SENATE—*Friday, June 22, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, and Your Spirit that fills us and gives us strength and endurance.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Bless the Senators as they continue to sort out the crucial issues of providing patients' rights. Give them a perfect blend of humility and hope, so that they will know that You have given them all that they have and are and have chosen to bless them this day. We join with them in responding and committing ourselves to You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, on behalf of Senator DASCHLE, the Senate is advised that we will have debate, the time equally divided between the two managers of the bill, on the McCain amendment. Following a vote on that amendment, we will turn to an amendment offered by the Senator from New Hampshire, Mr. GREGG, the manager of the bill. That matter will be debated this afternoon. We are going to be in session Monday afternoon for purposes of debating this matter, with further action on this bill Tuesday and the rest of the week until we complete this legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1052, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

Pending:

McCain amendment No. 809, to express the sense of the Senate with respect to the opportunity to participate in approved clinical trials and access to specialty care.

AMENDMENT NO. 809

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from New Hampshire, Mr. GREGG, or their designees.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I intend to speak again shortly before the vote, but I would like to discuss the President's threat to veto the Patients' Bill of Rights, the letter that was sent over yesterday.

I am disappointed that the President issued a veto threat yesterday regarding our bipartisan bill protecting America's patients. However, I continue to pledge my cooperation in any sincere effort to reach fair compromises on the outstanding issues that still divide us. Negotiations continue. We will continue over the weekend, and into next week, in the continued hopes we can reach agreement.

I repeat, we are in agreement on the vast majority of issues. It would be a terrible shame for us to not be able to resolve those remaining differences.

But we cannot compromise on our resolve to return control of health care to medical professionals, and to hold insurers to the same standard of accountability to which doctors and nurses are held. That is all we are seeking and all that the American people expect from us, a fair and effective remedy to a grave national problem.

Following are some concerns that were raised in the veto threat regarding our bipartisan bill that do not accurately represent our legislation.

In the President's threatened veto message, he said that the legislation will only serve to drive up costs and leave more individuals without health insurance coverage.

The reality is, the year after Texas passed its liability protections, premiums actually decreased; and last year the number of people with insurance increased by over 200,000. In their annual report, the Census Bureau attributed a large portion of the increase in the number of insured Americans to the increase in employer-sponsored coverage.

As the Congressional Budget Office has stated:

[A] reliable estimate of the coverage declines associated with a mandate can only be determined by analyzing the specific legislative proposal.

No such analysis on the bill before the Senate has been produced.

In the Presidential statement, it said that our legislation circumvents the independent medical review process in favor of litigation.

The reality is, no patient and no physician wants to go to court just to seek the care they need or to avoid being harmed. Under our legislation, patients must exhaust internal and external appeals before going to court. That is why the legislation requires that all appeals be exhausted. The sole exception is when death or irreparable injury is incurred as a result of the denial. Even in that case, either party can request the appeals process continue and the results of the process be considered in court.

In the Presidential statement, it said this legislation overturns more than 25 years of Federal law, and in so doing, would not ensure that ''existing state law caps would apply to the broad, new causes of action in state courts.''

The reality is, the legislation corrects the unintended consequences of the 25-year-old loophole contained in ERISA, the Employee Retirement Income Security Act, which gives HMOs

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.