In every case, the insurance company or a third party administrator handles those decisions for employers pursuant to their insurance policy. We have very effective shield language in the bill that effectively precludes the employer from being sued.

Now, I want to say I thought there was a very interesting article in today's Washington Post, an op ed by Anthony Burns where he tries to say and he admits that we do have shield language in the bill that would effectively preclude an employer from being sued.

But it goes on to say, essentially, in the article, and this is sort of a new twist on this theme, that even though the shield language is there, it will not matter because crafty trial lawyers will find a way to get around it.

He talks about, first, that plaintiffs could argue that insurance companies or third-party administrators are merely the agents of the employer, or a crafty lawyer could argue that, by selecting one health-care provider over another, the employers' discretionary decision played a role in a decision or an outcome with regard to patient care. Well, that is totally bogus.

Any trial lawyer, of course, can make any argument, and anybody can be sued and make an argument. But the bottom line is, if one has effective shield language, those arguments are not going to work.

One of the things that disturb me the most is that, if one sees what is happening around the country, one will see in a recent Illinois Supreme Court decision, or even a case that is now being obtained by our own U.S. Supreme Court, that the courts increasingly are getting around the prohibition on the right to sue.

But just because that is happening does not mean that we, when we pass legislation, which we are hopefully going to consider in the next few days, that if we put specific language in that says the employers cannot be sued, that should be sufficient for those who are concerned about this issue. Because any lawyer can make any argument. Any court can overturn any decision or any Federal language. But the bottom line is that we are putting that protection in the bill. I think that that should be sufficient. It is a recognition of the fact that the employers cannot be sued.

Please support the Norwood-Dingell bill. Do not be persuaded by these false arguments.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 27 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SUNUNU) at 10 a.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O gracious God, we profess that You are the creator of the whole world and yet when we look at that world we see so much pain and suffering, wars and rumors of wars, and we become distressed. We affirm that You have created every person in Your image and yet in our communities we see alienation and estrangement one from another.

Almighty God, teach us that before we can change the world or our communities we need to change our own hearts and our own attitudes so that Your spirit of faith and hope and love touches our souls and the work of our daily lives. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. VITTER) come forward and lead the House in the Pledge of Allegiance.

Mr. VITTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

FEDERAL TELEPHONE ABUSE REDUCTION ACT OF 1999

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, a report released in August by the Department of Justice's Office of the Inspector General revealed hundreds of cases in which Federal inmates used prison telephones to commit serious crimes, including murder, drug trafficking, witness tampering, and fraud.

Although the Federal Bureau of Prisons has been aware of this problem for some time, it has not taken sufficient steps to address the abuse of Federal prison telephone systems.

To help the Bureau undertake immediate and meaningful action to correct these problems, I am introducing the Federal telephone abuse reduction act. My bill requires the Bureau of Prisons to implement changes to efficiently target and increase the monitoring of inmate conversations. It will also refocus officers to detect and deter crimes committed by inmates using Federal telephones.

I urge my colleagues to join me in squarely addressing what appears to be widespread inmate abuse of prison telephones and cosponsor the Federal telephone abuse reduction act.

REPUBLICANS REJECT GOVERNOR BUSH'S ADVICE ON PATIENTS' BILL OF RIGHTS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, there is good news. The House Republicans have apparently yielded on their cruel plan to defer the earned income tax credit for working families, a plan deplored by Governor George W. Bush as, in his words, ''balancing the budget on the backs of the poor.''

But there is also bad news. The Republicans are so out of touch with the needs of American families that they have rejected Governor Bush's advice on the Patients' Bill of Rights that we will be debating tomorrow.

Our Lone Star State has been a national leader on reforming managed care. Although Governor Bush initially fell victim to the same old tired insurance company rhetoric upon which our House Republican friends now rely, he permitted our Texas Patients' Bill of Rights to be signed into law. And last week his office declared it has ''worked well.'' Who could say otherwise with only five lawsuits from 4 million Texans over 2 years in managed care.

Governor Bush's insurance commissioner has declared it ''a real success story,'' ''one of the leading'' consumer protection measures in the country. If the Republican leadership will get out of the way, we will do the same for all of America.

PATIENTS' BILL OF RIGHTS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to the remarks of my colleague on the left from