

EXTENSIONS OF REMARKS

INTRODUCTION OF THE PRIVATE CONTRACTING CLARIFICATION ACT OF 1998

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. CARDIN. Mr. Speaker, today I introduce the Medicare Private Contracting Clarification Act of 1998. This legislation clarifies a provision of the Balanced Budget Act which, for the first time, allows doctors to privately contract with Medicare beneficiaries for services normally covered by Medicare. My bill will make clear that nothing in this provision prevents Medicare beneficiaries from privately paying for services not covered by Medicare. This has always been true for our seniors, and it remains true under current law.

Prior to passage of the Balanced Budget Act (BBA), federal law did not address the issue of private contracting between Medicare beneficiaries and their doctors. The Kyl amendment to BBA explicitly allows doctors to reject Medicare and privately contract with their patients for Medicare-covered services. For patients entering into private contracts, this means that they will be unable to use either their Medicare or Medigap coverage for their care.

However, BBA includes assurances that private contracting will not destroy the balance billing limits and other patient protections of the Medicare program. Most importantly, BBA bars physicians who choose to privately contract from the Medicare program for two years. This means that patients will know in advance whether or not their Part B insurance is valid for a doctor's care. It means that Medicare patients can expect consistent and timely care from a physician, regardless of the patient's ability to pay out-of-pocket for a Medicare benefit under a private contract. In sum, seniors can rest assured that their Medicare coverage will be there for them when they need it.

Unfortunately, false claims are being made about BBA's private contracting provisions. Proponents of private contracting are seeking to remove the two year exclusion period in BBA. In an effort to vastly expand doctors' ability to engage in private contracting, they claim that doctors will need private contracts for all services, even those not covered by Medicare. This is simply not true. Nothing in the Balanced Budget Act affects the ability of seniors to privately pay doctors for services that Medicare does not cover.

Despite this fact, some groups continue to wage misinformation campaigns. My bill will put an end to this false rhetoric by clarifying that no private contract is required for a service that Medicare does not cover. It will eliminate the confusion surrounding this much-debated issue, to assure seniors that their contract with Medicare, a public contract, will continue to be honored.

Mr. Speaker, we have scarcely had time to understand the impact of the existing private

contracting provisions on the Medicare program. The Congressional Budget Office has already stated that private contracting holds a "serious potential for overbilling." Congress recently created a commission to examine ways to ensure the long-term financial stability of Medicare. To vastly expand the scope of this provision on the basis of inaccurate claims about its effect on doctors is a grave mistake, especially during this crucial period in the history of the program.

If we must pass legislation on the private contracting issue, let us focus our attention on clarifying current law to assure seniors that their Medicare coverage will be there for them when they need it. BBA allows doctors to privately contract with Medicare beneficiaries, while preserving the balance billing limits, fraud and abuse controls, and patient protections of the Medicare program. I would hope our priority in Congress would be to preserve our commitment to our senior citizens and their health care. Let's keep the Medicare program in tact.

ACCESS TO ENERGY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. PAUL. Mr. Speaker, recently, a national newsletter focusing on science, technology and energy policy highlighted the small town of Seadrift, Texas located in my District.

While focusing on Seadrift this newsletter article (*Access to Energy*) went on to make important points regarding the contributions which science and technology have made to freedom and industry and to the quality of life of people everywhere.

Moreover, the article outlines how certain radicals would shut off technological benefits in the name of protecting earth at the expense of the humans who live on this planet. I commend this article to every Member and insert it in the record as an extension hereof.

[From *Access to Energy*, February 1998]

SEADRIFT

Near the Gulf of Mexico, on the road between Houston and Corpus Christi, is the town of Victoria, Texas—one of the oldest settlements in the western United States. Thirty-five miles southeast of Victoria, rising out of the mists that roll in from the Gulf near the town of Seadrift, is one of America's great petrochemical plants, built by Union Carbide in 1954 and later expanded several times.

I feel that I know this plant well, since I have a large framed aerial photograph of it on the wall beside me along with a matching framed artist's drawing of the plant before it was built. Under the artist's drawing is the aluminum hard hat of the man who was in charge of the design and construction of this plant and partially responsible for its operation during the first four years—my father, Edward H. "Ted" Robinson. His most trusted and valued co-worker at that time, Arnold

Graham, still lives in Victoria, remembering their efforts.

Ted Robinson went on to lead teams of engineers who designed and built similar Union Carbide plants in Puerto Rico, Scotland, Belgium, Brazil, Japan, and India. He is buried in an alpine glacier near the top of Mont Blanc on the border between France and Italy, which contains the remains of the Air India Boeing 707 that crashed there on January 24, 1966. The cause of this crash is not known for certain. It is believed to have been the work of assassins that killed the Indian physicist Bhaba, who was then head of the nuclear energy program of India and was also on the airplane.

