

more Americans have chosen to receive humane and cost-effective hospice care. In recent years, it has become clear that certain technical changes are necessary in the Medicare hospice benefit not only to protect beneficiaries but to ensure that high quality and cost-effective hospice services continue to be available.

The Medicare Hospice Benefit Amendments of 1997, will make six technical changes to the Medicare hospice benefit.

First, the bill restructures the hospice benefit periods. Under current law, the patient's attending physician and the hospice medical director must certify that the patient electing hospice care in lieu of other Medicare services is terminally ill—defined as having a prognosis of 6 months or less to live if the illness runs its normal course. There are four benefit periods, with recertifications of terminal illness by the hospice physician at the beginning of each. The first two periods last 90 days, the third is 30 days, and the fourth is of unlimited duration.

If a beneficiary revokes a hospice election during a benefit period, the remaining days in that period are forfeited. This existing structure is especially troubling for patients who withdraw from hospice during the fourth hospice period because they then forfeit their ability to elect hospice services in the future. Thus, a patient who goes into remission and is no longer eligible for hospice because his or her life expectancy exceeds 6 months, is not able to return to hospice when his or her condition worsens. Our bill would correct this problem by restructuring the benefit periods so that there would be two 90-day periods, followed by an unlimited number of 60-day periods. This would also result in more frequent reevaluation of patients who outlive their original prognosis.

Second, our bill clarifies that additional Medicare services are available—in addition to those specifically required by the hospice rules—when these services are a necessary component of the plan of care. This amendment is consistent with current HCFA policy. The existing statute is ambiguous because the beneficiary must waive coverage under part B for most services when they are related to the terminal illness, but some items are not clearly listed as part of the hospice benefit. For example, diagnostic tests and radiation therapy are not listed in the definition of hospice care, but occasionally the hospice team may agree with the attending physician that these services are necessary to manage the patient's terminal illness. Our bill would ensure that the hospice would be able to provide the appropriate care and that beneficiaries would not be liable for the costs of that care.

Third, our bill amends the core services requirement to allow hospices to contract for physician services with independent contractor physicians or physician groups. HCFA has interpreted the existing statute as requiring a W-2 employer/employee relationship between the hospice and its medical director and other staff physicians. This raises corporate practice of medicine problems in some States, and it is increasingly difficult for hospices to recruit part-time physician employees as the trend toward physician groups continues.

Fourth, the bill allows waivers of certain staffing requirements for rural hospices to be granted. Some hospices in rural areas have difficulty becoming Medicare-certified because

of shortages of certain professionals. Currently, approximately 80 percent of hospices are Medicare-certified or pending certification.

Fifth, our bill amends the so-called waiver of liability provisions to protect the beneficiary if a hospice claim is denied by Medicare because the terminal illness eligibility requirement allegedly was not met. While this bill does not reinstate the waiver of liability presumption under which providers with low error rates were paid before 1996, waiver of liability for hospice reasonable and necessary denials is still available on a case-by-case basis. This means that the hospice may appeal the denials and the beneficiary is not liable for payment. The same process and protection are needed for denials based on 6-month prognosis issues.

Last, our legislation allows HCFA to set documentation requirements for physician certifications. Currently, the statute requires that paperwork documenting the physician certification of a patient's terminal illness be completed within a certain number of days of the patient's admission to hospice. This bill will eliminate the strict statutory requirements and give HCFA the discretion, as it currently has with home health certifications, to require hospice certifications to be on file before a Medicare claim is submitted.

In summary, the Medicare Hospice Benefit Amendments of 1997 is very similar to the bill we introduced last year. The major difference is that we dropped a provision in the 1996 legislation to extend the presumption of the waiver of liability that CBO scored with a budget impact. Therefore, our new bill should be revenue neutral. This Medicare Hospice Benefit Amendments of 1997 is noncontroversial and is needed to ensure that we have a smoothly operating Medicare hospice benefit for our Nation's seniors. I look forward to working with my colleagues to enact this legislation in this Congress.

