

I come from Texas, and I believe that this Congress should not do less for the American people than we did for Texas. Take this example. A loved one lying on a hospital bed, you in a hospital telephone booth confronting your HMO. And out of the bill that will come to the floor today, against the HMO, you will be in the wrong, they will be in the right. The presumption of rightness will be with them, and your loved one lies dying on a hospital bed.

Vote down this bad patients' bill of rights.

#### SUPPORT PATIENTS' BILL OF RIGHTS

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, I rise today in strong support of the bipartisan patients' bill of rights. This bill has three key components.

First, it provides patient protections. For example, women in my district of Orlando can now go directly to their gynecologist, children can go directly to a pediatrician, and it provides for emergency room coverage.

Second, this bill holds HMOs accountable in a court of law for their decisions. This is critical because it places decisions back in the hands of physicians and patients, not in the hands of HMO bureaucrats.

Third, it protects employers from frivolous lawsuits by using a dedicated decision-maker model. In addition, it requires that patients first exhaust their independent appeals process before filing a lawsuit.

The bill has caps at \$1.5 million on pain-and-suffering damages as a way to hold down insurance premiums. Punitive damages are not available unless a decision-maker fails to follow the recommendation of the independent reviewer. If they do not follow that recommendation, they are subject to punitive damages at \$1.5 million.

It encourages HMOs to do the right thing and it protects patients. I urge my colleagues to vote "yes" on this important, bipartisan patients' bill of rights.

#### WHITE HOUSE PROTECTS INSURANCE COMPANIES, NOT PATIENTS

(Mr. SANDLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDLIN. Mr. Speaker, there is an old Charlie Daniels song that goes, "The devil went down to Georgia. He was lookin' for a soul to steal. He was in a bind, he was way behind, and he was willing to make a deal."

Well, Mr. Speaker, it seems that we have a similar situation in the House today. Only this time instead of betting a fiddle of gold, we are betting patients' lives in America.

The administration has been in a bind; they have been way behind. When the House took up the patients' bill of rights 2 years ago, it passed with 275 votes in this House, with 68 of them coming from the Republican side of the aisle. That was a bipartisan patients' bill of rights.

So the administration went down to Georgia and made a deal. In that deal, they sold out the patients. They tried to ensure that insurance company clerks made medical decisions in this country. They tried to ensure that insurance companies do not have responsibility for the decisions they make. They created a new legal standard in court that says, the insurance companies are right, the patient has to prove them wrong, and they increased the burden.

Mr. Speaker, we have had enough of these deals. It is time to enact a real patients' bill of rights, one that gives some protections.

There will be a Democratic caucus meeting at 11 o'clock, 345 Cannon, to discuss the patients' bill of rights.

#### GRATEFUL TO PRESIDENT FOR PATIENTS' BILL OF RIGHTS AND ENERGY POLICY

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise today to thank President Bush for providing a patients' protection act, and to thank the gentleman from Kentucky (Mr. FLETCHER) and the gentleman from Georgia (Mr. NORWOOD) for protecting patients and standing up against the powerful trial lawyers.

I also rise to thank President Bush for giving us a comprehensive energy plan, which will provide protection for future generations against dependence on foreign oil.

□ 1115

Mr. Speaker, as I talked to some of the folks lobbying against drilling in ANWR yesterday, I asked them if they had ever been there, and they said "no." My family and I lived there for a year. The family we lived with, the Helmericks, perfected the ice pad drilling technique which allows us to drill safely and then remove virtually all evidence that drilling took place.

Mr. Speaker, I thank President Bush for providing leadership for this country.

#### MOHAMMED ALI, POETRY IN MOTION

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, if anyone defined poetry in motion, it was Mohammed Ali. During his 25-year career in the boxing ring from 1960 to 1981, Ali danced, bobbed and rope-a-

doped into most of his opponents with early-round knockouts. It was a beautiful sight to behold. Mohammed Ali sits on anyone's short list of the greatest athletes and most dedicated humanitarians of the 20th century. In fact, Time Magazine listed him as one of the top 20.

Mr. Speaker, I urgently request that my colleagues join me in the bill that I have to award Mohammed Ali a Congressional Gold Medal.

Mrs. CHRISTENSEN. Mr. Speaker, will the gentlewoman yield?

Ms. CARSON of Indiana. I yield to the gentlewoman from the Virgin Islands.

Mrs. CHRISTENSEN. Mr. Speaker, in the time that is remaining, let me say, let us keep the Ganske-Norwood-Dingell-Berry bill intact. The HMOs deserve no special privilege or protection. Let us protect the patients of America. Let us keep a strong, good Patients' Bill of Rights.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately noon today.

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess until approximately noon.

□ 1203

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 12 o'clock and 3 minutes p.m.

