

seniors will be overpaying for their medical care.

I give our Nation's physicians and our Nation's seniors a lot more credit than that. This bill does absolutely nothing to force seniors to opt out of the Medicare Program, nor does it implicitly encourage them to do so. It simply will give our seniors an additional choice in how they receive their health care services—an additional choice on how they receive their services. In fact, I believe increasing choices for seniors in the Medicare Program was probably one of the best things that came out of this year's Balanced Budget Act. The Medicare Beneficiary Freedom to Contract Act is just a logical extension of the Medicare Plus Choice Program that was created in the Balanced Budget Act.

I urge my colleagues to set aside the demagoguery and restore the rights of our senior citizens. They deserve our respect and they deserve the right to make their own choices. If we don't act on this bill before this session of this Congress ends, it will go into effect and then it will be very hard to restore this right to our seniors. So I am asking my colleagues, urging them, to join with us to make sure that we preserve the rights of our senior citizens to have an additional choice in how they decide on their health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I appreciate very much the time. I appreciate being joined by my friends in support of this Medicare Beneficiaries Freedom to Contract Act. Let me just review how we got where we are.

During the consideration of the balanced budget, Senator KYL put in a very simple amendment which simply said that you could have this choice that did allow for physicians to treat under a private contract in addition to Medicare. Unfortunately, the administration became adamant about it. I think they followed, as the Senator from Minnesota said, the idea of turning this back into a one-size-fits-all kind of federally controlled program. The President threatened to veto the entire budget package because of this, if this 2-year prohibition was not included. So, today I am still disappointed with the administration, with HCFA, with the President's opposition to this proposition.

We are going to continue to push for consideration of this issue before this Congress adjourns so we can eliminate this bottleneck, this thing which takes away the choice of senior citizens in their health care.

#### MEDICARE BENEFICIARY FREEDOM TO CONTRACT ACT

Mr. KEMPTHORNE. Mr. President, I am pleased to rise this morning in support of S. 1194, the Medicare Beneficiary Freedom to Contract Act. This legislation is another step in our con-

tinuing effort to give the Nation's senior citizens something they have lacked for far too long—real choice in health care.

I believe we are fortunate that a provision added to this year's Balanced Budget Act has served to focus our attention on a very important and basic freedom. I'm talking about the freedom of individuals, regardless of age, to choose how they are going to spend their health care dollars. When the Senate first debated this issue, I wholeheartedly supported the idea of "private contracting" for two reasons. First, I heard from numerous Idahoans who feel they are losing their choice of doctors because of Medicare's overly bureaucratic method of operation. As more and more health care providers refuse to accept Medicare, senior citizens are finding they no longer have access to the providers they wish to see. Allowing private contracting will provide seniors the chance to maintain the patient-provider relationships which are so important to them.

Second, I support S. 1194 for an even more fundamental reason. I do not believe a nation, for which so many have sacrificed so much in the name of freedom, should tell senior citizens that they do not have the freedom to provide for themselves, even if they are perfectly able to do so. Many of our senior citizens are people who worked, and fought, during some of this century's most difficult times, yet current Medicare rules tell them we don't think they are capable of determining, for themselves, how to best meet their own health care needs. Mr. President, this implies that government bureaucrats don't feel those who survived the Great Depression and World War II, and helped make this Nation what it is today, are capable of understanding and meeting their own needs. What a ridiculous concept.

Would we tell food stamp recipients that they could not use their own money to buy food, even if they worked hard to gather the financial resources needed to feed themselves? Would we tell someone in subsidized housing that they may not use their own resources to move into a home which they could call their own? The answer to both these questions is, of course, no. In fact, I would be willing to guess that anyone suggesting such an idea would be laughed right out of this Chamber. Yet, there are those who don't believe senior citizens should be allowed to provide, voluntarily, for their own health care needs.

Mr. President, the bill we are discussing this morning simply says that if you have the ability to take care of your own health care needs, and you wish to do so, you should be legally allowed to do so. Supporting it should simply be a matter of common sense.

