

"(1) IN GENERAL.—A beneficiary may submit a written request for an itemized bill for medical or other items or services provided to such beneficiary by any person (including an organization, agency, or other entity) that receives payment under title XVIII for providing such items or services to such beneficiary.

"(2) 30-DAY PERIOD TO RECEIVE BILL.—

"(A) IN GENERAL.—Not later than 30 days after the date on which a request under paragraph (1) has been received, a person described in such paragraph shall furnish an itemized bill describing each medical or other item or service provided to the beneficiary requesting the itemized bill.

"(B) PENALTY.—Whoever knowingly fails to furnish an itemized bill in accordance with subparagraph (A) shall be subject to a civil fine of not more than \$100 for each such failure.

"(3) REVIEW OF ITEMIZED BILL.—

"(A) IN GENERAL.—Not later than 90 days after the receipt of an itemized bill furnished under paragraph (1), a beneficiary may submit a written request for a review of the itemized bill to the appropriate fiscal intermediary or carrier with a contract under section 1816 or 1842.

"(B) SPECIFIC ALLEGATIONS.—A request for a review of the itemized bill shall identify—

"(i) specific medical or other items or services that the beneficiary believes were not provided as claimed, or

"(ii) any other billing irregularity (including duplicate billing).

"(4) FINDINGS OF FISCAL INTERMEDIARY OR CARRIER.—Each fiscal intermediary or carrier with a contract under section 1816 or 1842 shall, with respect to each written request submitted to the fiscal intermediary or carrier under paragraph (3), determine whether the itemized bill identifies specific medical or other items or services that were not provided as claimed or any other billing irregularity (including duplicate billing) that has resulted in unnecessary payments under title XVIII.

"(5) RECOVERY OF AMOUNTS.—The Secretary shall require fiscal intermediaries and carriers to take all appropriate measures to recover amounts unnecessarily paid under title XVIII with respect to a bill described in paragraph (4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical or other items or services provided on or after January 1, 1998.

#### SEC. . PROHIBITING UNNECESSARY AND WASTEFUL MEDICARE PAYMENTS FOR CERTAIN ITEMS.

Notwithstanding any other provision of law, including any regulation or payment policy, the following categories of charges shall not be reimbursable under title XVIII of the Social Security Act:

(1) Entertainment costs, including the costs of tickets to sporting and other entertainment events.

(2) Gifts or donations.

(3) Personal use of motor vehicles.

(4) Costs for fines and penalties resulting from violations of Federal, State, or local laws.

(5) Tuition or other education fees for spouses or dependents of providers of services, their employees, or contractors.

#### SEC. . REDUCING EXCESSIVE BILLINGS AND UTILIZATION FOR CERTAIN ITEMS.

Section 1834(a)(15) of the Social Security Act (42 U.S.C. 1395m(a)(15)) is amended by striking "Secretary may" both places it appears and inserting "Secretary shall".

#### SEC. . IMPROVED CARRIER AUTHORITY TO REDUCE EXCESSIVE MEDICARE PAYMENTS.

PAYMENT FOR SURGICAL DRESSINGS.—Section 1834(i) of the Social Security Act (42

U.S.C. 1395m(i)) is amended by adding at the end the following new paragraph:

"(3) GROSSLY EXCESSIVE PAYMENT AMOUNTS.—Notwithstanding paragraph (1), the Secretary may apply the provisions of section 1842(b)(8) to payments under this subsection."

#### SEC. . ITEMIZATION OF SURGICAL DRESSING BILLS SUBMITTED BY HOME HEALTH AGENCIES.

Section 1834(i)(2) (42 U.S.C. 1395m(i)(2)) is amended to read as follows:

"(2) EXCEPTION.—Paragraph (1) shall not apply to surgical dressings that are furnished as an incident to a physician's professional service."

#### KENNEDY (AND WELLSTONE) AMENDMENT NO. 429

Mr. KENNEDY (for himself and Mr. WELLSTONE) proposed an amendment to the bill, S. 947, supra; as follows:

Strike section 5362.

#### GRAMS AMENDMENT NO. 430

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 947, supra; as follows:

At the end of chapter 4 of subtitle F of division 1 of title V, insert the following:

#### SEC. . EXCLUDING GENERAL SERVICE WAGES AND HOURS ASSOCIATED WITH A SEPARATE SKILLED NURSING FACILITY IN DETERMINING MEDICARE GEOGRAPHIC RECLASSIFICATION OF CERTAIN HOSPITALS.

In the case of a hospital that is owned by a municipality and that has been reclassified as an urban hospital under section 1886(d)(10) of the Social Security Act for fiscal year 1996, in calculating the hospital's average hourly wage for purposes of continued geographic reclassification under such section for subsequent fiscal years, the Secretary of Health and Human Services shall exclude the general service wages and hours of personnel associated with a skilled nursing facility that is owned by the hospital or the same municipality and that is physically separated from the hospital to the extent that such wages and hours of such personnel are not shared with the hospital and are separately documented. A hospital that applied for and was denied reclassification as an urban hospital for fiscal year 1998, but that would have received reclassification had the exclusion required by this section been applied to it, shall be reclassified as an urban hospital for fiscal year 1998.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARLENE BURKE

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Marlene "Molly" Burke of Rutland, VT. After 40 years of dedicated service to the teachers and students of Vermont, Molly has decided to retire.