#### MOTION TO ADJOURN

Mr. McNULTY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the motion to adjourn offered by the gentleman from New York (Mr. McNULTY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 56, nays 355, not voting 22, as follows:

[Roll No. 323]

YEAS—56

|         |           |               |
|---------|-----------|---------------|
| Baird   | DeFazio   | Evans         |
| Berry   | DeGette   | Farr          |
| Bonior  | DeLauro   | Filner        |
| Borski  | Dicks     | Frank         |
| Boyd    | Dingell   | Frost         |
| Capuano | Doggett   | Gephardt      |
| Clay    | Eshoo     | Hastings (FL) |
| Conyers | Etheridge | Hilliard      |

|                |                |             |
|----------------|----------------|-------------|
| Hinchey        | Miller, George | Schakowsky  |
| Jefferson      | Mink           | Shows       |
| Johnson, E. B. | Nadler         | Slaughter   |
| Kaptur         | Oberstar       | Spratt      |
| LaFalce        | Obey           | Stupak      |
| Langevin       | Oliver         | Tierney     |
| Lantos         | Pelosi         | Velaquez    |
| Lee            | Price (NC)     | Waters      |
| McCollum       | Rodriguez      | Watson (CA) |
| McGovern       | Ross           | Waxman      |
| McNulty        | Sandlin        |             |

## NAYS—355

|               |               |               |
|---------------|---------------|---------------|
| Abercrombie   | Doyle         | King (NY)     |
| Ackerman      | Dreier        | Kingston      |
| Aderholt      | Duncan        | Kirk          |
| Akin          | Edwards       | Knollenberg   |
| Allen         | Ehlers        | Kolbe         |
| Andrews       | Ehrlich       | Kucinich      |
| Army          | Engel         | LaHood        |
| Baca          | English       | Lampson       |
| Bachus        | Everett       | Largent       |
| Baker         | Fattah        | Larsen (WA)   |
| Baldacci      | Ferguson      | Larson (CT)   |
| Baldwin       | Flake         | Latham        |
| Ballenger     | Fletcher      | LaTourette    |
| Barcia        | Foley         | Leach         |
| Barr          | Forbes        | Levin         |
| Barrett       | Ford          | Lewis (CA)    |
| Bartlett      | Fossella      | Lewis (GA)    |
| Barton        | Frelinghuysen | Lewis (KY)    |
| Bass          | Gallely       | LoBiondo      |
| Becerra       | Ganske        | Lofgren       |
| Bentsen       | Gekas         | Lowey         |
| Bereuter      | Gibbons       | Lucas (KY)    |
| Berkley       | Gillmor       | Lucas (OK)    |
| Biggert       | Gilman        | Luther        |
| Bilirakis     | Gonzalez      | Maloney (NY)  |
| Bishop        | Goode         | Manzullo      |
| Blagojevich   | Goodlatte     | Markey        |
| Blumenauer    | Gordon        | Mascara       |
| Blunt         | Goss          | Matheson      |
| Boehlert      | Graham        | Matsui        |
| Bonilla       | Granger       | McCarthy (MO) |
| Bono          | Graves        | McCarthy (NY) |
| Boswell       | Green (TX)    | McCrery       |
| Boucher       | Green (WI)    | McDermott     |
| Brady (PA)    | Greenwood     | McHugh        |
| Brady (TX)    | Grucci        | McInnis       |
| Brown (FL)    | Gutierrez     | McIntyre      |
| Brown (OH)    | Gutknecht     | McKeon        |
| Brown (SC)    | Hall (OH)     | McKinney      |
| Bryant        | Hall (TX)     | Meehan        |
| Burr          | Hansen        | Meek (FL)     |
| Burton        | Harman        | Meeks (NY)    |
| Buyer         | Hart          | Menendez      |
| Callahan      | Hastings (WA) | Mica          |
| Calvert       | Hayes         | Millender-    |
| Camp          | Hayworth      | McDonald      |
| Cannon        | Hefley        | Miller (FL)   |
| Cantor        | Herger        | Miller, Gary  |
| Capito        | Hilleary      | Mollohan      |
| Capps         | Hinojosa      | Moore         |
| Cardin        | Hobson        | Moran (KS)    |
| Carson (IN)   | Hoeffel       | Moran (VA)    |
| Carson (OK)   | Hoekstra      | Morella       |
| Castle        | Holden        | Murtha        |
| Chabot        | Holt          | Myrick        |
| Chambliss     | Honda         | Napolitano    |
| Clayton       | Hooley        | Neal          |
| Clement       | Horn          | Nethercutt    |
| Clyburn       | Hostettler    | Ney           |
| Coble         | Houghton      | Northup       |
| Collins       | Hoyer         | Nussle        |
| Combest       | Hulshof       | Ortiz         |
| Condit        | Hyde          | Osborne       |
| Cooksey       | Inslee        | Ose           |
| Costello      | Isakson       | Otter         |
| Coyne         | Israel        | Owens         |
| Cramer        | Issa          | Oxley         |
| Crane         | Jackson (IL)  | Pallone       |
| Crenshaw      | Jackson-Lee   | Pascarell     |
| Crowley       | (TX)          | Pastor        |
| Cubin         | Jenkins       | Paul          |
| Culberson     | John          | Payne         |
| Cummings      | Johnson (CT)  | Pence         |
| Cunningham    | Johnson (IL)  | Peterson (PA) |
| Davis (CA)    | Johnson, Sam  | Petri         |
| Davis (FL)    | Jones (NC)    | Phelps        |
| Davis (IL)    | Jones (OH)    | Pickering     |
| Davis, Jo Ann | Kanjorski     | Pitts         |
| Davis, Tom    | Keller        | Platts        |
| Deal          | Kelly         | Pombo         |
| Delahunt      | Kennedy (MN)  | Pomeroy       |
| DeMint        | Kennedy (RI)  | Portman       |
| Deutsch       | Kerns         | Pryce (OH)    |
| Diaz-Balart   | Kildee        | Putnam        |
| Dooley        | Kilpatrick    | Quinn         |
| Doolittle     | Kind (WI)     | Radanovich    |

