

**BILL TO PRESERVE AND PROTECT  
THE RIGHTS OF THE MICCO-  
SUKEE TRIBE**

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 26, 1996*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a very important bill which will carry out the longstanding intent of Congress in preserving and protecting the rights of Miccosukee Tribe of Indians of Florida. This bill is introduced in a truly bipartisan fashion, with my Florida colleagues Congresswoman CARRIE MEEK, and Congressmen LINCOLN DIAZ-BALART and DAN MILLER joining me as original cosponsors.

This legislation allows for the good people of the Miccosukee Tribe to live in perpetuity in the so-called permit area of Everglades National Park. The Miccosukees have lived and worked for generations in this area. The rights of the Miccosukees are recognized by the Everglades National Park Enabling Act of 1934 and their special use permit.

In 1934, the Everglades National Park Enabling Act specifically provided that rights of the Indians were protected. Subsequently, in 1962, and 1973, the tribe was guaranteed that they could build homes, schools, clinics, and other tribal buildings in the 300-plus acres identified in their special use permit.

Unfortunately, Mr. Speaker, the Park Service now seeks to restrict Miccosukee activities on their own land—even after the tribe has complied with all Federal, States, and local laws. The intent of this Congress in 1934 was to guarantee the Indians the freedom to live, work, and govern themselves as they wish in this area, not to be governed by the National Park Service. This bill will allow for Miccosukee self-government to continue.

These Indians seek nothing more than what we promised them when we passed the park bill in 1934, nothing more than was said on the floor of this House, nothing more than the Department of the Interior confirmed in the special use permit. In 1960, Justice Hugo Black wrote, "Great nations, like great men, should keep their promise." With this bill, we keep our promise to these native Americans, to these fellow citizens of the United States.

They deserve nothing less.

**AMERICAN TEACHERS IN BOSNIA  
AND HERZEGOVINA HELP RE-  
BUILD CIVIL SOCIETY**

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 26, 1996*

Mr. MORAN. Mr. Speaker, I am proud to recognize Mr. Mark J. Molli of Alexandria, VA, for his participation in CIVITAS@Bosnia-Herzegovina from July 17 to July 27, 1996. This is an intensive program which prepares local teachers to assist with the development of democracy in Bosnia and Herzegovina. Mr. Molli was part of a team of 18 American educators and 15 teachers from the council of Europe who were assigned to key cities throughout the Federation of Bosnia and Herzegovina.

The summer training program was developed by the Center for Civic Education as part

of a major initiative in Bosnia and Herzegovina supported by the United States Information Agency and the United States Department of Education. The United States Information Service in Sarajevo provided valuable assistance to the program as well. The goals of the program are to help prepare students and their communities for participation in elections and other civic matters. Achieving this goal will help restore a sense of community, cooperation, tolerance and support for democracy and human rights in this war torn area.

I am also pleased to announce that the curricular materials being used for the program in Bosnia and Herzegovina have been adapted from the We the People \* \* \* the Citizen and the Constitution and the Project Citizen programs, as well as other programs supported by Congress which are used in schools throughout the United States. Initial reports evaluating the summer program indicate the materials and teaching methods were enthusiastically received and can be adapted for use in classrooms throughout Bosnia and Herzegovina.

Mr. Speaker, I wish to commend Mark Molli for his dedication and commitment during the CIVITAS@Bosnia-Herzegovina summer training program. His work is helping to achieve the overall objective of building support for democracy in Bosnia and Herzegovina.

**SNOQUALMIE NATIONAL FOREST  
BOUNDARY ADJUSTMENT ACT  
OF 1996**

SPEECH OF

**HON. JENNIFER DUNN**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 25, 1996*

Ms. DUNN of Washington. Mr. Speaker, I want to thank Chairman HANSEN for his leadership on this bipartisan and proenvironment effort. This bill simply adjusts the boundary of the Snoqualmie National Forest to allow the incorporation into the Snoqualmie National Forest of some private lands owned by the Weyerhaeuser Co.

I am pleased to state that this legislation is supported not only by all members of the Washington State delegation but also by the Sierra Club, the Alpine Lakes Protection Society, the Washington Environmental Council, the North Cascades Conservation Council, and the Mountaineers.

This boundary adjustment will facilitate what is known as the Huckleberry Land Exchange, which involves approximately 7,200 acres of National Forest land and 33,000 acres of private land of which about 6,278 are outside the present boundary of the Snoqualmie National Forest.

As Chairman HANSEN stated in his opening remarks, this landmark agreement has been several years in the making and was brought about through a collaborative effort between the Sierra Club's Checkerboard Project and the Weyerhaeuser Co. It is noteworthy that this exchange includes a substantial donation of land by Weyerhaeuser into the national Alpine Lakes Wilderness Area.

Mr. Speaker, the public will benefit from this substantial donation of land. It will be one of only a few added this year into our Nation's wilderness areas. By consolidating ownership,

an additional connecting corridor of wildlife habitat between the Alpine Lakes Wilderness and the Mount Si Conservation Area will be created.

