

U.S. credibility was at stake in the nuclear cooperation debate. What kind of leadership are we providing to the rest of the world? Other countries will not take their responsibility to restrain proliferation seriously if the United States enters into nuclear cooperation with the world's worst proliferator of nuclear and chemical weapons technologies.

I thank the Senator for coming to the floor. If there are other questions or comments, I invite them.

Mr. HUTCHINSON. I thank the Senator for taking the leadership on this issue so forcefully. If I could ask unanimous consent for just 2 minutes.

Mr. LEAHY. Mr. President, I will not object but I would ask in the unanimous consent that after the 2 minutes I be recognized for a statement. I have been waiting for that time to do so.

The PRESIDING OFFICER (Mr. BURNS). Is there objection? The Chair hears none, and it is so ordered.

Mr. HUTCHINSON. In closing, may I say it is my understanding that Jiang will be in Philadelphia, PA, today at the Liberty Bell, this great cradle of liberty, this great cradle of democracy in our country. I hope he reads well the words that are inscribed in the Liberty Bell because it is from the Scriptures. I think it is from the Book of Deuteronomy. It says, "Proclaim liberty throughout the land." I hope he takes it to heart, that this is a concept he needs to bring back to China, and there is much he can do, starting with no longer jamming Radio Free Asia. If he believes in liberty, let the message of freedom come into his country.

Among the dissidents I met with this week was an elderly Tibetan lady who had been arrested and spent 28 years in prison. She said that all of those who were arrested when she was arrested are now dead. And she said she has asked repeatedly, why only her? Why did she live? Why did she survive those 28 years in prison? And as we met right over here in the Foreign Relations Committee room, she looked around—there were 10 Senators there, and she looked at those Senators and said, "That's why I survived, so I could tell my story."

I thank Senator ASHCROFT for helping tell her story to the American people.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I have different things I want to talk about. One of the things I might talk about is the beauty of the great State of Montana, but I know I would only embarrass the Presiding Officer if I did that. So I will hold that for another occasion.

#### REVERSING FCC TOWER-SITING RULES

Mr. LEAHY. Mr. President, I have strongly objected to the proposed Fed-

eral Communications Commission rules that I believe essentially rob States and communities of the authority to decide where unsightly telecommunications towers should be built, and I want to renew my objection to those proposed rules.

Back when the Telecommunications Act of 1996 passed, there were only five Senators who voted against it. I was one of the five. One of my fears was that the will and voices of States and of local communities would be muted.

As a lifelong Vermonter, I didn't want to see that happen to my State. Unfortunately, the fears I had at that time have been confirmed. Under the so-called telecommunications reform bill, Vermont towns and towns in other States have very little say when big and unsightly towers are proposed. Towns can no longer just say, "No, you can't put that awful tower in our community, blocking our scenic vistas." It is unfortunate that 91 Senators said they were willing to see the rights of towns and cities trampled that way.

The bill also prohibits towns and cities from having stricter health and safety standards regarding environmental effects of radio frequency emissions.

Here is what has happened in Vermont. Keep in mind, Mr. President, that our State is one of the most beautiful States in the country. People come to our State because of the magnificent views. And those of us who were born there want to remain there because of this beauty. Now we are being told that no matter how much we have done to promote this beauty, if somebody wants to just slap up telecommunication towers right in the middle of the most magnificent vista there may be little we can do about it.

The State of Vermont, from Gov. Howard Dean to the Vermont Environmental Board and local zoning officials and mayors and citizens, is concerned that it is losing control of the siting and design and construction of telecommunication towers and related facilities.

These people have written to the FCC opposing this rule, and I endorse their comments. They have done an excellent job representing the views of all Vermonters. As a matter of fact, I also submitted a lengthy petition, something I rarely do but I did this as a Vermonter hoping that we will influence the FCC.

I think these tower siting rules should be stopped once and for all. We ought to tear them out by their roots which were planted in the 1996 telecommunications bill.