|               |               |               |
|---------------|---------------|---------------|
| Rahall        | Shadegg       | Thompson (MS) |
| Ramstad       | Shaw          | Thornberry    |
| Rangel        | Shays         | Thune         |
| Regula        | Sherman       | Thurman       |
| Rehberg       | Sherwood      | Tiahrt        |
| Reyes         | Shimkus       | Tiberi        |
| Reynolds      | Shuster       | Toomey        |
| Riley         | Simmons       | Towns         |
| Rivers        | Simpson       | Trafigant     |
| Roemer        | Skeen         | Turner        |
| Rogers (KY)   | Skelton       | Udall (CO)    |
| Rogers (MI)   | Smith (MI)    | Udall (NM)    |
| Rohrabacher   | Smith (NJ)    | Upton         |
| Ros-Lehtinen  | Smith (TX)    | Visclosky     |
| Rothman       | Smith (WA)    | Vitter        |
| Roukema       | Snyder        | Walden        |
| Roybal-Allard | Solis         | Walsh         |
| Royce         | Souder        | Wamp          |
| Rush          | Stearns       | Watkins (OK)  |
| Ryan (WI)     | Stenholm      | Watt (NC)     |
| Ryun (KS)     | Strickland    | Watts (OK)    |
| Sabo          | Stump         | Weldon (FL)   |
| Sanchez       | Sununu        | Weldon (PA)   |
| Sawyer        | Sweeney       | Weller        |
| Saxton        | Tancredo      | Wexler        |
| Scarborough   | Tanner        | Whitfield     |
| Schaffer      | Tauscher      | Wicker        |
| Schiff        | Tauzin        | Wilson        |
| Schrock       | Taylor (MS)   | Wolf          |
| Scott         | Taylor (NC)   | Wu            |
| Sensenbrenner | Terry         | Wynn          |
| Serrano       | Thomas        | Young (FL)    |
| Sessions      | Thompson (CA) |               |

## NOT VOTING—22

|           |              |               |
|-----------|--------------|---------------|
| Berman    | Hunter       | Peterson (MN) |
| Boehner   | Hutchinson   | Sanders       |
| Cox       | Istook       | Spence        |
| DeLay     | Klecza       | Stark         |
| Dunn      | Linder       | Woolsey       |
| Emerson   | Lipinski     | Young (AK)    |
| Gilchrest | Maloney (CT) |               |
| Hill      | Norwood      |               |

## □ 1225

Messrs. LEVIN, OXLEY, LEWIS of Kentucky, LAHOOD, SKEEN, Ms. BERKLEY and Ms. KILPATRICK changed their vote from “yea” to “nay.”

Mr. HILLIARD changed his vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

### PROVIDING FOR CONSIDERATION OF H.R. 2563, BIPARTISAN PATIENT PROTECTION ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 219 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 219

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairmen and ranking minority members of the Committees on Energy and Commerce, Education and the Workforce, and Means. After general debate the bill shall be considered for amendment under the five-minute

rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this issue only.

Mr. Speaker, the legislation before us is a structured rule providing for the consideration of H.R. 2563, at last. It provides 2 hours of general debate equally divided and controlled by the chairmen and the ranking minority members of the Committee on Energy and Commerce, the Committee on Education and the Workforce, and the Committee on Ways and Means, the three committees of jurisdiction.

The rule waives all points of order against consideration of the bill and makes in order only the amendments printed in the Committee on Rules report accompanying the resolution. It further provides that the amendments printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, shall not be subject to an amendment and shall not be subject to a demand for division of the question in the House or the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

In fact, it is pretty standard and fair in terms of rules on this type of matter. What is unique is the long, long preparation, the participation of so many Members to bring this legislation to the floor. We believe on the Committee on Rules that we have crafted a good rule to have full debate for the balance of the day and probably into the early evening.

We have three major amendments with time specified of 40 minutes for one, 40 minutes for another and 60 minutes for another. Members having done