

DEATH OF RACHEL CORRIE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. DINGELL. Mr. Speaker, I rise to draw my colleagues' attention to the death of Rachel Corrie, an American citizen who was killed recently by an Israeli Army bulldozer. Rachel was a 23-year-old college student, due to graduate this year from Evergreen State College in Olympia, Washington. On March 16, Rachel was crushed to death by a bulldozer as she peacefully protested the demolition of Palestinian homes in Rafah, a Palestinian village in the Gaza Strip. The Israeli government continues to destroy Palestinian homes with impunity in the Occupied Territories and Gaza.

Mr. Speaker, I would like to express my profound sympathies to Rachel's parents, Craig and Cynthia, their extended families, and to all of Rachel's friends, colleagues and co-workers. My heart and my prayers go out to them in their time of grief and need.

Sympathy, however, Mr. Speaker, is not enough. The tragic death of Rachel Corrie is yet another example of the failure of the current Israeli government's policies regarding the Palestinians. Mr. Speaker, the Congress must speak forcefully on this matter. I am calling for a full, fair and impartial investigation into Rachel's tragic death by the United States government. Rachel's family, the Congress and the American people deserve to know what happened to Rachel and why.

A PROCLAMATION RECOGNIZING
ADAM RUPE**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. NEY. Mr. Speaker, Whereas, Adam Rupe has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Adam Rupe has shared his time and talent with the community in which he resides; and

Whereas, Adam Rupe has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Adam Rupe must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 84, the residents of New Philadelphia, and the entire 18th Congressional District in congratulating Adam Rupe as he receives the Eagle Scout Award.

PATIENT PRIVACY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Patient Privacy Act. This bill repeals the misnamed Medical Privacy regulation, which

goes into effect on April 14 and actually destroys individual medical privacy. The Patient Privacy Act also repeals those sections of the Health Insurance Portability and Accountability Act of 1996 authorizing the establishment of a "standard unique health care identifier" for all Americans, as well as prohibiting the use of federal funds to develop or implement a database containing personal health information. Both of these threats to medical freedom grew out of the Clinton-era craze to nationalize as much of health care as politically possible.

Establishment of a uniform medical identifier would allow Federal bureaucrats to track every citizen's medical history from cradle to grave. Furthermore, as explained in more detail below, it is possible that every medical professional, hospital, and Health Maintenance Organization (HMO) in the country would be able to access an individual citizens' record simply by entering the patient's identifier into a health care database.

The dangers to liberty inherent in the "uniform health identifier" are magnified by the so-called "medical privacy" regulation. Many things in Washington are misnamed, however, this regulation may be the most blatant case of false advertising I have come across in all my years in Congress. Rather than protect an individual right to medical privacy, these regulations empower government officials to determine how much medical privacy an individual "needs." This "one-size-fits-all" approach ignores the fact that different people may prefer different levels of privacy. Certain individuals may be willing to exchange a great deal of their personal medical information in order to obtain certain benefits, such as lower-priced care or having information targeted to their medical needs sent to them in a timely manner. Others may forgo those benefits in order to limit the number of people who have access to their medical history. Federal bureaucrats cannot possibly know, much less meet, the optimal level of privacy for each individual. In contrast, the free market allows individuals to obtain the level of privacy protection they desire.

The so-called "medical privacy" regulations and uniform health identifier scheme not only reduce individuals' ability to determine who has access to their personal medical information, but actually threaten medical privacy and constitutionally protected liberties. For example, these regulations allow law enforcement and other government officials access to a citizen's private medical record without having to obtain a search warrant.

Allowing government officials to access a private person's medical records without a warrant is a violation of the Fourth Amendment to the United States Constitution, which protects American citizens from warrantless searches by government officials. The requirement that law enforcement officials obtain a warrant from a judge before searching private documents is one of the fundamental protections against abuse of the government's power to seize an individual's private documents. While the Fourth Amendment has been interpreted to allow warrantless searches in emergency situations, it is hard to conceive of a situation where law enforcement officials would be unable to obtain a warrant before electronic medical records would be destroyed.

Mr. Speaker, these regulations also require health care providers to give medical records to the Federal government for inclusion in a

Federal health care data system. Such a system would contain all citizens' personal health care information, accessible to anyone who knows the individual's "unique health identifier." History shows that when the government collects this type of personal information, the inevitable result is the abuse of citizens' privacy and liberty by unscrupulous government officials. The only fail-safe privacy protection is for the government not to collect and store this type of personal information.

In addition to law enforcement, these so-called "privacy protection" regulations create a privileged class of people with a federally guaranteed right to see an individual's medical records without the individual's consent. My medical office recently received a Model "Privacy Act Compliance" form. This three-page form lists over 20 situations where medical information may be disclosed without individual consent. Medical information may be disclosed to attorneys, business associates of the provider, and Federal agencies conducting "health oversight activities." Medical information may also be divulged without consent to insurance companies and medical researchers!

Medical researchers claim to be able to protect the autonomy of their unwilling subjects, but the fact is that allowing third parties to use medical records for research purposes runs the risk of inadvertent identification of personal medical information. I am aware of at least one incident where a man had his identity revealed when his medical records were used without his consent. As a result, many people in his community discovered details of his medical history that he wished to keep private!

Forcing individuals to divulge medical information without their consent also runs afoul of the Fifth Amendment's prohibition on taking private property for public use without just compensation. After all, people do have a legitimate property interest in their private information. Therefore, restrictions on an individual's ability to control the dissemination of their private information represents a massive regulatory taking. The takings clause is designed to prevent this type of sacrifice of individual property rights for the "greater good."

