

are Melanesians, Mr. Speaker, they are not Indonesians. West Papuans practice Christianity. Indonesians practice Islam, or the faith of Islam. West Papuans have a unique language and culture which is distinct and different from the rest of Indonesia.

Mr. Speaker, to make matters worse, the government of Indonesia has chosen a policy of transmigration, or a unilateral forced settlements, where hundreds of thousands of Indonesians have now taken residence in the lands belonging to these 800,000 to 900,000 West Papua, New Guineans, in their own homelands.

Mr. Speaker, the tragic situation in West Papua, New Guinea, greatly concerns me. With the recent shootings over the pro-independence demonstrations in West Papua/Irian Jaya, I would hope all my colleagues in the House would join me in urging the Indonesian government to immediately stop these human rights violations and take steps now to review the status of West Papua, New Guinea, as it should be, especially perhaps it should be considered as a non self-governing territory under the auspices of the United Nations, similar to the territory of New Caledonia, currently a colony of France.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### REPUBLICAN TASK FORCE TO RELEASE LANGUAGE ON MANAGED CARE REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this week the Republican health care task force here in the House is supposed to release the language for its so-called managed care reform bill. And we know from what the task force has already released publicly that this bill will be a farce, a cosmetic fix that lacks some of the most important patient protections.

Despite an avalanche of real-life examples of people who have died because their HMOs refuse to approve needed care, the Republican leadership has kowtowed to the insurance industry. The Republican plan will not allow patients to sue their HMOs when they are denied needed care.

This weekend Senate majority leader TRENT LOTT announced that Republicans in the Senate are following suit. The Senate Republican bill will also deny patients the right to sue their HMOs. Unlike the Republicans' proposals, the Democrats' patient bill of rights would give patients the right to sue their HMOs.

Although this provision is included in the Patient's Bill of Rights, support for giving patients a legal mechanism to hold HMOs accountable is hardly limited to Democrats in Congress. Federal judges around the country are increasingly frustrated by the Employee Retirement Income Security Act, or ERISA law, which is the source of the problem. ERISA shields HMOs and insurance companies from being sued by patients.

I would like to give some examples, Mr. Speaker. Take the case, for example, of a Louisiana woman named Florence B. Corcoran. Miss Corcoran brought suit against her HMO after her fetus died following the HMO's refusal to hospitalize her for a high-risk pregnancy. After the suit was thrown out, the U.S. Court of Appeals for the fifth circuit in New Orleans said the Corcorans have no remedy for what may have been a serious mistake.

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The court observed that the death of Mrs. Corcoran's unborn child would seem to warrant a reevaluation of ERISA so that it can continue to serve its noble purpose of safeguarding the interests of employees.

There are other courts around the country, other Federal courts, that have also been critical of ERISA and the fact that patients cannot bring suit against their HMOs.

In Boston, Judge William C. Young of the Federal court expressed his deep concern by the failure of Congress to amend the statute that due do the changing realities of the modern health care system has gone conspicuously awry. "It is deeply troubling," Judge Young said, "that in the health insurance context ERISA has evolved into a shield of immunity which thwarts the legitimate claims of the very people it was designed to protect."

I could give other examples. I will give one more, Mr. Speaker. In San Francisco, the U.S. Court of Appeals for the Ninth Circuit ruled just last month that an insurance company that denied Ms. Rhonda Bast from Seattle treatment for breast cancer. She had died from the disease. "This case presents a tragic set of facts," said Judge David R. Thompson. "Without action by Congress," he added, "there is nothing we can do to help the Basts and others who may find themselves in the same unfortunate situation."

I think that these examples clearly demonstrate the severity of the problem. From coast to coast, Federal courts are forced to tell patients and families of patients who have died that they would like to help but cannot. The law does not allow for it. The law does not allow for a patient to bring suit effectively for damages against an HMO.

And this, I would remind my colleagues, is what the Republicans now are ardently defending. No matter what the cost, the Republican leadership will not break its alliance with

the insurance industry and allow for adequate enforcement of patient protections.

Giving patients the right to sue HMOs is an absolutely vital component of managed care reform. The right to sue is the enforcement mechanism through which all the patient protections we are advocating are to be protected. President Clinton summed it up best when he said the other day that "a right without a remedy is not a right."

The public's support, Mr. Speaker, for true managed care reform I think has translated into an enormous amount of support for the Patients' Bill of Rights, the Democratic proposal, which offers the most comprehensive set of protections of any managed care reform bill in Congress today.

Currently, the Patients' Bill of Rights has the support of over 175 patients, physicians, consumer medical and public health groups. It has 190 cosponsors in the House, including some Republicans.

Despite this groundswell of grassroots support, the Republican leadership is still throwing up roadblocks to progress. Their are reports today that the Republican leadership may bring its sham proposal directly to the floor for a vote as early as next week.

This week, supporters of the Patients' Bill of Rights will be working hard to gather support for the bipartisan Dingell-Ganske discharge petition, which was introduced before Congress adjourned for the July 4 recess. This discharge petition would force the Republican leadership to allow the Patients' Bill of Rights to come to the floor for a vote. The discharge petition will play a crucial role in ensuring Members of this body are given the opportunity to vote on the Patients' Bill of Rights if the Republicans bring their sham proposal to the floor next week.

I think, Mr. Speaker, it is time that we all took stock of the fact that if we are going to pass patient protections, and we certainly should, that it should be patient protections that is real managed care reform.

#### MANAGED CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I would like to pick up a little bit on where the gentleman from New Jersey (Mr. PALLONE) was talking about on managed care.

The leadership of the majority in both the House and the Senate have now finally entered into public discussions on trying to adopt a Patients' Bill of Rights. And I think that is great, because I think, as a country, American families are demanding that we begin to deal with the inequities that we find in health maintenance organizations organizations and managed care plan.