

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1025

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1053

At the request of Mr. BOND, the names of the Senator from Kentucky (Mr. McCONNELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1172

At the request of Mr. TORRICELLI, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1315

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1315, a bill to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.

S. 1348

At the request of Mr. BROWNBACK, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1348, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 1396

At the request of Mr. FITZGERALD, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1396, a bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes.

S. 1403

At the request of Mrs. MURRAY, her name was withdrawn as a cosponsor of S. 1403, a bill to amend chapter 3 of title 28, United States Code, to modify en banc procedures for the Ninth Circuit Court of Appeals, and for other purposes.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SARBANES, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. REED), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. EDWARDS), the Senator from Illinois (Mr. DURBIN), the Senator from Alabama (Mr. SHELBY), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. AKAKA), the Senator from Oregon (Mr. WYDEN), the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. ALLARD), the Senator from Idaho (Mr. CRAPO), the Senator from Michigan (Mr. LEVIN), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of Senate Resolution 95, a resolution designating August 16, 1999, as "National Airborne Day."

SENATE RESOLUTION 106

At the request of Mr. DOMENICI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Resolution 106, a resolution to express the sense of the Senate regarding English plus other languages.

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

AMENDMENT NO. 1258

At the request of Mr. DOMENICI the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of amendment No. 1258 proposed to H.R. 1555, a bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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SENATE CONCURRENT RESOLUTION 47—EXPRESSING THE SENSE OF CONGRESS REGARDING THE REGULATORY BURDENS ON HOME HEALTH AGENCIES

Mrs. HUTCHISON (for herself, Mr. BOND, Ms. COLLINS, Mr. FRIST, Mr. ALLARD, Mr. EDWARDS, Mr. COCHRAN, Mr. CLELAND, Mr. ROBERTS, and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 47

Whereas 3,900,000 elderly persons currently use health care services provided under the medicare home health program;

Whereas the Balanced Budget Act of 1997 made a number of changes to the administration of the medicare home health program;

Whereas many such changes imposed by such Act were required to be implemented by the Health Care Financing Administration (referred to in this resolution as "HCFA") of the Department of Health and Human Services;

Whereas many of such regulations promulgated by HCFA in order to implement such changes have proven to be administratively burdensome, have diverted funds away from needed beneficiary care, and were promulgated as final rules without prior opportunity for comment by the home health industry and home health patients;

Whereas HCFA has implemented a branch office policy that imposes arbitrary distance and suspension requirements that are administratively burdensome and threaten access to home health services, particularly in rural areas;

Whereas, in order to implement the shift of medicare payment for home health services from part A to part B, HCFA imposed a sequential billing policy that prohibited home

health agencies from submitting bills for patient services if a previous bill was submitted for that patient who was undergoing medical review;

Whereas HCFA has expanded medical reviews of home health claims so that the processing of such claims has slowed down significantly nationwide;

Whereas HCFA is requiring home health agencies to submit patient data using the Outcomes and Assessment Information Set (referred to in this resolution as "OASIS") in anticipation of and to assist the development of a prospective payment system (PPS) for home health services;

Whereas HCFA plans to implement an overly burdensome requirement that agencies report visit times in 15-minute increments that fails to account for the entire time spent in the home and on activities such as care planning, coordination, documentation, and travel that are essential for a home health visit;

Whereas most home health agencies will not be reimbursed for any of the costs or the increase in administrative requirements associated with OASIS;

Whereas the slowdown in claims processing, coupled with sequential billing and implementation of OASIS, has substantially increased home health agency cash flow problems because payments are often delayed by 3 months or more;

Whereas the vast majority of home health agencies are small businesses that cannot operate with such significant cash flow problems; and

Whereas there are many other elements of the medicare home health program, such as the interim payment system, which have created financial problems for home health agencies, such that more than 2,200 agencies nationwide have already closed: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) Congress should actively oversee the administration by the Health Care Financing Administration (referred to in this resolution as "HCFA") of the medicare home health program;

(2) in overseeing such administration, Congress should pay particular attention to HCFA's compliance with the public notice and comment requirements of the Administrative Procedures Act (5 U.S.C. 551 et seq.), HCFA's consideration of input from the home health community, and HCFA's coordination and consistent application of policies among HCFA's central and regional offices; and

(3) Congress should monitor HCFA's adherence to and implementation of Congressional intent when executing changes during such administration.

• Mrs. HUTCHISON. Mr. President, I rise today to submit a Senate concurrent resolution intended to focus the attention of Congress on the current plight of Medicare beneficiaries who receive home health care. Specifically, the resolution calls for increased Congressional oversight with regard to home health care of the Health Care Financing Administration (HCFA), which has responsibility of implementing the federal Medicare program.

