But cutting off visas of officials isn’t the way to handle problems, whether they relate to IPR, whether they relate to technology transfer, whether they relate to other military endeavors or trade matters, I believe.

I must say, I believe this is the first time in the last year or so that the administration has really made up their mind that what they are going to do is engage China fully and completely at the top level. I believe it is having enormous dividends and that we will see in the years to come a much more open country, a country that has taken steps to make greater reforms.

You have to realize that to those of us who sit on the west coast, the Pacific rim is our world of trade. The Pacific rim has by far exceeded the Atlantic Ocean as the major theater of trade. In my State, approximately over a third of the jobs depend on trade with Asia. We want to have positive relations with Asia, positive relations with the Philippines, with Taiwan, with South Korea, with China, with all of the ASEAN countries as well. Increasingly, we have an opportunity, we believe, on the Pacific, to form a Pacific rim community that is peaceful, where trade thrives, where so many good jobs can be shared. I must tell you, I buy into that dream. I want to see it happen.

Mr. HUTCHINSON. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield.

Mr. HUTCHINSON. Mr. President, coerced abortion and religious persecution are two practices that the Chinese Communist Government denies take place in China.

How then, would denying visas to Chinese officials in which we have credible evidence that, in fact, they are doing—how would that impede the kind of positive relationship that you want to see?

I again reiterate the questions: How do we reconcile the most recent round of arrests of those who tried to form a democracy party in China when they were detained and incarcerated? And the test of the rocket engines while the President was in China, how do we reconcile that with this supposed breeze of freedom that we now have blowing through China?

Mrs. FEINSTEIN. I don’t think it is all good. I am not saying and all going in one direction. I find the arrest of dissidents in the wake of the President’s visit or prior to the President’s visit as 100 percent wrong.

Senator, if there is one thing I have learned about the Chinese, they can be ham-handed in how they function. They can be their own worst enemies in how they handle, because they function under a different, I think, value system in this regard. Sometimes, I believe, it is overreaction. I have read things, and I sit back and say, why did this have to happen?

Now, let’s talk for a moment about forced abortion. I think it is an abysmal practice, it is a barbaric practice. China says they do not countenance and they do not want to permit it. That is the official government policy. Are there occasions where, in this vast country, forced abortion is committed, do I believe? I believe there are instances where abortions are, in fact, committed. I also believe, though, that by pointing this out continually, we will see some changes.

I think it has to be understood that China still has over 100 million people who are very poor, some of which, some living in caves, some living in the most impoverished circumstances, particularly in western China. It has to be understood that China is a nation of 1.2 billion people, growing rapidly.

When I first went to China in 1979, what I was told was, what we have for one person must be extended to five people. I have seen since that time the quality of life improving for people. I have seen the easing of restrictions. I have seen the improvement in the dialog. I have seen the stress on education. I have seen the opening of the society. I have to think that is healthy for the society. I think if we engage that society, if we talk with people on an equal footing, we will see positive changes in the future.

So I appreciate the opportunity to have this dialog. I respect your values. I respect your views. I respect your concerns. But I ask this government to take a look at China without humiliating China but treat China with equality, that we will see major positive changes in the future.

Mr. KENNEDY. Will the Senator yield?

Last evening I had asked the majority leader just for 5 minutes at some time during the period when he was propounding the consent request. I am glad to cooperate with the floor managers on when would be the most appropriate time to do so, but since we are starting off on an amendment, I don’t want to interrupt the debate on the amendment, and I am glad to intervene or when or after time period of time he intends to take.

Mr. ABRAHAM. If the Senator from Massachusetts would like to speak for up to 5 minutes, the Senator from Michigan would be happy to propose a unanimous consent agreement by which the Senator from Massachusetts is yielded 5 minutes to speak, in morning business or whatever, and then establish that the Senator from Michigan would be recognized to proceed with the debate. I am happy to cooperate with the floor managers on when would be the most appropriate time to do so.

Mr. ABRAHAM. If the amendment can stop these abuses. Too often, the managed care is mismanaged care. No amount of distortion or smokescreens by insurance companies or GOP campaign ads can change the facts. A real Patients’ Bill of Rights can stop these abuses. Let’s pass it now before more patients have to suffer.

