The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—69

Abraham	Enzi	Lugar
Allard	Faircloth	Mack
Ashcroft	Feingold	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Burns	Hagel	Rockefeller
Campbell	Hatch	Roth
Chafee	Helms	Santorum
Coats	Hollings	Sessions
Cochran	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Conrad	Inhofe	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Johnson	Specter
D'Amato	Kempthorne	Stevens
Daschle	Kerrey	Thomas
DeWine	Kyl	Thompson
Domenici	Leahy	Thurmond
Dorgan	Lott	Warner

NAYS—31

Akaka	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bryan	Inouye	Reed
Bumpers	Kennedy	Robb
Byrd	Kerry	Sarbanes
Cleland	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feinstein	Levin	
Ford	Lieberman	

The amendment (No. 3234) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3233, AS AMENDED

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the underlying amendment.

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

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3233), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

THE HEALTH CARE DEBATE

Mr. GRAMM. Mr. President, while we are waiting for someone to come over with an amendment, I want to say something about health care and about the health care debate. As long as I have been in the Senate, the minority party has always sought to have the opportunity to have an up-or-down vote on their alternatives. Senator KENNEDY has now for months demanded that he have an opportunity to offer his proposal to remake the American health care system.

We on the majority side of the aisle have spent tremendous amounts of time putting together our proposal to strengthen patients' rights to empower consumers——

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator is correct. The Senator from Texas deserves to be heard. Will Members please take their conversations off the floor?

Mr. GRAMM. I thank the Senator from West Virginia, and I thank the Chair.

Mr. President, on this side of the aisle, we have spent a tremendous amount of time, individual Members' time—not just the time of our staffs—in putting together our bill to promote patients' rights, to get the gatekeepers of Health Maintenance Organizations out of the examining rooms where medical care is being provided in America.

We now have a situation where we have Senator Kennedy's proposal, which is strongly supported by our Democratic colleagues, and we have our proposal, which is strongly supported by our Republican colleagues. What we have sought to do since we have a limited number of legislative days—we have many appropriations bills to pass—is to try to reach an agreement where we would allow something that majorities normally do not do under the Senate rules, and that is to allow the minority to have an up-or-down vote on their so-called Patients' Bill of Rights. Then, if they are unsuccessful, to have an up-or-down vote on our bill, and if we are successful, that would be the bill.

We now find that our colleagues say, ''No; we want 20 amendments,'' or, ''We want 10 amendments.'' I wanted to explain to my colleagues why I am going to object to any unanimous consent request that does not allow us to simply have the two choices. It is unusual in the sense that someone would object to narrowing down amendments, so I would like to explain my concern.

First of all, I don't think it is unreasonable, given our legislative schedule, to say to those who have a health care bill that we are going to give them an up-or-down vote on their bill. I don't think that is unreasonable. Obviously, a unanimous consent request alters the basic procedures of the Senate, and any Senator has the right to object to doing that.

Secondly, I am not interested in amending Senator Kennedy's bill. I don't want to try to change his bill. I want him to write the best bill he can write to try to improve our health care system and enhance the rights of health care consumers, and I don't have any interest in amending his bill.

Now, let me tell you why I don't have any interest in Senator KENNEDY and others amending our bill. I have not forgotten that the Senator from Massachusetts and many of the supporters of the Kennedy bill 5 years ago were for a Government-run HMO, the Clinton health care bill. I have not forgotten that the President was not only in favor of the Government taking over and running the health care system 5 years ago; within the past year he has said that he had not changed his objective in having a Government-run system but that he was now simply trying to implement it piece by piece.

Here is the problem this late in the legislative session of getting into endless amendments on the two bills: Not only do we not have time to do it, but we have a very unequal situation. Let me explain, and I will try to do it briefly so we can get on with this bill.

I am not interested, and I don't believe anyone on our side of the aisle is interested, in amending the Kennedy bill. I believe that we have a better bill. I think he ought to write the best bill he can, we will write the best bill we can, and then, with the limited time we have, give people a choice. But there is an additional problem here, and the problem is the unequal situation we are in.

I desperately do not want to do anything to destroy the private practice of medicine in America. I don't believe that a Government-run system is the best system. In offering amendments and writing our bill, we are constrained in that we don't want to do anything that is going to drive up costs, cost millions of American families their health insurance, and ultimately force people into a Government-run HMO.

It appears that many of our colleagues, including the author of the Democratic alternative, support a Government-run HMO, support a Government takeover, so that while we are constrained in amendments that we can offer by our desire to be certain that we don't end up killing off private medicine, many on the other side of the aisle seem to believe that private medicine should be killed off so that we can have a system that they sincerely believe will work better, and that is a system where the Government would run health care in America.

The best analogy, interestingly enough, is biblical. Some of my colleagues will remember the story in the Bible about the two women who had infants. While they slept, one infant died, and the lady whose child had died got up and took the dead baby and put the dead baby by the mother of the living baby and took the living baby herself. When the mother woke up and saw the dead child, she realized it was not her child.

To make a long biblical story short, the women appeared before King Solomon. Solomon, being wise, asked that a sword be brought. He suggested that since there was no way that anybody other than the two mothers would know whose child was really alive, that he would take the sword and divide the child. When he proposed that this be done, the real mother, of course, as all of us remember from our schooldays and reading the story in the Bible, the real mother said, ''No; give her the

child.'' The woman who was not the real mother said, ''No; divide the child.'' Solomon, of course, then knew who the real mother was, gave her the child, and the people were awed by his wisdom.

