

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 1415

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor from H.R. 1415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

(Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, my district health care advisory committee, consisting of health industry professionals, insurers and providers, has advised me that PARCA, H.R. 1415, is not the best means to protect patients rights and has recommended that I withdraw from the bill.

However, I do support patient protections and am submitting for the RECORD a statement of principles that is a small government approach to protecting patients' rights and health care reform.

HEALTH CARE STATEMENT OF PRINCIPLES:  
WHAT HEALTH CARE REFORM LEGISLATION  
MUST INCLUDE THIS YEAR

1. Increasing the number of insured Americans by providing everyone access to tax-free insurance. Millions of Americans receive a tax free employer-provided health insurance coverage. However, this option is not available to everyone. As a matter of fairness, it should be. The self-employed and individual workers must be able to purchase fully deductible insurance. This would vastly decrease the roles of America's uninsured. Moreover, increasing the number of insured children can be achieved by making children's health care completely tax deductible.

2. Individual choice: Individuals must be able to choose the health coverage that meets their needs as well as the needs of their family. Americans should be able to select from a menu of benefits in any health coverage plan, including a point-of-service option. They should be allowed to choose from plans available in the marketplace, based on price competition and personal choice. Especially important in this effort is eliminating government restrictions, such as innovative health care plans like Medical Savings Accounts.

3. Patient access: Americans should have the right to see the doctor of their choice. Americans should have the flexibility and accessibility to see their own doctors or specialists at an affordable rate. Health care plans should not discriminate on the basis of license in reimbursing eligible network health care providers for performing a covered service.

4. Freedom of Speech: Americans must have the right to talk freely with their doctors. Health care plans should not include "gag clauses" that restrict a physician's ability to communicate to their patients. Patients have the right to know all possible options concerning their care.

5. Quality health care at lower costs. Health care costs have skyrocketed in large part because of the proliferation of litigation by unscrupulous trial lawyers. The abuse of the system has made all of us victims of high health care costs. Congress must enact medical malpractice reform and common sense legal reform for life-saving bio-medical materials. The revised standard of liability should apply to third party health care plans that make medical judgements on applicable care.

6. Lower Cost Options for Healthy Americans. Americans should not be punished for being in good health. Those Americans who

look after their health by eating healthy, exercising, and not smoking should be rewarded with less expensive health care for their efforts.

7. Elderly Americans and Doctors Must Have Freedom to Choose. Section 4507 of the Balanced Budget Act, which forbids doctors from treating any Medicare patients if they see one Medicare patient on a private contracting basis, should be repealed. Patients must not be coerced by the federal government from seeing each other if it best serves their health care needs.

9. Freedom of Information. American health care consumers shall have the right to a clear and concise description of what is and is not covered by any health plan. In addition, all health care plans shall provide full disclosure of the professional qualifications and performance records of their health care providers as well as their practices and procedures.

USERRA AMENDMENTS ACT OF  
1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3213) to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3213

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "USERRA Amendments Act of 1998".

**SEC. 2. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.**

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended to read as follows:

**"§ 4323. Enforcement of rights with respect to a State or private employer**

"(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

"(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

"(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

"(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

"(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

"(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

"(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

"(A) The court may require the employer to comply with the provisions of this chapter.

"(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

"(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

"(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

"(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

"(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in