I have heard from numerous Idahoans who tell me they want the freedom to decide whether or not to use Medicare to pay for health care services. I have heard from numerous health care pro-

viders in my State who sincerely want their patients to have that choice. I trust the senior citizens of Idaho. I believe they are more than capable of making a decision about how to pay for health care services, and should be given the option to make that choice for themselves.

The American people are intelligent. If you give them choices, they are certainly able to decide which option is in their best interest. During my tenure in the Senate, I have consistently worked to give Americans more choice, while reducing government intrusion in their lives. The Medicare Beneficiary Freedom to Contract Act accomplishes both of these goals, and I urge all of my colleagues to support it.

Mr. CAMPBELL. Mr. President, today I join my colleagues in supporting the Kyl-Archer "Medicare Beneficiaries Freedom To Contract Act."

When I first discovered that the version of this summer's Balanced Budget Act that was signed into law included such a drastic deviation from Congress' intent, which was to allow Medicare beneficiaries the choice to go outside the Medicare system for care, I was outraged. We agreed to ensure this freedom, not strangle it by kicking doctors out of the Medicare system for seeing Medicare patients on a private contract basis. By excluding physicians from Medicare for 2 years as a punishment for entering into a private contract, the law offers seniors a choice in one breath and takes it away in the next.

If beneficiaries choose to pay for care out of their own pocket, that is their right. In no way does that constitute a criminal act. It is not an appropriate role for the Federal Government to be telling people how they can spend the money in their wallet—we already do enough of that with their tax dollars.

The claims made for instituting such a restrictive law are unfounded. The assertion that seniors of significant means will be siphoned out of the system, creating an increased burden on the Medicare trust fund, makes several false assumptions. First, income and population statistics produced by the Social Security Administration indicate that nearly two-thirds of this country's over-65 population live at or near the poverty level, with less than 20 percent seniors earning more than \$75,000 a year. Given that, it is doubtful that we'll see a wave of seniors rushing to contract privately and disrupting the Medicare system. Those same statistics also deflate the argument that droves of doctors will begin denying care unless patients agree to privately contract at a higher rate. The patients aren't there, leaving physicians strongly dependent—as they are now—on Medicare clients. Therefore, there is no threat of a two-tiered system of care, with only the wealthy having access to the best care. It is just not economically sound or feasible for a significant number of doctors to establish a "new tier" of medicine.

The concerns about rampant fraud and abuse resulting from private contracting seem to disregard some very compelling facts. For example, over the last 2 years, Congress has implemented strict penalties for Medicare fraud and abuse, including thousands of dollars in fines and jail time. We have seen people go to jail for committing Medicare fraud. I have medical professionals contacting me regularly because they are so fearful of inadvertently misbilling Medicare and winding up in jail or out of business. More importantly, however, Medicare beneficiaries are copied on all bills that Medicare pays for services they've received. If a doctor double-bills Medicare for services that a beneficiary has already paid for out of their pocket, that senior would be dialing Medicare's 1-800 fraud number faster than you or I could blink.

Finally, Senator KYL's bill would allow patients to terminate contracts at virtually anytime, which will force physicians who are interested in private contracting to offer services at reasonable and competitive rates. Consumers would finally be playing a role in the Medicare market.

Choice and competition have emerged as the most viable and fair solutions for saving the Medicare Program and ensuring quality, affordable healthcare for generations of Medicare beneficiaries to come. This bill embodies those very concepts.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

#### THE A-PLUS SAVINGS ACCOUNTS

Mr. TORRICELLI. Mr. President, within the next few days this Senate will vote upon a proposal that I have offered with Senator COVERDELL, S. 1113—A-plus savings accounts. It is a proposal I know that many Members of the Senate are considering for the first time. I take the floor today to ask them to look carefully at its many provisions.

Like many Members of my party, I have great reservation about the movement to vouchers in the various States and by the Federal Government. It has always been my concern that vouchers not only invite constitutional challenge, but inevitably results in a movement of resources from the public schools, where they are already too scarce, to private schools.

