

And she said that the reason why the HMO was really totally getting out of hand was because for the last 6 months they knew that there was a possibility of being bought out by a larger HMO, and so they wanted to prove that, you know, they were really cost-conscious and they were really cutting costs so that the larger HMO would buy them out.

So you talk about cost cutting, that was the only thing that was motivating this agent.

Ms. JACKSON-LEE of Texas. If the gentleman would yield, these are the kinds of ludicrous, everyday examples that everyday people experience, and I think that is the distinction between the Republican bill which plays, if you will, at patients bill of rights and plays more with the HMOs and insuring their rights than what the Democrats have offered, and let me say this, what in a bipartisan way we have offered I am very proud of and very pleased with the bipartisan support that this legislation has garnered and, I expect, will garner even more because one key element that the President made very clear today: this is an American issue. And for your example you add to that insult, if you will, the whole idea that mental health has suffered in terms of parity issues anyhow, and for those who suffer from mental illness, mental dysfunctions, you tell those families that they can get the necessary care and that concept of abbreviated care of 3 days or free treatment time frame, and you have them tell you the truth.

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Just have them look at you in outrage or complete amazement. But the fact that it is utilized shows in greater evidence than we could ever manage to show that clearly it is a question of cost.

I have another example of a gentleman I have mentioned, a veteran who I had the pleasure of providing him assistance and helping to secure, along with our United States military, one of his lost medals.

He was a participant, a fighter in World War II. He marched the Japanese death walk, the episode of a march when they had captured the Americans and they were held in Japanese prison camps. So he was recently awarded one of his medals.

He was involved, in a plan, in a health system. He is an elderly gentleman. Because of some paperwork snafu, when he left his house on a hot, hot, hot Texas day to go and pick his prescription up at the place where he needed to pick it up, he did not get a positive response such as, "Let's go find your medication." It was, "You don't have the right paperwork."

"Well, I sent the paperwork in."

"Well, you don't have the right paperwork."

Everyone operates in such fear. I would think that a very logical response would have been, he is 77, he has been documented for the eight years

preceding in this particular plan with his paperwork, "because care is more important to us than cost right now, we will work on the cost element. We will allow him to get his prescription that he needs to survive."

Well, that constituent of mine was sent home, and not in a very friendly manner. He went home to suffer alone, and by some means that it came to our office's attention. But it was the intervention of an office that has nothing to do with HMOs or health care, but working on it from a constituent perspective, where this gentleman was restored his prescriptive rights, if you will, or the right to get the prescription, and it was acknowledged that a mistake had been made.

This is an isolated incident that is reflective of incidents happening all over the country, where, many circumstances like this, there is no intervention, none, no intervention, and you have cited some of those where they have resulted in someone's death.

Mr. PALLONE. I just wanted to mention again, because the gentlewoman brings up these cases, and you stated it, these are not isolated incidents. When we had the hearing yesterday, again, we asked each of the health care professionals who testified, whether they were the case managers or the physicians, the kinds of stories you tell us, how often do they happen?

Generally they would say at least once a week. Once a week each of these individuals, whether they were a doctor or a caseworker who was detailing, working for the HMO, had to face a situation where they felt there was clear abuse and the patient was going to suffer.

So we are not talking about a few horror stories, we are talking about things that occur on a regular basis throughout the country, and that is the reason I think why so many people now all over the country are demanding the kind of reform that the Democrats are putting forward.

I agree with the gentlewoman, it is bipartisan. I do not mean to suggest that we do not have Republicans with us. We have the gentleman from Iowa (Mr. GANSKE), and we have quite few people with us on the other side. But it is the Republican leadership that refuses to bring a good bill to the floor, actually refused to bring any bill to the floor.

Now we hear they are willing to bring up their sham bill and have that voted on as possibly as early as next week. But it is their control of this house and their unwillingness, if you will, to bring up the Democratic proposal, the Patient Bill of Rights, that I think we have to continue to speak out against, because I believe, I am optimistic, and I know the gentlewoman is, if we keep demanding that the Patient Bill of Rights come to the floor, and if we get enough people to sign the discharge petition, we will have the opportunity to vote on that bill.

I just want to say one last thing, because I think we are almost out of

time. The gentlewoman mentioned the enforcement again. Again, I do not want people to think the distinction between these two approaches, Democrat versus Republican, is based on litigation and the ability to sue, because it is not.

There are many differences, important differences. But the ability to sue is an important part of the ability to enforce your rights, and if you have patient protections, but you do not have ultimately the right to bring suit for damages, then you know that the HMOs are not going to be held accountable. They will say that is fine that these rights exist, but what do we care if you cannot enforce them ultimately in a court of law?

So, again, we are not trying to be litigious or whatever, but we have to demand that ultimately there is some way for the people to enforce these patients' protections. Otherwise they are false, they do not exist, and are not real.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman has aptly brought us to a close this evening, and I appreciate very much the long, arduous journey I think that we have traveled on to bring this issue to a head.

