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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

oath be modified to strike antiquated words like ''potentate,'' Mr. Stein told the Los Angeles Times, ''If the oath of [allegiance] is too hard for the immigrants to understand . . . we're admitting the wrong immigrants.''

In the debate over immigration policy, no single group has received more attention than FAIR, a Washington-based nonprofit that claims a membership of 70,000. For close to 20 years, in books, monographs, op-eds and thousands of newspaper stories, FAIR has made the case for tighter national borders. And while the group's goal seems clear enough—to curtail immigration into the U.S.—its ideology is harder to pin down. FAIR's supporters include both the conservative magazine National Review and former Colorado Gov. Richard Lamm, a Democrat; Pat Buchanan as well as Eugene McCarthy. Where does FAIR stand politically? It's hard to say, says Mr. Stein: ''Immigration's weird. It has weird politics.''

IN FAVOR OF INFANTICIDE

Certainly FAIR does. Consider the group's connection to Garrett Hardin, a University of California biologist who became moderately famous in the 1960s for his essay ''The Tragedy of the Commons,'' a polemic against population growth and Americans' ''freedom to breed.'' Mr. Hardin, now in his 80s, was for many years one of the more active members of FAIR's board of directors, writing and speaking extensively under the group's auspices. He is now a board member emeritus, and his ideas are still influential at FAIR; just this spring, Mr. Stein quoted ''noted immigration scholar and thinker Garrett Hardin'' in testimony before the Senate.

What are Garrett Hardin's ideas? ''Sending food to Ethiopia does more harm than good,'' he explained in a 1992 interview with Omni magazine. Giving starving Africans enough to eat, Mr. Hardin argued, will only ''encourage population growth.'' His views got less savory from there. In the same interview, the ''noted immigration scholar'' went on to criticize China's notoriously coercive population control programs on the grounds they are not strict enough. He also argued against reducing infant mortality in undeveloped nations and came out foursquare in favor of infanticide (''in the historical context,'' as the Omni reporter put it), which he declared ''an effective population control.''

''In all societies practicing infanticide,'' Mr. Hardin explained to the reporter, who happened to be five months pregnant at the time, ''the child is killed within minutes after birth, before bonding can occur.'' Not surprisingly, Mr. Hardin wasn't shy about his enthusiastically pro-choice views: ''A fetus is of so little value, there's no point in worrying about it.''

What does eliminating children have to do with immigration? According to Mr. Hardin, just about everything. ''Because widespread disease and famine no longer exist, we have to find another means to stop population increases,'' he explained. ''The quickest, easiest and most effective form of population control in the U.S., that I support wholeheartedly, is to end immigration.''

At FAIR, Mr. Hardin's views are considered well within the pale. Founded in 1979 by a Michigan ophthalmologist named John Tanton, FAIR has from its inception been heavily influenced by the now-discredited theories of Thomas Malthus, an 18th-century English clergyman who predicted that the world's food supply would soon fail to keep pace with its rising population. During the 1970s, Dr. Tanton, now FAIR's chairman, did his part to reduce world population by founding a local Planned parenthood chapter and running the group Zero Population Growth. With the birthrate of native-born Americans declining, however, Dr. Tanton says he soon realized that the key to population control was reducing immigration. Unless America's borders are sealed, Dr. Tanton explained to the Detroit Free Press this March, the country will be overrun with people ''defecating and creating garbage and looking for jobs.'' To this day, FAIR's ''guiding principles'' state that ''the United States should make greater efforts to encourage population control.'' Several months ago, the group organized a ''bicentennial event'' to commemorate Malthus's ''Essay on the Principle of Population.''

Mr. Stein, the organization's current executive director, doesn't deny that Malthusian fears of overpopulation are ''central'' to FAIR's mission. Nor does he flinch when confronted with Mr. Hardin's views of killing newborns. Instead, Mr. Stein defends Mr. Hardin by pointing out that his colleague has never supported ''involuntary, coercive infanticide.'' (As opposed to the voluntary kind?) As for the Chinese government's well-documented campaign of forced abortions and sterilization, Mr. Stein describes it as an ''international family-planning program.''

