

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENDING ENERGY CONSERVATION PROGRAMS UNDER ENERGY POLICY AND CONSERVATION ACT THROUGH MARCH 31, 2000

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H.R. 2981) to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

he Clerk read the bill, as follows:

H.R. 2981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 166. There are authorized to be appropriated for fiscal year 2000 such sums as may be necessary to implement this part, to remain available only through March 31, 2000.”;

(2) in section 181 (42 U.S.C. 6251) by striking “September 30, 1999” both places it appears and inserting in lieu thereof “March 31, 2000”; and

(3) in section 281 (42 U.S.C. 6285) by striking “September 30, 1999” both places it appears and inserting in lieu thereof “March 31, 2000”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**BUDGET TIME MEANS
“MEDISCARE” TIME**

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

Mr. KINGSTON. Mr. Speaker, it is budget time, so it is “Mediscare” time. We have the age-old tactics that, when one does not have the facts, start scaring people. Who is the easiest of the population to scare? The seniors, beating up on Grandma and Grandpa. That appears to be what the White House is already doing with the Republican budget by saying that the Republican budget takes money out of Social Security.

I have a letter in my hand from the director of the Congressional Budget

Office, the head guru. He says in short, there is nothing in our budget that takes any money out of Social Security. I will submit this for the RECORD. It is available for anybody who wants a copy of it. We will distribute it to our misguided liberal friends on the other side.

But the fact is, let us have an honest debate. When the President vetoes the appropriations bills, and we have spent up against the budget caps, then the only question remaining is: Mr. President, do you want to spend more money? It comes out of Social Security. Is that what you want to do? At that point, Mr. President, what will you tell Grandma?

Mr. Speaker, the letter I referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO’s economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal \$592.1 billion. CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.

Sincerely,

DAN L. CRIPPEN,
Director.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RIGHT TO SUE AN ERISA HMO

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

Mr. NORWOOD. Mr. Speaker, Members on both sides of this aisle have joined together to address one of the most egregious violations of the individual rights upon which our Nation was founded, the right to due process in court.

Since 1974, federally governed managed care insurance plans have enjoyed a near total immunity from any legal accountability for injuring and killing the citizens of this country for monetary gain. No thinking, feeling American can agree to let that stand. I tell my colleagues today, Mr. Speaker, that will not stand.

But, Mr. Speaker, the industry lobbyists who have profited behind the skirts of ERISA are now engaged in a last-ditch fight to deceive the Members of this body and the American public concerning the truth of what we seek. So, tonight, Mr. Speaker, I want to set the record straight.

The bipartisan Consensus Managed Care Improvement Act that I have co-sponsored with the gentleman from Michigan (Mr. DINGELL) provides full relief from the travesty of current law while providing full protection for employers and decent insurers against frivolous and vicarious lawsuits.

The managed care lobby has told us that employers could be sued for simply offering a health plan to their employees, they are actually going around saying that, or could be sued just by choosing a particular plan.

Mr. Speaker, read page 60 of the bill beginning on line 33. The bill says, “Does not authorize any cause of action against an employer, or other plan sponsor maintaining the group health plan, or against an employee of such an employer.”

One cannot be any clearer than that. Employers cannot be sued for offering health insurance in our bill or choosing any particular specific plan. Now, the HMO argues that lawyers could find a way around that protection. But the United States Supreme Court has held that “plain meaning” interpretations would prevail. Who do you believe, the lobbyists or the Supreme Court?

There is only one way under this bill that employers can be sued. If an employer decides to do more than offer health insurance, by trying to practice medicine, yes, then they can be sued. If an employer decides to weigh in on a decision of medical necessity, they will be held responsible for that decision, as they should be. But if that employer chooses to stay out of the dispute and leaves the decision up to medically trained professionals, they remain shielded from any type of liability, as they should be.

Read the bill. Page 61, beginning on line 13, an employer can only be sued if, and I quote out of the bill, Mr. Speaker, “The employer’s . . . exercise of discretionary authority to make a decision on a claim for benefits covered under the plan . . . resulted in personal injury or wrongful death.”

Would a Member of this body like to argue that anyone should be able to wrongfully cause the death of a human being and then be shielded from that responsibility? Let us have that debate. I think they will not argue that.

Under this bill, an employer is free to buy any health plan on the market for their employees and face no liability whatsoever for having done so. If the employer is asked to step into the middle of the dispute between the employee and the health plan, they simply should refuse, leave the matter up to the doctors, and face no liability whatsoever.

The managed care lobby has told us that this bill opens the door for unlimited punitive damages against health plans, with jury awards soaring into the hundreds of millions of dollars.