

a 30 year period is specified in the Water Resources Development Act [WRDA] of 1986. This legislation applies that statute to the San Timoteo Creek Project.

The San Timoteo Creek feature of the Santa Ana Mainstem project will cost roughly \$60 million. The local cost share is \$15 million. However, a portion of the local cost share has already been provided through the construction of Reach 1 and Reach 2 of the project. Construction on Reach 2 of the project is currently underway. The Corps of Engineers and the local sponsor are currently discussing the idea of modifying Reach 3 in order to keep the project's construction moving forward while the corps, the local sponsor and environmental groups develop an environmentally sensitive and cost effective design modification further upstream.

The threat of flooding along the San Timoteo Creek is very real. The San Timoteo Creek portion is one of the smaller features of the Santa Ana Mainstem project which also includes the Seven Oaks Dam in Mentone. This project is extremely vital in order to provide flood protection for Redlands, Loma Linda, and San Bernardino. Furthermore, protection from a 100 year flood event will also lower the flood insurance rates of homeowners and small businesses which are currently in the flood plain. The overall Santa Ana River Mainstem project will protect millions of people and property in San Bernardino, Riverside and Orange Counties valued in the billions of dollars when it is completed.

Congressman BROWN and I recently discussed the concept of this legislation with San Bernardino County Supervisor Dennis Hansberger, Loma Linda Mayor Floyd Petersen, and other elected officials, and representatives from local environmental groups, including the local chapter of the Sierra Club.

I am pleased that these discussions have helped to develop this legislation which, if enacted, will go a long way toward addressing the concerns of those individuals, families and businesses which live within the proposed assessment district, locally elected officials, environmental groups, and the American taxpayer.

DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. POMEROY. Mr. Speaker, I rise today in support of the resolution to overturn the President's decision to certify Mexico as a country that is fully cooperating in the fight against drug smuggling.

This resolution was reported out of the International Relations Committee on an overwhelmingly bipartisan vote. The committee resolution would decertify Mexico as a fully cooperative partner in the war on drugs. The resolution would send a clear signal to Mexico that their drug fighting efforts are inadequate, and that they must improve their interdiction, prosecution and anti-corruption activities to be considered a fully cooperating ally in the drug war.

Unfortunately, rather than allowing the House to vote on the bipartisan committee

resolution, the majority leadership has crafted a substitute proposal that, if adopted, will preclude consideration of the committee resolution. Regrettably, the leadership amendment, offered by the gentleman from Illinois, Mr. HASTERT, undermines the bipartisan committee product by injecting purely partisan language into the text of the resolution. Rather than focusing on the question of certification, the Hastert amendment seeks to gain partisan advantage by taking rhetorical pot-shots at what it views as the administration's shortcomings in its conduct of the war on drugs.

As a result, the leadership has managed to take an issue where there is widespread bipartisan agreement—that Mexico is not a fully cooperating partner in the war on drugs—and make it partisan. I support the committee resolution, but I will oppose the leadership amendment. I remain hopeful that the Senate will craft a bipartisan measure that I will be able to support when this issue is resolved in conference.

I urge my colleague to oppose the Hastert amendment and support House Resolution 58.

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

Tuesday, March 18, 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.

Last 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 Mr. Warren Risser of Santa Barbara, who had an HOPD cataract operation and was charged \$4,102.15. His 20 percent share of that change was \$820.43. But he found out that Medicare determined the reasonable cost was less than half of that and Medicare paid \$1,025.54. Mr. Risser paid 44% of the total payment—a far cry from Medicare's promise of an 80–20 split.

Next is a letter from Mr. Keith Roberts of Garden Valley, CA. As his letter so well explains, he paid 54 percent of a test due to charges that defy all rhyme or reason.

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

AARP Outpatient Stories,
Washington, DC.

DEAR SIR: Your article "Medicare Outpatient Debacle" by Don McLeod was excellent.

On March 7, 1995, I had cataract surgery on my right eye. I was in the hospital approximately 6 hours incurring a hospital bill of \$4,102.15. I was billed 20 percent (\$820.43). The Medicare Statement from Blue Cross shows Medicare paid the balance of \$3,281.72 which was incorrect. They paid only \$1,025.54 after writing off an adjustment of \$2,256.18.

I wrote Blue Cross stating I paid my 20 percent and they paid 25 percent and requested an explanation. Enclosed is their response. They had lowered their portion by 55 percent of the bill.

Gosh, I wish I could run a business this way.

Keep up your good work.

