

is that it will go into much greater detail about requirements for health plans and emergency physicians to work together to coordinate any necessary followup care to the emergency visit. A summary of the bill appears at the conclusion of this statement.

In developing this legislation, we once again worked closely with the American College of Emergency Physicians and the Maryland chapter of their organization. I would like to thank them for all of their assistance during this drafting process.

This year we have an important new supporter of our legislation: Kaiser Permanente, one of our Nation's oldest, largest, and most respected managed care plans. I want to underscore the significance of Kaiser's support. As far as I know, this is the first time that a managed care plan has worked to develop a Federal standard for managed care practices. Kaiser has taken this bold step because they agree with us—when a person presents at an emergency room with what they believe is a true emergency, it is in the health plan's best interest to cover that visit, not to penalize their member if the condition does not turn out to be a true emergency.

Kaiser would like our bill to preempt States' abilities to further regulate coverage of emergency care—and we will continue to discuss that issue. Kaiser's perspective is that the best policy would be to have one uniform set of standards on emergency for all States. However, the bill introduced today does not preempt further State action. Our bill is consistent with the rest of the Health Insurance Portability and Accountability Act in that it only preempts State law where that law prohibits the application of the Federal law. States are absolutely allowed to go further.

In addition to Kaiser Permanente and the American College of Emergency Physicians, our legislation is endorsed by a broad spectrum of interests. These organizations include: the American Medical Association, Citizen Action, the American Hospital Association, Families USA, the American Heart Association, the Coalition for American Trauma Care, the American Osteopathic Association, the Center for Patient Advocacy, and the American Association of Neurological Surgeons.

This year's Access to Emergency Medical Services Act is a new and improved version of the legislation we introduced in the last Congress and as you can see, we have already gathered broad-ranging support. Again, this bill would enable those in need to be assured access to emergency medical care—without the fear that their health plan will deny them coverage.

Access to emergency care is fundamental to ensuring a viable health care system. What is at stake here is not an issue of governmental regulation, but an issue of protecting patient safety. I urge each of my colleagues to join me in supporting the Access to Emergency Medical Services Act and help us enact this protection into law.

#### SHORT SUMMARY—ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1997

The bill would amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974 and Titles XVIII and XIX of the Social Security Act. If enacted, this bill would guarantee that consumers are covered for legitimate emergency department visits. For health plans that offer coverage for emergency services, including the Medicare

and Medicaid programs, the bill would require payment for emergency services consistent with the "prudent layperson" standard. Patients would not be required to obtain prior authorization for emergency services. Health plans would be required to cover and pay for emergency care based upon the patient's presenting symptoms, rather than the final diagnosis. The bill also establishes a process in which the emergency department and health plan work together to assure that the patient receives appropriate follow-up care.

#### Key provisions of the bill:

Establishes a uniform definition of emergency based upon the "prudent layperson" standard. Health plans would be required to cover emergency services if the patient presents with symptoms that a prudent layperson, possessing an average knowledge of health and medicine, could reasonably expect to result in serious impairment to the patient's health. Health plans would not be required to reimburse for services provided to patients that do not meet the "prudent layperson" standard.

Plans would be prohibited from requiring, as a condition for coverage, that patients obtain prior authorization from the health plan before seeking emergency care.

Establishes coverage standards for out-of-plan emergency care to protect patients who, under reasonable circumstances, seek care in an out-of-plan emergency department.

Allows health plans to establish reasonable cost-sharing differentials for emergency care when a patient chooses an emergency setting over a non-emergency setting, or an out-of-plan emergency setting over an in-plan emergency setting.

Provides a process for coordination of post-stabilization care. Treating emergency physicians and health plans would be required to make timely communications concerning any medically necessary post-stabilization care identified as a result of a federally required screening examination. Plans, in conjunction with the treating physician, may arrange for an alternative treatment plan that allows the health plan to assume care of the patient after stabilization.

Health plans would be required to educate their members on emergency care coverage and the appropriate use of emergency medical services, including the use of the 911 system.

There would be no preemption of state law as long as the state law does not prevent the application of the federal law.

In general, requirements of the bill would be enforced in the same manner as the requirements of the "Health Insurance Portability and Accountability Act of 1996."

Applies to all health plans that offer coverage for emergency care, whether licensed or self-insured, including the Medicare and Medicaid programs. Effective for plan years beginning on or after 18 months after the date of enactment.

