

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, non-partisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as a Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general

direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons To Testify: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) Publication: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

TRIBUTES TO ALAN CRANSTON

● Mr. CONRAD. Mr. President, I rise today to join my colleagues in mourning the death of our former colleague from California, Senator Alan Cranston. The nation lost a truly remarkable man last December.

Senator Alan Cranston had a long and effective career of public service spanning six decades, including 24 years as a United States Senator. He first entered public service in 1942 as Chief of the Foreign Language Division of the Office of War Information in the Executive Offices of the President. This began his very productive life of public service.

I served side-by-side with Senator Cranston for six years. In those six years alone he had his hand in many fundamental pieces of legislation. For example he produced the Cranston-Gonzales National Affordable Housing Act of 1990, the first major piece of housing legislation in a decade. He was also the original author of the California Desert Protection Act, which was enacted in 1993. Throughout his long career, Senator Cranston was a true advocate for the environment, civil rights, and world peace.

Whether one agreed or disagreed with Alan Cranston's views, we here in the Senate will always remember him for his integrity and dedication. Alan Cranston fought tirelessly for his beliefs, no matter what the consequence. Yet he was also kind, energetic, and thoughtful.

Put simply, I admired and respected Senator Alan Cranston. I would now like to take this opportunity to extend my thoughts and prayers to his sister Eleanor Cranston, his son Kim, his daughter-in-law Collette Penne Cranston, his granddaughter Evan Cranston, and to his remaining friends, family and staff. We will all miss him.●

Mr. HARKIN. Mr. President, when I heard that my friend, Alan Cranston,

passed away this New Year's Eve, I couldn't quite believe it. I remember Alan as a man in a constant state of motion, always pressing on for the causes he cared for, plotting the next steps, pondering how he could do more. It is hard to reconcile the finality of death with the endless, focused energy that defined his life.

Alan's record of service spans the better part of the twentieth century. He was a journalist who covered World War II, an author who warned Americans about the threat of Hitler, a leader of an organization that opposed discrimination against immigrants, long before that was fashionable.

He revived the California Democratic party in the 1950's, was the California state controller in the 1960's, and served his first term in the United States Senate in the 1970's. He was a Senator for 24 years, including seven consecutive terms as Democratic whip, and he even made a run for the Presidency in 1984. And since his retirement from the Senate in 1993, Alan had dedicated himself to the cause he cared about most; eliminating nuclear weapons.

If you didn't know Alan, his impressive list of accomplishments might lead you to think that he must have been a man of great showmanship and obvious charisma. But that wasn't Alan.

Alan believed in the philosophy of Lao-tzu: "A leader is best when people barely know that he exists. But of a good leader, when his work is done, his aim fulfilled, they will all say, 'We did this ourselves.'" Accordingly, Alan did a lot of his work behind the scenes. He had neither the time nor the patience for back-slapping and schmoozing; he liked to cut to the chase, let you know what was what, and move on to the next thing.

Alan was never loud or arrogant or flashy. He didn't have to be. His authority came from a force deeper than personality. It came from his conscience.

The anti-war activist, Father Daniel Berrigan, once talked about the danger of "verbalizing . . . moral impulses out of existence." That was never within the realm of possibility for Alan. Whether he was standing up for veterans, working to save millions of acres of desert and wilderness, or speaking out for nuclear disarmament, Alan steadfastly followed his conscience, even when it led him to the uncharted paths or difficult places where no one else would go.

I don't know whether it was the result of this active conscience or his fierce intellect or some combination of the two, but Alan had this extraordinary prescience, this ability to predict with startling accuracy what the future would bring. He understood the threat of Adolf Hitler long before many others, and he worked to warn us before it was too late. He fought discrimination against immigrants, long before most of us realized that was the right

thing to do. He spoke out about nuclear weapons long before the disarmament movement took root in the popular imagination.

And he believed in the notion of uniform world law decades before the rise of the global age. In fact, many decades ago, he was the leader of the World Federalist Association, a group dedicated to the idea of establishing a uniform world law. Back then, the WFA must have seemed like a somewhat eccentric organization, oddly out of synch with the times.

But it was vintage Alan, just another manifestation of his profound idealism. Alan really believed that people of all different nationalities and races and ethnicities could rise to meet the standard of a just rule of law.

