

have clearly and strictly forbidden in law enforcement.

The pattern of abuse by ATF reminds us of the very reason why the second amendment was written into the Constitution. Alan Keyes, presidential contender, said it very well in a recent interview, and I quote Mr. Keyes:

I think the Second Amendment is there because the Founders understood a lesson of history; that a free people must be an armed people, capable of defending their liberties, not only against foreign enemies, but potentially against an abusive government. And that's why the right to keep and bear arms is there, why it is guaranteed to the citizens of this country and why we would be in grave danger if we ever lose the ability to respect the instruments of our defense and to make responsible use of them.

□ 1930

Mr. Keyes went on to say,

We as citizens have a right to keep a gun in the event that things go wrong in this country. Jefferson, others who were part of the founders, they made it very clear, and it is right there in the Declaration, that if a government becomes subversive of liberty and, in the end, a design if evinced to destroy the liberty of the people, they have a right, he said,

they have a duty to abolish or alter it.

Mr. Keyes went on to say,

We are at the end of a century when the abuse of human beings by government power has claimed the lives of millions of human beings. The suggestion that human nature has somehow changed since the founding period when we no longer have to fear the abuse of government power is too absurd at the end of the 20th century that I don't even want to address it. Human nature is the same now as when the document was written, and we can no more put trust in those who have government power than our founders could.

I would think anybody who lived in this country in the last several years and watched the abuse of power that took place at Waco is reminded that sometimes the people in our government, for whatever reason best known only to themselves, lose sight of who they are supposed to be. Waco was a thoroughly disgusting, tragic and un-American episode in which Janet Reno said that because they were tired, they went in and killed all of those people, including children. I think it is time to remember that yes, power can be abused.

Mr. Speaker, we should have learned long ago that once you give a small amount of power to the Federal Government, it seizes much more. Catching and punishing criminals, in most cases, has been the business of the States, and it should remain so. The horrors that we have seen at the hands of Federal agents show us this.

Let us not fall into this latest ruse designed to intimidate honest citizens out of owning and selling guns legally. ATF's gun control by coercion.

Mr. Speaker, we do not need 500 more of these ATF agents; we need 500 fewer.

#### TRIBUTE TO OUR LOCAL VOLUNTEER FIREFIGHTERS AND EMS PERSONNEL

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 50 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to pay tribute to America's national heroes, and it is appropriate that I give this Special Order following a 5-minute Special Order given by our friend and colleague from Texas (Ms. JACKSON-LEE), because in her Special Order, she paid tribute to two brave citizens of Texas, two firefighters, a man and a woman who gave their lives over the past 24 hours in protecting the people in her district. Kimberly Smith and Lewis E. Mayo, who were cited by the gentlewoman from Texas (Ms. JACKSON-LEE), are both American heroes. Unfortunately, they gave their lives in the process of protecting other fellow citizens.

Mr. Speaker, there are millions of people like Kimberly Smith and Lewis E. Mayo around this country who day in and day out protect America, who are always being asked to perform the impossible, whether it be responding to a house fire, a large factory fire like we saw in Massachusetts late last year that killed a multiple number of firefighters, or single family fires like we saw last summer in D.C. where three D.C. firefighters were killed. The gentleman from Maryland (Mr. HOYER) and I came down here for that service. But we tend to, as a Nation, take these losses for granted; and we tend to take these people for granted, and that is the topic of my discussion tonight, Mr. Speaker.

Each year in America, we lose, on average, 100 men and women who are involved in fire and life safety across this country who are killed in the course of protecting their communities. Now, the interesting, or I would say outrageous fact is that out of the 100 or so people that are killed each year, the bulk of them are volunteers. There is no other group of people in America who volunteer their time who each year and who see upwards of 100 of their colleagues killed in the course of doing their volunteer work. Yet, that is the story of the America fire and life safety service all across this country.

Now, we heard, Mr. Speaker, the President give a typical speech last month during the State of the Union and he mentioned a ton of different groups. In fact, he promised \$172 billion of new programs to every group we can think of. He talked about our law enforcement, he talked about our teachers, he talked about our military. He talked about those people who need special help in America, but Mr. Speaker, in that 1 hour and 30 minute speech, President Clinton did not mention our national heroes one time.

