

Commerce Stuart Eizenstat and Chairwoman of the Foreign Claims Settlement Commission Delissa Ridgway. In compelling testimony presented to the Helsinki Commission, these two individuals outlined the maze of programs and procedures which govern property claims in Central and Eastern Europe today. Chairwoman Ridgway's Commission is primarily concerned with adjudicating agreements on behalf of American claimants in those instances where agreements between the United States and foreign governments have already been reached. Under Secretary Eizenstat has sought to engage these governments in a dialog about these issues, to foster a greater acknowledgment of past wrongs, and to discern the ways in which the process of making compensation or restitution can be further advanced. I commend both of these people for the strong leadership they have shown in their work.

Mr. Speaker, the procedures that exist for compensation or restitution differ from country to country, often requiring claimants to travel a road so encumbered with conditions and qualifications that it must be a miracle for anyone to have any property returned. And that, of course, is only in those countries which have actually adopted restitution or compensation laws—many countries in this region have not even taken that step. I am particularly anxious to ensure that the survivors of Nazi persecution—people who, in many instances, were unable to receive compensation made available to their counterparts in the West or in Israel—receive the belated compensation that may enable them to live their remaining days in dignity. Moreover, I am deeply troubled that several countries in this region have adopted compensation or restitution laws that discriminate on the basis of citizenship or residency, a move that clearly and unfairly discriminates against American claimants.

I hope other Members of Congress will join me in signaling the countries of Central and Eastern Europe and, in particular, calling for the urgent return of property formerly belonging to Jewish communities as a means of redressing the especially compelling problems of aging and often destitute survivors of the Holocaust. In addition, this resolution calls for countries to remove from their books restrictions which require claimants seeking compensation or restitution to have the citizenship of, or residency in, the country from which they seek compensation or restitution.

Mr. Speaker, I would ask that the text of the resolution be printed in the RECORD at this point.

#### H. CON. RES.—

Whereas Fascist and Communist dictatorships have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership;

Whereas the wrongful and illegal confiscation of property perpetrated by Fascist and Communist regimes was often specifically designed to victimize people because of their religion, national or social origin, or expressed opposition to the regimes which repressed them;

Whereas Fascists and Communists often obtained possession of properties confiscated from the victims of the systems they actively supported;

Whereas Jewish individuals and communities were often twice victimized, first by the Nazis and their collaborators and then by the subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties were also destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious adherents;

Whereas Fascists, Nazis, and Communists have used foreign financial institutions to launder and hold wrongfully and illegally confiscated property and convert it to their own personal use;

Whereas some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims while denying heirs access to these assets;

Whereas refugees from communism, in addition to being wrongly stripped of their private property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating states of the Organization for Security and Cooperation in Europe have agreed to give full recognition and protection to all types of property, including private property, as well as the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, as well as the Caucasus and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the past wrongs of previous totalitarian regimes;

Whereas restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation are arbitrary and discriminatory in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative, pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally property confiscated from Holo-

caust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

IN SUPPORT OF H.R. 582: THE MEDICARE HOSPITAL OUTPATIENT REFORM ACT OF 1997

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 9, 1997*

Mr. STARK. Mr. Speaker, on February 4, Representative COYNE and myself introduced a bill to provide for an immediate correction of a serious Medicare beneficiary problem: the overcharging of seniors and the disabled by hospital outpatient departments [HOPD].

The President's budget also calls for a correction of this problem, but phases in the correction over a 10-year period.

In Medicare, the program generally pays 80 percent of part B bills and the patient pays 20 percent. But because of the way the HOPD benefit was drafted, currently beneficiaries are paying about 45 percent and Medicare 55 percent. Simply put, the problem arises because Medicare pays the hospital on the basis of reasonable cost, while the beneficiary is stuck with 20 percent of charges—and charges can be anything the hospital wants to say they are.

Recently, the American Association of Retired Persons asked its members for examples of problems they had had with HOPD billings. They received an overwhelming response, and over the coming weeks, I would like to enter some of these letters in the RECORD.

These examples are the proof of why we need to fix this problem ASAP.

The first is from Mrs. Patterson of Chico, CA, who was in the hospital 5 hours, and Medicare paid the full bill—less than 20 percent—of over \$4,000, including \$900 of pharmacy.

Curious to me on the hospital bill is the box at bottom right, showing expected payment of Medicare \$327.52, estimated amount not paid by Medicare \$3016.18. In questioning the hospital bookkeeping office, I was told that Medicare actually pays only the small amount and the hospital absorbs the rest.

Mrs. Patterson, or her medigap policy if she had one, paid \$818.80 on total charges of \$4094—20 percent of charges. Medicare then determined that the fair cost of the procedure was \$1146.32, but since Mrs. Patterson had already paid \$818.80, Medicare only paid the rest of the fair cost—or \$327.52. What the bookkeeper didn't tell Mrs. Patterson was that what the hospital "absorbed" was an outrageous and unjustified charge that no one should have paid—sort of like the sticker price on an auto at a used car dealership. Yet in this case, the beneficiary paid 71.5 percent of the fair cost and Medicare 28.5 percent—a far cry from Medicare's "promise" of a 20–80 percent split.

The second letter printed below is from the Robertson family of Alhambra, CA, for cataract

surgery. In this case, the total Medicare allowed cost of the procedure was \$2114.80, but Medicare didn't pay 80 percent—it only paid 47 percent and the patient paid 53 percent.

The last letter is also printed below, from a man in north central California. It reflects the absolute nonsense hospitals are telling patients when they question these bills. When you examine the bills—not reprinted below—it is clear that on a bill showing charges of \$2522.50, the patient paid 20 percent of the charges or \$504.50. Medicare determined that the cost of the procedure was worth \$933.33, but since the beneficiary had already paid \$504.50, Medicare only owed another \$428.83. In this case, the beneficiary paid 54 percent of the fair cost, while Medicare escaped with only paying 46 percent.

These letters are a testament to the need to pass H.R. 582.

ROBERTSON,  
*Alhambra, CA, September 17, 1996.*  
AARP, OUTPATIENT STORIES,  
*Dept. 601 E St. NW,*  
*Washington, DC.*

The enclosed Medicare EOMB copy is for cataract surgery services, surgeons fee not included.

Medicare paid the hospital \$988.45. This payment is not disclosed on the EOMB.

As shown on the EOMB, the patient is responsible for \$1,126.35.

GENTLEMEN: I am glad to see that you are concerned about the Medicare outpatient matter. At the time of my cataract surgery (see dates) I could not get anybody interested.

As you say in your article and also in the latest Medicare Handbook (Page 15 under

heading "What You Pay") the patient pays 20% of the charges not of the amount that Medicare approves of, as is usually the case with part B of Medicare. It does not say that Medicare is responsible for 80% of the charges and indeed, in my case it only paid 17% of the charges (see copy of the bill) although I paid my 20%. As you can see, the remaining 63% was written off and no one paid it.

At the time, I called the hospital on the phone and the representative said that the hospital has a special contract with Medicare allowing them to pay the tiny fraction of the charges (17%). She claimed that the \$1,589.17 write-off was a "loss" to the hospital.

As I said in the beginning, I am glad that someone with clout is interested in this unfairness.