The devastation of what we see in the landscape of health care is so overwhelming that something has to be done. As we were deliberating over this legislation, I really felt we were moving to a point where we would have the entire House embracing this one issue as a bipartisan issue, because the stories are not respecting whether you are a Democrat or a Republican.

So I would simply say the gentleman is so right, we should emphasize this idea of enforcement. But it is not the anchor of this bill. The anchor of this bill is patient protection.

The last point that I think is extremely important, as our Chairman of the American Medical Association said, Dr. Smoke, doctors were rising up around the Nation, in State capitals all over the Nation, arguing for the Patient Bill of Rights on the patient-doctor relationship. I think that should be a signal as to which direction this house should go in voting for a real bill that protects those who cannot speak for themselves.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for her participation in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CLAYTON (at the request of Mr. GEPHARDT) for today after 4 p.m. on account of personal reasons.

Mr. FORD (at the request of Mr. GEPHARDT) for today, after 5:30 p.m., and the balance of the week on account of personal business.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for Thursday, July 16, after 5 p.m., and for the balance of the week on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today before 5 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, today, for 5 minutes.

Mr. HOYER, today, for 5 minutes.

Mr. CARDIN, today, for 5 minutes.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, today, for 5 minutes.

Ms. ROS-LEHTINEN, July 20 and 23, for 5 minutes.

Mrs. MORELLA, today, for 5 minutes.

Mr. MORAN of Kansas, July 20, for 5 minutes.

Mr. FOLEY, July 17, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOYER) and to include extraneous material:)

Mr. NEAL of Massachusetts.

Mr. KIND.

Mr. KANJORSKI.

Mr. MILLER of California.

Mr. STARK.

Mr. SERRANO.

Mr. KENNEDY of Rhode Island.

Mr. CONYERS.

Mr. RAHALL.

Mr. PAYNE.

Ms. NORTON.

Mr. FORD.

Mr. GEJDENSON.

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous material:)

Mr. GIBBONS.

Mr. WELLER.

Mr. SHAW.

Mr. RADANOVICH.

Mr. HAYWORTH.

Mr. CUNNINGHAM.

Mr. FORBES.

Mr. RAMSTAD.

Mr. RIGGS.

Mr. WAMP.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1283. An act to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary

of the integration of the Central High School in Little Rock, Arkansas; to the Committee on Banking and Financial Services.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1273. An act to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

H.R. 2870. An act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

H.R. 3156. An act to present a congressional gold medal to Nelson Rolihlahla Mandela.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Friday, July 17, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10001. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Establishment of Rules and Regulations for Grower Diversion and a Compensation Rate for the Cherry Industry Administrative Board Public Member and Alternate Public Member [Docket No. FV97-930-2 FR] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10002. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Removal of U.S. Grade Standards and Other Selected Regulations [Docket Number FV-95-303] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10003. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Pacific Air Forces is initiating a multi-function cost comparison of the Supply and Transportation functions at Andersen Air Force Base (AFB), Guam, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10004. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of the United States Air Force Personnel Center is initiating a single-function cost comparison of the Master Personnel Records function at the Air Force Personnel Center, Randolph Air Force Base (AFB), San Antonio, Texas, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10005. A letter from the President and Chairman, Export-Import Bank of the United

States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10006. A letter from the Acting Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation, pursuant to Public Law 105-178; to the Committee on the Budget.

10007. A letter from the Acting Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation, pursuant to Public Law 105-180; to the Committee on the Budget.

10008. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Systems-Change Projects to Expand Employment Opportunities for Individuals With Mental or Physical Disabilities, or Both, Who Receive Public Support (RIN: 1820-ZA11) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10009. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Systems-Change Projects to Expand Employment Opportunities for Individuals With Mental or Physical Disabilities, or Both, Who Receive Public Support (RIN: 1820-ZA11) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10010. A letter from the Acting Director, Regulations Policy and Management Staff, Office of Policy, Department of Health and Human Services, transmitting the Department's final rule—Drug Products Containing Quinine for the Treatment and/or Prevention of Malaria for Over-the-Counter Human Use [Docket No. 94N-0355] received June 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10011. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling: Health Claims; Chromium and the Risk in Adults of Hyperglycemia and the Effects of Glucose Intolerance [Docket No. 98N-0424] received June 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10012. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.207(b) of the Commission's Rules Regarding Minimum Distance Separations To Mexican Broadcast Stations—received June 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10013. A letter from the Acting, Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Antioxidant Vitamin A and Beta-Carotene and the Risk in Adults of Atherosclerosis, Coronary Heart Disease, and Certain Cancers [Docket No. 98N-0428] received June 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10014. A letter from the Acting, Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Antioxidant Vitamins C and E and the Risk in Adults of Atherosclerosis, Coronary Heart Disease, Certain Cancers, and Cataracts [Docket No. 98N-0426] received June 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.