He did not mention the firefighters or the EMS personnel who are killed all across this country every year. He did not mention that there are 1.2 million men and women who every day in 32,000 departments protect America. He did not say a word about what they have been doing for a period of time that is older than the country itself and largely that time has been given by volunteers. He did not mention the fact that these people are now being asked to perform additional responsibilities.

And even though many of us believe that fire and EMS services are a local responsibility, which I believe fully, we are now tasking these people to take actions that some would say are Federal in responsibility. When one asks local fire and EMS organizations to respond to terrorist incidents, when they are asked to respond to an incident involving a weapon of mass destruction, a chemical, biological or perhaps a nuclear agent, then there is a Federal responsibility to help train and assist these individuals.

Now, the fire service in this country, Mr. Speaker, is a proud tradition. I know, because I would not be involved in politics today were it not for the fire service. Having been born and raised into a fire service family like my six older brothers and my father before me, I got involved in the volunteer fire company in my hometown and eventually became president and then chief of that fire company. I went back to school in the evenings while teaching during the day and got a degree in fire protection and then for 3 years as a volunteer I ran the training program for the 78 fire companies in my home county.

I understand who these people are, Mr. Speaker, because I have been one. I have traveled to all 50 States where I have interacted with the leaders of these organizations; and I have seen the faces of these men and women who day in and day out give so much of themselves to protect their neighborhoods, to protect their neighbors, and to protect the people who live and work in the area that they serve. In the urban areas, they are typically paid, and in the suburban and rural areas, they are typically volunteer, but they are all professionals. They are trained, they are equipped, and they are prepared to respond.

Each year, Mr. Speaker, I want to reiterate, 100 of them, on average, give their lives, as the two just did in the past 24 hours in Houston, Texas. Yet, President Clinton made no mention of these people and the challenges that they face. In fact, Mr. Speaker, not only did he not mention them in the State of the Union speech, he gave them the ultimate slap in the face. The fire and EMS community in this country gets a pittance of Federal funding from our budget process. They get the

U.S. Fire Administration, which is less than \$40 million a year, and they get the U.S. Fire Academy which operates at Emmitsburg, Maryland. There is only one entitlement program and one grant program, not even an entitlement, one grant program to help the volunteer fire companies in this country. President Clinton had the audacity to submit a budget that cut that program from \$3.25 million to \$2.5 million. No, not billions of dollars, millions of dollars.

Now, Mr. Speaker, as my colleagues know, the President sneezes and spends more money than \$2.5 million, and yet, in the budget proposed for this fiscal year, he has cut the only program to provide funding for rural fire protection from \$3.25 million to \$2.5 million. Mr. Speaker, that is absolutely unacceptable.

Now, there are those, as I said, and I am one of them who believe that fire and EMS services is a local responsibility. I am not saying that we should federalize the national fire EMS service; that would be wrong and it would be a tragic thing if we tried to do it and the fire service would object to that. What I am saying is, Mr. Speaker, we should provide some support.

There have been fiscal studies that have been done that shows that if the volunteer fire service in America had to be paid, if all of those 32,000 towns across America who rely on their volunteers had to replace them with a paid department, the cost to the taxpayers would be in excess of \$35 billion, \$35 billion. But these men and women who serve their towns are not asking for \$35 billion. What they are simply asking for is the respect, the consideration, and some one-time help in giving them the resources to deal with these new threats that America is facing.

Now, let us make some comparisons. We provide strong funding for our military, almost \$300 billion a year, and as a Member of the National Security Committee, I support that full funding and even more for our Nation's armed services. It is important that we have the best military in the world which we have today because they are constantly put in harm's way.

But, Mr. Speaker, almost \$300 billion a year for the Nation's international defenders, our military, yet less than \$30 million a year for our domestic defenders, the people who fight the wars on our soil. Remember, these are not just people that fight fires. These are people who have responded, the first responders, to floods, hurricanes, tornadoes, earthquakes, HazMat incidents, shootings in our inner cities, drug deals gone sour, they are the first responder to every emergency situation in every town and city across America. Every disaster we have, they are the first in. They are there before the police, they are there certainly before the emergency management personnel;

they are always there in advance of our military and their job is to control the situation, stabilize the casualties, and make sure they control the damage from extending beyond the original impact of the disaster.