All we want is a chance, in the time-honored tradition and the regular order of this body, to conduct a full and complete debate on this issue. We have had 5 days of debate and discussion on agriculture, with 55 amendments. We have
had 6 days of debate on the defense authorization, with 105 amendments. We have had 7 days of debate on the budget, with over 100 amendments. We are entitled to an opportunity for a full and fair debate. If there are provisions to be produced in the Daschle bill, we would like to know about them and what the objectives are. We believe that this debate offers the best opportunity to make sure that we are going to have the doctors and patients make decisions and not the insurance companies. That is the central and fundamental issue that we ought to be debating. We are going to continue to press this issue until we have that debate.

The Senate Republican leadership plan is not a bill of rights—it’s a bill of wrongs. It cannot withstand a full and fair debate on the floor of the Senate. Its supporters know that—so they are refusing to bring it up for full debate, or at least agree on a fair number of amendments. The goal of the Republican leadership and their friends in the insurance industry is to prevent legislation this year, or to pass only a minimalist bill so weak that it would be worse than no legislation at all. The Republican majority—-the stonewall strategy—lasted for more than a year. But it broke down last month in the face of overwhelming public demand for action. Their minimalist approach pays lip service to the reality of reform. They refuse to let the Senate debate it, because they know their plan is more loophole than law.

The Republican record of delay and denial is clear. Congressman DINGELL is more loophole than law. They refuse to let the Senate debate the HMO reform. They refuse to let the Senate consider the Patients’ Bill of Rights before the August recess. In response, on June 24, Senator LOTT simply repeated his earlier unacceptable offer. On June 25, Senator DASCHLE proposed an agreement under which Senator LOTT would bring up a Republican health care bill by July 6, Senator DASCHLE could offer the Democratic Patients’ Bill of Rights, and other Senators could offer only amendments relevant to the HMO reform issue. We would not allow amendments on any other subject—just those relevant to the Patients’ Bill of Rights. However, Senator LOTT rejected this offer. And on June 26, he offered once again an agreement that allowed Senator LOTT to withdraw the legislation—a bill further consideration of any health care legislation for the remainder of the year. On July 15, after a long silence, Senator LOTT made yet another offer. This time he proposed an agreement that allowed for no amendments. He could bring up his bill. We could bring up ours. And that is it. It would be all or nothing. The American people would be denied votes on specific issues. No vote on whether all Americans should be covered, or just one-third as the Republicans propose. No vote on whether there should be genuine access to emergency room care. No vote on whether patients should have access to the specialists they need when they are seriously ill. No vote on whether doctors should be free to give the medical advice they feel is appropriate, without fear of being fired by the HMO. No vote on whether patients with cancer or Alzheimer’s disease or other illnesses should have access to clinical trials after conventional treatments fail. No vote on whether patients in the middle of a course of treatment can keep their doctor if their health plan drops the doctor from the network, or the employer changes health plans. No vote on whether patients should have meaningful independent review of plan decisions—or whether health plans should continue to be judge and jury. No vote on whether the special health needs of persons with disabilities, and women, and children should be met. No vote on whether health plans should be held responsible for decisions that kill or injure patients. The list goes on and on. But the Republican Leadership just wants an all-or-nothing vote on their plan and our plan. They don’t want a genuine debate on patient protection. They don’t want to be held accountable by the American people for defending industry profits instead of patients. They want to gag the Senate, and allow HMOs to continue to gag doctors. On July 16, Senator DASCHLE proposed that we agree on a limited number of amendments—20 per side, directly related to the legislation, not on extraneous issues. This offer by Senator DASCHLE reflects the best traditions of the Senate. It is consistent with the conditions under which we have defeated many major legislative proposals in the Senate this year.

We had 7 days of debate on the budget resolution, and considered 105 amendments. Two of those were offered by Senator NICKLES. We had 6 days of debate on the defense authorization bill, and considered 190 amendments. Two of those were offered by Senator LOTT, and he cosponsored 10 others. We had 8 days of debate on IRS reform, and considered 13 amendments. We had 17 days of debate on tobacco legislation—a bill on which a majority of the Senate acted, and which had 41 amendments. We had 5 days of debate on the Agriculture Appropriations bill and 55 amendments.

