

Mr. President, the Patients' Bill of Rights is not on the majority leader's list of bills to be considered. The majority leader has made available to the Members which pieces of legislation he is going to call up to the floor of the Senate over the period of these next few weeks until the Fourth of July break, then the period of July and then coming into the time that we will be meeting in September. There is a whole series of bills on that list, but one that is missing and one that cries out for action as well is the Patients' Bill of Rights. We want to have the opportunity to debate and consider it, but we are unable to either get a markup of the legislation in our Human Resources Committee, the committee of appropriate jurisdiction, or on the floor of the U.S. Senate. And that is, I think, unacceptable. We are not able to have it considered—not this month, not next month, not for the remainder of this Congress. Evidently, he stands shoulder to shoulder with the guardians of the status quo who want to continue the health insurance abuses. Protecting patients may not be on the majority leader's priority list, but it is on the priority list of American families. And it is on the priority list of more than 100 organizations of doctors, nurses and patients who wrote Leader LOTT and Speaker GINGRICH yesterday asking that this legislation be considered.

I believe this is on the priority list of a majority of Members of the Senate and House—a bipartisan majority that want to protect families, not the profits of the insurance companies. Our leader on this side of the aisle, TOM DASCHLE, has said that we will offer the Patients' Bill of Rights on the first available appropriate vehicle. The American people deserve action.

The American people deserve to have their health care decisions decided by the doctors and the medical profession rather than the accountants for the insurance industry. We have had over the period of these past weeks series after series of incidents of how our fellow citizens' lives have been lost or permanently damaged because of our failure to address this particular issue. The President last year called forth a commission, which was bipartisan, which made unanimous recommendations—Republican and Democrat alike.

The Patients' Bill of Rights legislation, which has been introduced by Senator DASCHLE and which I have been honored to cosponsor with a number of our colleagues, basically reflects the judgment put forward by that bipartisan group of outstanding, thoughtful men and women who are a part of our health care system. We here in this body should address this issue, and we will. We are giving as much notice as possible to the leaders that this is an issue that is not going to go away. We are going to address it. We would vastly prefer addressing it in a way that will accommodate the kind of debate and discussion this issue de-

serves, but if we are not given that kind of assurance, if we are not given time to address this issue, then we will use whatever parliamentary means we must because the American people expect it.

This is a measure of enormous importance in protecting the health and the well-being of families in this country. Families that are facing medical crises, as I mentioned, should have these decisions decided by the health professionals. They ought to be able to get the specialists they need. If it is, in a woman's case, a gynecologist or obstetrician, they ought to be able to call on and get the kind of specialty care they need. Women in our society ought to be able to participate in clinical trials, not be denied some of the best that is available out there that offers, in many instances, the opportunity for real hope of a possible cure or a significant improvement in their well-being. They should not be denied that. They are denied that in too many instances today.

Newborn children ought to be guaranteed they are going to be able to get the pediatric specialists who can help guide a newborn child or a baby to be able to deal with some of those extraordinary challenges that are evidenced in the first days and weeks of life. We ought to prohibit the kind of gag orders that are out there today in so many instances where doctors who are trying to practice their medicine are denied the opportunity to provide the whole range of choices and options to their patients and they are prohibited because of the HMO's decision.

We want to eliminate the kinds of incidents that have been reported on the floor of the Senate where ambulances will drive by the emergency room of a particular hospital and take someone who is in need of emergency treatment to a distant hospital because the HMO is not going to reimburse that individual for the treatment and emergency services at that particular hospital. That makes no common sense, and it does not make any sense even on the bottom line for these companies.

These kinds of things are happening every single day, and every single day we delay the debate, discussion, and conclusion of this legislation, the health of Americans across this country is being compromised. That is wrong.

We have had bipartisan support for this legislation. The two doctors in the House of Representatives, Republicans, have both supported a Patients' Bill of Rights. They are urging that we take action. I commend them for their courage and for their leadership. It is imperative that we move ahead and take action in the very near future. Every day that goes on and we fail to do so, thousands of families are being put at risk. I hope that on the first vehicle after we conclude this legislation we will have an opportunity to address it.

#### TOBACCO LEGISLATION

Mr. KENNEDY. Mr. President, I see our colleague and friend from Arizona in the Chamber at this time. I just want to join with the others in commending him for his leadership on this issue, on tobacco legislation. I think he has really been a very important and powerful voice in moving this process forward, and we certainly hope under his leadership we will move towards a successful conclusion in this next week.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I thank the Senator from Massachusetts for his kind remarks. As always, I am very appreciative. Sometimes, as he knows, it helps me a little more if he criticizes me from time to time, which he also does from time to time. I thank Senator KENNEDY for his involvement in this issue. He has been in the Chamber talking about it quite a bit. Obviously, Senator KENNEDY has not agreed with me on certain aspects of the bill, but we are in agreement—in fact, I think it is important that those who watch this debate understand that we are all interested, on both sides of the aisle, in trying to resolve this issue because we are concerned about our children and the fact that, as we know, teenage smoking in this country is on the rise.

#### PROGRESS ON THE TOBACCO BILL

Mr. MCCAIN. Mr. President, I note the presence of Senator REED, and I will be brief because I know he wants to discuss his amendment further.

Later on, Senator GRAMM will come to propose his amendment. I understand that Senator GRAMM has to go to the dentist so he perhaps may not be in his usual sunny, rosy mood as he usually is when he comes to the floor, especially debating this issue, but I am told that he will come later this morning to propose his amendment which we do plan to vote on Monday, sometime after 5 o'clock, I believe is the unanimous consent agreement.

Again, because of headlines that I have seen this morning and comments in the various newspapers about the attitude that some have taken towards the legislation, I would like to review where we have come and where we are.

Yesterday, we made further progress. We are at the point wherein I believe we can and should finish our business expeditiously. I say that for two reasons. One is the progress that we have made, but also we are all aware now, as we have been on this bill for 3 weeks—and we are going to be on it next week. I will have to ask somebody to look up when was the last time we have spent