These are America's first responders. Yet, what is our response? Our response at the Federal level is zero. Many of these people, the 85 percent of these 1.2 million who are volunteers, go out and raise their money through chicken dinners, through tag days on the local street corners, by having bake sales, and by doing things to raise money. And they are proud, and it is a proud tradition that they want to continue. But there is, I believe, Mr. Speaker, a need for us to provide a one-shot infusion of dollars to make sure these people who are volunteering continue to volunteer, to make sure these people who are being paid have the proper training, equipment, and resources to meet the challenges they face every day.

Now, is that an unusual request? Well, Mr. Speaker, I have mentioned that we fund the military to a number of less than \$300 billion a year. How about our local police department. Now, law enforcement at the local level is a local responsibility. Our towns hire the police departments, they pay the detectives, they buy the patrol cars. Imagine asking our police to run a tag day to buy a police car or to run a cake bake or have some kind of a chicken dinner to buy police vests. No, that is not the case. In most cases, our law enforcement costs are borne by local taxpayers, because it is a local responsibility.

But wait a minute, Mr. Speaker. The Federal Government each year spends over \$3 billion for local law enforcement. We now have a Federal program where we pay for one-half of the costs of protective vests for police officers across America. Now, I support that program, Mr. Speaker. But why is protecting the life of a police officer or a military person that much more important than protecting the lives of those 100 people a year who are killed in the course of serving their communities when most of them are, in fact, volunteers.

Mr. Speaker, \$3 billion a year for law enforcement. That money goes to hire local police. We have heard the President stand up on this podium time and time again and talk about putting 100,000 cops on the street, putting money into additional detectives and money into police vests. Well, why did the President not mention our national heroes who respond to disasters? Not even a peep, not even a word, not even a thank you.

□ 1945

But it gets more outrageous, Mr. Speaker, because this administration just does not get it. We might remem-

ber, a few years ago President Clinton went before the American people with this grandiose idea. He said, we are going to create a program that encourages young people to volunteer in our communities across America. This new program is going to be called AmeriCorps. We are going to encourage young people to get involved; a great idea, a great concept.

Do Members know, in traditional liberal fashion, the President created a big bureaucracy program called AmeriCorps, where we actually pay young people, pay them to volunteer. We actually give them an annual stipend, we give them benefits to volunteer.

The last time I volunteered I did not get paid for it, because the word "volunteer" means you are doing it for free. But even if we were going to, say, pay a person to understand the importance of volunteering, would we not think, Mr. Speaker, that this AmeriCorps program would in some way support the 1 million volunteer fire and EMS personnel across the country?

Guess what, Mr. Speaker? Bill Clinton's AmeriCorps program has done nothing for the volunteer fire and emergency services of this country. In fact, they do not even qualify for the program. So here we have 32,000 departments, ambulance, fire, and rescue departments all across the country depending upon people to volunteer for life safety, and we create a Federal program that does not even recognize those volunteers. Mr. Speaker, is that big government liberal philosophy or what? We do not even recognize volunteers who were here longer than the country has been a Nation, over 250 years.

Sometimes, Mr. Speaker, I am convinced inside this Beltway we just do not get it. We think we have all the answers. President Clinton is going to create a great program called AmeriCorps, and yet does not do a thing to recognize those million people who are already volunteering, and recognize the fact that most of those 32,000 departments across the country are having a terrible problem right now recruiting young people. They cannot get people to volunteer.

Did we think to go out and offer to work with them, to create incentives and programs to help bring in more volunteers? No. Because it was not a politically correct thing to do, we bypassed and ignored the volunteer fire and EMS personnel in this country.

In fact, Mr. Speaker, the outrageous act of this administration several years ago when they held a volunteer summit in Philadelphia was to not only not include the volunteer fire service, but not even invite them. I had to raise

Cain with the White House and threaten to boycott and picket the conference in Philadelphia unless the volunteer fire service was included, and they finally were.

Mr. Speaker, we have our priorities wrong. Here is a group of people who every year for the past 250 years have been all across our country, in our smallest rural villages to our largest cities, protecting our people and their property. Yet, we have done nothing to recognize those people. We have done nothing to pat them on the back and look at how we can provide some short-term funding to assist them to better serve their communities.

Again, let me state, Mr. Speaker, I am not advocating that we federalize the fire service. That is totally the opposite of what I am advocating. What I am saying is that if President Clinton is going to reauthorize and request \$3 billion a year for the police, if he is going to stand before us and demand that we put \$1 billion a year on the table for new teachers, why does he not say one word about the real American heroes?