Senator LOTT has said to reporters that Democrats might be able to offer 3 or 4 amendments. But that means we would have to decide which issues of concern to the American people are debated, and which are discarded. Do we debate access to emergency rooms, but put aside all concerns about access to specialists? Do we offer an amendment to ensure that all Americans are covered, or just one-third as the Republicans propose? This debate should not be an unfair choice. We agree that the number of amendments should be limited. But the number should be large enough to accommodate the large number of legitimate issues that need to be debated as part of this important reform.

If the Republican leaders are serious about fair debate, they know how to do it. We do it every day in the Senate, and we should do it now. If they are serious about passing meaningful patient protection legislation, they should call up the bill now. All we have asked for is 20 amendments per side. It will take at least 20 amendments to even begin to remedy the major defects in the Republican proposal. Since the Republican leadership plan was introduced a week ago, we have held meetings and forums with doctors, nurses and patients to explore the critical issues that must be addressed if a Patients’ Bill of Rights is to be worthy of its name.

In fact, the Republican leadership has gone to extraordinary lengths in the past six weeks to prevent a full debate on HMO reform. On June 18, Senator LOTT proposed to bring up the bill, but on terms that made it a mockery of legislative process. That proposal would have allowed the Senate to start debate on HMO reform, but Senator LOTT would have been permitted to pull the bill down at any time, and the Senate would have been barred from considering it further for the rest of the year. So if Senator LOTT did not like the direction the bill was headed, he could withdraw it and tie the Senate’s hands on HMO reform for the remainder of the year. On June 23, 43 Democratic Senators wrote to Senator LOTT to urge him to allow a full debate and votes on the merits of the Patients’ Bill of Rights before the August recess. In response, on June 24, Senator LOTT simply repeated his earlier unacceptable offer.
system. Every doctor and patient knows that, too often, managed care is mismanaged care. Every doctor and patient knows that medical decisions that should be made by doctors and patients are being made by insurance companies. Every doctor and patient knows that profits, not patient care, have become the priority of too many health insurance companies.

The message in each of these forums from doctors, nurses and patients has been the same. Pass the Patients’ Bill of Rights. The Republican leadership plan. It leaves out too many critical protections. It leaves out too many patients. Even the protections it claims to offer have too many loopholes. It is a plan to protect industry profits, not patients.

One of the aspects of their legislation that the Republican leadership likes to tout is its alleged protections for women. As part of their ongoing disinformation campaign about their legislation, the Senate Republican leadership plan guarantees none of them. In fact, the closer you look at the Republican bill, the worse it looks. They claim to provide protections for patients, but conveniently describe the need for plans to cover such trials and the importance of having access to drugs that are not on the plan’s list. Women need to know that they will have access to drugs that are not on the plan’s list.

Women need to know that they have a genuine remedy when plan abuses result in injury or death.

The Patients’ Bill of Rights guarantees third party appeal, but Consumer’s Union analyzed their proposal and called it “woefully inadequate and far from independent.”

Very virtually every protection they claim to have included turns out to fail the truth-in-advertising test—and the protections they have left out are a dishonest roll of insurance industry abuses.

Part of democracy is accountability. Women need to know that they can vote on whether doctors and patients, not accountants, should make medical decisions. Women need to know that the Republican leader why he doesn’t want a vote on whether doctors and patients should have access to the nearest emergency room when immediate medical treatment means the difference between life and death.

Yesterday, Senator CHAFEE offered a proposal that is a major improvement over the Senate Republican leadership
plan, and it provides significant patient protections. But it lacks many of the most important protections in our Patients’ Bill of Rights.

Key provisions omitted in the Chafee plan include the lack of needed protection for those patients from drive-through mastectomies and access to reconstructive surgery—the lack of fair opportunities for patients to join health plans allowing them to go to the physician or specialist of their choice—the lack of protection for health professionals who point out problems in the quality of care provided by health plans or facilities—and the lack of adequate remedies for patients injuries or killed by HMO abuses.

All of these reforms are needed, and all of them are strongly supported by an unprecedented alliance of physicians, nurses, patients, and working families.

