CRACK DOWN ON MEDICARE FRAUD

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, in an editorial on Friday, USA Today said:

> Medicare reform invites doctors to bend the rules. Easing limits on physicians' self-referral is bound to cost the program billions it cannot afford.

USA Today called the deal cut between the American Medical Association and the Speaker a payoff to the AMA. It simply eliminates fraud by legalizing it.

Another newspaper said the Speaker's concessions made an already bad Medicare bill substantially worse. This bill was never designed to give the elderly high-quality care.

What concerns me most about that, Mr. Speaker, is that we can save, and this is a conservative estimate, we can save $100 billion over the next 7 years by going after fraud.

Instead of cutting Medicare $270 billion to give tax breaks to the wealthy, we should go after fraud aggressively. Crack down on fraud, that is what the Medicare debate should be about, not cutting Medicare, raising people's premiums and deductibles and copay $1,000 per person per year so we can give a tax break to the wealthiest Americans.

SETTING THE RECORD STRAIGHT ON MEDICARE

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

Mr. LEWIS of Kentucky. Mr. Speaker, why are Democrats willing to destroy Medicare and then point an accusing finger at Republicans when we are working hard to save it?

The Democrats' arguments regarding the Republican Medicare plan simply make no sense. They say that Republicans want to destroy Medicare. They say we want to raise premiums and deductibles to pay for a tax cut for the rich. They say we want to close hospitals and deny children and babies access to decent health care. I resent those remarks, especially since my parents are 78 years old and depend on Medicare.

These claims are beyond ludicrous, and by even the most casual scrutiny, no politician in their right mind would ever support such draconian measures, especially when their friends and family would be harmed.

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Let us set the record straight. Republicans will provide more choices for seniors. Slowing of Medicare growth cannot and will not be used to fund our tax cuts. Our plan preserves, protects and strengthens Medicare. It is supported by AMA and the U.S. Chamber of Commerce, among others. Come on, Democrats, start making sense. Think before you speak.

PRIVATE ''HEARINGS''

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I rise to call attention to one of the many undemocratic practices being utilized by the majority party during this session of the Congress. As I am sure you are aware, certain Members of the U.S. House of Representatives—including some freshmen Members—have been claiming to have held something they carelessly refer to as hearings on legislation introduced—or to be introduced—in this Congress, when in fact some of these so-called hearings were conducted without notice to Members of the opposite political party. Others of these so-called hearings were nothing more than secret meetings with special interest groups, not hearings at all. Some of these same Members have then falsely claimed credit for holding an exaggerated number of hearings on certain important bills—including the bill designed to dismantle the Commerce Department, Medicare/Medicaid, and the Clean Water Act—when in reality they were conducting private meetings that arbitrarily denied participation in the legislative process to members of the Democratic party and all other concerned citizens who might be adversely impacted by such legislation. I think it is time to call a halt to such abuses of the legislative process.

VOTE ''YES'' FOR THE MEDICARE PRESERVATION ACT

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

Mr. HEFLEY. Mr. Speaker, Medicare is going bankrupt. It took a while, but my Democrat colleagues have finally accepted this fact, and they are now presenting a plan to reform Medicare. This afternoon, I would like to compare their plan with ours.

The Republican plan provides a long-term solution. The Democrat plan ignores the root of Medicare's problems and simply postpones Medicare's bankruptcy for 3 years.

The Republican plan focuses on accountability—it's a fair and realistic plan. The Democrat plan is the epitome of politics as usual—it offers nonsolutions that fail to preserve the program.

In short, the Republican plan saves Medicare from bankruptcy. The Democrat plan saves Democrats for the next election.

Mr. Speaker, the list of major senior groups, medical associations, and others supporting the Republican plan grows every day. I urge my colleagues to vote to save Medicare. Vote ''yes'' for the Medicare Preservation Act.

TAKE MEDICARE PLAN TO THE TRUSTEES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think as we talk about Medicare, the real issue is the trustees. We have some nonpoliticians here, trustees, who oversee Medicare. As we hear people on the other side accusing us of MediScare or that their program is better, or whatever they want to say, all I want to say to them is please take your plan to the trustees and see if it fits what the trustees have asked for.

When they were arresting seniors last week, one senior, as her handcuffs were being put on, looked up at the police officer and said: ''Do you have a mother? Why would you do this to me?''

Well, I think all of us do not want to scare our senior citizens, our mothers, or anyone else. The ones they will believe in is the trustees. We will take our plan to the trustees. We dare them to take their plan to the trustees and get their seal of approval.

PRESERVE AND STRENGTHEN MEDICARE

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

Mr. KINGSTON. Mr. Speaker, it is interesting the previous speaker would say that, take your plan to the trustees. They are a bunch of politicians, Reich, Shalala, and Rubin, all appointed by President Clinton. As the gentlewoman well knows, not one of them is an elected Member of Congress. I do not think Members of Congress need to go around pandering to Clinton administration trustees, saying would you please accept our plan. You are all good Democrats.

As the gentlewoman knows, Medicare is a 1964 Blue Cross plan. I want to do something for my mom. I do not want her to drive around in a 1964 Chevrolet Biscayne that we used to have when I was a kid.

We are trying to do what I hope the Democrats are trying to do: Protect, preserve, and strengthen Medicare. We want your help. I agree with the gentlewoman it should not be partisan. It bothers me when I hear countless speech after speech, partisan flame throwing back and forth.