In a free society such as the one envisioned by those who drafted the Constitution, the Federal government should never force a citizen to divulge personal information to advance "important social goals." Rather, it should be up to the individuals, not the government, to determine what social goals are important enough to warrant allowing others access to their personal property, including their personal information. To the extent these regulations sacrifice individual rights in the name of a bureaucratically determined "common good," they are incompatible with a free society and a constitutional government.

As an OB-GYN with more than 30 years experience in private practice, I am very concerned by the threat to medical practice posed by these privacy regulations and the unique health identifier scheme. The confidential physician-patient relationship is the basis of good health care.

Oftentimes, effective treatment depends on the patient's ability to place absolute trust in his or her doctor. The legal system has acknowledged the importance of maintaining physician-patient confidentiality by granting physicians a privilege not to divulge confidential patient information.

I ask my colleagues to consider how comfortable you would be confiding an embarrassing physical or emotional problem to your physicians if you knew that any and all information given your doctor may be placed in a government database or seen by medical researchers, handed over to government agents without so much as a simple warrant or accessed by anyone who happens to know your “unique health identifier?”

By now it should be clear to every member of Congress that the American people do not want their health information recorded on a database, and they do not wish to be assigned a unique health identifier. According to a survey by the respected Gallup Company, 91 percent of Americans oppose assigning Americans a “unique health care identifier” while 92 percent of the people oppose allowing government agencies the unrestrained power to view private medical records and 88 percent of Americans oppose placing private health care information in a national database. Congress has acknowledged this public concern by including language forbidding the expenditure of funds to implement or develop a medical identifier in the Federal budget for the past 5 fiscal years. Rather than continuing to extend the prohibition on funding for another year, Congress should finally obey the wishes of the American people by repealing the authorization of the individual medical ID this year as well as repeal these dangerous medical privacy rules.

Mr. Speaker, the misnamed medical privacy regulations and the scheme to assign all Americans a “unique health care identifier” violates the fourth and fifth amendments by allowing law enforcement officials and government favored special interests to seize medical records without an individual’s consent or a warrant. Federal supervision of who can access medical records combined with a federally assigned medical ID also facilitate the creation of a Federal database containing the health care data of every American citizen. These developments could undermine the doctor-patient relationship and thus worsen the health care of millions of Americans. I, therefore, call on my colleagues to join me in repealing these threats to privacy and quality health care by cosponsoring the Patient Privacy Act.

EXPRESSING SENSE OF HOUSE ON FINANCIAL LITERACY FOR YOUTH MONTH

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. POMEROY. Mr. Speaker, over the years, I have worked with Chairman DREIER to promote financial literacy skills within our schools and am proud to be an original co-sponsor of this House Resolution. House Resolution 127 expresses the sense of the House that a month should be designated as “Financial Literacy for Youth Month.”

Our youth desperately need to have higher levels of financial literacy. According to a recent Jump\$tar Coalition survey, today’s high school seniors fail when it comes to a basic knowledge of personal finance including credit cards, saving for retirement and insurance. When seniors were tested on basic financial literacy, they answered only 50 percent of the questions correctly.

Unfortunately, the lack of basic money management skills by young people often leads to serious financial problems for families and individuals, which, in turn, damage the Nation’s economy. The results are skyrocketing consumer debt, low savings rates, home foreclosures, lost job opportunities, bankruptcy and poverty.

To help stem this tide, Chairman DREIER and I are working with our Senate colleagues, Senators AKAKA and COCHRAN, to host a “Financial Literacy for Youth Day,” on Monday, April 28, 2003. This event will culminate a month of activities organized around the nation by federal agencies, states, localities, schools, nonprofit organizations, businesses, and other entities to empower our youth with the financial and economic knowledge necessary to make sound personal choices. The event will include an educational fair, coordinated by Jump\$tar, where federal agencies and organizations will have information booths displaying their efforts to further economic and financial literacy.

As with other life skills, good money management skills and habits are best formed during childhood. In partnership with interested entities at the state and local levels, we can do more to give our youth the knowledge that will empower them to make sound financial

decisions, now and in the future. I urge my colleagues to support and recognize the importance of increasing financial literacy among our youth.

88TH ANNIVERSARY OF THE GENOCIDE OF THE ARMENIAN PEOPLE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. LEVIN. Mr. Speaker, April 24, 2003, marks the 88th anniversary of one of the world’s most tragic events—the genocide of the Armenian people by the Young Turk government of the Ottoman Empire.

On that day in 1915, over 200 Armenian religious, political and intellectual leaders were executed. This was the beginning of the Ottoman Empire’s attempt to eradicate Armenians from their Anatolian homelands in what is now East Turkey through massacre and massive forced marches through the deserts of modern-day Syria. This resulted in the deaths of more than two-thirds of the Armenian population—totaling one and a half million people.

To this day, there are those who dismiss the systematic persecution of the Armenian population. Some claim that a smaller number of Armenians were killed as a result of partisan fighting during World War I. Others lessen the importance of this event by refusing to recognize it as genocide. Still others seek to forget this tragedy altogether. But these tragic events must be acknowledged and remembered to ensure that this does not happen.

Stephen Holden of the New York Times once wrote of the Armenian Genocide that “anguished remembrance is far preferable to willful amnesia.” There are still many living survivors in my district who participate each year in commemoration ceremonies, in the hope that the world will not forget their anguish.

Mr. Speaker, I am proud to represent a large and vital Armenian community in my district. It is for these people, as well as Armenians around the world, that I rise today to commemorate the Armenian Genocide with the great hope there will not be willful amnesia regarding this tragedy, but that people will remember and not tolerate anything of this kind again.