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Senate

The Senate met at 12 noon and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer: Gracious God, thank You for Your faithfulness. You bless us beyond our expectations and give us what we need on time, and in time. Today, our prayer is for a much better memory of how You have heard and answered our petitions in the past.

We commit this day to count our blessings. We thank You for the gift of life, for our relationship with You, for Your grace and forgiveness, for our families and friends, for the privilege of work to do well, for problems and perplexities that force us to trust You more, and for the assurance that You can use even the dark threads of difficulties in weaving the tapestry of our lives. Knowing how you delight to bless a thankful person, we thank You in advance for Your strength and care today. Thank You not just for what You do, but for who You are, our blessed God and loving Father. In Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read as follows:
U. S. SENATE,

PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, today, there is a period for morning business, with the following Senators in control of the designated times: Senator HOLLINGS, 30 minutes; Senator DOMENICI will be controlling the time from 1 to 3:30; Senator DASCHLE, or his designee, from 3:30 to 4:30; Senator COVERDELL, or his designee, from 4:30 to 5:30.

It is hoped that any Senator wishing to speak on the budget resolution conference report will do so today in order to complete action on the budget during tomorrow's session—hopefully before noon—on that matter. Rollcall votes are possible today.

I indicated, I think, on Thursday that we are still trying to clear a number of the nominees. We have cleared some. We have not had much success in the judicial nomination area. I would like, where we can, to dispose of those before I leave the Senate tomorrow. If you want to have a vote, let us have a vote. I hope we can move the nominations that may be on the calendar—maybe with one or two exceptions—so that those people who have been nominated and have had their hearings will be able to pursue their careers.

I have suggested that, if we cannot agree on the package, we can start down the list and go one at a time. If people want to vote, we will vote on judge A, judge B, judge C. That way, at least we can dispose of some of those matters.

It is also my hope today that we can clear for immediate consideration Cal-

endar No. 253, S. 1438. This deals with the World Trade Organization. In fact, it is an agreement I made with President Clinton. We are talking about passage of the GATT agreement. I was concerned about the World Trade Organization and concerned about there not being enough input from Congress. So there was an agreement between myself and Mickey Kantor, the Trade Representative, and the President, that we would pursue legislation to give Congress additional input and permit Congress, in certain cases, to withdraw—or at least initiate proceedings to withdraw—from the World Trade Organization. It was carefully worked out at one time. At one time, it had cleared on both sides. Senator BYRD had a problem, and I think that problem has now been resolved.

I have not asked for much around here, as far as clearing things for myself, although I have done it for other people. I hope we might be able to clear this without amendment today and send it to the House, so the President will have it on his desk for signature—which he is perfectly willing to do.

It is my understanding that a new offer will be made with reference to health reform, the bill that passed this body by a large margin. It is still my hope—maybe only a hope—that we can complete action on that matter, if not today, sometime tomorrow. In any event, it is my hope that we can get the agreement. If I am not here to vote on it, I hope we can have the agreement. It is going to take some give on all sides. We cannot have people dictate to us and attack us up in the Press Gallery and expect to make any progress. I will not engage in that myself. I do not think that advances the cause of what we are attempting to do.

Hopefully, we can reach some agreement on that today. I will do all I can to make it happen. I think there has to be give and take on each side. I think, in this case, the House has been very

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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forthcoming on a number of issues that we did not want in our bill. It is not in the Senate bill. It is down to the issue of medical savings accounts. The House feels very strongly about it, and I think about half of the Members here feel very strongly about it.

So it seems to me that we ought to reach some accommodation on medical savings accounts and send this bill to the President for his signature. I assume he will sign it. There have been a lot of different proposals made—some rather useless, and others that I think have some merit. Hopefully, we can resolve that.

I understand Senator KASSEBAUM will be sending us—and maybe it is in my office now—a counterproposal, on which I will meet and discuss with my House colleagues, in the hopes that we can resolve that, too, before the day is out.

Mr. KENNEDY. Will the Senator be willing to yield briefly on that subject matter?

Mr. DOLE. Sure.

The ACTING PRESIDENT pro tempore. If the Senator will suspend for a moment, I will take care of another matter.

MEASURE PLACED ON THE CALENDAR—H.R. 3120

The ACTING PRESIDENT pro tempore. I ask the clerk to read a bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3120) to amend Title 18, United States Code, with respect to witness retaliation, witness tampering, and jury tampering.

Mr. DOLE. Mr. President, I object to further consideration of this bill at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

HEALTH CARE REFORM

Mr. KENNEDY. Mr. President, I appreciate the majority leader yielding. I join with him in the eternal hope that, perhaps while he is still here, there may be a successful conclusion of this legislation; or, if not, at least an agreement can be made that can be followed up in his absence. I have stated on other occasions that the majority leader has been very much involved in this legislation.