Sincerely,

WARREN H. RISSER
Santa Barbara, CA.

KEITH L. ROBERTS,

Garden Valley, CA, November 27, 1996.

AARP Outpatient Stories Dept.,
Washington, DC.

DEAR SIR: Some time back I sent you a large packet of documents and correspondence about Part B Outpatient overcharges. I just received another example of Part B outpatient abuse which I am forwarding to you.

In this case, the total hospital charge is \$1199.00. I have requested an itemized account of the charges so that I can know whether they are legitimate or not. The Medicare statement lists two items. They are: PHARMACY . . . 211.90, OTHER . . . 988.00. The hospital statement lists: BALANCE FORWARD . . . 1199.00, A CODE (99100) . . . (203.80-), ANOTHER CODE (97010) . . . 753.37-. The balance due to patient is 239.80 (or 20% of the total 1199.00).

I have obtained a detail listing of the hospital charges I referred to above. I have edited the list of charges by assigning an item number and true patient charge for each item. Both lists are included herewith.

In items 10 and 11 are two drugs, DEMEROL and MIDAZOLAM. If the hospital charges are extended out to a kilogram, the drug dealers preferred lot size, you find that a kilo of MIDAZOLAM goes for 9.2 million dollars (\$9,000,000.00) while the DEMEROL goes for a mere \$550,000.00.

I made a special effort to find out about the most expensive item on the list, item 15, entitled SPECIAL PROCEDURE 3. It sounded like a "miscellaneous" item to me. I have been told in the past never accept a miscellaneous charge. I was told that it was probably "the room charge". I inquired "why not call it a room charge". On my oath I swear that I was told "maybe Medicare pays more for special procedures." The record should show that the only "room" she was in was the outpatient preparation and recovery ward of about 10 or 12 beds.

So the bottom line is that Medicare considers the rooms, nurses, equipment and supplies to be worth something a little more than \$203.80. Based on that amount, I find it hard to believe that 1199.00 is realistic. As you and I both know that there is no limit to the amount that the hospital can charge. They could have legally charged \$599.00 or \$1999.00 or more. It appears that in this case they charged an amount that they thought would pass the stink test.

Of the money that the hospital stands to receive, I will pay 54% and Medicare will only pay 45%. We need to convert to a payment system more nearly like non-hospital Medicare part B payments.

WHEN MEDICARE IS REFORMED, THE OUTPATIENT SCHEDULE MUST BE INCLUDED!

Sincerely,

KEITH L. ROBERTS.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. NETHERCUTT. Mr. Speaker, on Thursday, March 13, I missed House recorded No. 50, on final passage of H.R. 852, the electronic filing of Federal forms bill. I request that the RECORD reflect that had I been here, I would have voted "aye."

TRIBUTE TO BRIAN HAUCK, VETERANS OF FOREIGN WARS VOICE OF DEMOCRACY AWARD WINNER

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. SAXTON. Mr. Speaker, it gives me great pleasure to recognize the accomplishments of an exceptional American youth, Mr. Brian Hauck. Mr. Hauck is the 1996-97 Department of Europe winner of the Voice of Democracy broadcasting scriptwriting contest "Democracy-Above and Beyond" sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

The value of monetary scholarships, bonds, and awards this program awarded was over \$2.7 million this past year. Brian plans to use his scholarship money to attend Washington University in St. Louis this fall where he hopes to pursue a curriculum that will assist him in becoming an astronaut. Brian is currently the president of both the Student Council and the Future Business Leaders of America at the Patch American High School.

The son of Colonel and Mrs. John D. Hauck, Jr., Brian resides in Germany where his father is currently assigned to Headquarters United States European Command. I am sure that his parents are extremely proud of the achievement of their fine son. I wish to have Brian's award winning essay entered in the CONGRESSIONAL RECORD for all Americans to read.

Freedom to succeed. Democracy is a government of the brave. As Americans, we are keepers of an institution that allows its people both success and failure. The strength of America is in the willingness of its citizens to take risks. From the earliest explorers to the modern businessman, the pioneering spirit has been the most important factor in the development of democracy and the key to America's position as a world leader.

Discovered by a man who had invested his entire fortune on a voyage to prove the world was round, America has always been a land of hope where dreams are fulfilled. She was first colonized by people seeking freedom from religious oppression in Europe. These settlers abandoned everything in the hope of finding a better life in a land halfway around the world. A century later, their ancestors faced tyranny from the rule of the British Monarchy. True to their blood, they declared independence and fought for free-

dom. Their reward was the opportunity to create the United States of America. It is no wonder that the government created by these brave men granted freedom from oppressive government and control over their own lives.