Molly began her distinguished career, inspired by her father, in 1956 at Pittsford High School when she was 22 years old. After a summer abroad, she taught at Essex Junction High School for a short while, then moved to Proctor High in 1959. In 1964, she began teaching at my alma matter, Rutland High, where she remained for three decades. Molly taught history in the

classroom, however her interaction with her students did not end in the classroom. Molly coached cheerleading, and directed class plays as well. Her commitment to excellence and dedication to the students beyond normal classroom hours is in the finest tradition of Vermont's educational system.

It was in recognition of her excellence that the Vermont teachers elected Molly president of the State chapter of the National Education Association in 1989. She moved to Montpelier where she headed the largest teachers union in Vermont because she believes that people should be treated fairly and equally and she made enormous efforts to improve the working conditions within all of Vermont's schools.

Molly Burke embodies what all educators should strive to achieve. Once again, I would like to extend my thanks for her service to Vermont and best wishes in her retirement.

Mr. President, I ask that an article from June 2, 1997, in the Rutland Daily Herald be printed in the RECORD.

The article follows:

[From the Rutland Daily Herald, June 2, 1997]

GOODBYE, MOLLY

(By Kevin O'Connor)

Here in history class, Rutland High teacher Marlene Burke is relating the story of a seemingly hapless rookie instructor of 40 years ago.

Miss Reichelt, age 22, taught English, math and social studies, coached cheerleading, directed class plays, snuck short afternoon naps and spent long nights marking papers and lesson plans, all for \$8,000 a year.

Miss Reichelt, barely afloat by June, decided to bail out. Escaping to Europe, she capped her summer with a startling revelation:

She was born to teach.

Burke laughs at the punch line. Before she married, she was Miss Reichelt. She gave the classroom another chance. It, in return, gave her a career.

Burke has taught history for four decades, three of them at Rutland High. Colleagues elected her president of the state's 7,000-member teachers union three times from 1989 to 1995. She now heads the association's 200-member local arm.

Call her The Unsinkable Molly Burke. But exactly 40 years after first leaving the classroom, the teacher has decided to do it again.

She's retiring.

"I love what I do," she says, "but I think it's time."

Burke's career was inspired by her father, a German immigrant who believed in the American dream.

"He said with education you can do everything, without it you can do nothing," she recalls.

Burke entered public school after graduating from the parochial St. Michael's High School in Montpelier and Trinity College in Burlington. She started teaching Sept. 4, 1956 at Pittsford High, long since replaced by Otter Valley union High in neighboring Brandon.

Students couldn't pronounce "Miss Reichelt," so she wrote a few hints on the chalkboard:

Rye (like bread)

Kelt (like felt)

They worked too well.

"Some of them would spell it Ryekelt."

Miss Reichelt returned from Europe to teach at Essex Junction High before marrying Robert Burke and moving to Proctor High in 1959 and Rutland High in 1964.

Make that the "old" Rutland High. Burke taught at the Library Avenue campus until 1989, when Vermont teachers elected her president of their chapter of the National Education Association. Moving to Montpelier, she headed the state's largest teachers union for six years.

"Working conditions are big issues with teachers," she says. "I believe people need to be treated fairly and honestly."

(U.S. Sen. James Jeffords, R-Vt., confirmed the union's influence in an impromptu comment last week: "Teachers can really move things if they get together—Molly Burke can tell you that.")

When Burke returned to Rutland High in 1995, her colleagues had moved to an \$8.7 million facility on Stratton Road.

Times had changed from her days at Pittsford High, where her old classroom featured a bulletin board.

"I used to try to change it at least twice a year."

Burke's new classroom has a bulletin board—and a computer with e-mail, a telephone with answering machine, a television with video-cassette recorder.

"The good old days," she concludes, "were terrible."

Burke may teach the past, but she touts progress. She likes today's longer class periods. Today's collaborative contract negotiations. And, an occasional nose ring or tongue stud aside, today's students.

"They say kinds have changed—they really haven't. Kids are kids. There were kids who misbehaved then, there are kids who misbehave now. Most of them are good."

Burke teaches a 130-year period of American history from the end of the Civil War to the end of the Cold War. For her, the last half isn't a lecture, it's her life.

"I remember exactly where I was when Kennedy was assassinated, when the space shuttle Challenger blew up . . . I try to give the kids the facts, and then bring in the emotions because I lived through it. I think it brings it alive."

And sparks questions. Take a recent lesson on the Vietnam War.

"One of my 16-year-olds said, 'You were alive then? You were teaching school?' I could have been talking about the Peloponnesian War."

That happens right up to Reagan's election in 1980—the year most of her juniors were born.

"I always say, 'You remember when . . . ' Of course, they don't."

That's why students must study.

