

the insurance industry is on the other side.

As Dr. Raymond Scalettar, speaking on behalf of the Joint Commission on Accreditation of Health Care Organizations, recently testified:

The relative comfort with which the fee-for-service sector has ordered and provided health care services has been replaced with strict priorities for limiting the volume of services, especially expensive specialty services, whenever possible \* \* \* [T]hese realities are legitimate causes for concern, because no one can predict the precise point at which overall cost-cutting and quality care intersect. The American public wants to be assured that managed care is a good value, and that they will receive the quality of care they expect, regardless of age, type of disorder, existence of a chronic condition or other potential basis for discrimination.

It is easy for insurance companies to put their bottom line ahead of their patients' well-being—and to pressure physicians in their plans to do the same. Common abuses include failure to inform patients of particular treatment options; barriers to reduce referrals to specialists for evaluation and treatment; unwillingness to order needed diagnostic tests; and reluctance to pay for potentially life-saving treatments. It is hard to talk to a physician these days without hearing a story about insurance company behavior that raises questions about quality of care.

In some cases, insurance company behavior has had tragic consequences. The experience of Alan and Christy DeMeurers is a case in point. An HMO cancer specialist recommended—in violation of the HMO's rules—that Christy should obtain a bone marrow transplant. The doctor made the necessary referral. The DeMeurers then spent months trying to obtain this treatment. The HMO tried to deny the treatment. It also attempted to prevent the DeMeurers from obtaining information about the treatment. The delays they experienced may have cost Christy her life.

Alan DeMeurers made the trip to Washington from Oregon several weeks ago to speak out in support of our amendment. I had the opportunity to meet with him. His story is powerful support for ending abuse as soon as possible—now, this year, not next year.

Our amendment bans the most abusive types of gag rule—those that forbid physicians to discuss all possible treatment options with the patient and make the best medical recommendation, including recommendations for a service not covered by the HMO.

Specifically, our amendment forbids plans from "prohibiting or restricting any medical communication" with a patient with respect to the patient's physical or mental condition or treatment options."

This is a basic rule which almost everyone endorses in theory, even though it is being violated in practice. The standards of the Joint Commission on Accreditation of Health Care Organizations require that "Physicians cannot be restricted from sharing treatment

options with their patients, whether or not the options are covered by the plan."

As Dr. John Ludden of the Harvard Community Health Plan, testifying for the American Association of Health Plans has said, The AAHP firmly believes that there should be open communications between health professionals and their patients about health status, medical conditions, and treatment options.

But too often these days, that basic principle is being ignored.

The best HMO plans do not use gag rules. In our view, no plan should be allowed to use them. Most of us came to this debate with the assumption that HMOs which prevent physicians from giving the best possible medical advice to their patients are rare exceptions. But the vehemence with which the insurance industry opposes this simple, obvious rule—a rule which is entirely consistent with every ethical statement issued by the industry—leads us to wonder just how widespread this practice is.

Our amendment has strong support from both the American Medical Association and Consumer's Union—because it is a cause that unites the interests of patients and doctors. It has been strongly endorsed by President Clinton. It passed the House Commerce Committee by an overwhelming, bipartisan vote. It has already received a majority vote in the Senate. The only thing that stands between this bill and passage is the insurance industry and its allies in the Republican leadership in Congress.

These are the same groups that fought the Kassebaum-Kennedy insurance reform bill. They tried to defeat the Domenici mental health parity bill and the Bradley bill to protect mothers and newborn infants from being forced prematurely out of the hospital.

In each case, the Republican leadership knew it could not win the battle in the open. So they resorted to the tactic of delay in public and denial behind closed doors. That tactic failed on those bills, and it should fail on the gag rule bill. Unscrupulous insurance companies have no right to gag doctors and keep patients in the dark.

If this bill does not pass this year, the American people will have a chance in November to cast their votes for a Democratic Congress and a Democratic President that will make fair play for patients our first priority next year.

#### VA/HUD APPROPRIATIONS

Mr. KERRY. Mr. President, on the night of September 24, the Senate very quickly took up and passed by unanimous consent the Veterans Administration/Housing and Urban Development/Independent Agencies Appropriations Bill for Fiscal Year 1997. Because it was not possible for me to comment on the bill at that time, I would like to do so today.

Mr. President, there is much to commend this bill, but there are a few glaring

faults. I will focus first on the positive features.

Part of the good news is that the bill provides level funding for the HOME and CDBG programs. These are two of HUD's model programs that provide an appropriate mix of local flexibility within federal priorities.

I am also particularly pleased that the final conference agreement includes a provision that I sponsored in the Senate with Senator DOMINICI to provide \$50 million for vouchers for disabled individuals. These vouchers are a critical housing resource for those disabled people who are affected when public housing authorities designate certain buildings for elderly residents only when those buildings used to be available also to nonelderly disabled individuals. I thank the Chairman and the Ranking Member for including this provision in the final agreement.

