

say, well, you cannot legislate morality. We hear that all the time. I would counter that everything we do in this body is rooted in morality and ethics.

We were debating earlier today the housing bill. Well, why do we have a housing program? Well, we have a housing program because when all of that got started during the New Deal there were a lot of people who thought it was morally and ethically wrong to have millions of Americans who were living well living next to people in squalor, without homes, with substandard housing, and so we began those programs.

We have the Social Security program, I believe, because most people feel it is morally and ethically wrong to allow senior citizens who do not have the ability to save during their working lifetime to live in abject poverty.

All of our laws, laws against murder and rape, are rooted in morality and ethics. This is just one more example. It is ethically and morally wrong.

Finally, let me close by just saying to all of my colleagues in the House, and I have heard this from some Members, why are we getting into this issue? As I stated at the outset, we are getting into the issue because we have to get into the issue. There is a company in Massachusetts that is preparing to begin the process of creating human embryos. As I understand it, they have harvested eggs from women donors, they have the eggs, they want to do the sematic cell nuclear transfer technology, begin creating clones, and then extracting from those embryos stem cells for research purposes and then destroying those cloned embryos.

So, Mr. Speaker, the time is now. We need to speak on this issue as a body. The Congress needs to speak on it, the President needs to speak on it, and I believe we should stand with the vast majority of Americans. A poll that I have seen shows that 86 percent of the American people feel that it is wrong to create embryos specifically to be used for research purposes and then destroyed. Eighty-six percent of the American people feel that this is the wrong thing to do.

Let me just add again, and I have said this earlier, I know there are many people, particularly many pro-life people, several of the Republican senators I know have gotten up in that body and spoken on this issue, that feel that we should allow the destructive embryo research on these excess embryos in the freezers in the IVF clinics, so-called excess embryos. This bill does not address that issue. If this bill becomes law, that research could proceed and, indeed, that research actually can proceed in this country today. The debate is exclusively over whether or not the Federal Government should fund that research.

So I think we are headed as a body to a very, very critical point. Medical

technology has been evolving rapidly in the United States for years and years and years, and we are at a precipice. We are at the edge of a tremendous decision. I think the right decision is to pass this bill, H.R. 2505, the Weldon-Stupak Cloning Prohibition Act of 2001. It is supported by the President of the United States; and the Senate, the other body, hopefully, will take the bill up and pass it as well.

□ 1530

PATIENT PROTECTIONS IN THE REPUBLICAN PATIENT BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Kentucky (Mr. FLETCHER) is recognized for the remaining time of the gentleman from Florida (Mr. WELDON).

Mr. FLETCHER. Mr. Speaker, I just wanted to rise and discuss some issues regarding patient protections.

As we know, this is a piece of legislation that is anticipated to come before this body next week. It is a piece of legislation that has been debated for quite some time for a number of years here. Yet, unfortunately, we seem to be at somewhat of a logjam.

Let me say that we have been able to reach quite a compromise position in the bill that we have put forth, myself along with the gentleman from Minnesota (Mr. PETERSON), a Democrat, as well as the gentlewoman from Connecticut (Mrs. JOHNSON), who have worked very, very hard to really come together with a piece of legislation that is a very balanced approach.

Mr. Speaker, we have come a long way. However, there are some Members who did not want to increase the liabilities of HMOs at all. There are some people who wanted to open up unlimited lawsuits that would have driven up the cost of health care and increased the number of uninsured in this country.

Yet, Mr. Speaker, we have reached a good balance in this piece of legislation, the Fletcher-Peterson-Johnson legislation, that does three things particularly.

One, it increases the quality of health care in America. How does it do this? It does that by establishing the right of every patient in America that has insurance to be able to appeal to a panel of expert physicians. These are practicing physicians that are trained in the specialty to be reviewed. So if a patient has an HMO that questions their ability to get a particular treatment, they can go to this panel.

What we do is set the criteria of that panel to make sure that it is the highest standards of medical care in this country, state-of-the-art care. We establish that based on a consensus of expert opinion and what we call referred

journals. Those are those medical journals like the New England Journal of Medicine, the Journal of the American Medical Association, that are reviewed by peers to make sure that the information in those journals is accurate and substantiated by scientific research.

We make sure that every patient in America has that option of coming and asking that expert panel whether or not they should receive this treatment. If they are not given that treatment, then we hold the HMOs liable. We hold them liable. Actually, if the HMO refuses to give what the experts say, we hold them just as liable as any physician is held liable in this country.