#### HONORING THE DEDICATED SERVICE OF BOB FERGUSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. POSHARD. Mr. Speaker, I rise today to recognize the dedication and accomplishments of Mr. Bob Ferguson of Flora, IL. Born and raised in that community, Bob has devoted his entire life to helping his friends and neighbors in various capacities and has become the standard by which such service is measured. Last November Bob was named as the 1996 Citizen of the Year by the Flora Chamber of Commerce, and I would like to extend my congratulations in regard to this honor as well as my thanks for his years of selflessness.

Bob Ferguson understands the meaning of the word commitment. He exemplifies it, as his life has been a series of enduring relationships. After serving his country in the U.S. Navy, Bob married his wife Shirley in 1949 and has raised two daughters and been blessed with six grandchildren. He worked for the U.S. Postal Service for 32 years while also serving as Flora City commissioner for over 12 years. His list of achievements in the community is too large to list in its entirety, but a sampling of its diversity is telling: Assistant

Bible school superintendent with the First Christian Church, original organizer and board member of the Flora Bank & Trust, a charter member of the Clay County Historical Society, member of the Flora Elks Lodge, the American Legion, the VFW, Freemasonry, Clay County Shrine Club, and other like organizations, and cochairman of the Clay County Red Cross financial drive. His willingness to help when asked and his ability as a fundraiser and civic leader should inspire everyone who does not think they can make a difference through volunteering. Not only did he participate on the behalf of numerous worthy causes, but he directed his special talents to make these efforts especially fruitful. A person's time and energy are often the most valuable gifts they have to give, and in Bob's case it has resulted in a profound impact on an immeasurable number of lives.

Mr. Speaker, as a public servant, I am extremely moved by the unselfish acts of others. Bob Ferguson is not only a good friend of mine and the entire 19th Congressional District of Illinois, but also an exemplary role model. I hope all of our citizens can follow his lead and look around them to see where they can make a difference. It is an honor to represent Bob in the U.S. Congress.

#### 1-800 "BUY AMERICAN" LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation to establish a toll-free 1-800 phone number consumers can call to get information on products made in America. Similar legislation I authored was approved unanimously by the House in both the 103d and 104th Congress. Unfortunately, the other body did not act on the bill in either Congress.

My bill directs the Commerce Department to contract out the program to a private company. The toll-free number will provide consumers with information on products made in this country. The bill uses the same definition for an American-made product that the Federal Trade Commission uses in determining uses of "Made in the USA" labels. Only those products with a sale price of \$250 or more would be included in the program. The bill would subject any companies providing false information to Federal penalties. One of the key components of my bill is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

I want to emphasize that my bill will not require the Commerce Department to hire more people or create a new unit. The only expense to the Department would be to prepare language for the Federal Register and to prepare bid documents. Let me reemphasize that the program will be contracted out and run by a private company. All the program would do is provide American consumers with information on what products are made in America.

When making a big purchase, most Americans want to buy American. This program will help them make an informed and patriotic decision. I urge my colleagues to cosponsor this bill. The text of the bill is as follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

# SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a toll free number program to help inform consumers whether a product is made in America or the equivalent thereof. The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 2, which shall be funded entirely from fees collected under section 2(b).

(c) USE.—The toll free number shall be used solely to inform consumers as to whether products are registered under section 2 as made in America or the equivalent thereof. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of made in America or the equivalent thereof, or

(3) that the product contains 100 percent United States content.

## SEC. 2. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall promulgate a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of a product made in America or the equivalent thereof and have such product included in the information available through the toll free number established under section 1(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number; and

(3) for the establishment under section 1(a) of the toll-free number pilot program.