The original plant at Seadrift produced primarily polyethylene. It now produces additional products. This plant is a part of the vast infrastructure of chemical plants, built by the generation of Americans now in their 80s and the generations before them, that supplies the chemicals upon which our technological civilization depends. Along with the dams, bridges, foundries, mines, wells, mills, factories, railroads, research laboratories, computers, and other technological installations that have been built by the past several generations of Americans, these plants form the technological superstructure upon which our science, technology, and economic freedom depend.

The capital required to build these things was supplied by the savings of tens of millions of people, who set aside part of the money they had earned and invested it in the free market in hopes of making a profit. It was also built by the profits retained by the corporations themselves. Capital alone did not, however, build the industries—people did. These people were led by unusual individuals whose love of science and technology dominated their personal lives and drove them and those around them to ever greater accomplishments.

Archibald MacLeish told me many years ago that the thing that impressed him most about human beings was their amazing ability to love—and he was not thinking of the shallow phenomenon that dominates the lyrics in the cacophony of "pusic" (word invented by a musician friend) which pollutes most of America's radio stations.

Each person has an enormous capacity to love—in many different ways. In some individuals, a part of this love is intensely directed toward science and technology. My father, for example, was simply head-over-heels in love with chemical plants (and with my mother, but that is another story). He lived and breathed their design and construction. When not in use for food, our kitchen table was covered with blueprints. He had no hobbies or avocations—the building of chemical plants was his vocation and all of his avocations combined. And, as a result of this all-consuming love, he built superb plants.

I have seen this sort of love in a few other individuals. Mrs. Merrifield, the wife of R. Bruce Merrifield, who was the first man to synthesize an enzyme, described her husband's love affair with each of the 20 naturally occurring amino acids—a love that enabled him to link them together in ways never before accomplished.

Linus Pauling, regardless of the low state of his personal and professional ethics, was completely in love with the structures of molecules. The incredible joy Linus felt as

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

he pursued three-dimensional, semi-quantitative explanations for the structures of molecules and, later, for the structures of atomic nuclei was the greatest of all the scientists I have known. He was supremely happy when calculating or describing the properties of chemical bonds.

Scientists work largely alone or with a few other people. Those who build industries work with large numbers of people. These prime builders, driven by their love for their work, are usually not the most well-liked, but they are often the most respected. It is their job to make our industrial world work—regardless of the personal foibles of those whom they must direct in doing this work. Their personal love for their work is the driving force that motivates them.

All of us are beneficiaries of science and technology. We live lives that are much longer and are filled with seemingly endless pleasures, experiences, and freedoms that would not be available without technology. Even the "warmers" who gathered in Kyoto to bemoan and attack the world's hydrocarbon technology dropped in by way of airplanes belching demon carbon dioxide.

Now, virtually all of our technology is under serious attack. From our lumber mills, farms, and ranches to our dams, power plants, and factories, all are under assault. Our enemies belong to a peculiar form of pagan religion. Petr Beckmann called it the "green religion." This is not a new religion. The animal, plant, and earth worship ascendant today (partially at the expense of animals, plants, and the earth, which are, on balance, actually harmed by this mania) is fundamentally the same as that which arose periodically among the ancients, as chronicled, for example, in the Old Testament.

This religion is now preached in our schools, our press, and our political institutions. It is, primarily, a religion of death. Technology, in the view of these zealots, has committed a terrible sin. It has made possible the lives of billions of human beings—human beings whom they believe to be alive at the expense of worshiped plants and animals. (The fact that technology enhances the lives of plants and animals is suppressed by the professional enviro religious agitators.)

It is the moral obligation of every American—each living and benefiting from freedom and technology; each obligated to pass these blessings on to future generations; and each entrusted with a vote in the fate of the great American experiment—to stop this mania.

Seadrift and the tens of thousands of like accomplishments must not be destroyed—at least not without a terrible fight.

SONNY BONO MEMORIAL SALTON
SEA RECLAMATION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. MILLER of California. Mr. Speaker, the Salton Sea is a unique resource in the Southern California desert. It was created by accident of man, and over the years it has become an attractive, if unlikely, home and resting area for migratory birds and many species of fish.

Now, nearly one hundred years after the permanent Salton Sea was created, it is a polluted mess, always increasingly salty, often smelly and noxious, and most useful as a sump for agricultural and municipal wastewater, almost none of it treated. The birds and

fish that once thrived here are now threatened every day with death and disease as the tons of salts and toxic contaminants that are constantly dumped into the Salton Sea become more and more concentrated and deadly over time. Economic development of the area has been frustrated because of conditions in and around the Salton Sea.