Yet the other side says that is not enough because they want to allow trial lawyers to sue no matter what the case is, even if the plan is offering the care; or if the plan actually is saying that the experts say this is not the appropriate treatment, then they want an opportunity, a right, to be able to sue that managed care facility.

What is that going to do? This is unlimited lawsuits. We have debated this for years. As a family physician, I know the extra costs of what we call defensive medicine, what the costs are. It is not thousands, it is not millions, it is billions of dollars of tests that are run, procedures that are performed, that are only done because of fear of frivolous lawsuits.

That does not improve the quality of health care. It actually has just the opposite effect on the quality of health care. There have been some studies done to show that frivolous lawsuits do not improve the quality of health care. As a matter of fact, they impair it.

Under the Democrats' bill, and again, they have been unyielding and lack the ability, it seems, to be able to yield or to compromise at all on this issue. Even though we have opened up liability tremendously, making sure that we punish bad players, they are unwilling to compromise. What has that done? That has made us unable to get a bill passed here.

Now I would hope they would be able to compromise some, because I believe all of us truly want to get a bill signed by the President that can help patients in this country.

Why will we not support the bill that has unlimited frivolous lawsuits and has no provisions, substantial provisions, for access? Because we know it will increase the uninsured in this country. Some estimates say from 7 million up to 9 million people will lose their health insurance.

What effect does that have on a patient? Patients that do not have insurance have poorer health. Disease progresses further along before they are actually diagnosed of the disease. If they are hospitalized and they do not have insurance, they die at three times the rate of a patient that has insurance. So it is very troubling to me

when I see the flagrant disregard for the uninsured that the Democrats have expressed in their unwillingness to compromise with us and reach a real solution for patients in this Nation.

When I talk to constituents, Mr. Speaker, the number one concern I hear about, and I have been through many factories and small businesses and talked to workers, I ask them, "What are several of the things that are important to you?" They talk about the education of their children. But when we get down do it, just as important to them is the health care of their children.

Under the Democrat bill on this Patients' Bill of Rights, they will be threatened with losing their health care through many small businesses, and maybe even large businesses, because of the added burden of liability.

I have letters that have come, a number of letters from small businesses that say, we are not going to be able to offer health care to our employees under the provisions of the Democrat bill because of the liability that exists there. That is not helping patients. That will result in people losing the health care they get through their job, and that is one of the most important aspects about many individuals' employment.

I can think of a young lady on the line of Toyota Manufacturing Company. She installs the bumpers on Avalons and Camrys. I asked her about the benefits she gets through Toyota. She mentioned one of the major benefits she gets is the health care through her employers. Yet, that may be threatened under their plan. It would require that they look and ask, is it going to be possible to withstand the liability? Are they going to end up giving the money to this young woman, and having her have to go out and buy her own insurance?

Many companies will find out some way to make sure that does not happen, but inevitably, it will raise the premiums that that young lady is going to have to pay. That means there is less money for her to take care of those children she is so concerned about. That means there is less security that she is able to provide for her family. That means there is less peace of mind that she has as she is working to take care of those children.

Mr. Speaker, I want to cover a few more things about our health care bill. As we look at the guiding principles for our health care bill and this Patients' Bill of Rights, and again, this is a compromise that has been developed over a number of years, it is to improve the quality of health care. I spoke about that. It is making health care more accessible, more affordable, especially to the uninsured.

I mentioned that their bill does very little to do that. Actually, it will result in millions probably losing their

health care. But we provide something called medical savings accounts. That means we can set aside money, much like an IRA, through our jobs, and we can use that money for health care. We can use it for routine health care that we all get to prevent diseases and to detect diseases early. We might use it for eyeglasses or other things that are important for health care and well-being.

This will allow more individuals to get insurance because in some of the pilot programs we have done with medical savings accounts, almost one-third of the people that get insurance through those did not previously have health insurance, so that certainly makes it more available to the uninsured, and helps us reduce the problem of 43 million Americans uninsured.

As we look at holding health plans accountable, we talked about if a health plan does not follow that external review, then they are held accountable, just as accountable as any physician. That is very important, and so we want to make sure that there is accountability.