I was a teacher for 7 years in the public schools of Pennsylvania, Mr. Speaker. I am a strong supporter of public education and teachers in general. I support more money for education. But is \$1 billion for teachers that much more important than perhaps some short-term stopgap funding for these American heroes who are killed in the line of duty each year, or even a mention from the President that these people deserve to be recognized? I think not, Mr. Speaker.

We have our priorities all wrong, because the polls are showing the President and some of our colleagues in this Congress that education and crime are key issues. We want to come up with new ways to throw more money in each of those areas, some of it well-founded, and other is wasteful money. But not a peep is made of support for those people who day in and day out protect our towns and cities.

These people, again, Mr. Speaker, are not just fire fighters. Of the 1.2 million nationwide in the 32,000 departments, 85 percent of whom are volunteer, I will remind my colleagues of who these people are. I have been to all 50 States, from Hawaii to Alaska, from Maine to Florida, from California to Washington State. These people are the same in every State that I have visited.

They are not just emergency responders, they are the people who rescue the cats stuck in the tree, they are the people who pump the cellars out when they are flooded, they are the people who organize the search parties when the child has been lost, they are the people who organize the July 4th celebrations, Memorial Day parades, the local organization that runs the Christmas party for disadvantaged kids at Christmastime.

They are the people who collect the money in the boots for muscular dystrophy. They are the people whose place of operation we go to to vote on election day. It is the place where young couples hold their wedding receptions.

In every town in America, the men and women of the fire service are the backbone of the community. They are the heart and soul of this country. They are the same people who teach in our Sunday schools, who work in our synagogues. They are the same people who coach our youth programs. They are the same people who run our Girl Scout and Boy Scout programs across America.

There is no single group of people in this country that I can think of that better represents what America is all about. Whether they be paid or volunteer, they provide a service for our citizens, and they do so asking nothing in return.

They do not have high-priced lobbyists on the Hill, because all the ones who are volunteers have full-time jobs. They do their full-time job during the day, or they work shift work at night, and then when they are not working, they go over and work on the trucks, they run the fundraising events, they hold the organizational meetings, they establish the budgets, and they run their local organizations and keep their towns strong.

Mr. Speaker, they are facing serious challenges today. Recruiting has become extremely difficult in every volunteer department in this Nation. The communications system for our emergency responders is a total and complete disaster.

Imagine, if you will, Mr. Speaker, I had the chief of the Oklahoma City Fire Department appear before my subcommittee 1 year on the date after the bombing of the Murrah Building in Oklahoma City. Chief Marrs, who is a friend of mine, sat at the table testifying before my subcommittee. I asked him, I said, Chief, are you better off today as a chief of that department than you were 1 year ago when the bombing took place? He said, Congressman, I am no better off today than I was 1 year ago. The problems are just as real.

Let me just review one problem that every department in America is facing today, Mr. Speaker, because it is outrageous. There is no common communication frequency so that fire and EMS personnel can communicate freely, one with the other. In the case of the Murrah Building bombing, Chief Marrs testified that when they arrived on the scene with this huge building having been demolished on one side, there were frantic calls for life safety, for more ambulances, for paramedics, for structural engineers.

Yet, they did not have radios that could communicate between EMS, fire,

police, and other agencies being brought in because they were all on different frequencies, so they had to resort to cellular telephones. Chief Marrs testified that those cellular phones quickly became overtaxed, and they finally had to resort to writing messages down on pieces of paper and having fire and EMS personnel carry the message from one officer to another to inform him of an order or of a plan of action.

Here we are in the ending of the 20th century, the beginning of the 21st century, and our fire and EMS leaders have to resort to hand-carrying messages because the communications system they have nationwide is an absolute disaster.

The departments around D.C., many of them are part-time paid and fully volunteer. If they have to get involved in assisting the D.C. Fire Department, which is totally paid, and a very efficient department, I might add, under Chief Tippet, if they have to assist them, they do not have common frequencies so they cannot talk to each other. So here we are talking about incidents involving the life safety of thousands of our citizens all across America, and yet we do not have a common communications system that our fire and EMS personnel can use.