#### TAKING CHARGE OF YOUR TV

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. DEAL of Georgia. Mr. Speaker, the television set has become the primary delivery system for information and entertainment into the average home. Some of this information is objectionable when viewed by young children, but many families feel powerless to control this situation.

Having participated in the critical viewing project sponsored by the cable television in-

dustry and the PTA, I want to commend these organizations for their efforts. The "Taking Charge of Your TV" video which was developed out of the critical viewing project, offers strategies and solutions to parents and families who want to make the TV a more positive instrument for the delivery of information and entertainment.

#### COMMUNITY RENEWAL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. PACKARD. Mr. Speaker, President Clinton has stated that "the era of big government is over." The challenge today is to begin a new era of self-government. The foundation for this renewal must rest on strong families, rejuvenated civic associations, active faith-based and private charities to aid those who fall through the cracks. The cultural challenge for policymakers is to mend the social fabric which binds America.

We need to put the family back together, to improve education, to reduce crime and drug abuse, and to protect families from the appalling violence in our neighborhoods and on television. To do this, we need to find new ways to instill a greater sense of personal responsibility in Americans. We must strengthen civic institutions without allowing for the dependency and loss of mission which often comes with a government subsidy. Empowering citizens to assume the primary responsibility for helping the needy through religious, charitable, and civic organizations is the answer.

Mr. Speaker, we need to get back to the basics. We need to emphasize values and personal responsibility over hand-outs in order to instill the principles of diligence, self-help, and equal opportunity, the qualities which make good workers and prosperous Americans. Community involvement is the key. During the 105th Congress, I plan to work with my colleagues to seek out these opportunities to aid our great Nation in ways the Government and Federal funding cannot.

Last Congress, we brought laudable values to Washington and accomplished a great deal: welfare reform, a smaller government, and cuts in wasteful Washington spending. As we embark on a new Congress, I intend to send more money and power back home so that moms and dads can parent again and build strong families; so that parents and teachers can work together to give our kids the best education they can get; and our communities, once again, become vibrant.

TRIBUTE TO WILLIAM P. SHERMAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. William P. Sherman who retired as director of the Huron-Clinton Metropolitan Authority after 8 years of exemplary service. The park authority operates 13 parks in southeastern Michigan.

Mr. Sherman's career began with the HCMA 40 years ago when he was hired as a beach patrol officer. He became park superintendent at Metropolitan Beach in 1968 and served in that capacity until 1985. During his 8 years as director, the authority opened a new park, Wolcott Mill, and added many new facilities such as the Marshlands Museum and Nature Center, the activities building, and an 18-hole golf course at Lake Erie. I personally appreciate his support and assistance with the Macomb County hike and bike path.

When the HCMA celebrated its 50th anniversary in 1992, much of the infrastructure in the older parks was wearing out or was outdated. Under Mr. Sherman's guidance, the HCMA was able to maintain and upgrade existing facilities and complete expansion projects while keeping user fees down. He should be proud of his accomplishments and I am sure he will continue to visit the parks often to spend some of his leisure time.

I am confident that Bill Sherman will be missed as director and I wish him and his wife Joanne all the best in retirement. I urge my colleagues to join me in saluting Mr. Sherman. His dedicated service and commitment to our community are sincerely appreciated.

A TRIBUTE TO DAVID M.  
LAWRENCE, M.D.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. WAXMAN. Mr. Speaker, as chairman and CEO of Kaiser Foundation Health Plan and Hospitals, David M. Lawrence, M.D., has helped reshape the delivery of health care in this country. During Dr. Lawrence's tenure as CEO for the past 5 years, he has reaffirmed Kaiser Permanente's 50-year commitment to serving the community as a nonprofit health care system. As a result of Dr. Lawrence's leadership, Kaiser Permanente continues to serve as a national example of delivering high-quality health care that is affordable to all American families. In addition, Dr. Lawrence has committed Kaiser Permanente resources to funding landmark research that has resulted in a new national vaccine for immunizing children, new standards for detecting cancer, and better practices for delivering healthier babies. Under Dr. Lawrence's guidance, his organization has contributed millions of dollars to the health and safety of children around the country. Through educational theater programs, grants to local hospitals, and operation of the Watts Learning Center, Kaiser Permanente stands as an example of community responsibility and integrity. On this occasion of Dr. Lawrence's fifth-year anniversary, we extend our regards and congratulations.