Senator KASSEBAUM has been a real leader on this issue. It has been a bipartisan process in the Senate. Many of the ideas that have been incorporated in the legislation dealing with pre-existing conditions, and portability have been incorporated from the legislation that the majority leader has offered in the past. Although we have had differences on the MSA issue, he, nonetheless, has indicated, since the time that he announced he was going

to leave the Senate, that he was very hopeful that this legislation could be achieved while he was still here.

As recently as June 6 he indicated that its chances of success—and I think, he accurately portrayed it—are much greater with his presence here than without it. So I urge that the majority leader, because of the importance of this legislation, as well as the importance that he has placed on this legislation, and his involvement in it, that we would get the agreement, hopefully pass it while he was here; and I was even bold enough to suggest that he might want to remain here for the next few days until we were able to get this accomplished. More than 25 million Americans will be helped each year by this legislation, so it should be a top priority.

I want to ask the leader about his willingness to accept a reasonable compromise. I know that I speak in this instance for the President, who is most interested in getting a test of the idea of the MSA's, which is the principal issue at this point. The proposal from the House would provide the MSA's for approximately 80 percent of all the workers in the country. This obviously is unacceptable. I am hopeful that, with the majority leader's assistance, we could have a test of the idea so that we could explore whether it is helpful. I think reasonable people could find ways of finding a test without adopting a proposal which in effect moves toward coverage of 80 percent of the people and then eventually moves toward complete coverage without additional Senate intervention. This program is potentially too destructive to go that route. I hope he will use his own good offices to try to work with all parties to see if a legitimate proposal that could accurately be portrayed as a real test of the idea could be put into place.

There have been four separate proposals that have been advanced by the President and by others. There have been some which have been advanced by our Republican friends.

But this would be a great victory for the American people which I think the majority leader ought to share in if we are able to over the period of these next several hours agree on a real test of the idea, and I mean a reasonable kind of test and examination and evaluation prior to expanding the proposal.

Am I correct that at least the leader is going to try to see if that concept could be at least included in these negotiations?

Mr. DOLE. Mr. President, I thank the Senator from Massachusetts. I understand we have now received a proposal from my colleague, Senator KASSEBAUM. We are in the process of reviewing that proposal. I am not certain that the Senator from Massachusetts has a copy of it. But it indicates that we might be able to reach some compromise. I would like nothing better if we could conclude that today, have conferees appointed, and come to a satisfactory conclusion because, as the

Senator outlined, it affects millions of Americans. It should be done. And maybe—speaking for myself, I would like to have it done before I leave. But at least if that cannot happen, I would like to have the agreement before tomorrow at 2 o'clock, and maybe under the Senate rules we could deem it passed sometime after the House takes it up. I will have to check with the Parliamentarian on that. But if we have something to agree to, everybody in the Senate, as the Senator knows, the original bill passed unanimously—hopefully we could reach some agreement today, and at least have the agreement entered. Then the Senator from Massachusetts, the Senator from Kansas, and others could dispose of it later this week.

I thank the Senator.

Mr. KENNEDY. I have not seen the proposal, and I would welcome a chance to review it—and others who have been involved in that endeavor as well; not just myself but others. Senator KASSEBAUM—we take obviously her leadership role very seriously. I hope that this time that we could work out a real evaluation of the concept without exposing tens of millions of our fellow citizens to serious disruption in their health insurance if this does not work as well as its advocated claim. That is basically the issue. I know Senator KASSEBAUM was strongly committed toward an evaluation, a reasonable experimentation, a reasonable assessment, and reporting back. I say that would certainly offer an opportunity to move this forward. I hope that would be the proposal that would be out there rather than just the imposition of the program on a vast number of our citizens. But we will certainly look forward to it.

I thank the Senator.

Mr. DOLE. Mr. President, if I could use my leader time. Is leader time reserved?

The ACTING PRESIDENT pro tempore. Leader time is reserved.

The majority leader.

TRIBUTE TO SAM NUNN

Mr. DOLE. Mr. President, on August 4, 1789, in the first year of existence, the U.S. Senate approved legislation to establish the Department of War. In the nearly 207 years since that date, the Senate has always devoted a great deal of attention to matters of national security.

Few Senators in that time, however, have devoted as much attention as Senator SAM NUNN of Georgia, who will leave this Senate next January after 24 years of service. While Senator NUNN and I have not agreed on every issue, I am just one of many Republicans who has always respected his expertise and admired his patriotism.

I especially recall the affection and admiration which our former colleague Barry Goldwater had for Senator NUNN. During the first 6 years of the Reagan administration, Senator Goldwater and