One might ask the question, what role does the Federal government play in that process? As we know, Mr. Speaker, it is the Federal government, through the FCC, that issues the licensing for frequencies to be used by everyone in America. We should follow through and we should provide the support for a common set of frequencies for all fire and EMS personnel nationwide. We should provide support funding on a one-shot basis to allow local departments to come in line with that standard frequency system.

Training: Our fire and EMS personnel are being asked across the country today by the Department of Defense and the Department of Justice to train their men and women, most of whom are volunteers, as to how to respond if they suspect that a chemical or biological agent has been used.

Imagine, Mr. Speaker, not only are we asking these people to protect our towns from the usual disasters, floods, hurricanes, tornadoes, fires, hazmat incidents, accidents. Now we are saying to them at the Federal level, they have another responsibility. They have to be prepared and know what to do if a chemical, biological, or nuclear agent is put forth in our community. So we are trying to train them.

Mr. Speaker, the bulk of our 32,000 departments in America do not have the resources to continue that training beyond the one time that the Department of Justice and Department of Defense comes in and shows them the proper process to use. The bulk of our 32,000 departments in America do not have the dollars to buy a \$15,000 specialized turnout suit that can be used

in a chemical-bio environment, let alone maintain it. The bulk of the 32,000 departments in America do not have the ability to buy detectors to detect a chemical or a biological agent so they can warn the people to evacuate the area.

What happens when they do not have that equipment? We saw the result of that kind of event in Japan just a few short years ago when a rogue terrorist group dispersed Sarin, and that Sarin gas wiped out the entire group of first responders because they did not have the proper equipment nor the proper training to deal with that situation involving a weapon of mass destruction.

Training is critically important, and resources are critically important. If our local emergency responders do not have this, they are not going to be able to continue to protect our towns.

What can we do, Mr. Speaker? I am not advocating a big-ticket giveaway program. I am not advocating creating a system where the fire and EMS service in this country becomes a part or an arm of the Federal Government. I am advocating that we take some steps to put a short-term infusion of dollars into this group of people nationwide.

There are a number of options. We could, for instance, create a low-interest loan program. Five States already have low-interest loan programs. My State of Pennsylvania has one. In fact, in Pennsylvania, every piece of fire equipment bought by each of our 2,400 volunteer fire companies is financed with a low-interest loan.

Mr. Speaker, in the history of the program we have not had one default, as the Speaker pro tempore well knows because he is from Pennsylvania, and he has been a tireless advocate for the fire service, as I have back in our State. We have not had one default on a loan by a volunteer fire company in purchasing a \$500,000 pumper or a \$750,000 aerial truck. The fire service is a proud organization. It pays its bills.

But having a national low-interest loan program could provide low-cost money for these small departments to be able to buy the equipment they so desperately need, and also to help our big cities modernize their departments with equipment, as well. We could deal with the communications problem, Mr. Speaker, and provide that one-shot infusion of funds to standardize a national system of communication. We can provide funding for detectors for chemical and biological incidents, and turnout suits for these situations, so that they are properly protected.

□ 2000

We could create a grant program, a one-shot grant program, that would be available to every fire department in America and every EMS and ambulance service in America, to allow them to upgrade their equipment or make their own choices about what

was the top priority in their own community.

Above all, we need to make sure we have a focus on health and safety, because killing 100 fire and EMS personnel in a year in America is unacceptable.

Mr. Speaker, if we had a situation involving our military where 100 military personnel were killed, it would be a national outrage; it would be a national scandal; it would be front page news that 100 men and women were killed in the course of performing their responsibilities as soldiers.

Every year, every year, on average, 100 men and women who serve this country as paid and volunteer fire and EMS personnel are killed. Where is the outrage, Mr. Speaker?

I have had the privilege in October, for 3 or 4 years, over the past 10 years, of traveling to Emmitsburg, Maryland, where we have the National Fallen Fire Fighters Memorial. The times I have been there, we have usually had between 115 and 125 families of fire and EMS personnel who have been killed. Some years it is above 100. Some years it is slightly below 100, but on average it is 100. It is absolutely heartbreaking to see these families of fire fighters and EMS personnel who were killed while protecting their towns.

The gentlewoman from Texas (Ms. JACKSON-LEE) paid tribute to two of them today, two from Houston, a man and a woman who were killed in the past 24 hours. They leave their families behind, their loved ones, a tragic story. It is even more tragic, Mr. Speaker, when they are volunteers, when they do it not as their primary job but as an avocation to protect their town. They raise the money to buy the equipment to pay for the training to serve their town for free. There is no other group of people in America that does that.

