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No. 2

House of Representatives

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. NUSSLE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 1998.

I hereby designate the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Paul I. Nussle, Executive Director, Exodus Housing, Sumner, Washington, offered the following prayer:

To everything there is a season. Turn, turn, turn. This is a time for every noble purpose under heaven.

Gracious and Mighty God, as we assemble in this Chamber rich with a tradition of freedom and steeped in sacred liberty, grant us clarity to see Your presence this day, and courage to place firm reliance on Your living Word!

Still the voices of clamor and turmoil that bring division; counsel us in seeking mercy when overzealousness for justice would tear the fabric of steadfast love and grace.

This is the Season and this is the Time when we would again take firm hold of the words carved in the podium before us; a rudder for our course!

Peace, liberty, tolerance, justice, union. This is the season and this is the time, refreshed from recess, letting go of sorrows and yearnings unattained, we come with eagerness to pursue noble ambition.

Lord, may Your benediction of peace and mercy keep us from hypocrisy this day and always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. KLECZKA) come forward and lead the House in the Pledge of Allegiance.

Mr. KLECZKA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 201. Concurrent resolution providing for an adjournment of both Houses.

The message also announced that the Senate had agreed to a resolution of the following title:

S. Res. 165. *Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

RENAMING WASHINGTON INTERNATIONAL AIRPORT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, just when we thought we had heard it all, now the effort to rename Washington's National Airport after one of our Nation's most respected leaders in the

20th century has met with opposition that is purely partisan in nature. Opposing the effort to pay tribute to President Ronald Reagan is just the latest example of "oh, you are for it? Well, we are against it now" politics employed by my liberal colleagues.

I understand that the diversity of opinion in this House are often vital when setting policies of this Nation. A healthy debate is an absolute must if we are to reach sound conclusions on important and vital national issues. However, I feel it is an absolute disservice to a great man that petty, partisan politics threatens to stain his great legacy.

This is clearly no place for partisan politics. I urge my colleagues to support H.R. 2625, a bill to rename Washington's National Airport after former President Ronald Reagan.

MEDICARE PRESERVATION AND RESTORATION ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I rise to introduce the Medicare Preservation and Restoration Act in response to the concerns of many seniors in my district and around the country about the recent changes of the Medicare program.

As my colleagues know, the Balanced Budget Amendment of 1997 contains the Kyl amendment, which permits private contracting between doctors and Medicare beneficiaries for medical services that otherwise would be covered under the Medicare program.

Know full well that private contracts will increase medical expenses for America's seniors and substantially weaken the integrity of the program. Beneficiaries who establish private

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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



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contracts with physicians are obligated to pay 100 percent of the bill out of their own pocket. By circumventing the Medicare system, private contracts will create a two-tiered health care system where the elderly of modest means are forced to receive second rate care or bankrupt themselves to pay high prices under private contracts.

Repealing the Kyl amendment and placing an outright prohibition on any private contracts for services currently covered in the Medicare program is the only way to guarantee seniors access to affordable medical care now and in the future.

Mr. Speaker, I urge my colleagues to review this legislation and join me in restoring the commitment that Medicare made to senior citizens more than 30 years ago.

The Medicare Preservation and Restoration Act will repeal the Medicare private contracting provision of the Balanced Budget Act of 1997 and clarify that private contracts are prohibited under Medicare for Medicare covered services.

The legislation I am introducing is simple. First, it requires that providers submit a Medicare claim whenever Medicare-covered services are provided to a beneficiary. Second, it requires that a provider, when treating a Medicare beneficiary, charge no more than Medicare's balance billing limits allow. My legislation will settle the issue of private contracting once and for all. It will explicitly prohibit providers from circumventing the Medicare system, it will preserve beneficiary billing protections, and it will restore the promise of quality and affordable health care for every American senior citizen. My legislation has the support and endorsement of the National Committee to Preserve Social Security and Medicare and the National Council of Senior Citizens. The Medicare Rights Center also has spoken out in opposition to Medicare private contracts.

Mr. Speaker, this legislation is the only way we can continue to guarantee every senior citizen in America the right to affordable health care under Medicare. The private contracts allowed under the Balanced Budget Act represent a dangerous first-step towards dismantling the Medicare program as a whole. They are ill-conceived and unnecessary. These contracts will allow doctors to disregard Medicare's most important protection—balanced billing limits. These limits guarantee that all seniors regardless of their income or their health status will have access to affordable health care. Private contracts destroy these protections and allow doctors the ability to decide patient-by-patient which senior will be forced to pay more than Medicare's set rates for needed medical care.

