask unanimous consent to do that.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### FUNDS FOR NURSING HOMES

Mr. GRASSLEY. Mr. President, today I would like to announce a significant achievement for this Congress, for the nursing home community, and for nursing home residents throughout the United States. I announce that the nursing home community committed itself to spending about \$4 billion over the next decade to direct care and services for all patients in skilled nursing facilities.

This past August, the Centers for Medicare and Medicaid Services corrected for errors in rate calculations and adjusted Medicare payments to nursing homes by 3.26 percent. I approached the nursing home community and asked that they use a substantial portion of those funds for direct, hands-on care to residents. They not only agreed, but they committed their agreement to writing.

The American Health Care Association, the Alliance for Quality Nursing Home Care, the American Association of Homes and Services for the Aging, the American Health Quality Association, and the American Hospital Association all have agreed to spend a large portion of the increase in funding from that 3.26-percent adjustment formula for direct hands-on care to residents, specifically on registered nurses, li-

censed practical nurses, and on certified nursing assistants. These are the people who touch the nursing home residents' lives most directly, and they are the backbone of the nursing home system of quality care if there is going to be quality care.

Moreover, by committing to use these funds for hands-on direct care, these providers are acknowledging that more hands-on direct care will help to continue improving the quality of care provided nursing home residents.

I first got involved in the nursing home quality of care issue in 1997 when I chaired the Special Committee on Aging. There was, at that time, concern about thousands of deaths in the State of California due to dehydration, malnutrition, bed sores, and a lot of other conditions that indicate lack of concern, lack of quality of care. This may have been just in the State of California, but it was probably also true of other States. These were brought to my attention at that particular time.

At that time I seized the opportunity to expose the sad state of affairs in too many nursing homes across the Nation. In 1998, the picture wasn't pretty. The General Accounting Office said there were serious quality care problems in about 30 percent of California's nursing homes. That report inaugurated a new and targeted effort to improve the quality of care in nursing facilities, and the quality of oversight and enforcement by responsible State and Federal agencies.

Since 1998, there have been about 17 General Accounting Office studies on nursing homes, and even more if you count the work done by the Office of Inspector General at the Department of Health and Human Services. Improving the quality of care provided in nursing homes is of paramount concern to all of us. At the same time, we must recognize that not all nursing homes are bad actors. Unfortunately, those who are cast the entire community in a bad light.

Over the years in fighting the battle to improve care in nursing homes I have come to learn two very important realities about providing quality care to one of our most vulnerable populations. The first reality is that there is no quick fix that will cure the problem. There is no law, no penalty, no guidance that will eliminate the problem.

The second reality is that we need the will to direct Federal funds right where they are most needed, to those hands-on professionals who feed, bathe, and turn the residents of a nursing home. That is what we have done here with this agreement among these various professional and trade associations. We worked hand in glove with these associations of the nursing home community, a community that provided me their written commitment to use real money to improve the plight of nursing home residents.

The nursing home community put their money where their mouth is by

committing to use billions for hands-on direct care to their residents. Today I applaud them, I thank them, and I look forward to more such agreements, all in the name of making sure that there is quality of care at the nursing homes of America.

I yield the floor.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mr. AL-LARD). Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1968

Mr. MCCONNELL. Mr. President, I have a series of cleared amendments to the pending measure, the foreign operations bill, which I send to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1968.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCONNELL. Mr. President, I urge we adopt these amendments en bloc.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1968) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I wish to take a moment to explain an amendment that was in the package I just sent forward: Conditioning assistance to Malaysia on a determination