(b) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 1 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

## SEC. 3. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 2 which is not made in America or the equivalent thereof—

(1) shall be subject to a civil penalty of not more than \$7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

## SEC. 4. DEFINITION.

For purposes of this Act:

(1) The term "made in America or the equivalent thereof" means—

(A) an unmanufactured end product mined or produced in the United States; or

(B) an end product manufactured in the United States if the value of its components mined, produced, or manufactured in the United States equals 90 percent or more of the total value of all of its components.

(2) The term "product" means a product with a retail value of at least \$250.

## SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 2 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, and rules of the Federal Trade Commission under such Act regarding the use of the term "made in America or the equivalent thereof" in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

## A TRIBUTE TO THE RECIPIENTS OF THE WEST SUBURBAN CHAMBER OF COMMERCE'S ANNUAL AWARDS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to five individuals and one organization for their outstanding contributions in making my district a better place to live and work. Their efforts are also being recognized by the West Suburban Chamber of Commerce, which will honor them at its 95th annual awards dinner February 8, 1997.

The Chamber's Citizen of the Year is Hon. Timothy Hansen, who serves as the village president of LaGrange, IL. I have had the pleasure to work with President Hansen on solving a number of challenges facing his community, and I can say that his recognition is well-deserved. Mr. Hansen has served the community since 1981, including 4 years as its president and 4 years as a member of the board of trustees. His even-handed management style and willingness to let all sides be heard on important issues has made President Hansen well-respected throughout his community.

The Chamber's Man of the Year is Mr. William F. Hendrickson, the retired president of Hendrickson Manufacturing. Throughout his life, Mr. Hendrickson has been dedicated to improving both the business and civic climate of his community, serving on the boards of important businesses and charitable organizations. Some of the groups he has devoted his

time and energies including the Rich Port YMCA, the Plymouth Place retirement community and the Chicago Youth Center.

Ms. Cynthia Breunlin is being honored as the Chamber's Woman of the Year. Ms. Breunlin, the executive director of the West Cook Development Corp., has been involved with numerous community groups, including the NAACP and the Community Diversity organization in LaGrange. Ms. Breunlin, a former schoolteacher, has been honored for her community work by the Girl Scouts, Triton Junior College and School District 102. She is a recipient of the prestigious Medgar Evers Award from the NAACP.

Mr. David Bennett, executive director of the West Central Municipal Conference [WCMC], is the chamber's Public Servant of the Year. At the WCMC, Mr. Bennett has worked to bring often diverse suburban Chicago communities together to solve common problems. Mr. Bennett not only works for these communities, he makes his home in the area as well. He is active in his church, St. John of the Cross in Western Springs, IL, as well as the American Heart Association.

Mr. Robert Breen, is being recognized for Outstanding Community Service by an Individual. This award is especially appropriate as the name "Breen" is synonymous with public service in his community. He and his family have been the driving force behind the annual Pet Parade, a trademark event in LaGrange where the community comes together for a day of fun and creativity for all ages. Mr. Breen, who also helps manage his family's extensive dry-cleaning business, is also a recognized leader in the fabricare industry, as well as his local business community.

The Chamber's Outstanding Community Organization this year is the LaGrange Community Nurse and Service Association, which is celebrating 75 years of service. While LaGrange Community Nurse and Service Association provides a wide array of health care services, the main focus is supplying primary care for low-income families who do not have insurance. The association also provides food for families in emergency situations and clothing and toys for needy children at Christmas.

Mr. Speaker, I salute these five outstanding individuals and one great organization on their good work, and give them my best wishes for continued success in serving the people of their community in the future.

## TRIBUTE TO WILLIAM H. "BILL" WEBER

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TALENT. Mr. Speaker, I would like to pay tribute to Mr. William H. "Bill" Weber, a resident of my congressional district, who has been named the "citizen of the year" by the St. Charles Chamber of Commerce. It is my privilege to call this outstanding community leader my friend.

Mr. Weber, a lifelong resident of St. Charles, MO, has distinguished himself with a lifelong commitment to volunteerism. He has championed numerous causes with his vision and energy. Mr. Weber has been the driving force behind the funding of numerous projects,