The mental health parity provisions the Senate added by floor amendment were included in this bill, and I congratulate Senators DOMINICI AND WELLSTONE, who initially proposed this legislation, for their efforts. Many health plans now impose lifetime limits of \$50,000 and annual caps of \$10,000 for treatment of mental illness—far lower than comparable limits for physical treatments in most insurance policies. The mental health parity provision will require greater equality between the lifetime and annual limits for mental health coverage and the limits for physical health coverage. Millions of American families will now be able to get the therapy and other mental health treatment they need.

Mr. President, we have taken another very important step in this bill by including Senator BRADLEY's legislation to ban "drive through deliveries." Health insurers will now be required to allow mothers and their newborns to remain in the hospital for a minimum of 48 hours after a normal vaginal delivery and 96 hours after a Caesarean section. By taking the decision of how long to stay in the hospital out of the hands of insurance companies and placing it in the hands of health care providers and mothers who have just given birth, we will have healthier babies during their first days and we will give the mothers the help and security they deserve.

Mr. President, I am also pleased that my colleagues have chosen to place the needs of children suffering from spina bifida, a serious neural tube defect, ahead of partisan politics. This conference report contains the Agent Orange Benefits Amendment, which extends health care and related benefits from the Department of Veterans Affairs to children of Vietnam veterans who suffer from spina bifida. In March, the National Academy of Sciences issued a report citing new evidence supporting the link between exposure of service men and women who served in Vietnam to Agent Orange, the chemical defoliant sprayed over much of Vietnam, and the occurrence of spina bifida in their children.

Mr. President, we in the Senate are legislators, not scientists. I believe it is entirely appropriate for us to accept the Academy's recommendations regarding the effects of Agent Orange as we did when we unanimously passed the Agent Orange Act of 1991, which I coauthored. The NAS has published its conclusions and President Clinton and Secretary of Veterans Affairs Jesse Brown both have asked that the Department of Veterans Affairs be given the authority to provide care for the children of Vietnam Veterans who suffer from spina bifida. I am proud that this legislation which I offered with Senators Tom DASCHLE and JOHN D. ROCKEFELLER IV provides that necessary authority.

By passing this legislation, we take another definitive step forward in repaying our debt to those who have honorably served their country and are still suffering as a result of their service in Vietnam many years ago. I am hopeful that the families in Massachusetts who will benefit from this legislation, as well as the families around the country, will find some comfort—knowing that their children will be guaranteed special care to address their specific needs.

Mr. President, I am also pleased that the appropriators have met the housing needs of people living with AIDS. The Housing Opportunities for People With AIDS (HOPWA) program is a vital component in our national response to the HIV-epidemic. As people with HIV-disease are living longer, services they require become more acute and public resources more strained. My colleagues know how important this program is to me and the city of Boston: I urged the appropriators to increase the HOPWA account by \$25 million in order to provide housing for thousands of individuals and families who currently need shelter. The conferees responded favorably and increased the funding for HOPWA for FY 1997 to \$196 million.

It is necessary that I also address the deficiencies in the bill, and I regret to say that there are several that are quite serious. The most distressing of these faults is the Republican effort to continue to reduce the federal assistance to clean up Boston Harbor. The VA/HUD conference report contains just \$40 million of the \$100 million requested by the President for fiscal year 1997. Senator KENNEDY and I have fought to retain the President's level during the appropriations process. Regrettably, the Republican-controlled House included funding for only half of this amount and the Republicans in the Senate refused to approve any funding for this worthy environmental protection program. The conference settled on the \$40 million figure.

Believe it is in the national interest for the federal government to provide direct assistance to the Massachusetts Water Resources Authority (MWRA) for the Boston Harbor project. It is a massive undertaking which will provide water and sewer services to over

2.5 million people in 61 communities with a total cost, including the combined sewer overflow (CSO) and capital cost improvements, of more than \$5 billion. The sewage treatment plant is being built under a federal court-ordered schedule that requires completion by 1999.

Mr. President, as many of my colleagues are well aware, when the Clean Water Act was originally enacted, Congress acknowledged the great importance of the federal role in cleaning the water we drink and use for so many other purposes. It did so by providing federal support equaling 50 to 90 percent of the costs of projects on the scale of the Boston Harbor project.

The goals of the federal Clean Water Act are laudable and the environmental benefits to Boston Harbor from the initial water infrastructure improvements are already being felt in the surrounding Bay area. However, while the goals and standards of the Clean Water Act have remained and should continue to remain intact, over the past 15 years we have seen the federal assistance for large water infrastructure projects decline. In the case of the Boston Harbor project, the share of the secondary sewerage treatment project costs to date that have been paid with federal funds is less than twenty percent, and this excludes the CSO and other improvements that will be required in the future.