When we look at the number of uninsured, just to kind of give you an idea of what the magnitude of the uninsured are in this country, look at these cities: Portland; Bakersfield; Phoenix; Denver; Dallas; Atlanta; Orlando; Lexington, and then that is my home city; Charlotte; Hartford; Syracuse; Cleveland; Chicago; Des Moines; Minneapolis; Salt Lake City.

If we added the population of all of those cities, that would equal the number of people in this country that have no health insurance. The last thing we want to do is to drive up the cost of health insurance.

Now, as we look at the provision, another provision I want to talk about, that is association health plans. We talked about MSAs, or medical savings accounts. But association health plans, what that does is allow small businesses to come together to self-insure and to offer a product nationally.

So, for example, my farmers are paying \$800 or \$900 a month for premiums to buy their health insurance on the individual markets. What this would allow is the American Farm Bureau Association to offer a national plan that is self-insured, much like the large companies do.

It is a fairness issue. Why can we not have small companies coming together and offering insurance products just like large companies do? If we do that, it is estimated that it will reduce the premiums by 10 percent to 30 percent. That will possibly allow us to insure as many as 9 million Americans.

If we look at that, it is equivalent to the people living in the following cities that are highlighted in black: Salt Lake City, Phoenix, Des Moines, and Atlanta. That is a number of people, an equivalent number of people of several

cities in this Nation that would be able to get insurance through these association health plans.

Let me just close by saying there is a lot of. I think, demagoguery going on and criticism of the plan saying that we do not allow direct access, for example, to OB-GYN and pediatricians. In fact, that is just not true. We have the equivalency of 400,000 physicians in different organizations that endorse this bill because it does exactly what they know it needs to do to ensure that they can deliver the treatment they need to their patients.

It allows direct access to OB-GYN physicians. It makes sure that if a young lady is being cared for during her pregnancy, if the plan and the physician no longer have a contract together, that she can continue to get that care through that same physician: a physician whom she trusts, especially trusts for the delivery of a newborn child; and not only that, but post-partum care.

We also allow for clinical trials; that if there is a treatment that provides hope and it is approved by the FDA or by the National Institutes of Health or by the veterans' programs, that we can actually guarantee that the plan would cover that treatment.

It may be the only hope that that child has left, or that individual has left, ensuring that they get the treatment that would offer them a hope of health and well-being.

We also have been criticized, saying that we do not provide emergency care for neonatal care. This criticism is most laughable, and there is certainly a tremendous degree of demagoguery from the Democrats because of this reason.

We actually improve the provision they have, and say that not only a layperson's definition, but if even in the opinion the health professions, and even if the mother was not aware of the condition of the child, but if, under the opinion of a health care professional, the mother needed to bring that child in, that we guaranteed that that child would get treatment.

I can recall a child that needed treatment. The mother was in our practice and gave me a call. This happened to me on several occasions. I asked her to bring that child in. I can even recall one situation where the child was in very critical condition when that child arrived. Yet, young mothers sometimes do not know all of the precautionary signs, so it is very important to have this access provision.

We offer better access and better cover for neonates and those young infants, the newborns, than the other side does.

They are also talking about preemption of State laws. Yet our provisions make it easier for States that have equivalent patient protections to be able to use their laws, instead of having to use the Federal mandate. So we

actually do less to supersede State law than the other side does, because about 33 States have passed patient protections at this time, and we think it is important that we allow that.

The bottom line, the Democrat plan is a bad plan for the most vulnerable in this Nation. Who are those? They are the low-income minorities, those right on the border. I know they speak a lot about this constituency, but when it comes down to the bottom line, they are putting politics before the most vulnerable in this society, because their plan will disproportionately affect low-income and minorities in this Nation and cause a disproportionate number of those to lose their insurance. It threatens the health care they get through their job.

Ours provides several plans to ensure that we can cover more individuals with health insurance, up to 9 million more. It has been estimated under their plan that several million will lose their health care, as we have shown.

So Mr. Speaker, I appreciate sharing this time on the Patients' Bill of Rights. I would hope that the Democrats, as we come back next week into session, that they would be willing to reach a compromise that is good for the American people; to stop this log-jam and be able to pass a Patients' Bill of Rights that we can lay on the President's desk, because he has spoken very passionately about this issue, and wants very much a Patients' Bill of Rights for the American people.

I would hope they are willing to reach a compromise. We have compromised tremendously so we might get a patients' bill of rights passed.