This President, in all the grandeur of the State of the Union, in the eight times he has given it, did not mention what he would do for this group of people one time, not one mention.

In fact, in this year's budget, as I started out, Mr. Speaker, he made the ultimate slap in the face of these men and women by cutting the rural volunteer program from a level of \$3.25 million or \$3.5 million, whatever it is, to \$2.5 million, which is absolutely outrageous.

Now, there is some money in the FEMA budget for a program that has not yet been defined. I have been told by one bureaucrat that it is a program that has been favored by one of the assistants at FEMA, Carey Brown, to do education for fire prevention in innercity impoverished areas. Now, that is important but does that really address the needs of the American fire service? I think not.

Mr. Speaker, there has been legislation introduced, which I am a cosponsor of, to provide funding for the fire

and EMS personnel in this country. There is one bill that has overwhelming support from both sides of the aisle, in fact over 240 cosponsors, that would authorize a billion dollars for the fire and EMS of this country. I think it is going to be extremely difficult, if not impossible, to get a billion dollars in a year where the balanced budget is such a difficult process to keep on track.

At a minimum, Mr. Speaker, we have to provide some short-term support to allow these men and women to know that we do care about them, that we do want them to continue to volunteer in their towns, and that be they paid or volunteer, we want to provide support for them in the way of communications systems, in the way of health and life safety, in the way of training, in the way of equipment, in the way of proper apparatus. That is the least we can do.

So as Members of Congress come to the floor over the next several months and rail about an extra billion dollars for teachers, more teachers for the classroom, as they come on this floor and rail about billions of dollars for local police because we need to keep the crime rate down, and I support many of those initiatives, I ask my colleagues to step back and think for a moment. Are the men and women who serve this country largely as volunteers and who give 100 of their colleagues every year any less important than teachers or police or even our military? I think not, Mr. Speaker, and I would ask my colleagues, as we go through this session, to work with me in crafting an acceptable bill that is supported by Democrats and Republicans that will lay down a one-time infusion of dollars to help the men and women of the American fire service.

It does not have to be a billion dollars, Mr. Speaker, because to try to pass something that we all know is impossible is only falsely raising the expectations of that 1.2 million group out there who is waiting for us to do something. I think we should start with a reasonable amount. I would be happy if we could come up with a package of \$100 million.

There is supposedly a \$20 billion item of money that we can use for special priorities this year and yet still keep our budget balanced, because of the way the economy is going. I do not want to take \$20 billion. I do not even think we could get a billion; but, Mr. Speaker, it is absolutely essential that this Congress, this year, pass a piece of legislation that shows the real American heroes, America's domestic defenders, America's first responders, that we care about them, that we want them to have the equipment they need; and in the prioritization of things we are not going to forget them, like President Clinton did 2 weeks ago when he gave the State of the Union or like he did last week when he revealed his

budget and cut the only program that benefits them by somewhere close to a million dollars.

Mr. Speaker, I ask my colleagues to support me in this effort. I thank all the Members of the fire and EMS caucus, over 340 of them in the House and the Senate, for paying attention.

Now I say, Mr. Speaker, it is time to respond. I would ask our colleagues to join in this response together.

#### PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I have spoken over the last couple of weeks during our special orders in the evening a number of times on various health care issues because I do believe that this new session of Congress that began a few weeks ago must focus attention and try to pass legislation that would address three major health care concerns. First and in many ways most important because it has moved the furthest and has the best chance I think of getting passed before the Congress adjourns this coming fall is HMO reform, the need to pass the Patients' Bill of Rights which is the House version of HMO reform that passed this fall that is now in conference with the Senate.

The conferees have been appointed, and we understand that the conference is scheduled to meet at some time towards the end of this month, but I cannot stress enough how important it is to move quickly on the Patients' Bill of Rights. I am going to devote my time this evening to that.

I did want to also mention the two other major health care initiatives that were outlined by the President in his State of the Union address and which are at the top of the Democrats' agenda and the second issue after the Patients' Bill of Rights, after the HMO reform, is the need for a prescription drug package, benefit package, under the auspices of the Medicare program.