Home health providers, or "agencies" as they are called, are being decimated by overly burdensome and complex regulations issued by HCFA. Ostensibly issued to implement the Medicare preservation provisions of the 1997 Balanced Budget Act, these regulations in-

stead have ignored or conjured Congressional intent and in the process have driven thousands of home health agencies out of business and left tens of thousands of homebound seniors scrambling to find care.

Mr. President, my home state of Texas is very rural. Despite the fact that there are now almost 20 million people living in Texas, most areas of the state remain rural, even isolated from major population centers. Many of these areas are medically very underserved. There are counties in Texas without a single hospital, and several without so much as a clinic for people to go to find basic health services. It's not unusual for a Texan in some parts of the state to have to drive 100 miles or more just to see a doctor.

When Congress created the home health benefit within the Medicare program, it dramatically extended Medicare's reach to senior citizens and disabled persons living in these rural areas. Home health also offered to bring much needed health services to many who, although they may reside in a city, nevertheless may live an isolated existence because they are homebound.

Because of the tremendous need and demand for home health care, the program began to grow rapidly. This growth began to alarm some who felt that the cost of the program would soon outstrip the Medicare system's ability to pay for it. There were also a growing number of reports of abuse and fraud within Medicare generally, and specifically within the home health program.

So in 1997, as part of a broader Medicare package, Congress acted to make the home health program more efficient and to crack-down on fraud and abuse. While these reforms were intended as a wake-up call to inefficient and fraudulent home health providers, they were not intended to pull the rug out from under the entire home health industry, and the 4 million patients nationwide who depend on the services home care provides. Unfortunately, that is exactly what has happened.

Home health agencies have been besieged on all sides. Implementation of the Interim Payment System (IPS) has caused immediate cuts in payments to agencies by upwards of 60 percent. In many cases, these cuts are being implemented retroactively, resulting in many agencies being slapped with "overpayment" demand notices for hundreds of thousands of dollars. In some cases, these payment demands exceed the agency's annual payroll. Moreover, the manner in which HCFA has chosen to implement the IPS has caused the most efficient agencies to suffer the most severe cuts. Agencies that were less efficient, and thus were paid more in the past, are ironically given higher reimbursements under the IPS.

At the same time, home health agencies have been hit with many new, complex, and burdensome regulations,

some of which seem to have no real purpose other than to generate more paperwork and administrative costs by home care agencies.

For example, home health providers are now required to keep track of and report their time in 15 minute increments. Many visiting nurses and other home health providers report having to use a stopwatch while they administer care to their patients in order to comply with this new requirement. Another example is HCFA's implementation of a sequential billing policy, wherein an agency cannot bill Medicare for services provided to a patient until all previous claims for that patient are resolved, even if those earlier claims are held-up by the Medicare bureaucracy.

Across the nation, and particularly in my home state of Texas, the combined results of these payment cuts and new regulations have been nothing short of catastrophic. In Texas alone, an estimated 700 home care agencies have already gone out of business since 1997, and many more are on the verge of collapse. Nationwide, upwards of 2200 agencies have reportedly shut their doors, representing about a third of the total number of home care agencies.

Mr. President, it seems that everywhere I travel in Texas, and I travel to some very rural areas, the one health complaint I hear consistently from my constituents concerns changes in the Medicare home health benefit. I have heard numerous instances of home health beneficiaries, particularly those with complex illnesses and demanding health needs, who have been left high and dry by the closure of their home care agency. Many of these individuals have been forced into hospitals or nursing homes. Others simply get no care, or must rely to the extent they can upon what care family or neighbors can provide.

I and many of my colleagues have communicated with HCFA in an attempt to soften the blow of their regulations, with only very limited success. And while HCFA has been largely unresponsive to Congress, it has been even more insulated from the comments, suggestions, and complaints from the home health community. In many cases, payment system changes have been enacted with virtually no public participation or comment.

Mr. President, our nation's homebound senior citizens deserve more.

This resolution seeks to bring attention to the plight of home health beneficiaries under HCFA's cumbersome implementation of the reforms Congress enacted. It calls upon Congress to take a more active role in overseeing the Health Care Financing Administration with regard to home health care and HCFA's implementation of its home care regulations. Most importantly, the resolution calls upon HCFA to adhere more closely to Congressional intent in administering the Medicare home health benefit to ensure that the program is not further eviscerated.

This resolution is certainly not the only solution to the current home health crisis. Just this month I joined with Senators COLLINS, BOND, and others, many of whom are original cosponsors of this resolution, in introducing substantive legislation that will repeal some of the most severe applications of the 1997 Balanced Budget Act. While these changes cannot turn back time to restore the agencies and services that have been lost, it can help prevent even more providers from going out of business and even more homebound patients from being medically stranded.