This land exchange also adds substantial acreage to the area visible to the public from the I-90 Freeway in support of the objectives of the Mountain to Sound Greenway Trust—a nonprofit organization whose sole purpose is to protect a greenway along I-90 from the eastern foothills of the Cascade Mountains all the way to Puget Sound.

I want my colleagues to know that a Draft Environmental Impact Statement was released in late June, a 45-day public comment period was initiated, and three public meetings were held to discuss the exchange and the draft EIS. The final EIS and Record of Decision should be released by the end of October.

Today's action is necessary in order to give the Forest Service authority to administer the exchange area. And, Mr. Speaker, since this exchange has been 12 years in the making, all parties involved are pleased that we will be finalizing the boundary modification legislation today.

Mr. Speaker, this legislation is part of a win-win proposal. By consolidating ownership both the Forest Service and Weyerhaeuser will be able to implement a more effective ecosystem-based management that will allow for wetland protection and long-term protection for wildlife.

More important, this land exchange is a textbook example of how land disputes can be resolved between parties that are willing to look for areas of agreement rather than differences. The environment and all of the people of the Puget Sound region benefit as a result. I thank the Speaker, the Resources Committee, and I urge my colleagues to support the passage of this resolution.

**FORMER INDIAN PRIME MINISTER  
INDICTED FOR CORRUPTION**

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 26, 1996*

Mr. CRANE. Mr. Speaker, former Indian Prime Minister P.V. Narasimha Rao resigned as head of the Congress Party after he was indicted for defrauding an Indian businessman. The Congress Party is providing tacit support to the current government headed by H.D. Deve Gowda.

According to the Washington Post, Mr. Rao has been ordered to face criminal charges because an Indian expatriate businessman named Lakhubhai Pathak alleges that Mr. Rao conspired with a Hindu guru to cheat him out of \$100,000. He will be formally indicted on September 30. This took place in 1983, and Mr. Rao is just now facing charges for it. It has also been reported that he received \$3.5 million from the Jain brothers, who have been charged with bribing a wide range of Indian politicians from all parties. He has apparently received large sums of money from other influence-seekers as well. It looks like Mr. Rao dipped into the well of corruption too many times.

Mr. Rao's resignation proves that journalist Rajinder Puri of the Times of India was right when he wrote that India is "a rotten, corrupt, repressive, and anti-people system." It is that

system which the Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and so many others are trying to escape. The corruption and the repression are tied together. The State Department reported that between 1991 and 1993, the regime paid over 41,000 cash bounties to police officers for killing Sikhs. Justice Ajit Singh Bains reports that more than 50,000 Sikhs disappeared or were murdered from 1992 through 1995. These events occurred on Mr. Rao's watch.

I am pleased that P.V. Narasimha Rao is finally facing the consequences of his corruption, but it is time that he also faced the consequences of his brutal terror campaign against the Sikh nation. As Home Minister in 1984, Mr. Rao was the person who organized the Delhi massacres that killed 20,000 Sikhs. When will he be indicted for these crimes?

In addition to its repression and corruption, India is a country that never misses an opportunity to take a swipe at the United States. Although it is one of the largest recipients of United States aid, India has a virulently anti-American voting record at the United Nations, and it is the country that single-handedly blocked the Comprehensive Test Ban Treaty [CTBT]. It is in America's interest to support the freedom movements in the subcontinent.

Unfortunately, the Sikhs and others continue to live under the brutal rule of a tyrannical regime. Recent events like the detention of American citizen Balbir Singh Dhillon and the savage beating of London-based Khalistani leader Jagjit Singh Chohan show that nothing has changed from Mr. Rao's brutal and corrupt rule. It is time for the United States to take a firm stand against these atrocities. We must institute an embargo against Indian companies and products. We must end United States aid to India. Finally, we must speak out for the freedom of Khalistan, Kashmir, Nagaland, and all the others seeking their freedom from India. Tyrants must know that America is on the side of freedom.

Mr. Speaker, I insert into the RECORD the September 22, 1996, Washington Post account of the Rao resignation.

#### INDIAN EX-PREMIER QUILTS CONGRESS PARTY

NEW DELHI—Former Indian prime minister P.V. Narasimha Rao quit yesterday as head of the Congress party after a court upheld a summons ordering him to appear in a criminal case.

Although his party suffered a defeat in general elections earlier this year, Rao has retained a say in the nation's politics by offering his party's crucial support to the center-left United Front coalition government.

Rao, 75, said in a statement read at a news conference here by Congress general secretary Devendra Dwivedi that he was not guilty.

Earlier yesterday, a Delhi judge upheld the summons ordering Rao to appear in court September 30. Formal charges would be framed on the same day.

An Indian expatriate businessman, Lakhubhai Pathak, alleges Rao and a Hindu guru conspired to cheat him of \$100,000 in 1983.