To make sure that they can be torn out, I am introducing legislation that repeals the authority given to the FCC in 1996 to preempt State and local regulations on the placement of new telecommunication towers. I don't want Vermont turned into a giant pin cushion with 200-foot towers indiscriminately sprouting up on every mountain

and in every valley, ruining the view that most of us have spent a lifetime enjoying.

I might note that my distinguished colleague from Vermont, Mr. JEFFORDS, is going to join me as a cosponsor of this legislation.

The backbone of Vermont's beauty is its great mountains, surrounded by magnificent views of valleys, rivers, and streams. Vermonters do not want these scenic vistas destroyed by towers, bristling with all manner of antennas and bright lights, strobes, flashes, and everything else that destroy this vista.

I think of my own home, my tree farm in Middlesex, VT. When I step out the front door of my home, I look 35 miles down a valley ringed by mountains. I live on a dirt road, and I literally cannot see another house or another dwelling in any direction. I look at some of the most beautiful scenery of Vermont. Frankly, Mr. President, each time I am back home this renews my soul and my spirit.

I am sure all Vermonters and all those who visit us in Vermont feel the same way I do about the scenic wonders of our State. Because of that, we Vermonters have determined that we want to move with care to avoid the indiscriminate placement of towers that would jeopardize one of our State's most precious assets. We Vermonters want some say in our own life. We Vermonters want some say in protecting what is the best in our beautiful State.

Vermont citizens and communities should be able to participate in the important decisions that affect their families and their future. The location of large transmission towers have significant effects on property values, on health, and enjoyment of one's home, in fact even the ability to sell one's home.

I say the Telecommunications Act went far too far toward preemption of local control and now this proposed FCC implementation goes even further. Vermont has enacted landmark legislation, Act 250, to preserve our environment while permitting growth.

Understand, when I sit in my home in Vermont, I am connected by computer to my office in Washington and my offices in two other locations in Vermont. I can communicate with my children wherever they are by telephone or by computer. I pull up newspapers that are not available to me immediately in Vermont off the Internet. I am for progress. I think that is something Vermont has always supported, but not for ill-considered, so-called progress at the expense of Vermont families and homeowners.

It is important that Vermont not be left out of technological progress, but that is the whole reason Vermont enacted the Act 250 process. Vermont communities and the State of Vermont have to have a role in deciding where these towers are going to go. Vermonters should be able to take into account the protection of our scenic

beauty. It is not enough just to have technological advances.

So by requiring the companies to work with Vermont towns, acceptable alternatives can be found. My bill, again, affirms where the burden of proof should be: with the applicant, not the community. I trust Vermonters to do what is right to protect our State's beautiful scenery. All I am saying, Mr. President, is let Vermonters decide what to do with our scenery. The FCC rules should not stand.

The PRESIDING OFFICER. Who seeks time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, under the order, I believe we had 30 minutes reserved.

The PRESIDING OFFICER. That is correct.

Mr. THOMAS. Several of my associates and I want to take that time to talk about the Medicare Beneficiaries Freedom to Contract Act, which we think is very important to Medicare recipients and to the system. We want to talk about that. However, before we begin, and we will then share our time, I yield to the Senator from Kansas for several minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President. I thank my colleague from Wyoming for yielding a couple minutes. I will be very brief about this and pointed.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1334 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Mr. President, I, again, thank my colleague from Wyoming and others for allowing me this opportunity to introduce this bill. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

#### MEDICARE BENEFICIARIES FREEDOM TO CONTRACT ACT

Mr. THOMAS. Mr. President, we would like to scoot back now on to this focus on Medicare, the idea that Medicare patients certainly have an opportunity to choose, that we are able to strengthen the Medicare Program through this function. I will first yield to the sponsor of the bill and, frankly, the person who has carried the weight and continues to, the Senator from Arizona.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, will you please advise me when I have spoken for 7 minutes?

The PRESIDING OFFICER. We shall grant the Senator 7 minutes.

Mr. KYL. I appreciate that.

Mr. President, I appreciate the Senator from Wyoming taking this time to

discuss what we think is one of the most important matters yet to be decided before the end of this legislative session. I know we have some appropriations bills to pass to ensure that the Federal Government is funded for next year, and perhaps a couple of other items, like the fast-track legislation. But in terms of important principles, I can't think of anything more important than ensuring that the American people have the right to go to the doctor of their choice.