Mr. President, I call upon my colleagues to support this resolution, as well as the substantive legislation just introduced by my colleague, Senator COLLINS. But most importantly, I call upon my colleagues to recognize the real and ongoing health care crisis facing America's homebound seniors and disabled individuals.●

**SENATE RESOLUTION 158—DESIGNATING OCTOBER 21, 1999, AS A “DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE”**

Mrs. MURRAY (for herself, Mr. WARNER, Mr. HATCH, Mr. BINGAMAN, Mrs. BOXER, Mr. CHAFFEE, Mr. DODD, Mr. DORGAN, Mr. EDWARDS, Mr. GORTON, Mr. GRAMS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas every day in the United States, 14 children under the age of 19 are killed with guns;

Whereas in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun;

Whereas in 1995, nearly 8 percent of high school students reported having carried a gun in the past 30 days;

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 21, 1999, as a “Day of National Concern about Young People and Gun Violence” will allow students to make a positive and earnest decision about their future in that such students will have the opportunity to voluntarily sign the “Student Pledge Against Gun Violence”, and promise that they will never take a gun

to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 21, 1999, as a “Day of National Concern about Young People and Gun Violence”; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

Mrs. MURRAY. Mr. President, I rise today to introduce a resolution that has passed the Senate now for 3 years unanimously.

My resolution, which I am submitting today, along with Senator WARNER and 28 other original cosponsors, establishes October 21, 1999, as a day of national concern about young people and gun violence. For the last several years, I have sponsored this legislation. This year, Senator WARNER has joined me in leading the cosponsorship drive as we pledge to our young people across the Nation that we support their strong efforts to help stop the violence in their own schools and communities. I thank Senator WARNER for his help and partnership in work on this issue.

Sadly, this resolution has special meaning for all of us after the tragic events that occurred earlier this year in Littleton, CO, and Conyers, GA. These school shootings across the Nation have paralyzed their communities and shocked the country. In recent years, we have seen similar shootings from Mississippi to Oregon. These events have touched us all. Adults and young people alike have been horrified by the violence that has occurred in our schools, which should be a safe haven for children. We are all left wondering what we can do to prevent these tragedies.

I am again introducing this resolution because I am convinced the best way to prevent gun violence is by reaching out to individual children and helping them make the right decisions. This resolution simply establishes a special day that gives parents and teachers, government leaders, service clubs, police departments, and others a way to focus on the problems caused by gun violence. It also empowers young people to take affirmative steps to end this violence by encouraging them to take a pledge not to use guns to resolve disputes.

A Minnesota homemaker, Mary Lewis Grow, developed this idea of student pledges and for a day of national concern for young people and gun violence. In addition, Mothers Against Violence in America, the National Parent Teacher Association, the American Federation of Teachers, the National Association of Student Councils, and the American Medical Association have joined the effort to establish a special day to express concern about our children and gun violence and support a national effort to encourage students to sign a pledge against gun violence.

In 1998, more than 1 million students across the Nation signed this pledge card. The student pledge against gun violence gives students the chance to make a promise in writing that they will do their part to prevent gun violence. The students' pledge promises three things: First, they will never carry a gun to school; second, they will never resolve a dispute with a gun; and third, they will use their influence with friends to discourage them from resolving disputes with guns.

Just think of the lives we could have saved if all students had signed and lived up to such a pledge just last year.

Consider that in the months between today and the day we demonstrated our concern about youth violence last year, we have had terrifying outbreaks of school violence. Sadly, 12 students and one teacher have been killed, and more than 25 students have been wounded in shootings by children at school. In addition, we have lost many more children in what has become the all too common violence of drive-by shootings, drug wars, and other crime, and in self-inflicted and unintentional shootings.

We all have been heartened by statistics showing crime in America on the decline. Many factors are involved, including community-based policing, stiffer sentences for those convicted, youth crime prevention programs, and population demographics. None of us intend to rest on our success because we still have far, far too much crime and violence in this society.

So, we must find the solutions that work and focus our limited resources on those. We must get tough on violent criminals—even if they are young—to protect the rest of society from their terrible actions. And we, each and every one of us, must make time to spend with our children, our neighbor's children, and the children who have no one else to care about them. Only when we reach out to our most vulnerable citizens—our kids—will we stop youth violence.

Mr. President, I urge all of my colleagues to join in this simple effort to focus attention on gun violence among youth by proclaiming October 21 a “Day of Concern about Young People and Gun Violence.” October is National Crime Prevention Month—the perfect time to center our attention on the special needs of our kids and gun violence. We introduce this resolution today in the hopes of getting all 100 Senators to cosponsor it prior to this passage, which we hope will occur in early September. This is an easy step for us to help facilitate the work that must go on in each community across America, as parents, teachers, friends, and students try to prevent gun violence before it ruins any more lives.

Mr. WARNER. Mr. President, I rise today to submit a resolution that passed the United States Senate by unanimous consent each of the last two years. I am pleased to join Senator MURRAY in establishing October 21, 1999, as the Day of National Concern About Young People and Gun Violence.