During debate on the budget bill last October, Senator JOHN KYL of Arizona included this private contracting provision to allow any doctor to treat Medicare patients outside of the program and bill the patient privately at any rate the doctor sets. During negotiations on the final package, the provision was altered to protect beneficiaries and to prevent physicians from moving back and forth between billing some patients privately and others through the Medicare program. The final bill stated that if the doctor wanted to treat seniors under private contract, then the doctor had to forgo Medicare participation entirely for two years.

This two-year restriction was designed to protect the program against fraud, guard against a massive exit of physicians from the Medicare program, and ensure that doctors would not create a two-tiered Medicare system—one waiting room for private pay patients who are served first, and one for non-private Medicare beneficiaries who are served last. Now, a movement is underway to remove this two-year limitation and give doctors the right to decide not only patient-by-patient, but procedure-by-procedure, which services will be billed through Medicare and which will be billed privately.

Many of you have probably seen the mailings certain interest groups have been sending to our senior constituents in an attempt to distort the facts about private contracts. These mailings are falsely scaring seniors and attempting to trick seniors into giving up Medicare's balanced billing protections.

These groups are not telling the truth when they say that Medicare won't pay for seniors' health care. They are not telling the truth when they say that seniors are going to be left with no doctors that will treat Medicare beneficiaries. The truth is virtually any doctor anywhere in the country today will treat a Medicare beneficiary. Currently, fewer than five percent of doctors decline to participate in Medicare, and of all the doctors' bills submitted to the Medicare program, over 90 percent are paid at a fixed rate set by the program.

These groups are not telling the truth when they say that if Medicare won't pay for a senior's health or medical needs then that senior will have to go without treatment. The truth is seniors have always been able to purchase medical care that Medicare does not pay for by paying for the service out of their own pocket. This has always been the case and has not changed.

These groups are not telling the truth when they say that private contracting will increase options for seniors. The truth is the only thing that private contracts will increase is seniors' health care costs. Unless we repeal this private contract provision and restore Medicare balanced billing limits, seniors will be forced to negotiate with their doctor on their own for needed medical care. Unless we eliminate private contracts, seniors will be forced to pay out of their own pockets for medical care at whatever rate the doctor decides to charge.

Let's restore Medicare's balanced billing limits for all Medicare beneficiaries by eliminating these dangerous private contracts. These billing limits are the only way we can guarantee that all seniors receive the health care they need at reasonable and fair prices.

I urge my colleagues to strip away the rhetoric and conjecture, to examine this issue closely and in its entirety. And, I believe you will come to the same conclusion that I have that private contracts are unnecessary and have the potential to destroy the Medicare program. I urge you to cosponsor the Medicare Preservation and Restoration Act—a sensible and responsible solution which will guarantee Medicare for all elderly Americans.

HONORING U.S. SERVICE MEMBERS KILLED AND INJURED DURING VIETNAMESE TET OFFENSIVE

(Mr. RYUN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN. Mr. Speaker, 30 years ago this week, the North Vietnamese and the Viet Cong launched what is now known as the Tet Offensive. During the Vietnam War a cease-fire was traditionally observed during the Vietnamese holiday, Tet. Both sides of the Vietnam War agreed to a cease-fire to extend from January 27 to February 2, 1968. However, the North Vietnamese and the Viet Cong broke their agreement and launched a massive attack during this week. The Viet Cong assault team began the attack by breaching the walls of the United States Embassy in Saigon. The entire attack lasted 2 weeks and took 1,000 American soldiers' lives.

I have introduced a resolution honoring the Members of the United States Armed Forces who either fought or were killed during the Tet Offensive and the families of the service members who were killed or injured during that fighting. I ask my colleagues to join in honoring our service members who died 30 years ago during this offensive.

BIPARTISAN SUPPORT FOR HEALTH CARE INITIATIVES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last night the President outlined his agenda for Americans. Democrats and Republicans should strive to work together and implement his ideas on issues such as enacting a true consumer Bill of Rights to guarantee choice, access and quality health care in HMOs and enabling the near elderly to buy into the Medicare program. Unfortunately, the Republican leadership is already putting special interests ahead of the American public by supporting million-dollar ad campaigns to fight these new health care initiatives.

Numerous constituents have contacted me with their concerns about managed care. Congress needs to pass a ground floor of quality assurance standards for managed care organizations, and Democrats will also fight to enact the President's Medicare buy-in proposal that would grant access to the Medicare program for those aged 62 to 65 and those over 55 who are laid off or displaced. This initiative will not cost the Medicare program or raise the deficit. Instead, it will provide access to the best health care program in the world for these near elderly.

I just want to say, we should support these initiatives on a bipartisan basis.

SUPER BOWL XXXII

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, they said it could not be done. Thirty-eight years as a team without winning the big one, and they said it could not be done. For