Despite these significant gaps, the Chafee plan has the wall of opposition from Senate Republicans to genuine reform is continuing to crack, and it shows that at least some Republicans in the Senate are serious about reform. Now is the time for the Republican leadership to respond. As the Chafee plan is altered, it protection plan is becoming less and less tenable with each passing day. The American people demand action, but the Republican leadership still refuses to bring patient protection legislation to the floor for full debate and a vote.

The Republican Leadership in Congress deserves the failing grades it’s getting for fumbling the issue of HMO reform. At least since last January—when press reports began noting that Oscar-winning actress Helen Hunt in the movie “As Good As It Gets” was electrifying audiences with her attack on her HMO—it has been clear that a tidal wave of support is building to end managed care abuses and stop HMOs from profiteering in ways that jeopardizing patients’ health or their very lives.

The GOP—HMO line of defense continues to be to block any legislation, refuse to allow full debate, and give the HMO industry’s anti-reform TV ads a chance to bite. But the genie is out of the bottle, and that cynical strategy will fail.

It’s time for Congress to end the abuses of patients and physicians by HMOs and protect health care professionals. Too often, managed care is miss-managed care. No amount of distortions or smokescreens by insurance companies can change the facts. A real Patients’ Bill of Rights can stop these abuses.

Let’s pass it now, before more patients have to suffer.

(From The Boston Globe, March 29, 1998)

By Ellen Goodman

THE HMO HORROR SHOW

Too bad they don’t have an Oscar for the Single Best Line in a movie. A zeitgeist award for the sentence you want to freeze-frame in your head. The best of the whole Hollywood fantasy meets daily life, with they get it absolutely right.

Helen Hunt and Jack Nicholson picked up a couple of statues last week for Best Actress and Best Actor in “As Good As It Gets.” But the Best Line prize belongs to the scribbler who put a string of ungentle words in Hunt’s mouth. When the distraught mother gave her opinion about the managed medical attention being given her asthmatic son, she exploded: “F— HMO B—— Pieces of it—”

At this outset—with none of the expletives deleted—audiences all over America spontaneously burst out in applause. It was one of the phenomena when you know the tide has turned.

HMOs have become the new expletive—undeleted. Managed-care companies are rapidly replacing exponential corporate demons. Indeed, if you watch “The Rainmaker,” the HMOs are taking the place of the Ruskies as the bad guys. As Ronald Glasser, a Minneapolis pediatrician, HMO critic, and moviegoer who was downing popcorn when the audience roared at Hunt, explains, “I looked around and said, ‘My God, the audience are people are way ahead of the politicians on this.’”

A few years ago, the public saw doctors as rich professionals who overcharged on Tuesday and played golf on Wednesday. The weakness in the system was cost control—or cost out of control.

Now doctors and consumers are becoming allies on the same slide, fighting the HMOs, hassling the 800 numbers, trapped in a medical system we suspect is being run by accountants. The weakness in the system is trust. Or rather, mistrust.

It is an astonishingly swift transformation. Bob Blendor, who polls health care issues at Harvard’s School of Public Health, says, “As far as the public is concerned, this conversation has changed the whole politics of the health field. Essentially patients and doctors have come together in a new class of exploited people.”

On the one hand, polls show that most Americans are satisfied with their own health care plans. On the other hand, they favor some type of government regulation. These two views of new health care, by the way, will be discussed in the Senate at the same time.

Mr. President, I ask unanimous consent that two articles on the film “As Good As It Gets” be printed in the Record. The first is a March 29 Boston Globe column by Ellen Goodman. The second is a January 12 article in The St. Louis Post-Dispatch, which to my knowledge is the first report of the extraordinary impact of the film on the HMO debate, and which mentions State Representative Thomas Holbrook of Belleview, Missouri as the first elected official to recognize this impact.

There being no objection, the articles are ordered to be printed in the RECORD, as follows:

[From The St. Louis Post-Dispatch, January 12]

HMS MAY HIGHLIGHT HOT TOPICS IN LEGISLATURE; BILLS WOULD TARGET MYRIAD OF PATIENTS’ COMPLAINTS

State Rep. Thomas Holbrooke, D-Belleville, got a preview of what may lie ahead in this year’s Illinois legislative session when he saw the new Jack Nicholson movie, “As Good As It Gets.”

