

Committee on Commerce, Science, and Transportation.

EC-999. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of twenty-four rules including one rule relative to class E airspace, (RIN2120-AE64, AE65, AE66) received on February 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1000. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report entitled "District of Columbia's Procurement system, received on February 3, 1997; to the Committee on Governmental Affairs.

EC-1001. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-505 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC-1002. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC-1003. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC-1004. A communication from the Senior Vice President and Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, the report of the balance sheet for calendar year 1996; to the Committee on Governmental Affairs.

EC-1005. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to adoption fees, (RIN1004-AC61) received on February 3, 1997; to the Committee on Energy and Natural Resources.

EC-1006. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to lessee and contractor employees, (RIN1010-AB99) received on January 31, 1997; to the Committee on Energy and Natural Resources.

EC-1007. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to adoption fees, (RIN1010-AC19) received on January 31, 1997; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 279. An original bill to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes (Rept. No. 105-4).

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committee was submitted on January 30, 1997:

By Mr. ROTH, from the Committee on Finance:

Charlene Barshefsky, of the District of Columbia, to be United States Trade Rep-

resentative, with the rank of Ambassador Extraordinary and Plenipotentiary.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive report of committee was submitted on February 5, 1997:

By Mr. McCain, from the Committee on Commerce, Science, and Transportation: Rodney E. Slater, of Arkansas, to be Secretary of Transportation.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL (for himself, Mr. SMITH, Mr. COCHRAN, Mr. INHOFE, Mr. WARNER, Mr. D'AMATO, Mr. ALLARD, Mr. KYL, Mr. JEFFORDS, Mr. DEWINE, Mr. LUGAR, Mr. LEAHY, Mr. MOYNIHAN, Mr. CRAIG, Mr. REID, Mr. BUMPERS, Mr. WYDEN, Mr. KENNEDY, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. INOUE):

S. 263. A bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCain:

S. 264. A bill to amend title XI of the Social Security Act to provide an incentive for the reporting of inaccurate medicare claims for payment, and for other purposes; to the Committee on Finance.

By Mr. Reid:

S. 265. A bill to provide off-budget treatment for the Highway Trust Fund; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. Roth:

S. 266. A bill to establish the Government 2000 Commission to increase the efficiency and effectiveness of the Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. McCain:

S. 267. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

By Mr. McCain (for himself and Mr. FRIST):

S. 268. A bill to regulate flights over national parks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. Abraham:

S. 269. A bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Ms. COLLINS, Mr. LEAHY, and Mr. JEFFORDS):

S. 270. A bill to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 271. A bill to require the Secretary of Commerce to ensure that at least an equivalent level of service will be supplied to the public and affected agencies before closing National Weather Service field stations; to the Committee on Commerce, Science, and Transportation.

S. 272. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 273. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 274. A bill to establish a Northern Border States-Canada Trade Council, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. WARNER, Mr. MOYNIHAN, and Mr. BOND):

S. 275. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt financing of private sector highway infrastructure construction; to the Committee on Finance.

By Ms. SNOWE:

S. 276. A bill to amend title 23, United States Code, to conform to State law the vehicle weight limitations on certain portions of the Interstate System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. COVERDELL, and Mr. HELMS):

S. 277. A bill to amend the Agricultural Adjustment Act to restore the effectiveness of certain provisions regulating Federal milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. SESSIONS, and Mr. COVERDELL):

S. 278. A bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections; to the Committee on Rules and Administration.

By Mr. Roth:

S. 279. An original bill to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mrs. MURRAY (for herself, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. HARKIN, Ms. MOSELEY-BRAUN, Mr. INOUE, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. KERRY, and Mr. AKAKA):

S. 280. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the school activities of their children or to participate in literacy training, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. Res. 50. A resolution to express the sense of the Senate regarding the correction of cost-of-living adjustments; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Mr. HAGEL, Mr. MCCAIN, Mr. COCHRAN, Mr. ENZI, and Ms. MOSELEY-BRAUN):

S. Con. Res. 5. A concurrent resolution expressing the sense of Congress that the extension of membership in the North Atlantic Treaty of 1949 to certain democracies of Central and Eastern Europe is essential to the consolidation of enduring peace and stability in Europe; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 264. A bill to amend title XI of the Social Security Act to provide an incentive for the reporting of inaccurate Medicare claims for payment, and for other purposes; to the Committee on Finance.

THE MEDICARE WHISTLEBLOWER ACT

Mr. MCCAIN. Mr. President, I am proud to be introducing legislation today which will significantly reduce fraud and abuse by providers in the Medicare program. The Medicare Whistleblower Act of 1997 will provide strong incentives for Medicare beneficiaries to identify provider fraud in the Medicare system.

As I travel around my home State of Arizona, seniors keep telling me about the fraudulent and negligent billings which are rampant throughout the Medicare Program. Over and over again, they tell me about their personal experiences with fraud and overbillings in the Medicare system. Many of the seniors say that their Medicare bills frequently include charges for medical services which they never received, double billings for a specific treatment, or charges which are disproportionate and severely marked up. Usually, most of these seniors have no idea what Medicare is being billed on their behalf and they have no way to obtain a detailed explanation from the Medicare providers.