Cleaning up Boston Harbor has been and should continue to be a bipartisan issue. Unfortunately, during the 104th Congress, it has turned into a partisan issue where the Democrats in Congress and the President are continuing to fight to protect the environment and the Republicans in the House and Senate are playing political games at the expense of the citizens of Massachusetts.

During the House-Senate conference on the VA/HUD bill, the Republicans would not yield to efforts of the White House and Congressional Democrats to support the full \$100 million funding request. With much urging by the Democratic conferees, the Republicans yielded to \$40 million. Senator MIKULSKI made one final effort to add back funding to reach the level appropriated in last year's budget: \$50 million. That amendment was defeated on a party-line vote.

I thank the President and my colleagues in the House and Senate, in particular Senator MIKULSKI and Congressmen OBEY and STOKES, for their support during the conference. I greatly regret that Republicans killed the deal.

Mr. President, this bill also continues to underfund HUD and many of its key housing programs. There are more than 5 million Americans with severe housing needs. We are not doing enough to meet the housing and service needs of the homeless, the elderly, and the disabled. Moreover, I am concerned that the strict budget for HUD exposes the federal government to future liabilities

if our payments for existing developments fail to provide for adequate maintenance or cuts in staffing lead to inadequate monitoring. It is very clear that the appropriations for core HUD programs like public housing operating subsidies, public housing modernization, homeless assistance, and incremental Section 8 assistance are inadequate.

The funding decision with respect to the low-income housing preservation program is one of my greatest disappointments in the bill. I cosponsored a successful amendment in the Senate with Senators CRAIG, MOSELEY-BRAUN, SARBANES, and MURRAY to provide \$500 million for this program. Then I joined my distinguished colleague, Senator LARRY CRAIG, in sending a letter to the conferees requesting at least \$900 million for the program. We were joined by 10 other members of the Senate from both sides of the aisle.

Instead, the conference committee provided only \$350 million for the preservation program. After setting aside \$100 million for vouchers and \$75 million for projects affected by special problems, only \$175 million remains for sales to residents and resident-supported nonprofits. This is stunning given a queue of projects awaiting funding with funding needs totaling over \$900 million. Thousands of residents around the country have been working closely with nonprofits over several years to organize and to assemble financial packages to purchase these buildings. This bill dashes the hopes of many who have worked hard to preserve this housing and to empower its residents.

The conference committee also imposed new cost caps on preservation projects even though these projects already have HUD-approved plans of action. While the Congress should continue to consider reforms to the program to reduce its cost, changing the rules for projects that have reached this stage of processing is unfair. We have seen no analysis assessing the impact of the cost caps or comparing this approach to other alternatives. I believe that the Secretary should exercise the discretion granted him in the legislation to provide waivers to the cost caps as necessary to preserve affordable housing.

Further, I strongly urge the Department of Housing and Urban Development to consider the discretion it has within the appropriations language to fund as many of the developments awaiting sale as possible. There is strong evidence that the Department will not need anywhere near the entire \$100 million for vouchers, for example. It should, therefore, make a large portion of the voucher amount available for sales early in the year. Likewise, the Administration should strongly consider using other legal authorities it has to recapture prior year funds and other balances available for sales under this program. The mission of this program—preserving affordable housing—is vital.

Mr. President, I also want to express my regret that the conference agreement did not follow the wisdom of the Senate in the funding level for the Youthbuild program. Although \$30 million is provided, which is \$10 million more than in fiscal year 1996, the Senate this year provided \$40 million. The higher level was warranted by Youthbuild's proven success in giving young adults in our inner cities a chance to make something of their lives, while simultaneously adding to the low income housing stock in our cities. I do want to commend the Senate appropriations for including \$40 million in the Senate bill, and especially Ranking Member BARBARA MIKULSKI for her assistance in this effort.

I also would like to offer my sincere congratulations to Ms. Dorothy Stoneman, the founder and President of Youthbuild USA, who was recently awarded the prestigious MacArthur Foundation award in recognition of her long fight to improve the lives of youths on the margins of poor communities. It is richly-deserved recognition of her work and commitment.

Mr. President, that is the good, the bad and the ugly of this legislation. There are many Americans who will be helped greatly by this bill, but it leaves out many others. It evidences vision in some respects, but myopia in others. And with respect to the latter, I plan to devote myself to correcting the bill's inequities when the 105th Congress convenes next year.

#### FOREIGN OIL CONSUMPTION: HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 20, the U.S. imported 7,296,000 barrels of oil each day, 16,000 more than the 7,280,000 imported during the same week a year ago.