Any one of us, any Member of Congress, any of my colleagues, either Democrat or Republican, knows that when they go back home, if they have a town meeting or they stay in their office and they hear from their constituents they will hear over and over again about the problems with seniors who do not have access to prescription drugs, either because Medicare does not provide it as a basic benefit or because they cannot find an HMO or pay privately for a medigap policy or some other kind of insurance that will cover prescription drugs. They do not find either the insurance policy affordable or they do not have enough money to pay for the prescriptions on a daily or

weekly basis that they need, and I should mention that tomorrow night during special orders we intend to take up that issue.

The third issue, of course, is access to health insurance for the uninsured. The bottom line is that we now have about 45 million Americans that have no health insurance, and the numbers continue to grow. The President again outlined in his State of the Union address, and as one of the priorities of the Democratic agenda, the fact that we now have articulated a way to try to cover a significant number of those uninsured Americans, first by expanding the CHIPS, the kids' health care initiative, second by enrolling patients of those children who are eligible for the CHIPS, for the kids' care initiative and, third and just as important, addressing the problems of the near elderly, those between 55 and 65 who are not now eligible for Medicare because they are not old enough but who perhaps can buy into Medicare or could buy into Medicare with a little bit of help either through a tax credit or some kind of subsidy from the Federal Government.

I do not think there is any question that all three of these health care initiatives need to be addressed and can be addressed in a bipartisan way in this Congress if we sit down and put our minds to it. So far, the Republicans have not moved on any of these initiatives, any of the three; and I want to concentrate tonight on the Patients' Bill of Rights because I think that has the best chance of getting passed and getting to the President's desk.

I have been basically critical of the Republican leadership in the House because they dragged their feet so long on true HMO reform, and the Patients' Bill of Rights was a piece of legislation that was put together by Democrats but with the help of some Republicans, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Iowa (Mr. GANSKE). These were physicians and health care professionals who worked with the Democrats, a small group of Republicans, in trying to put together the Patients' Bill of Rights.

We had a very hard time getting a hearing, getting anything out of committee, getting it brought up on the floor. The Republican leadership put up all kinds of roadblocks and alternatives, but finally we were able to pass the Patients' Bill of Rights in the House of Representatives.

I would like to outline a little bit of the good points of the Patients' Bill of Rights and why we insist, as Democrats, that this be the bill that finally goes to the President. I say that by way of contrast because on the Senate side, the other body, I should say, the other body has passed a bill that is now in conference with the House version; but the version passed in the other body is far inferior and does not really constitute true HMO reform.

Before I get to the contrast, let me, Mr. Speaker, talk about what is in the House bill in the Patients' Bill of Rights and why it is so important for the average American that this legislation pass pretty much intact.

I think a lot of people are aware of the abuses and excesses within the HMO system. What happens frequently, when I talk to my constituents, is they complain to me about the fact that they need a certain procedure, a certain operation, or they need to stay in the hospital a certain number of days or they need certain kinds of medical equipment and the insurance company says, no, we will not pay for it. We do not think it is necessary.

The problem is that too often that is the case. Something, whether it is an operation or procedure or some kind of service or equipment, that your physician feels is necessary, medically necessary, the insurance company says is not. Well, we know traditionally that the doctors who were sworn to the Hippocratic oath and went to school to learn what is good for you should be, with you, should be making the decisions about what kind of medical care you need. That is why they went to school. That is why they became doctors. They are now hamstrung. They do not have the ability to decide what kind of medical care you get because if the insurance company will not pay for it and you cannot afford it, you are simply out.

So what we really need to do, and I think the two most basic aspects of the Patients' Bill of Rights that are really crucial is, one, the decision about what is medically necessary needs to be taken from the insurance company, from the HMO, and given to the physician and you, the patient, and that decision about what is medically necessary then is once again made by the physician and the patient, not by the insurance company.

The second thing is that if you are denied care, if you are told that this is not medically necessary by the insurance company, then you should have some way to redress that grievance, either by some sort of external review that is not influenced and decided or determined by the insurance company, or ultimately be able to go to court and sue the HMO for your rights or for any damages that are inflicted upon you because you were not able to have the medical procedure that you and your physician deem medically necessary.

□ 2015

Well, unfortunately, that is not the case right now. Right now, many times the insurance company has an internal appeal procedure but they control the procedure, and they simply say we made the right decision and that individual cannot sue. Because under Federal law, in many, many cases, an employee that works for an employer who