"If you don't learn from history, you're condemned to repeat it," she says, paraphrasing the famous quote.

Several of Burke's past students are parents of her present students. Alumni also sign her paycheck. Michael Dick, class of 1966, is president of the School Board. David Wolk, class of 1971, is school superintendent.

Although graduates always recognize her, she doesn't always recognize them.

"You had one history teacher for a year," she replies. "You forget I had 120 students a day."

They also forget she has a life outside the classroom. Burke recalls shopping with her son and daughter when a student approached.

"She said, 'Whose are these?' She never thought of me as anything but a woman in a room teaching history."

(Let alone a grandmother to a 2-year-old boy.)

Retirement will bring the former Miss Reichelt full circle.

"I want to go to Europe," she says, "and out West, and ski in the middle of the week, and not get up at 6 o'clock."

Once more she won't be teaching history.

"I'll be living it."•

#### THE 75TH ANNIVERSARY OF THE AHEPA

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the American Hellenic Educational Progressive Association [AHEPA], which is celebrating its 75th anniversary this year. The AHEPA, whose mission is in part, "To promote good fellowship, and endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness to their fellow man," is an important organization with a strong chapter, district 10, located in my home State of Michigan.

In 1922, the AHEPA was formed in response to antiimmigrant sentiments directed toward United States immigrants of Greek descent. The AHEPA's primary goal was to help newly arrived Greeks become United States citizens and to share in the civic life of our country. To do so, the AHEPA formed schools which taught English and the principles of American government to new immigrants. In the process, the AHEPA also hoped to educate all Americans about the significant heritage and contributions immigrants of Greek descent add to the American community.

Today, the AHEPA is an international organization with chapters in Australia, the Bahamas, Canada, and Greece, as well as the United States. There are more than 1,000 chapters in North America alone, comprised of more than 60,000 members. The AHEPA promotes goodwill and positive relations between these countries by providing significant financial resources to a number of civic-improvement programs. These include charities, scholarships and other educational programs, cultural activities, athletic programs, local Greek communities and the church, and patriotic activities. Membership is not limited to people of Greek descent, although most members do share that ancestry.

The AHEPA has counted many notable political leaders as members, including former Presidents Franklin Roosevelt and Harry Truman and former Vice Presidents Hubert Humphrey and Spiro Agnew. Several Members of this body are or were members of AHEPA, including my good friend from Maryland, PAUL SARBANES, and a man we all deeply miss, the late Paul Tsongas from Massachusetts.

Mr. President, the American Hellenic Educational Progressive Association is truly a remarkable organization. Born out of the need to help new Greek immigrants assimilate into American culture, today the AHEPA encourages all of us to aspire to great things, to help those in need and to strengthen channels of communication between cultures. I know my colleagues will join

me in saluting the men and women of the AHEPA and its auxiliaries for 75 years of commitment and dedication. •

#### FLOODING BRINGS TRAGEDIES TO IDAHO

• Mr. CRAIG. Mr. President, I rise to report a sad event in my State of Idaho that claimed the lives of two Guardsmen: Maj. Don Baxter of Boise, commander of the 124th Communications Flight, 124th Wing of the Idaho Air National Guard, and 1st Lt. Will Neal of Picabo, platoon leader with A Company, 1st-183 Aviation Battalion Army National Guard in Boise.

They were flying reconnaissance over the floods in southwest Idaho where their helicopter crashed. As the natural disaster rages through Idaho, as the communities band together, as we strive to save lives and property, we now must struggle with the reality that these men lost their lives, and CWO Shelby Wurthrich, with A Company, 1st-183 Aviation Battalion Army National Guard of Boise, is still fighting for his life.

These distinguished men had served their State and communities before. Major Baxter, a full time Guardsman, received many decorations, including the State of Idaho Emergency Ribbon in support of the Fire Suppression in 1994. Lieutenant Neal, a cattleman, received amongst his numerous decorations, the Army Commendation Medal, Army's Achievement Medal, National Defense Service Medal, and twice Army Reserve Component Medal. He was also airborne qualified.

A neighbor who saw the crash, without fear for her life, Ms. Sherry Lang, risked her own life to rescue Chief Warrant Officer Wurthrich before the helicopter exploded into flames. The heroism she displayed exemplifies the spirit of a community pulling together.

Chief Warrant Officer Wurthrich, recipient of the Army Commendation Medal, Army's Achievement Medal, National Defense Service Medal, twice, Army Reserve Component Medal, and many other decorations, is today being transferred to a burn treatment center in Utah. We pray for his strength during his recovery and ask everyone to remember him in the weeks and months to come.

As we mourn for the deceased, we mourn our loss and we sympathize with the sorrow of the bereaved. We search for the good things to remember as solace. Most of the richness of the human experience is in what is handed down from one to another—not things of wood and stone, but memories of what they did or said or felt.

We must remember and emulate these individuals for the best of their lives. As National Guardsmen, they sought out opportunities to safeguard and help the people of Idaho, in times of disasters and distress. With every mission, they risked of danger and injury. Ultimately, they gave their lives in helping their neighbors and their community.