PRESIDENT BUSH STANDS BY HIS CONVICTIONS ON MATTERS OF DEFENSE AND THE ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, I draw Members' attention to President Bush and the great job that he has been doing withstanding public pressure to go in the opposite direction of which he believes to be true.

□ 1545

We have a sense about what George W. is about; and I believe that George W. is proving himself to be a great president and that, as time goes on, we will find that this gentleman, who has been castigated by his opponents in some very vile characterizations, is actually a very thoughtful person, and a person of high character, and a person of strength.

President George W. Bush has been willing to say things straight, in a straightforward manner that has en-

raged his political opposition, but yet by standing strong and tall, like President Reagan before him, who was also attacked in very personal and vile terms, our new president is finding that if he stands strong, that people will go in his direction. Because the things that he believes in, many of the things that he believes in, are clearly true but not in line with the liberal ideology that has dominated the American government and dominated the news media and communications in this country and in Western Europe.

Our new president, for example, has stood firm on the idea and the concept of missile defense. Prior to going to Europe recently, the President was under severe attack by the leading Democrat in the Senate, Tom DASCHLE, and he was being told that by insisting that the United States move forward on missile defense that it would in some way bring about a renewal of the arms race. How many of us heard that?

Now, I believe the Democrats certainly have a right to attack a Republican president or vice versa. That is what democracy is all about. We all have the right to criticize. But let us point out that while some people seem to be upset that the President was being criticized overseas, I am just upset with the fact that the Democrats were so adamant in their opposition to missile defense and that, now what, they were wrong, not that they were criticizing the President.

Missile defense is something that now seems to be becoming more acceptable to our European allies. And in fact, instead of being this roadblock to any type of good relationship with the government in Russia, now we see President Putin in Russia edging towards President George W. Bush's position.

Let us note that President Ronald Reagan first stepped forward with the idea that if we are going to be spending billions of dollars in order to protect the people of the United States it is better for us to build a system that indeed protects our people rather than a system that is based on annihilating millions of other people living in less free societies when they become engaged in a conflict with the United States.

During the Cold War, it made every sense to have a situation where the Russians knew that if they attacked the United States with their missile force that hundreds of millions of Russians would lose their lives, like hundreds of millions of our citizens, and that was a deterrent. But during the post-Cold War world, such a deterrent makes no sense at all.

Right now, for example, if there is an adversary, if there are people who in some way might be willing to take the risk of attacking the United States, they are not people who care about losing the lives of their own citizens. If

the Communist Chinese were to launch one of their missiles at the United States, they could care less if there would be retaliation. The regime in Communist China murders their own people, so why would they care if we killed 1 million, 10 million or even 50 million of their people in retaliation for a missile attack that killed a million Americans?

George W. Bush's position, as well as Ronald Reagan's position, makes all the sense in the world. Let us not put ourselves in a position of having to murder millions of people in another country because their dictators, their bosses, the gangsters that control their country have attacked the United States of America. Let us, instead, protect ourselves and use our technological genius to build a system that will protect us against some attack with one or two missiles from a rogue country, from North Korea or from China or Iran or Libya.

Now, the Democrats have done everything they can to prevent this type of technology from being developed. During the 8 years Bill Clinton was President of the United States, he spent those 8 years spending the money on missile defense and channeling it in a direction so that that technology would not succeed. He kept us engaged in a treaty with the former Soviet Union, even though the Soviet Union had ceased to exist. He kept us in compliance with this treaty that we signed with old Communist dictators, even though communism and the Soviet Union no longer existed in Russia. We could have gotten out of that treaty.

And this is one thing George W. Bush is pushing for, out of the treaty that prevents us from thoroughly developing our anti-missile system. We could have gotten out of that, and by now have developed a system so that if China would launch a missile towards the United States that we could knock it down and protect Los Angeles or southern California or northern California, or even parts of the United States as far as Chicago. We would be able to protect the United States from a missile attack. But Bill Clinton decided, as President of the United States, that he did not support missile defense. So the money that we spent on missile defense was frittered away, frittered away and wasted. Now we are vulnerable and we have George W. Bush standing firm against all those who try to pressure him and say back down.

Well, I think it was one of Ronald Reagan's great moments, when he went to meet with Gorbachev and Gorbachev told him he had to agree not to develop a weapon system that could protect rather than kill people, and if he did that, if he stopped or gave up this idea of missile defense, he could sign a big treaty and be the biggest hero in the world, that Ronald Reagan walked away from it. George W. Bush is proving himself to be that same type of