We have to decrease the inflation rate. Medicare is up to an 11-percent inflation rate. We have to bring it down to the 4- to 6-percent rage. We have been accused of cutting Medicare, but we are going from $4,800 to $6,700 per recipient. We want seniors to have the options and choices on physicians, and so forth.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I would say for my mom, I would rather have trustees look at it rather than Members of Congress.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, my mom does not trust them. She trusts me.

DO NOT CUT MEDICARE FOR A TAX CUT

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

Mr. HILLIARD. Mr. Speaker, the Republican plan on Medicare is a falsehood on the people of this country. It is detrimental to all of those persons who are above 60. It is detrimental to everything that America should stand for.

We talked about trustees a minute ago, Mr. Speaker. Every person in this country should have trust in this body, trust to do what is right, especially for those persons who have worked all of their lives and who in the twilight of their years see this body snatch from them their Medicare, their Medicaid benefits, that they are due because of trust that they place in this body. They trust us to do the right thing.

Mr. Speaker, we have failed to do the right thing because we have taken money, we are attempting to take money from Medicare just to support a tax cut for rich.

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 1594, ECONOMICALLY TARGETED INVESTMENTS IN CONNECTION WITH EMPLOYEE BENEFIT PLANS

Mr. GOODLING. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 108) to correct technical errors in the enrollment of the bill, H.R. 1594, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. RIGGS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. OWENS. Mr. Speaker, reserving the right to object, I would ask the gentleman from Pennsylvania [Mr. GOODLING] to explain his request.

Mr. GOODLING. Mr. Speaker, during consideration of the bill H.R. 1594, the Committee of the Whole adopted an amendment offered by Mr. TRAFICANT, which we intended to be language contained in the House Report 104–238. Unfortunately, the language offered was not identical to the House report; hence, this resolution would instruct a correction of the House-passed bill.

Mr. OWENS. Mr. Speaker, further reserving my right to object, I rise in support of the unanimous-consent report.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. GOODLING]?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 108

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 1594) to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans, the Clerk of the House of Representatives shall, in section 5 of the bill, strike ''Nothing'' and all that follows through the end of such section and insert the following: ''Nothing in this Act is intended to affect the ability of the Department of Labor to issue advisory opinions, information letters, technical releases, prohibited transaction exemptions, or other pronouncements interpreting and applying the fiduciary responsibility rules of the Employee Retirement Income Security Act of 1974 in relation to particular factual situations, or exempting specific transactions from the prohibited transaction provisions of such Act (pursuant to sections 406 and 408 of such Act (29 U.S.C. 1106, 1108)).''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

REVERSING SUPREME COURT DECISION IN ADAMS FRUIT VERSUS BARRETT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1715) respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act as amended.

The Clerk read as follows:

H.R. 1715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WORKERS' COMPENSATION.

(a) AMENDMENTS.—

(1) Section 325 of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392) is repealed.

(2) Section 504(d) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854(d)) is amended to read as follows:

''(d)(1) Notwithstanding any other provision of this Act, where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker, the workers' compensation benefits shall be the exclusive remedy for loss of such worker under this Act in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(2) The exclusive remedy prescribed by paragraph (1) precludes the recovery under subsection (c) of actual damages for loss from an injury or death but does not preclude recovery under subsection (c) for statutory damages or equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect (A) a recovery under a State workers' compensation law or (B) rights conferred under a State workers' compensation law.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply to all cases in which a final judgment has not been entered.

SEC. 2. EXPANSION OF STATUTORY DAMAGES.

(a) AMENDMENT.—Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended by adding after subsection (d) the following:

''(e) If the court finds in an action which is brought by or for a worker under subsection (a) in which a claim for actual damages is precluded because the worker's injury is covered by a State workers' compensation law as provided by subsection (d) that—

''(1)(A) the defendant in the action violated section 401(b) by knowingly requiring or permitting a driver to drive a vehicle for the transportation of migrant or seasonal agricultural workers while under the influence of alcohol or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) and the defendant had actual knowledge of the driver's condition, and

''(B) such violation resulted in injury to or death of the migrant or seasonal worker by or for whom the action was brought and such injury or death arose out of and in the course of employment as determined under the State workers' compensation law,

''(2)(A) the defendant violated a safety standard prescribed by the Secretary under section 401(b) which the defendant was determined in a previous judicial or administrative proceeding to have violated, and

''(B) such safety violation resulted in an injury or death described in paragraph (1)(B),

''(3)(A)(i) the defendant willfully disabled or removed a safety device prescribed by the Secretary under section 401(b), or

''(ii) the defendant in conscious disregard of the requirements of section 401(b) failed to provide a safety device required under such section, and

''(B) such disablement, removal, or failure to provide a safety device resulted in an injury or death described in paragraph (1)(B), or

''(4)(A) the defendant violated a safety standard prescribed by the Secretary under section 401(b),

''(B) such safety violation resulted in an injury or death described in paragraph (1)(B), and

''(C) the defendant at the time of the violation of section 401(b) also was—

''(i) an unregistered farm labor contractor in violation of section 101(a), or

''(ii) a person who utilized the services of a farm labor contractor of the type specified in clause (i) without taking reasonable steps to determine that the farm labor contractor possessed a valid certificate of registration authorizing the performance of the farm labor contracting activities which the contractor was requested or permitted to perform with the knowledge of such person,

the court shall award not more than $10,000 per plaintiff per violation with respect to whom the court made the finding described in paragraph (1), (2), (3), or (4), except that multiple infractions of a single provision of this Act shall constitute only one violation