Americans relied on foreign oil for 53 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,296,000 barrels a day.

#### TRIBUTE TO CONGRESSMAN GLEN BROWDER

Mr. HEFLIN. Mr. President, I want to pay tribute today to another of the many outstanding Members of Congress who will be leaving as the 104th

Congress draws to a close. That Member is my good friend from Alabama's Third Congressional District, Representative GLEN BROWDER.

GLEN BROWDER has served in the House of Representatives since winning an April 4, 1989 special election to succeed long-time Congressman Bill Nichols, who had passed away unexpectedly on December 13, 1988. Throughout his seven and a half years in Congress, he has been a loyal friend to the people of his district and an outspoken leader on national defense issues. He approaches his job with a deliberative, studied, and professorial approach that has helped him make the right decisions for his constituents and for the nation as a whole.

This type of leadership is not surprising coming from GLEN BROWDER, who holds a doctoral degree in political science from Emory University in Atlanta. He also has a bachelor of arts in history from Presbyterian College in Clinton, South Carolina and a master of arts in political science, also from Emory.

Congressman BROWDER was born in Sumter, South Carolina on January 15, 1943. He attended the elementary schools in Sumter, where he graduated from Edmunds High School in 1961. He spent the next ten years or so earning all these academic credentials—his BA in 1965 and his MA and Ph.D. by 1971. He is married to Sara Rebecca (Becky) Browder and they have a daughter, Jenny Rebecca.

While he was in college, the future Congressman from Alabama worked as a public relations assistant at Presbyterian College, sportswriter for the Alabama Journal, and investigator for the Civil Service Commission in Atlanta. Since 1971, he has been a professor of political science at Jacksonville State University in his hometown, Jacksonville. He has been on a leave of absence from the university since coming to Congress.

Before his election to the House, he had served in the Alabama House of Representatives from 1982 through 1986 and as Alabama Secretary of State from 1987 through 1989.

Congressman BROWDER fought tenaciously to keep Fort McClellan open. He led two successful Base Closure Commission battles to defeat the ill-advised effort of the Army and the Department of Defense to close it. As the home of the chemical corps of the Army and of the only live-agent training facility in the world, Fort McClellan garnered his unyielding support. Senator SHELBY and I were totally supportive of Congressman BROWDER'S leadership, but his studied expertise in the field of defensive chemical warfare allowed him to make arguments on what was in the best interests of the nation, in addition to the one based on the anticipated detrimental effects to the local economy.

I will never forget his superb presentation to the Base Closure Commission in a classified hearing on the need for

live-agent training as well as the threat of chemical warfare from terrorist nations around the world. The third BRAC round led to a decision to finally close Fort McClellan, since the vote was a tie vote and a majority was necessary to take action to keep a base open. He was an excellent field marshal throughout each of these battles.

GLEN BROWDER also won many battles for the Anniston Army Depot and Fort Benning, a portion of which is located in the southern part of his district.

Congressman BROWDER has done an excellent job of balancing the various needs of his diverse district and has looked after the interests of the entire State of Alabama. As a member of the House Armed Services and Science, Space, and Technology Committees, he has fought for our national security and for continued funding for the space program, which has a large presence in north Alabama.

He has also compiled a conservative legislative record, while at the same time supporting the Democratic party leadership on most crucial votes. His district contains the largest number of textile and apparel businesses in the nation, and he has always fought for the interests of this industry as well as its workers.

His district contains Tuskegee University, Jacksonville State University, and Auburn University. He has consistently and strongly supported both higher education in general and the particular interests of these outstanding institutions of higher learning.

I am proud to have been able to serve with Congressman BROWDER in the Alabama delegation over the last seven years. It has been a pleasure to work with him on base closure and other vital issues. He is a proven leader who will be sorely missed when the 105th Congress convenes early next year, but I am confident that we will see him in other leadership roles in the future. I congratulate him and wish him well.

#### GADSDEN, AL, CELEBRATES ITS 150TH ANNIVERSARY

Mr. HEFLIN. Mr. President, on October 12, 1996, Gadsden, AL, will celebrate its sesquicentennial. The city will mark its 150th birthday with a large parade, sidewalk sale, dedications, awards, ceremonies, fireworks, and other activities. The theme of Gadsden's celebration is "Proud of Our Past, Confident of Our Future." Under the guidance of the Etowah County Historical Society, the Turrentine Avenue Historical District and the Aryle Circle Historical District have been established. Efforts are currently under way to designate downtown Gadsden a historical district.

Gadsden's rich and colorful history goes all the way back to the early 1800's, when the Cherokee Indians occupied most of the territory in what is today northeast Alabama. In 1825, John Riley and his Cherokee Indian wife