In one scene, co-star Helen Hunt, playing the mother of a chronically ill boy, spouts vulgarity about a health maintenance organization that is refusing to give her son the treatment he needs.

“She starts railing on this HMO, and people in the theater actually stood up and started applauding,” Holbrooke said last week. “When’s the last time you saw that happen in a theater? That’s not an undercurrent, it’s a tidal wave.”

Proposals to make HMOs more user-friendly to consumers are among the major issues likely to face Illinois legislators when the year’s legislative session opens Wednesday. Other potential topics include clamping more restrictions on the campaign and contracting practices of state politicians; continued controversy over hog farm waste; disenrollment of new transportation projects in the Metro East area; and minor adjustments to the major education funding changes passed into law last year.

Technically, this year is the second half of a two-year legislative session. By legislative rule in Illinois, legislators in the second year are supposed to consider only budgetary matters and emergency issues.

That has historically been among the most important issues in state government, especially since even-numbered years are also election years. And, with the Senate and House under opposing parties—and with the House, especially, having a razor-thin majority—much of the debate this year is likely to be partisan and acrimonious.
Most legislators predict there will be few concrete changes on the books after the dust clears.

"There's no question there will be election-generated legislation," said Daryl Metcalfe, who has presided over the House for the past two years. "It will just be windows dressing," he said in his opening remarks.

"Mainly, I think it's going to be a budget year."

AMONG THIS YEAR'S LIKELY TOPICS OF DEBATE
STATE-FUNDED HMOs

The House last year passed several bills that would have regulated how HMOs deal with their patients and members doctors. Most legislation has remained stalled in the Senate but could be called up again through the end of this year.

One measure, the "Patient Bill of Rights," would require that insurance companies provide certain information to patients, would set up a formalized grievance process and would make other changes to the HMO industry.

"There seems to be a real ground swell about this," said Holbrook, a co-sponsor of the bill. HMO expenses and alleged lack of responsiveness to patients have "become such a glaring atrocity."

Not everyone agrees with that assessment. But even Republican Senate President James "Pete" Geren said that the state should "clear the way to make sure there is a formula over which people can get their health care."

Proposers of the changes believe public frustration will work in their favor in an election year.

"There truly has a chance at moving forward," said Rep. Jay Hoffman, D-Collinsville. "I see bipartisan support."

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The call of the Senate can now be suspended.

Mr. ABRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end the following new titles:

TITLE —MONITORING OF HUMAN RIGHTS ABUSES IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the "Political Freedom in China Act of 1998.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in.

(A) The People's Republic of China is "an authoritarian state" in which "citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government."

(B) The Government of the People's Republic of China has "continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted human rights standards." The authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms.

(C) "[a]lthough torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention."

(D) "[p]rison conditions remained harsh and inhumane." The Government "continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights."

(E) "[t]hrough the Government denies it holds political prisoners. The number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands."

(F) [a]n approved religious groups, including Protestant and Catholic groups . . . experienced intensified repression."

(G) "[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia, such as freedom of conscience and religion and on other fundamental freedoms in these areas have also intensified."

(H) "[O]ver the past year, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end."

(2) In addition to such sums as are otherwise authorized to support personnel to monitor political repression in the People's Republic of China in.

(A) China, the Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

(B) Access to Prisons: The Secretary of State should seek access for international humanitarian organizations to Drapchi prison and other prisons in Tibet, as well as in the People's Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment.

(c) Dialogue on Future of Tibet: The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated to support personnel at diplomatic posts to monitor political repression in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Chengdu, and Hong Kong, $2,200,000 for fiscal year 1999 and $2,200,000 for fiscal year 2000.

SEC. . DEMOCRACY BUILDING IN CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NED.—In addition to such sums as are otherwise authorized to be appropriated for the "National Endowment for Democracy" for fiscal years 1999 and 2000, there are authorized for the "National Endowment for Democracy" $4,000,000 for fiscal year 1999 and $4,000,000 for fiscal year 2000, which shall be used to promote democracy, civil society, and the development of the rule of law in China.

(b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY BUILDING ACT.—The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. . HUMAN RIGHTS IN CHINA.

(a) REPORTS.—Not later than March 30, 1999, and each subsequent year thereafter, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Foreign