Here is our problem. We are debating over a child on the health care bill, and the child is the private practice of medicine in America. The child is a viable system run in the private sector by doctors and nurses and hospitals that are not run by the Government, but we are in an unequal debate because many on the other side seem to want that system to die so that we can have a Government-run system.

Under those circumstances, to simply have endless amendments would not serve any purpose, given not only the limited amount of time we have, but also because, more importantly, it puts us at a disadvantage because we have no interest in offering amendments that would drive up cost, kill off private health insurance, and leave people uninsured, whereas those who really believe that you first have to prove that the private health care sector cannot work and therefore you must have a Government-run system would view such an amendment exercise potentially as a step toward improving the health care system.

I simply state to my colleagues while this negotiating is going on, I will certainly support, and do support, a unanimous consent request where Senator KENNEDY and those who support him write the very best proposal they can write to strengthen patients' rights. We have written—and if we come up with better ideas, we will incorporate them—the best bill we can write that we believe achieves those objectives. Let's give Senator KENNEDY and those who support him an up-or-down, free-standing vote, unamended, to put before the Senate his best proposal, and let us vote yea or nay. Then give us an opportunity to put our bill—our best proposal—in front of the Senate and vote yea or nay.

But I am not interested in allowing amendments where one side of the debate can view it as positive to kill off the private sector of medicine in America and whereas those of us who believe that its survival is critical to quality medicine in America would be forever disadvantaged in that debate.

So I want to call on those who have for 6 months said to us: ''The No. 1 issue in the country is patients' rights. Give us an opportunity to vote on our bill.'' I want to call on them to bring their bill to the floor of the Senate and let us vote on it. Let us vote up or down. We will not amend Senator KENNEDY's bill. If he has reached legislative perfection, at least in terms of what he thinks he can pass, then let us vote on it. And then let us vote on our bill.

But I intend to object to any unanimous consent request that would have the effect I've described. I hope that reason will prevail and we will have an up-or-down vote on the two alternatives. Those who want a bill, I do not see how they could view that as being an unfair proposal. It is a proposal that 6 months ago I would think that the minority would have jumped at.

Today, they want the ability to have 20 amendments. They do not want to set a calendar time limit. That process could go on and on and on. I do not have any desire to amend their bill. We want an opportunity to vote on ours. Let the Senate choose. I think it would be the right way to go about it, and the only way we can be successful in the end.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are going to have a lot of time to debate health care. I suspect the Senator from Kentucky may want to respond to the Senator.

Mr. FORD. Thirty seconds.

The Senator from Texas said time and time again that we were destroying the medical system. With the AMA and 170 medical organizations in this country for our particular bill, I do not believe there is any indication that we are trying to destroy the medical profession in this country.

Several Senators addressed the Chair.

Mr. GREGG. Reclaiming my time.

Mr. FORD. I said 30 seconds.

Mr. GRAMM. Will the Senator yield?

Mr. GREGG. Did the Senator from Kentucky get his 30 seconds?

The PRESIDING OFFICER. The Senator from Kentucky used 18 seconds.

Mr. GRAMM. Will the Senator yield——

Mr. GREGG. I would like to move on with the bill, to be quite honest with you. I will yield the floor, but I hope we can move to the completion of this bill.

The Senator from Arizona has been waiting, along with the Senator from Utah, to get an amendment completed that we worked on for a few hours here. It would be nice if we could wrap that up. Then, if you want to come back to the health care debate, that is great.

I ask unanimous consent that the next Member to be recognized be the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object and suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HATCH. Could I ask the distinguished Senator from Texas to withhold his objection? This should not——

Mr. GRAMM. Mr. President, I withhold. I withhold my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire has asked for unanimous consent. Is there objection?

Mr. GREGG. I withdraw the unanimous consent request.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield the floor?

Mr. GREGG. I yield the floor.

Mr. HATCH. Will the Senator yield 30 seconds to me?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I will be 20 seconds. If the Senator has support, if he has a good bill, let us bring it before the Senate and vote on it.

Mr. FORD. In my strategy and not yours.

Mr. GRAMM. If we are going to have a unanimous consent request, we have to have the agreement of the Members. And I am not going to agree to that particular process.

I yield the floor.

Mr. MCCAINN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I certainly was entertained by the exchange. And I know that the Senator from Utah is going to speak right after me. I hope he will have some biblical stories as well. The biblical lesson that I am about to propound has to do with the fact that two well-meaning and well-intentioned Americans can join together and resolve our problems and differences.

Mr. President, earlier today an amendment of mine was accepted that unintentionally the Senator from Utah, the distinguished chairman of the Judiciary Committee, was unaware of. After vigorous discussion, the Senator from Utah and I have agreed, along with the Senator from Vermont, the ranking member of the Judiciary Committee, that we would modify that amendment and that basically what this means is that the cable rates would be held in moratorium until March 31, 1999.

Mr. President, this is a serious issue. The chairman of the Judiciary Committee and I also know that it is serious, and we intend to work together and get this issue resolved so that there is meaningful competition to the rising cable rates in America which have gone up 9 percent last year and 8 percent again this year.

I think we reached an agreement that makes both of us slightly unhappy but I think will move this process along. I look forward to working with him in the weeks ahead, and hopefully by perhaps September we can get an agreement and move forward on this issue.

VITIATION OF VOTE—AMENDMENT NO. 3229

Mr. President, before the Senator from Utah speaks, I ask unanimous