CHARITABLE MEDICAL CARE ACT OF 1996

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. GOODLATTE. Mr. Speaker, I would like to bring to my colleagues' attention the Charitable Medical Care Act of 1996 which I am today introducing with Representatives MOORHEAD, MCCOLLUM, SMITH of Texas, HOKE, and BRYANT of Tennessee. This important legislation will make it easier for free medical clinics to recruit medical professionals to volunteer their services for the poor.

Free clinics have developed as a privately funded, grass-roots effort to provide outpatient health services primarily to the working poor. There are over 200 free clinics in the United States which have evolved with no Federal support and little local government support.

My District is privileged to be home of several outstanding free clinics including one of the finest free clinics in the country, the Bradley Free Clinic of Roanoke, VA. The Bradley Free Clinic is also headquarters of the Free Clinic Foundation of America, which has been working to provide services to assist and establish free clinics across the country.

My friends at the Bradley Free Clinic brought to my attention the problems free clinics nationwide encounter finding medical staff willing to volunteer their time and services because of concerns over medical liability. Medical professionals who would like to provide free care for the poor are discouraged by the possibility that doing so will put their medical malpractice coverage at risk. Retired medical professionals don't have liability coverage and therefore can't volunteer. As a result, the poor don't get the care they need.

In response I am introducing a bill similar to legislation passed in Virginia in the 1980's to exempt health care professionals who provide free services in connection with a free clinic from liability for simple negligence only. In fact, Virginia is one of eight States which have laws in place exempting doctors who voluntarily provide free care in good faith from liability for simple negligence.

While Medical liability suits against health care professionals who volunteer their services at free clinics are very rare, under this legislation health care professionals would not be protected if they commit gross negligence or willful misconduct. In addition, the exemption would only apply if the patient received the care at no charge, there was no reimbursement to the health care professional for providing the service and the patient had informed consent before the service was rendered that any liability incurred by their health care provider would be limited to gross negligence and willful misconduct.

With over 30 million uninsured Americans, the need for privately sponsored free clinics and health services has never been more acute. It is estimated that charitable medical care provides care to 30 percent of the Nation's uninsured and is an important alternative to expensive emergency room care which is far too often the only care available for the uninsured or underinsured. This legislation would help ensure that free clinics continue to fulfill this important role by making it possible for them to attract volunteers.

The Free Clinic Foundation and the Catholic Health Association are strong supporters of this legislation. Senator MOSELEY-BRAUN has sponsored companion legislation in the Senate. I urge my colleagues to support this bipartisan effort and cosponsor the Charitable Medical Care Act of 1996.

DISPUTE SETTLEMENT IN THE WORLD TRADE ORGANIZATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. CRANE. Mr. Speaker, the World Trade Organization [WTO] recently ruled against the United States in a case involving the Environmental Protection Agency's [EPA's] regulations on reformulated gasoline to achieve the standards of the Clean Air Act. Unfortunately, this decision has been portrayed by some as an assault on U.S. environmental laws. Nothing could be further from the truth.

To begin, it should be pointed out that the case involved an EPA regulation, not U.S. law, U.S. air quality standards, as legislated in the Clean Air Act, were not at issue. Rather, the case dealt with the different set of regulations that are imposed on imports of reformulated gasoline from those imposed on domestically refined reformulated gasoline. In the WTO, the case was filed under the national treatment clause which says that you cannot have one regulatory standard for imports and a different one for domestic products. This is a principle of trade that the United States, as the world's leading exporter, has espoused for years in our efforts to open new markets to U.S. goods and services. It works to protect the competitiveness of U.S. goods and services overseas by ensuring that our trading partners treat our exports in their markets in the same manner that they treat their own products.

I urge my colleagues to carefully study this decision and, more importantly, to learn the facts before urging action which would damage U.S. credibility in the short term and our trading relationships in the long run. Indeed, the United States fought to establish the WTO dispute settlement process because of the way it will help us pry open foreign markets to our products. Under the old GATT dispute settlement procedure, the United States filed the greatest number of cases of any member country. However, because countries could block the old dispute settlement process, we sometimes could not get decisions in cases that would have helped us remove barriers to our exports overseas. The new process established in the WTO removes the possibility of such obstruction and ensures that the procedure will work on a predictable timetable and that a decision will be rendered. Based on our history of using the GATT dispute settlement process, the new procedure is likely to be used frequently by the United States in the future to help us achieve our trade liberalization goals.

As chairman of the Ways and Means Subcommittee on Trade, I am proud of the great strides that the United States has made in recent years toward opening markets and removing barriers to trade around the world. As we work to ensure that our trading partners fulfill their WTO commitments, it is critical that we set an example by living up to our own.

In sum, I would like to quote from an editorial from the January 21, 1996 issue of the New York Times. The editorial, entitled ''Winning, by Losing on Trade,'' concludes:

> The ruling helps establish the W.T.O. panels as deliberative judicial bodies willing and able to enforce rules of fair trade. That is beneficial to the United States, which brings more complaints to trade-dispute panels than any other country. Washington will win more than its cases in the years ahead. The W.T.O. has shown it can keep trading honest. That is a welcome development.

HONORING MRS. ANNA GAYLE

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. MILLER of Florida. Mr. Speaker, I would like to thank you for this opportunity to honor a remarkable person and a wonderful citizen. I am sad to report that this past Tuesday, one of my most admired constituents, Anna Gayle, passed away at the age of 99. Now Ms. Gayle was known for many great things in Manatee County. She was a deaconess and missionary at St. John First Baptist Institutional Church in Palmetto, FL. She served as the director of the Senior Citizens Centers of Manatee County in Bradenton and Palmetto for over 10 years. And she also in 1984 received a national award from the National Council on Aging for her advocacy.

But the qualities that everyone attributed most to her were her strong character, her kindness, and above all, her willingness to help those that were less fortunate. As stated by one of her many fans, ''If people were sick, she helped them. If a child needed care, she saw that he got it. If you needed a hand, she was there.'' It was this commitment to provide for those less fortunate and her drive to better surrounding neighborhoods which led to the Anna Gayle Resource Center—a neighborhood center for families experiencing drug and crime problems in her much loved community of Palmetto, FL. Her legacy of improving the quality of life will long be remembered by many for years to come.

I have always found such commitment to help others inspiring, and mourn deeply the passing of such an outstanding human being. We will all miss her.

TRIBUTE TO KWEISI MFUME

SPEECH OF

HON. JAMES F. SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1996

Mr. SENSENBRENNER. Mr. Speaker, I rise to pay tribute to our departing colleague from Maryland, Congressman KWEISI MFUME.

For the past 10 years, the people of Maryland's Seventh District have benefited from the representation of Congressman MFUME.

Representative MFUME's political career began as a Baltimore City Council member where he promoted the causes of his inner-city constituents. He was elected to the House of Representatives in 1986 and recently