Alan once said of nuclear deterrence: "This may have been necessary during the cold war; it is not necessary forever. It is not acceptable forever. I say it is unworthy of our nation, unworthy of any nation; it is unworthy of civilization."

Alan had the highest hopes for our world. We owe it to him to try to live up to them and to carry out his legacy of peace in the new millennium he did not live to see.

In conclusion, I ask that a recent article from Roll Call on Alan Cranston by Daniel Perry appear in the RECORD at the end of my remarks.

Dan Perry, a former staffer for Alan Cranston, is a leader in his own right. For years he has been on the forefront of aging and health policy as head of the Alliance for Aging Research. His remarks reflect his deep admiration for Senator Cranston and his commitment to the Senator's lofty ideals.

The article is as follows:

[From Roll Call, Jan. 4, 2001]

CRANSTON LEGACY SERVES AS MODEL FOR MEMBERS OF THE 107TH CONGRESS

(By Daniel Perry)

The sharply divided 107th Congress would do well to ponder the quiet but enduringly effective political skills of the late Sen. Alan Cranston (D) of California. His 24-year Senate career, during tumultuous and partisan times, showed that strong beliefs make good politics, but success begins with respecting the motives and sincerity of others, including your opponents.

Cranston's sudden death, just hours before the first day of 2001, ended a life devoted to issues about which he was passionate: International peace and arms control, human rights and protection of the environment. For this Californian the quest for high public office—even the United States Senate—was never a simple pursuit of power nor an end in itself.

Politics and policy were the means by which he could help make the human passage on earth fairer, safer and more serene. His commitment to halting future use of nuclear weapons began when he was introduced to Albert Einstein in 1946. He was still working tirelessly toward that goal when he died, at age 86, eight years after he left the Senate.

In the shorthand of the obituary writer, Cranston is remembered for winning four Senate elections, serving seven consecutive terms as Democratic Whip, for having run for president as the champion of a nuclear

freeze and for being tarred by the so-called Keating Five scandal. While all true, that doesn't begin to describe a political career of amazing productivity and accomplishment, showing just how much one person quietly can do to shape his or her times.

By one count, there were 2,500 tallies in the Senate between 1969 and 1989 that were decided by fewer than five votes, and often by a single vote. Cranston was often a crucial player, not only for his vote alone but as a behind-the-scenes strategist, head counter, marshaler of forces and shrewd compromiser who always lived to fight another day.

He was frequently one-half of various Senate odd-couple pairings, meshing his principles with pragmatism. He teamed with conservative Senators such as Strom Thurmond (R-S.C.) to improve veterans programs, Alfonse D'Amato (R-N.Y.) on public housing measures and the legendary Barry Goldwater (R-Ariz.) to protect press freedoms guaranteed under the First Amendment.

Cranston was liberal and an idealist to the core, but never an ideologue or blindly partisan. That balance enabled him to become one of the most durable and successful California politicians of the 20th century. He was elected six times to statewide office from California.

Representing the West Coast megastate in the Senate meant skillfully balancing myriad insistent and often conflicting home-state interests. Even as California changed politically and demographically, Cranston managed to steer a delicate course between the state's giant agribusiness interests and those of consumers, family farmers and farm workers; he weighed the claims of home builders and growing communities against the need to preserve open spaces and wildlife habitats.

Amazingly, he helped end the Vietnam War and was a major figure in the nation's arms control and peace movements, even as he effectively represented the epicenter of the nation's defense and aerospace industries.

It is a measure of the man that he was able to separate the warriors of Vietnam from the war itself. From 1969 to 1992 all legislation concerning America's veterans bore his stamp, especially measures improving health care and mental health services for those who fought in the nation's most unpopular war.

Teaming up with the late Rep. Phillip Burton (D) of San Francisco on environmental issues, the two Californians managed to place under federal protection as much acreage as all the national park lands created earlier in the 20th century combined.

Today there is a catalog of thousands of bills and amendments he personally authored affecting virtually every aspect of national life: civil rights, adoption and foster care reform, wild rivers, research to improve aging and longevity, workplace safety, emergency medical services and much more.

He lived by the maxim that a leader can accomplish great things if he doesn't mind who gets the credit.

The Cranston style has not been much in evidence in Washington during recent years. However, Members in the 107th Congress—where many a cause will be determined by one or very few votes—would do well to consider the lessons of his enabling career. If they study the Cranston legacy and seek to emulate it, the nation and the world will be better for it.