Congressman Sonny Bono worked very hard to bring national attention to the plight of the Salton Sea, and he will always and rightly be remembered for that effort. I agree that Congress should act quickly at the Salton Sea. We need to stabilize salinity and contaminant levels to protect the dwindling fishery resources and to reduce the threats to migratory birds, and we need to devise long-term solutions as well.

I do not, however, believe that Congress should act in haste to authorize and construct an expensive project at the Salton Sea before we know what we are doing. The legislation introduced today is well-intentioned, but I believe it could force Congress to make decisions and spend taxpayer dollars before the scientists and engineers have supplied us with the information we need to make good decisions. I am particularly concerned that we preserve the integrity of the National Environment Policy Act, and that we do not hastily commit to "solutions" at the Salton Sea that may limit our options for addressing other water and resource management problems in Southern California and elsewhere in the Lower Colorado River Basin. The problems at the Salton Sea are closely tied to many controversial water quality and water management issues in southern California and elsewhere in the Lower Colorado River Basin, and our solutions for the Salton Sea should properly be made in that broader context.

I sincerely appreciate the efforts that have been made by the Congressional Salton Sea Task Force and by the Salton Sea Authority, and I look forward to consideration of this bill in the Resources Committee.

ON ELECTRIC DEREGULATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. KUCINICH. Mr. Speaker, I would like to bring to the attention of my colleagues working on and thinking about electric deregulation ("retail wheeling") the remarks of Anthony J. Alexander, Executive Vice-President & General Counsel of Ohio Edison Company, which he delivered to members of Local 245, International Brotherhood of Electrical Workers (IBEW). There is much to be learned from the candid revelations of this leader in the electric power industry.

Contrary to what you've heard from supporters of retail wheeling, this issue isn't about rate cuts—because there's no guarantee on rates. In fact, they could go up for many Ohioans. And, in any event, from a global competitiveness standpoint, we already have electric rates that are lower than those of most industrialized countries in the world.

It's not about efficiency—we already have the most efficient and reliable system in the world. In fact, many of our energy-efficiency programs, especially for low income customers, could be lost under the new system.

And it's not about fairness—because only a few, privileged customers and suppliers may profit from retail wheeling. And, it's likely to lead to many differences in prices, which today we'd call discrimination.

Let's not be naive: This issue is all about money—and lots of it. There's a lot of money on the table—not only for those who believe that retail wheeling will allow them to negotiate more favored prices, but also for the speculators in futures, options, hedges and derivatives. Wall Street and others are driving this issue not for the sake of free markets, but to gain access to profits.

After all, this change involves one of the nation's largest, and most capital-intensive, industries—as well as thousands of people, just like members of Local 245, who work hard every day to deliver high-quality service to customers.

Make no mistake about this point: For supporters of retail wheeling, it's all about them getting more . . . and quite frankly, us getting less. And when I say us, I don't just mean utility employees. I'm also talking about senior citizens, small business owners, customers on low incomes, working families—including those headed by single parents . . . in other words, the vast majority of people who probably won't have suppliers competing for their business.

Other key issues are reliability and convenience. Under the existing system, utilities are obligated to serve all customers—the unprofitable as well as the profitable. By effectively eliminating the basic obligation, the reserve margins generated by today's power plants—as well as the thousands of utility jobs associated with those margins—simply wouldn't exist. Why? Because under retail wheeling, generation that is held in reserve to assure reliability would no longer be mandated. No one would build expensive new power plants or maintain reserves or any other inventories simply to assure reliable and adequate supply.

Rather than a service, electricity would become a market-drive commodity in which price and profit are the only concerns.

Reliability is a serious issue in any deregulated industry. But considering the essential role electricity plays in every home and business, unreliable electric service is a much bigger problem than a busy signal or a canceled flight.

This is a complicated issue, because the electric business is far different from other industries that have been deregulated. At the same time, supporters of retail wheeling are trying to mask the real impact of transforming electric service into just another product for which there's no substitute—and, no other product or service just like it.

Remember, choice goes both ways—customers can choose their suppliers, and suppliers can choose their customers. If lawmakers decide that our industry must be deregulated, then they should take the time to do it right the first time—because the stakes are too high to do otherwise.

THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 25, 1998 into the CONGRESSIONAL RECORD.

STATE OF THE ECONOMY

Last year the nation's economy gave its best performance in a generation. The economy grew strongly and created jobs while inflation declined. The gross domestic product