You heard me right. I said to ensure that the American people have the right to go to the doctor of their choice. You mean they don't have that right? Well, Mr. President, unless we fix a part of the balanced budget bill that we passed earlier in this session, as of January 1, senior citizens in this country will not be guaranteed the right to go to the physician of their choice. Here is the problem.

The Clinton administration interprets the Medicare law to require that a Medicare patient be treated under Medicare; that that person cannot go to a doctor who may see some Medicare patients but is not taking anymore Medicare patients and, therefore, is unwilling to treat the patient as a Medicare patient. Here is the exact situation, a real-life story that happened to one of my constituents in the small town of Prescott, AZ.

She just turned 65. She is diabetic. She was having complications. She wanted to see a physician who could take care of her, and there weren't very many specialists in that small town. She found one who could take care of her. She went to him and he said, "Now, you are 65."

She said, "Yes."

He said, "Then I don't think I can take care of you."

She said, "Why not?"

He said, "I'm not taking anymore Medicare patients, you're Medicare eligible."

She said, "That is all right, send me the bill, I will pay you. We will save Medicare money."

He checked with HCFA, the entity that runs Medicare, and sure enough, he could be prosecuted for a Federal crime if he entered into what is called a private contract with her.

That is the way the Clinton administration interprets the law and, in fact, Mr. President, that is the way they want the law to read because they don't want any competition for Medicare. Once you turn 65, it is their view that everybody should have Medicare and only Medicare. One of my colleagues said it is Medicare or no care.

That is an unacceptable choice for senior citizens in this country. Why should you become second class when you turn 65 and not be able to contract privately with a physician of your choice?

I am on a Federal health care plan. I happen to like Blue Cross, so I signed up with the Blue Cross plan. But I still go to a doctor that is outside of that

plan and pay for it myself. I have that right. Why shouldn't a senior citizen have the same right that I do under my Federal health care plan? Why should someone, merely because they turn 65, be denied the right to privately contract with the physician of their choice? Maybe they have been seeing the same doctor for 40 years and they want to continue seeing that doctor but he is not taking anymore Medicare patients, why shouldn't they be able to go to him and why shouldn't he be able to contract directly with them?

We passed it 64-35 in the Senate. It went into the balanced budget bill, but the administration said, no, they would veto the balanced budget bill unless we took that provision out or unless we changed it. How did they insist it be changed, without my approval by the way? They said, OK, the patient can have the choice but no doctor can serve such a patient unless in advance he opts out of Medicare for 2 years.

Let's be realistic, only 4 percent of the nonpediatricians don't serve any Medicare patients. Most doctors have some Medicare patients. Do we want to literally force those doctors to dump all of their Medicare patients just so they can privately contract? That is not the way to encourage more doctors to see more Medicare patients. Why shouldn't a physician be able to both treat patients under Medicare and not treat patients under Medicare?

There is only one argument, other than the fact this presents some competition to Medicare. In that regard, I don't see how it hurts Medicare, because to the extent that anybody would choose not to take advantage of Medicare, they are saving Medicare money. It doesn't hurt Medicare. It actually helps Medicare, they don't have to pay as much.

There is some concern that some unscrupulous doctor somewhere might take advantage of a Medicare patient. "I'm not going to treat you under Medicare; you have to enter into a private contract with me, and I am going to gouge you." I don't think that is going to happen.

Just to be sure, we built into the bill which I introduced a provision against fraud. It requires a written contract, and the patient can get out of it at any time. HCFA gets information from the doctor which tells them exactly what is going on. So if there is any fraud, that doctor can be prosecuted. So we have taken care of the major problem that has been raised.

I don't think there is any reason why our bill should not pass. I don't think this Congress should go on record as standing for the principle that when you turn 65 in the United States of America, you don't have the choice to go to the doctor of your choice, and that doctor doesn't have the choice to care for you if he wants to do that. It is wrong, it is un-American, it is a violation of fundamental rights, and before this Congress adjourns, Mr. President, we need to fix the law so that