

As a member of the World Who's Who of Women, Sister Margherita Marchione's associations, accomplishments, awards and honors are too numerous to mention. However, I do want to personally congratulate Sister Margherita on receiving the Religious Teachers Filippini Humanitarian Award and have this House join me in honoring her collective work on behalf of promoting greater understanding among the human race.

TRIBUTE TO THE 50TH BATTALION
DURING THE KOREAN WAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. PALLONE. Mr. Speaker, I would like to draw my colleagues' attention to a very important event that is taking place on September 16, 17, and 18 in Atlantic City, NJ.

On that day, about 80 members of the 50th Battalion—veterans of the Korean war—will reunite to commemorate the tremendous contribution of the 50th Battalion from 1950 to 1955 and honor the soldiers who were injured and who died in many critical offensives of the Korean war.

I am pleased to call as a friend the coordinator of the event, Peter A. Marone, and wish him great success for this reunion of Korean war heroes. These wishes also go out to the cocoordinator, Donald Sullivan of Absecon, NJ.

Mr. Marone, former mayor of St. Pleasant, NJ, has reminded me of the tremendous contribution made by the 50th Battalion and I want to share a brief account with you.

The goal of the initial invasion by our troops at Inchon in September, 1950, was to seize the vital rail and communications center of Seoul, seal off the main areas of escape to the north, and secure the port at Inchon and the airfields at Kimpo and Seoul.

This incredible series of battles and troop movements was followed shortly by what was called "The Christmas Miracle." By November 1950 the Korean war seemed all but over. The North Koreans were squeezed back to the Yalu River on the Manchurian border. It seemed the war was coming to an end.

But on November 27, Communist China sent 120,000 troops into North Korea and pitted them against 15,000 U.N. forces in the East. There were many casualties among Marines and Army troops. In the following days, of the 15,000 U.N. troops encircled by the Communist Chinese, 12,000 became casualties.

It was then that the chosen fighters of the 50th Battalion made their greatest contribution. By checking the Chinese forces in the mountains as part of a perimeter established around the besieged Hamhung, they enabled the escape of 100,000 North Korean men, women, and children to safety.

I would like to recognize the courage of the participants in the Christmas Miracle, as well as all those who nobly served in the battalion in the following years. It is so important that current and future generations never forget the sacrifices and the bravery of the soldiers of

the 50th Battalion as well as all the veterans of our wars.

THE MEDICARE AND MEDICAID
RECOVERY ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. STARK. Mr. Speaker, today I am introducing the Medicare and Medicaid Recovery Act of 1997.

Under current law, providers and suppliers are using the Bankruptcy Code as a vehicle to defeat the Secretary's efforts to battle fraud and abuse involving Medicare and Medicaid payments. Specifically, providers and suppliers who have acted improperly or have been overpaid by Medicare, are using the protections afforded by the Bankruptcy Code to stop short the imposition of administrative sanctions or recoupment of Medicare overpayments. Providers can make strategic use of two devices—the automatic stay and the discharge of all pre-bankruptcy obligations.

Under the Bankruptcy Code, the provider can respond to the threat or imposition of an administrative sanction by filing a petition in bankruptcy and then asserting that the automatic stay bars any further sanction activity. Regarding discharge, the provider can assert that any overpayment or civil monetary penalty due to the Medicare program is discharged and does not survive the bankruptcy proceeding.

The Federal Government has long enjoyed a priority for taxes, duties and related penalties. However, it does not have a priority for nontax claims, such as Medicare and Medicaid overpayments to providers. The Government's priority for nontax claims was abolished in 1979.

A 1992 report issued by the Office of Inspector General (OIG), entitled "Federal Recovery of Overpayments from Bankrupt Providers," found that as of March 1991, the Medicare Trust Fund lost \$109 million due to the ability of providers and suppliers to discharge their outstanding overpayments. While the report recommends giving Medicare claims a priority status in bankruptcy, better cost savings would be achieved by excepting these claims from discharge. Surely, we should favor the path that leads to greater cost savings.

The U.S. taxpayer spends \$191 billion each year to fund Medicare programs. However, an estimated \$20 billion, or 10 percent, is lost to fraud. Too many health providers are putting their hands into the public trough.

Mr. Speaker, this bill holds fraudulent providers accountable. It would amend the Social Security Act to specify that an administrative sanction imposed by the OIG on a health care provider, whether a civil monetary penalty or program exclusion, is not subject to the automatic stay provisions of the Bankruptcy Code. Second, this bill would also amend the Social Security Act to specify that any overpayment or civil monetary penalty amounts due to the Medicare program are not dischargeable under the Bankruptcy Code.

The Medicare Trust Fund has suffered losses from the bankruptcy discharge of pro-

viders' obligations to repay Medicare overpayments. The drafters of the Bankruptcy Code could not have foreseen or intended that the protections they afforded under the Code would be used to support and sustain Medicare fraud and abuse. Allowing medical professionals to use such loopholes as those discussed above only makes it more difficult for the Government to provide the types of programs that Americans deserve. With this bill we can force providers and suppliers to take responsibility for their actions while putting money back into the Medicare Trust Fund where it is desperately needed.

JERUSALEM TERRORISM

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. LAZIO of New York. Mr. Speaker, I rise today to strongly condemn the most recent terrorist attacks in Jerusalem's Rehov Ben-Yehuda pedestrian mall. I was deeply saddened to learn, once again, of such a horrible act carried out by a group so willing to claim responsibility. My heart goes out to the families of the victims.

At this critical point in the Middle East peace process we must do all that we can to promote this fragile initiative and move forward. This week, Secretary of State Albright will travel to the Middle East and will hold important meetings with leaders in that region. She needs to carry a strong message, backed by both the administration and the U.S. Congress, that the terror must stop. There is an end to our patience; we will not forever call for continuation of a process that is flawed and dangerous.

Those who are using terrorism as a tool must learn that it is not the way, and there is no excuse. Terrorism is not the way to accomplish any goal. Innocent people deserve to live their lives in peace, without the constant threat of terrorist attack. The responsibility for this falls on chairman Arafat. Simply put, Chairman Arafat must live up to the promises that he has already made as part of the Oslo accords.

In the Oslo accords, signed in 1993, the Palestinians committed to fighting terrorism and searching out those who commit acts of terrorism and punishing them accordingly. They have been negligent at fulfilling this promise, the most fundamental of the Oslo accords. Mr. Arafat has allowed these acts to go on, has allowed known terrorists to continue to operate, and has completely failed to live up to these promises. The United States must keep an even closer eye on the situation than it has in the past.

The time for Mr. Arafat to fulfill his commitments is now. The most recent tragedy in Jerusalem will only be repeated if he continues to operate as he has done in the past. I promise my colleagues that I will do all that I can to assure that the United States keeps a most watchful eye on Mr. Arafat, and that our aid to the Palestinians is carefully scrutinized based on his actions.