Perhaps most telling, Mr. Stein appears to embrace Mr. Hardin's long-standing support of eugenics. In his interview with Omni, Mr. Hardin expressed alarm about ''the next generation of breeders'' now reproducing uncontrollably ''in Third world countries.'' The problem, according to Mr. Hardin, is not simply that there are too many people in the world, but that there are too many of the wrong kind of people. As he put it: ''It would be better to encourage the breeding of more intelligent people rather than the less intelligent.'' Asked to comment on Mr. Hardin's statement, Mr. Stein doesn't even pause. ''Yeah, so what?'' he replies. ''What is your problem with that? Should we be subsidizing people with low IQs to have as many children as possible, and not subsidizing those with high ones?''

Several years ago FAIR was forced to defend itself against charges of racism when it was revealed that the organization had received more than $600,000 from the Pioneer Fund, a foundation established in 1937 to support ''research in heredity and eugenics.'' Mr. Stein did his best at the time to downplay Pioneer's nasty reputation. ''My job is to get every dime of Pioneer's money,'' he told a reporter in 1993. But an unpleasant odor remained.

FAIR also has repeatedly been accused of hostility toward Hispanics and the Catholic Church. Mr. Stein claims the charges are nothing more than ''orchestrated attacks from some of these fervent, out-of-control zealots on the so-called religious right.'' (And, he warned me, I had better not imply otherwise: ''I will call you at home and I'll give your wife my opinion of the article if I don't like it,'' he said heatedly.) But Mr. Stein does little to disprove his critics. In one widely quoted outburst, he suggested—that certain immigrant groups are engaged in ''competitive breeding.'' He told me: ''Certainly we would encourage people in other countries to have small families. Otherwise they'll all be coming here, because there's no room at the Vatican.''

There are reasonable critics of immigration, but Dan Stein is not one of them. Which makes it all the more puzzling that a number of otherwise sober-minded conservatives seem to be making common cause with Mr. Stein and FAIR. According to National Review editor John O'Sullivan, FAIR, ''until very recently, never saw the political right as sympathetic to the cause. That was an obvious error.'' An error Mr. O'Sullivan has done his best to correct: Over the past several years, National Review has touted FAIR's positions in its editorials and published several articles by FAIR employees.

'THESE CENTRAL AMERICANS'

FAIR itself has made a conscious play for the support of social conservatives, running ads that blame immigration for ''multiculturalism,'' ''multilingualism,'' ''increasing ethnic tension'' and ''middle-class flight.'' Mr. Stein claims that many immigrants are left-wing ideologues, making conservatives FAIR's logical allies. ''Immigrants don't come all church-loving, freedom-loving, God-fearing,'' he says. ''Some of them firmly believe in socialist or redistributionist ideas. Many of them hate America, hate everything the United States stands for. Talk to some of these Central Americans.''

Two years ago Insight, a magazine published by the conservative Washington Times, referred to ''the conservative Federation for American Immigration Reform.'' And last year Republican strategist Paul Weyrich allowed FAIR to co-produce more than 50 hour-long programs dealing with immigration for National Empowerment Television, his conservative network. Clearly, FAIR's overtures to the right are paying off. But do conservatives who embrace FAIR know all they should about the object of their affections?

EXECUTIVE SESSION

NOMINATION OF CHARLES J. SIRAGUSA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the clerk will report the Executive Order No. 324.

The legislative clerk read the nomination of Charles J. Siragusa, of New York, to be U.S. district judge for the Western District of New York.

The Senate continued with the consideration of the nomination.

Mr. LEAHY. Mr. President, I note that we are soon going to vote on the nomination of Charles J. Siragusa to be a judge of the U.S. district court for the Western District of New York.

The judge has the highest rating possible from the ABA. He was unanimously reported by the Judiciary Committee. He was a prosecutor. I commend him and the others.

This morning the majority leader has decided to call up the nomination of Charles Siragusa to the U.S. District Court for the Western District of New York. I expect this rollcall vote to be much like the last seven in which a unanimous Senate approves a well-qualified judicial nomination.

As I stated, Judge Siragusa received the highest rating possible from the ABA. He was unanimously reported by the Judiciary Committee along with others who remain on the Senate calendar awaiting action. He is supported by Senators MOYNIHAN and D'AMATO.

Judge Siragusa served as an assistant district attorney for the Monroe County district attorney's office in Rochester, NY, for 15 years from 1977 to 1992 and is currently a judge on the New York State Supreme Court. He has been the recipient of numerous legal awards, including the 1996 Recognition