Mr. KENNEDY. Mr. President, Kim, Colette, Evan, R.E.—let me begin by saying I loved Alan too. I will never forget the 24 years of friendship and leadership and achievement with which he graced the Senate and the nation. So it's a special privilege and honor for

me to be part of this tribute today. Alan is profoundly missed by his family and friends, his colleagues in the Congress, and by all those around the world who pursue the great goals of hope and progress and peace.

I must say, I grew up thinking Cranston was a city in Rhode Island. But Alan taught each of us that Cranston stands for something else as well, the very best in public service.

Alan loved to lead behind the scenes, for 14 of those 24 Senate years with us, he was our Democratic whip, and he wrote the book about the job. In those great years, we used to tease Alan about the position, because so few people outside Congress knew what it involved. Since Alan was from California, a lot of people thought the Minority Whip was the name of a Leather Bar in Malibu.

But seriously, Alan was a giant of his day on many issues, and his concern for social justice made him a leader on them all. We served together for many years on the Labor Committee and especially the Health Subcommittee, and his insights were indispensable. I always felt that if we'd had another Alan Cranston or two in those years, we'd have actually passed our Health Security Act, and made health care the basic right for all that it ought to be, instead of just an expensive privilege for the few.

Perhaps the greatest legacy that Alan left us was his able and tireless work for democracy and world peace. Every village in the world is closer to that goal today because of Alan. No one in the Senate fought harder or more effectively for our nuclear weapons freeze in the 1980's, or for nuclear arms control. His hope for a nuclear-free future still represents the highest aspiration of millions, even billions, throughout the world.

I also recall Alan's pioneering efforts to press for Senate action to end the war in Vietnam, and his equally able leadership for civil rights at home and human rights around the world. We know how deeply he felt about injustice to anyone anywhere. His leadership in the battle against apartheid in South Africa was indispensable.

Throughout his brilliant career, the causes of civil rights and human rights were central to Alan's being and his mission—and America and the world are better off today because Alan Cranston passed this way.

A key part of all his achievements was his unique ability to translate his ideals into practical legislation. Few if any Senators have been as skilled as Alan in the art of constructive legislative compromise that fairly leads to progress for the Nation.

He was a vigorous supporter of the Peace Corps, a strong overseer of its performance, and a brilliant advocate for all the Peace Corps Volunteers. He was a champion for health coverage of returning Volunteers, and one of the first to understand that good health coverage had to include mental health services too.

In many ways, his first love was the Peace Corps, and I know that President Kennedy would have been very proud of him. Even before he came to the Senate, he had his first contact with the Corps, as a consultant for Sargent Shriver. As Alan often said, he became involved because he was so inspired by my brother's vision of a world where Americans of all ages could work side-by-side with peoples throughout the world to put an end to poverty.

Because of Alan, the Peace Corps today is thriving as never before—free of the partisan tensions that divide us on other issues, spreading international understanding of Alan's and America's best ideals, educating new generations of young Americans about our common heritage as travelers on spaceship earth, teaching us about the beauty, the richness, and the diversity of other peoples, other languages, and other cultures and about the enduring importance of the greatest pursuit of all, the pursuit of peace.

Near the end of John Bunyan's "Pilgrim's Progress," there is a passage that tells of the death of Valiant:

Then, he said, I am going to my Father's. And though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

When the day that he must go hence was come, many accompanied him to the river-side, into which as he went, he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.

We loved you, Alan. We miss you. And we always will.

Mr. KERRY. Mr. President, it is a special privilege to join all of you today to honor the life and extraordinary accomplishments of Alan Cranston.

As we all know, Alan was a sprinter and—always with an incredible mischievous twinkle in his eye he sprinted through life. I think one of the most enduring images of him is of Alan on the eve of the Iowa caucuses in 1984 at the Holiday Inn in Keokuk, Iowa, sprinting barefooted down the 40-meter hallway, walking back and repeating the exercise for about 40 minutes. It was no coincidence that Alan's favorite hotel in the country, Chicago's O'Hare Hilton, boasts 250-meter hallways.

Three weeks ago in California we shared a goodbye to our friend, this sprinter, at a memorial service—calling to mind the many ways he enriched public lives and personal relationships.