#### THE MANAGED CARE CONSUMER PROTECTION ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STARK. Mr. Speaker, I am pleased to introduce the Managed Care Consumer Protection Act of 1996, a bill that will provide critically needed consumer protections to millions of Americans in managed care health plans.

Health care consumers who entrust their lives to managed care plans have consistently found that many plans are more interested in profit than in providing appropriate care. My constituent mail has been full of horror stories explaining the abuses that occur at the hands of HMO's and other forms of managed care.

For example, David Ching of Fremont, CA had a positive experience in a Kaiser Permanente plan and then joined an employer sponsored HMO expecting similar service. He soon learned that some plans would rather let patients die than authorize appropriate treatment. His wife developed colon cancer, but went undiagnosed for 3 months after the first symptoms. Her physician refused to make the appropriate specialist referral because of financial incentives and could not discuss proper treatment because of the health plan's policy. Mrs. Ching is now dead.

In a similar case, Jennifer Pruitt of Oakland wrote to me about her father who also had cancer. He went to his gatekeeper primary care physician numerous times with pain in his jaw. The doctor, who later admitted that she had never treated a cancer patient, refused to refer Mr. Pruitt to a specialist. Eventually, after months of pain, a dentist sent Mr. Pruitt to a specialist outside of the HMO network. The cancer was finally diagnosed, but it had spread too rapidly during the months that the health plan delayed. Mr. Pruitt died from a cancer that is very treatable if detected early.

These tragedies and others like them might have been avoided if the patients had known about the financial incentives not to treat, or if the physicians had not been gagged from discussing treatment options, or if there had been legislation forcing health plans to provide timely grievance procedures and timely access to care. It's too late for these victims, but it is not too late to provide these protections for the millions of people in managed care today.

A few years ago, Congress recognized a crisis in the health care industry. Expenditures were soaring and overutilization was the rule. At that time, I chose to address this problem with laws that prohibited physicians from making unnecessary referrals to health organizations or services that they owned.

Others responded by pushing Americans into new managed care plans that switched the financial incentives from a system that overserves to a system that underserves. They got what they asked for. The current system rewards the most irresponsible plans with huge profits, outrageous executive salaries, and a license to escape accountability. Unfortunately, patients are dying unnecessarily in the wake of this health care delivery revolution. It must stop.

Several States have already addressed the managed care crisis. In 1996, more than 1,000 pieces of managed care legislation flooded State legislatures. As a result, HMO

regulations were passed in 33 States addressing issues like coverage of emergency services, utilization review, post-delivery care and information disclosure. Unfortunately, many States did not pass these needed safeguards resulting in a piecemeal web of protections that lacks continuity. The states have spoken; now it's time for Federal legislation to finish the job and provide consumer protections to all Americans.

The bill I offer today is a revision of an earlier bill, H.R. 1707, the Medicare Consumer Protection Act of 1995. This legislation includes a comprehensive set of protections that will force managed care plans to be accountable to all of their patients and to provide the standard of care they deserve.

In the U.S. Congress, we have the power to put an end to abuse in managed care and guarantee that Americans who choose managed care get the care for which they pay. It is irresponsible to do anything less.

Following is a summary of the consumer protections provided for in this bill.

#### MANAGED CARE CONSUMER PROTECTION ACT OF 1996

##### SUMMARY

#### I. MANAGED CARE ENROLLEE PROTECTIONS

##### A. UTILIZATION REVIEW

1. Any utilization review program that attempts to regulate coverage or payment for services must first be accredited by the Secretary of Health and Human Services or an independent, non-profit accreditation entity;
2. Plans would be required to provide enrollees and physicians with a written description of utilization review policies, clinical review criteria, information sources, and the process used to review medical services under the program;
3. Organizations must periodically review utilization review policies to guarantee consistency and compliance with current medical standards and protocols;
4. Individuals performing utilization review could not receive financial compensation based upon the number of certification denials made;
5. Negative determinations about the medical necessity or appropriateness of services or the site of services would be required to be made by clinically-qualified personnel of the same branch of medicine or specialty as the recommending physician;

##### B. ASSURANCE OF ACCESS

1. Plans must have a sufficient number, distribution and variety of qualified health care providers to ensure that all enrollees may receive all covered services, including specialty services, on a timely basis (even in rural areas);
2. Patients with chronic health conditions must be provided with a continuity of care and access to appropriate specialists;
3. Plans would be prohibited from requiring enrollees to obtain a physician referral for obstetric and gynecological services.
4. Plans would demonstrate that enrollees with chronic diseases or who otherwise require specialized services would have access to designated Centers of Excellence;

##### C. ACCESS TO EMERGENCY CARE SERVICES

1. Plans would be required to cover emergency services provided by designated trauma centers;
2. Plans could not require pre-authorization for emergency medical care;
3. A definition of emergency medical condition based upon a prudent layperson definition would be established to protect enrollees from retrospective denials of legitimate claims for payment for out-of-plan services;