The issue in my mind is not to move resources from public to private

schools, but to increase resources for all schools. That is why, although I differ with Senator COVERDELL and other Members of the Senate on vouchers, we have come together as Democrats and Republicans, provoucher and antivoucher Senators, on the issue of the A-plus savings accounts.

Let us look at the facts about these savings accounts.

First, there is not the use of public money. This is money that an individual or their employer or their labor union can put in a savings account for the education of a child in grade school or high school, therefore, there is not a constitutional issue and there is not a diversion issue of public educational resources to private schools.

Second, where does this money go? And who does it help? The Joint Committee on Taxation estimates that almost 75 percent of the money that will be placed in these accounts actually would go to public school students because although we are allowing the accounts to be used to support tuition at parochial schools or other private schools, it also would be available for ancillary activities of public school students.

Since 90 percent of American students go to public schools, these funds—available for computers, tutoring, after-school transportation—would, to a significant, indeed overwhelming extent, actually go to public school students.

This is the right program at the right time, bringing the right resources to the students most in need.

In many of our urban centers today, including in my own State of New Jersey—from Camden to Newark to Jersey City—if we lose our private schools, our parochial schools, we do not have the capacity in the public schools for those students. And many working-class, working-poor parents want this option. I do not know why we would deny it to them.

Critics have said, "Well, this is only available to the rich." But in fact for a single taxpayer, we have put a ceiling of \$95,000. It is estimated that 70 percent of all of these resources would go to families that earn under \$70,000 a year.

An uncle can put \$10 in an account every month for a favorite nephew or niece. A grandparent, at a birthday or Christmas, can put \$100 or \$200 in an account. A parent, from the time of birth, can put a few dollars away every month to ensure that their child is getting the high school or grade school education they want them to have.

What can be wrong with that, getting the entire family involved in saving for a child's education? But if the option is public school—which it is overwhelmingly in the United States; and understandably so—then these funds are available to give a quality public school education.

Sixty percent of all students in public schools in America today do not have a computer at home. Eighty-five

percent of all minority students in the public schools do not have a computer at home.

An overwhelming majority of public school students cannot afford a tutor, even if they are having trouble with math or science. These accounts are available for that tutoring and for that equipment. It gives a new advantage to parents who want to get engaged in their child's education in the public schools.

For all of those reasons, I am asking, particularly members of my own party, to look once again at the Coverdell-Torricelli proposal for A-plus savings accounts. This escapes the central conflict over vouchers and strengthens both public and private education.

No Member of this body today, no matter how they feel about vouchers, can possibly argue—when the United States is now being ranked 15th out of 18 nations in the quality of math performance by our students; near last in science education—no one can defend the status quo. No Member can honestly believe that a chance to bring new resources, private resources, to middle-income families who want to get engaged in their own child's education is a bad idea.

We will, Mr. President, have a chance to obviously debate this at length when the bill is brought before the Senate. But here today, in anticipation of that debate, I wanted to ask Members of the Senate to use the time between this discussion and that debate to familiarize themselves with this proposal and the hope that we can genuinely have a good and bipartisan level of support in sending this bill, which has already passed the House, on to the President.

Mr. President, I yield the floor.

#### THE INTELLECTUAL ROOTS OF NATIVISM

Mr. BROWNBACK. Mr. President, I would like to highlight an article from the October 2 issue of the Wall Street Journal written by Tucker Carlson.

It is important to recognize the valuable contributions that immigrants make to this country. Groups that refuse to recognize that legal immigration makes a positive contribution to the productivity and vitality of our country ignore the history of our Nation and exploit irrational fears. Mr. Carlson has done an exemplary job of exploring the initiatives and history of such anti-immigration organizations.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 2, 1997]

#### THE INTELLECTUAL ROOTS OF NATIVISM (By Tucker Carlson)

When the U.S. Commission on Immigration Reform issued its final report on Tuesday, Dan Stein, executive director of the Federation for American Immigration Reform, stood ready to comment. Responding to a recommendation that the U.S. citizenship