THE INTRODUCTION OF THE NU-  
CLEAR DISARMAMENT AND ECO-  
NOMIC CONVERSION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Ms. NORTON. Mr. Speaker, the cold war is over, but nuclear weapons remain. The bill I

introduce today would substantially reduce the likelihood that nuclear weapons will become a renewed threat. The Nuclear Disarmament and Economic Conversion Act would require the United States to disable and dismantle its nuclear weapons and to refrain from replacing them with weapons of mass destruction once foreign countries possessing nuclear weapons enact and execute similar requirements. The United States, the leading nuclear power in the world, has an obligation to take far bolder leadership in moving to help disarm these weapons.

The act would then require that resources used to sustain nuclear programs be used to address human needs such as housing, health care, education, agriculture, and environmental restoration. Funding such initiatives here in the United States is necessary to bring peace within our own country. As deficit reduction forces cuts, reducing needless nuclear weaponry is the place to begin.

This bill is especially relevant today with the Clinton administration's push to expand the number of countries that are members of NATO and would be bound by the treaty to come to each other's defense.

My bill will put our money and our principles where our mouth has been. We must not continue to spend on nuclear weapons while we preach peace and the end of nuclear proliferation.

THOMAS J. FERRITO, J.D.:  
DEFENDER OF OUR ENVIRONMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. STARK. Mr. Speaker, I rise today to recognize Mr. Tom Ferrito of Los Gatos, CA, who will end his service on the Bay Area Air Quality Management District Hearing Board on April 21, 1997 as a result of the district's term limit rule.

A successful full-time attorney, Tom Ferrito's accomplishments and credits earned him the State-mandated attorney position on the five-member Bay Area Quality Management District Hearing Board, on which he served 15 years. Prior to that service, Tom served 3 years on the district's board of directors.

The Bay Area Quality Management District Hearing Board, a quasi-judicial body, adjudicates various types of situations and is guided by the code of judicial conduct adopted by the California Judges Association. The hearing board carries out the judicial function of the district, holding hearings on citizens' appeals on the rightful issue of permits, and disputes between air pollution control officers and operators on the interpretation of air pollution rules.

Last year, the seven-county Bay Area Air Quality Management District was recognized by the Environmental Protection Agency as being the Nation's largest metropolitan clean air region. This title represents 40 years of progress toward improving air quality. It has been achieved by a long-term program of adoption and enforcement of regulations applicable to stationary sources—in a sound, methodical and sensitive manner. Tom Ferrito has played an active role in implementing that program and protecting the San Francisco Bay Area environment for over 18 years.

As the senior member of the hearing board, Tom Ferrito has set high standards of honesty and excellence. He stands out as a committed citizen, willing to give of his time for the betterment of the environment at both the local and regional levels.

The service of this accomplished attorney and dedicated public servant will be missed by myself and the entire Bay Area community. We wish him well in every future endeavor.

CLARIFICATION OF VOTE ON H.R.

581

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. PORTER. Mr. Speaker, during the vote on H.R. 581 on February 13, 1997, I was unavoidably detained chairing a hearing in my subcommittee and was not able to come to the floor to vote until immediately prior to conclusion of the time for voting. I was under the mistaken impression that the vote being held was on House Resolution 46, the rule for consideration of H.R. 581. Accordingly, I voted in favor of passage. After the vote had closed, I learned that the rule had passed by voice vote and the recorded vote was in fact on passage of H.R. 581 which I intended to oppose. I want to clarify that I oppose H.R. 581 and my vote in support of it on February 13 was made in error.

REV. ERNEST SMITH KEEPS HIS-  
TORY ALIVE IN THE LEBANON  
VALLEY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. SOLOMON. Mr. Speaker, It is often said that we must always remember where we have been if we are to truly know where we are going. Too often in today's hectic world, we lose sight of our social and cultural past, which have shaped our daily experiences and the very society in which we live. Luckily, however, there remain some insightful individuals who dedicate their time and energy to preserving our historical roots so that we may always remember and learn from the people and events which came before us. I personally am extremely grateful for the endeavors of admirable individuals like Rev. Ernest Smith, who, through his diligent and enthusiastic efforts, has ensured that the rich history of the Lebanon Valley will remain alive and accessible for many generations to come.

Reverend Smith's service has spanned many years and a multitude of avenues of historical pursuit. He has been the town historian for the town of New Lebanon for almost a decade, during which time his endeavors included penning a remarkable short history of the town for its gala 175th anniversary celebration. Reverend Smith also spearheaded the successful monument restoration program as the Chair of the Tilden Restoration Committee, which carefully utilized State and local grants in combination with individual donations to rejuvenate the aging memorial. Reverend Smith is also an