This same spirit of democracy and risk was still evident sixty years later as thousands of wagon trains headed west. Across the Great Plains and through the Rocky Mountains, pioneers battled disease, cold, and hunger to find a new life in the West. These people desired to migrate. They were not forced out by any tyrant, and they were not looking for an easy living. Even while knowing those hardships they would encounter, they trekked onwards, craving the opportunity to succeed or fail as fate willed.

As America raced against the Soviet Union to put a man on the moon, the true nature of our democracy of risk became apparent. Unlike our Communist competitors, every astronaut involved in the Apollo program had volunteered. They desired the glory of setting foot upon the moon first, but such an opportunity would never have been surfaced within the structure of democracy. This spirit of exploration lives on as we continue our research in space and our expeditions to all corners of the globe. As a country, we must never forget our pioneering history.

220 years since the birth of this great nation, our society continues to respect the right of the individual to take risks. Ideas are only as valuable as the actions taken to bring them to life. When an American starts a company, he understands that it may fail, and that he may lose his entire fortune, or he may become the next multimillionaire. Whatever the outcome, he can take pride that he has the opportunity to try. Millions of people live under governments opposed to innovation. The willingness of the average American to take a chance is what has made the United States a prosperous and powerful country, and the freedom of the individual to succeed or fail helps to make American democracy the best form of government in the world.

IN RECOGNITION OF A HIGH ACHIEVING JOHN MARSHALL HIGH SCHOOL AMERICAN HISTORY CLASS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise to recognize and honor the high intellectual achievement of a John Marshall High School American History class. This class of high school juniors and seniors has demonstrated a superlative command of the facts and a critical understanding of the meaning of American History. They are first among their peers, having won that distinction when they took first place in the State of Ohio finals of the "We the People" competition.

The "We the People" competition does not involve mere rote learning and short answers, but requires detailed research and study on specific areas of the Constitution and Bill of Rights. Students testify before a panel of judges, most of whom are judges and lawyers, as if they were testifying at a congressional hearing. The class is divided into six groups and each group is required to give a 4 minute prepared answer to one of three extremely complex questions. Each group must then an-

swer extemporaneously 6 minutes of follow up questions posed by the judges. Through this trying ordeal, the students must demonstrate their understanding and ability to articulate in depth analysis of complex constitutional issues. All students must respond, not just the stars of the class.

The entire class, then, has earned a coveted honor as the State representative at the national competition. Under the tutelage of their teacher, George Klepacz, the following students are commended by Congress for their work and achievement: Brigitte Beale, Alicia Bebee, Raenala Brown, David Bucchioni, Tyessa Howard, Kasey King, Deanna Lamb, James Lazarus, Kim Noeum, Ryann O'Bryant, Brad Schaefer, Tiwanna Scott, Matt Stevens, and Kim Chau Vo.

TRIBUTE TO JOAN GILBERT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. LOWEY. Mr. Speaker, while there are those in Westchester who may not know Joan Gilbert personally, her work has touched the lives of countless people in our community. As manager of Community Affairs in the Public Relations Department of Texaco Inc., Joan has worked tirelessly on behalf of the citizens of Westchester.

In addition to her responsibilities at Texaco, Joan has been personally involved in many community-based organizations. Currently, she serves as chairman of the board of the Street Theater and is a member of the boards of the American Red Cross, Westchester Philharmonic, the Private Industry Council, and the Youth Counseling League.

Joan has received numerous awards for her outstanding civic activities. Organizations bestowing Joan with awards include: The American Heart Association, the Harrison School District, Westchester Putnam Affirmative Action Program, Rotary International, the Urban League of Westchester, and the Girl Scouts of Westchester.

Joan's corporate and personal support helped to sustain and expand nonprofit organizations throughout our region. She has contributed in enumerable ways to the quality of life in Westchester.

In spite of her retirement, Joan's influence will continue to be felt throughout our community. I know that Joan will begin this next chapter of her life with the same vitality that she has displayed while at Texaco.

THE INTRODUCTION OF THE PARENTAL LEAVE EQUITY ACT OF 1997

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Ms. NORTON. Mr. Speaker, today I introduce the Parental Equity Leave Act of 1997, a bill which will ensure that employees who choose to care for a foster child or adopt a child will benefit from the same leave policy as their coworkers who are birth parents. This bill