These personal stories from senior citizens are confirmed by analyses and detailed studies. According to the General Accounting Office, fraud and abuse in our Nation's health care system costs taxpayers as much as \$100 billion each year. Medicare fraud alone costs about \$17 billion per year which is about 10 percent of the program's costs.

This is quite disconcerting, especially in light of the financial problems facing our Medicare system. Currently, the Medicare system is expected to run out of funds in the year 2001.

A fundamental problem with the Medicare system is that most beneficiaries are not concerned with the costs of the program because the Government is responsible for them. One of my constituents shared with me an experience he had when his provider double-billed Medicare for his treatment

and the provider told him not to be concerned about it because, "Medicare is paying the bill." This is an outrage and we cannot allow this flagrant abuse of taxpayers dollars to continue. Remember, when Medicare overpays, we all overpay, and costs to beneficiaries and the taxpayers spiral while the financial sustainability of the program is violated.

My bill, the Medicare Whistleblower Act addresses this fundamental problem in the Medicare Program. This legislation strengthens the procedures for detecting and identifying fraud and waste in the Medicare system. This bill provides beneficiaries with incentives for carefully scrutinizing their bills and actively pursuing corrections when they believe there has been an inappropriate or unjustified charge made to the Medicare Program. The beneficiaries would be financially rewarded if they detect negligent or fraudulent charges in their Medicare bill.

I recognize that provider fraud is not the sole source of waste and abuse in the Medicare system, and I wholeheartedly support other initiatives which address beneficiary fraud. However, studies indicate that provider fraud is most prevalent and the greatest concern for the system, making initiatives such as this one which specifically target provider fraud very important.

The Medicare Whistleblower Act will give beneficiaries the right to request and receive a written itemized copy of their medical bill from their Medicare health care provider. This itemized bill should be provided to the beneficiary within 30 days of the provider's receipt of their request. Once the beneficiary receives the itemized bill they would have 90 days to report any inappropriate billings to Medicare. The Medicare intermediaries and carriers would then have to review the bills and determine whether an inappropriate payment has been made and what amount should be reimbursed to the Medicare system.

If the Secretary of Health and Human Services confirms that the charges were either negligent or fraudulent, the beneficiary would receive an award equal to 1 percent of the overpayment reimbursed up to \$10,000. The financial awards given to the beneficiaries would not increase costs to the Federal Government since they would be paid directly from the overpayment. In cases of fraud, the rewards would be paid directly by the fraudulent provider as a penalty, and would therefore not even reduce the amount of the overpayment reimbursed to the Federal Treasury.

Several important safeguards have been built into this legislation. First, the Secretary of Health and Human Services would be required to establish appropriate procedures to ensure that the incentive system is not abused by overzealous beneficiaries. Second, an incentive payment would be awarded only to the extent that the Health Care

Financing Administration HCFA is able to recover the overpayment from the provider. Finally, there would be no incentive payment if HCFA can demonstrate that it had identified the overpayment prior to receiving the beneficiary's complaint.

Some may argue that seniors and other beneficiaries should not receive financial rewards for fighting fraud—that it should be their civic responsibility. While I may agree with this contention, I also recognize that these seniors would not be able to detect and report fraud or abuse without having access to the itemized bills that this legislation provides. Besides, I do not see anything wrong with providing beneficiaries with a financial incentive for fighting waste. After all, we currently pay Federal employees for suggestions which result in savings for the taxpayers, and we pay private citizens for identifying fraud by defense contractors.

It is imperative that we put an end to the rampant abuse and fraud in the Medicare system. This bill would contribute significantly to this effort.

Mr. President, I believe that a very effective approach for detecting and fighting fraud is to provide individuals with a personal financial interest in the process. By passing this legislation, Congress would be empowering over 36 million Medicare beneficiaries to protect their program from fraud, waste, and abuse. I ask unanimous consent that the following letters of support from the Seniors Coalition and the National Committee to Preserve Social Security and Medicare be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, January 27, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 5.5 million members and supporters of the national Committee to Preserve Social Security and Medicare, we offer our endorsement of the Medicare Whistleblower Act of 1997, legislation to strengthen procedures for identifying fraud and waste in the Medicare program.

A major effort to prevent fraud and abuse is essential and appropriate—particularly at a time when Congress is considering ways to ensure the solvency of the Medicare program for current and future beneficiaries. It is essential that we enlist the cooperation of the public, beneficiaries, providers and carriers to curb fraud and waste in the Medicare program and ensure that Medicare funds go toward patient care. As you know, major and increasingly complex patterns of fraud and abuse have infiltrated many health sectors.

Your legislation will strengthen the role of beneficiaries in detecting and reporting fraud and waste. Of particular importance are the provisions ensuring that beneficiaries be provided, upon request, copies of itemized bills submitted on their behalf. Beneficiaries must have accurate information about bills submitted on their behalf in order to meaningfully participate in this