There in the Grace Cathedral, we heard Colette Cranston say that in death Alan Cranston "has become my Jiminy Cricket—that little voice in her conscience that says, 'Colette, think before you leap.'" It would not be an exaggeration to say that warning was characteristic of Alan when he

served here in the United States Senate. He wanted us to look, and he wanted us to leap. He implored us to put a human face on public policy—to think not in statistics and numbers and programs alone, but in terms of people: and the people he spoke of most often were senior citizens, children, those without decent housing, immigrants, and those in need of a helping hand regardless of race or religion. He was a moral voice, a voice of conscience, someone who understood that even as he remained vigilant defending the needs of the homefront in California, he was also a global citizen who knew this institution had global responsibilities.

Through four terms as a United States Senator, he remained a man of enormous humility on his answering machine he was simply "Alan"—as he was to so many who knew him. This personal sense of place and restraint made it easy to underestimate the contributions he made to the Senate, and to our country. Certainly he never paused long enough to personally remind us of the impact of his service, of the history he was a part of and the lives he touched.

I first met Alan in 1971 when I had returned from Vietnam and many of our veterans were part of an effort to end a failed American policy in Vietnam. In Alan Cranston we found one of the few Senators willing not just to join in the public opposition to the war in Vietnam, but to become a voice of healing for the veterans of the war a statesman whose leadership enabled others, over time, to separate their feelings for the war from their feelings for the veterans of the war. At a time when too many wanted to disown its veterans, Alan offered Vietnam veterans a warm embrace. He was eager to do something all too rare in Washington: listen—and he listened to veterans who had much to say, much of it ignored for too long. He honored their pride and their pain with sensitivity and understanding.

That's when I first saw the great energy and commitment Alan brought to the issues affecting veterans, especially those of the Vietnam era. He was deeply involved on veterans' health care issues, among the first to fight for recognition of post-Vietnam stress syndrome, and a leader in insisting on coverage under the V.A. for its treatment. When the Agent Orange issue came to the fore, Alan insisted on getting answers from an unresponsive government about the consequences of exposure to dioxin, making sure that veterans and their families got the health care they needed. Under his leadership Congress grudgingly increased GI Bill benefits for Vietnam veterans—veterans who too often had to fight for benefits they should have been guaranteed without question—indeed, for veterans who had to fight if only to have a memorial and if only to have the government recognize that they fought in a war and not a police conflict Alan's leadership made all the difference. It is

a sad truth in our country's history that a weary Nation seemed eager to turn its back on so many Vietnam veterans who simply sought their due; it should forever be a source of pride to the Cranston family that Alan was chief among those who insisted that America honor that service and keep faith with sons who left pieces of themselves and years of their lives on the battlefield in that far-away Nation.

This was a man who fought with the greatest of passion for those who had fought in a difficult war—even as he was also the Senator who fought against all that war represents—remembering that war, brutality, and killing are the ultimate failure of diplomacy.

Alan Cranston was above all a man of peace. With him it was not just a policy but a passion. Remember: This was a man who, in 1934, found himself in the same room as Adolf Hitler. Five years later, he wrote a critical English translation of Adolf Hitler's "Mein Kampf" in an effort to reveal the German leader's true plans. He wore Hitler's ensuing lawsuit as a badge of honor, proud that he had stood up to try and warn the English-speaking world about the evils of Nazism.

Throughout the rest of his service he used public office to force Americans to listen to other prescient warnings—about nuclear arms, about a dangerous arms race spiraling beyond our control, and about hopes for peace that he refused to give up even as others chose to beat the drums for war.

Senator Cranston came to his famous commitment to arms control after meeting with Albert Einstein in 1946. He left that meeting convinced that the threat of atomic weapons had to be stemmed—and he spent the balance of his life arguing that conviction before the Nation.

As a member of the Senate leadership and a senior voice on the Democratic side of the Foreign Relations Committee he worked to reduce the nuclear threat. One of his most important efforts was one of the least publicized. Throughout the 1970s and the 1980's, Alan convened a unique arms control study group the "SALT Study Group". This senators-only gathering met monthly in his office, off the record, and face to face to define common ground. He knew the impact quiet diplomacy could have on the issues he cared about most of all.

He loved what the Peace Corps does, and he fought for it. He fought to attach human rights conditions on aid to El Salvador and to halt contra aid. He was a leading national advocate for a mutual verifiable nuclear freeze. He was always an idealist whose increase in political power was always met by progress for the issues he cared about so deeply. It was not just the work of a career, but of a lifetime—after he left the Senate he chaired the State of the World Forum and joined with former Soviet leader Mikhail Gorbachev as chairman of the Gorbachev Founda-

tion/USA and in 1999, he founded the Global Security Institute.

