

treating a high-risk patient or children that led the doctor to prescribe more tests than another doctor.

Again, this is a first step and a good step, but we still have got a long way to go. Other HMOs need to follow United's lead and every HMO, including United, needs to commit to leaving medical treatment decisions to the doctors and the patients without interference.

This recent decision by United raises the broader question of HMO reform and whether it is still necessary if other HMOs follow United's lead. The short answer is yes. The truth is that most HMOs are good. Managed care is created to take the ever increasing cost out of health care. But what we have seen is that not only have they taken the cost out up until this year, but they have also taken the quality out.

According to United, they approved 99 percent of the claims that their doctors had recommended. So what they found out is that they created a bureaucracy that they were paying for, that they approved those claims.

What is so important is that the patients' bill of rights that this House passed on a very bipartisan vote is still needed to protect the population who find themselves in an HMO that may not be as responsive as United is or as realistic as United that actually looked at it and said, hey, it is not cost effective to continue to do this.

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As long as the industry continues to operate in their unregulated vacuum, these nonresponsive HMOs will continue to pop up and take advantage of the unsuspecting consumers. The scariest part of this scenario is that these unsuspecting consumers will not know that they are in such an HMO until it is too late. There are a lot of laws in this country that are designed to protect the majority from a small percentage of offenders. Most of us would not think of taking money from a person in return for a service but then when they come to collect what they paid for, deny, or worse in some cases, even delay that service. But the HMOs accept the premiums from consumers, but then deny or delay benefits in the hope that the consumer, who is really now the patient, will just give up and go away. They need to be held accountable for these deplorable actions.

I have an example of a constituent in my district. If you are familiar with Houston, she lives in the north part of Harris County. She had an appointment with a specialist in her neighborhood near Intercontinental Airport in the Humble area twice and it was canceled by her HMO. Finally they assigned her to a specialist across town. She said it was just difficult for her to be able to have family take her across town when literally there was a hospital complex that was so close she could get to. Again, it was delayed twice and ultimately could be denied

because of transferring her to a specialist across town.

No other industry enjoys the protection that the HMO industry does from Federal law under the ERISA act. With this shield they are able to ignore the needs of their patients and they are held accountable to nobody. What I hope we would do as a Congress would be to respond and hopefully the HMO conference committee that we have will be responsive, Mr. Speaker.

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes. (Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

(Mr. MINGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

(Mr. FOSSELLA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

(Mr. GOODLATTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TIME FOR CONGRESS TO CLARIFY SCOPE OF EXECUTIVE AUTHORITY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, there has been increasing controversy over executive orders and presidential proclamations since President Franklin Roosevelt's administration. The recent comments of President Clinton's aide, John Podesta, in U.S. News and World Report, give us even more reason to be concerned. Mr. Podesta, in a moment of explicit candor, outlines the President's plan to issue a whole series of executive orders and changes to Federal rules without consulting Congress.

Mr. Podesta goes further, saying, "There is a pretty wide sweep of things we're looking to do and we're going to be very aggressive in pursuing it." That is the Podesta Plan.

Mr. Speaker, I am here today to issue a dire warning. There is a "culture of deference" in this Congress, and if we do not address this issue of executive lawmaking, it is a violation of our own oath of office. I am most deeply concerned about the Podesta Plan, to use executive orders and other presidential directives to implement the President's agenda without the consent of Congress. Executive lawmaking is a violation of the Constitution. Article I states that all legislative powers shall be vested in the Congress.

Sadly, Congress should not be surprised that this President's frustrated staff is trying to bypass Congress. We have seen this before. When the President issued his executive order on striker replacements, he attempted to do what had been denied him by the legal legislative process. The same was true when the President issued his proclamation establishing a national monument in Utah, a sovereign State.

Mr. Speaker, the framers expected national policy to be the result of open and full debate, hammered out by the legislative and executive branches. They believed in careful deliberation, conducted in a representative assembly, subject to all the checks and balances that characterize our constitutional system. Having broken with England in 1776, the founders rejected government by monarchy and one-man rule. Nowhere in the Constitution is the President specifically given the authority to issue these directives.

In the legislative veto decision of 1983, *INS v. Chadha*, the Supreme Court insisted that congressional power be exercised "in accord with a single, finely wrought and exhaustively considered, procedure." The Court said that the records of the Philadelphia Convention and the State ratification debates provide "unmistakable expression of a determination that legislation by the national Congress be a step-by-step, deliberate and deliberative process."

If Congress is required to follow this rigorous process, how absurd it is to argue that a President can accomplish the same result by unilaterally issuing an executive order. Of course he cannot. The President's controversial use of presidential directives skirt the constitutional process, offend the values