He did that because he sensed that the end of the Cold War, with all the opportunity it afforded, created a more dangerous world, with aging nuclear weapons in increasingly disparate and unreliable hands. He was haunted by the threat of nuclear terrorism. He was passionate about the nuclear test ban treaty and was angry when it went down to a shallow and partisan defeat in the Senate. We missed his voice in that debate; we miss him still more today.

When he left the Senate, Alan reflected upon his service and his accomplishments. Of his lasting legacy, he said simply: "Most of all, I have dedicated myself to the cause of peace."

That dedication was real and lasting—a legacy of peace for a good and peaceful man who gave living embodiment to Culbertson's simple, stubborn faith that "God and the politicians willing, the United States can declare peace upon the world, and win it." That belief was Alan Cranston and it is a belief worth fighting for.

HOME HEALTH CARE STABILITY ACT

Mr. BURNS. Mr. President, I rise today to add my name as a cosponsor to the Home Health Care Stability Act of 2001. I commend the leadership of my friends Senator COLLINS and Senator BOND and I am pleased to join my many other colleagues in support of this very important piece of legislation.

This bill is two-fold, it will permanently eliminate the automatic 15 percent reduction in Medicare payments to home health agencies that is currently scheduled to go into effect on October 1, 2002 and will also extend the temporary 10 percent add-on payment for home health patients in rural areas to ensure that these patients continue to have access to much-needed care.

Times are rapidly changing. Today more than ever, patients are spending less time in the hospital. More and more, we are seeing procedures done on an outpatient basis, with recovery and care for patients with chronic conditions taking place in the home. In addition, in my State of Montana, for example, the number of elderly who are chronically ill or disabled continues to grow. How do we care properly and compassionately for these individuals? As our population ages, the answer to this question becomes more and more important.

Increasingly, the answer for many is home health care. Home health care is an important part of Medicare in which seniors and the disabled can get the care they need, where they want it: in the comfort and security of their own homes. Additionally, home health care is a necessity because, for many, their health or physical condition makes it almost impossible to leave home. Not only is it convenient, but much more

importantly, patients love it. They love it because home health care allows seniors and others with disabilities a feeling of independence and dignity, despite their illnesses. Often home health is an alternative to more expensive services in hospitals, and, thus, is a cost-effective alternative to providing care.

However, folks, there is a home health care crisis—too many seniors and disabled who should be receiving health care services at home are not getting it. This is wrong. Many of our most frail and vulnerable have had to be repeatedly hospitalized with problems that could have been avoided had they been continuing to receive their home health benefits. Others are trying to pay for the care themselves, often on very limited means. Some are going without care altogether.

By the late 1990s, home health care was the fastest growing component of Medicare spending, growing at an average of 26 percent annually. We all know what happened next—in an effort to balance the budget and make the home health program more cost-effective and efficient, Congress in the Balanced Budget Act of 1997, BBA, tried to cut the growth in Medicare spending. Unfortunately, the real results of this action went much farther than we intended, in large part because of faulty implementation and excessive regulatory requirements of the Health Care Financing Administration, HCFA. As the cuts and regulations spun out-of-control, health care providers struggled to survive, while many were forced to close their doors entirely. Ultimately, patients suffered the most. This story applies to patients and providers in all parts of Medicare, hospitals, nursing homes, home health care providers, everyone.

Now, on the horizon, is yet another 15-percent cut that would put many of our already struggling home health agencies at risk and would seriously jeopardize access to critical home health services for millions of our Nation's seniors. In my State of Montana, access to home health care is already a problem for many, we cannot make this problem worse. Home health and, most importantly, the patients who depend on its services cannot afford this. We must act now.

I am indeed proud that last year we passed legislation, the Medicare, Medicaid, and S-CHIP Benefits Improvement and Protection Act, which provided some relief to struggling home health agencies. However, I do not think that it went far enough. First, we must eliminate the 15 percent cut completely. The simple fact is that an additional 15 percent cut in Medicare home health payments would spell death for those low-cost agencies which are currently struggling to hang on, and it would further reduce seniors' access to critical home care services. We have already delayed this 15 percent cut three times—the time has come to do away with it once and for all. Secondly, we must also make permanent