

cure—a chance to prolong their life for just a little while, just so that they can attend a graduation, or a wedding, or the birth of a grandchild.

I strongly support, and my family is right there with me, requiring insurers to pay for the routine costs of care that are part of an approved clinical trial. I think the cures of the future depend on it.

Mr. President, letters signed by scores of groups supporting the right to get into clinical trials, and we have letters signed by scores of groups regarding access to specialists, such as pediatric oncologists.

In our legislation, we also have provisions for guaranteeing that a child can see a specialist if that child has a serious illness. That is not in the Republican program. We in the Senate ought to be able to debate the merits of this provision.

But the bottom line, at the end of the day, is what the additional costs are going to be. We ought to be able to debate these, as well. You will find out that the cost of our protections is approximately \$2 per worker per month. I think most workers would be glad to pay that additional \$2 a month for the kind of protections we are talking about here in terms of clinical trials and specialists for members of their family. Why not give us an opportunity to debate that? Why not call the roll on those particular provisions?

We need to have a debate on the situation we see taking place around this country, where if you are a member of an HMO, your ambulance will drive by the nearest hospital and go to another hospital on the other side of town just because they are a member of that HMO. They will drive right by it. If a family goes to the closer hospital, the HMO will charge the family for the emergency care, which perhaps saved their child's life. We ought to be able to debate that. Why are we being shut out and denied? Why are we continuing in these quorum calls that last the course of the afternoon? Why didn't we take time yesterday and why aren't we taking time this afternoon to move ahead on this kind of legislation?

Mr. President, many of the guarantees that have been included in the Patients' Bill of Rights are guarantees that were unanimously recommended by the bipartisan President's Commission on Quality Care. In fairness, I will say that the Commission didn't recommend that these recommendations necessarily be put in legislation. But if all of the HMOs had just accepted those requirements, then we would not be needing this legislation. The problem is that the good ones have it, but the others don't.

So we are saying that we want to make sure that the protections are going to be across the board. If all of the HMOs complied with the legislation, we would not need it.

But these are very sensible and responsible recommendations. Half of them have been recommended by the President's Commission, half of them by the American Association of Health

Plans. We have more than half of them that are already in existence included in form of Medicare, and 32 million Americans get those protections. So they are working in the Medicare, but they are not available for other Americans. Other protections in our bill were recommended by the National Association of Insurance Commissioners—again, a bipartisan group of insurance commissioners representing the States who have a pretty good understanding and awareness of what is needed.

There is not one of our recommendations—not one of them—that has not been recommended by one of those four organizations or groups. Not one.

Mr. President, what I am saying is that these protections have been well thought out. They are reasonable, they are sensible, they are responsible, and they will make a significant difference in terms of protecting the health care of the American people. Now, Mr. President, it is time to give us an opportunity to debate those and act on them.

I will wind up with these final comments. We have every professional medical organization, every nursing organization, every consumer group in the country supporting our Patients' Bill of Rights. Not one is supporting the Republican proposal. Not one. No matter how many staffers go out and search, they can't find one.

The doctors and the medical profession understand the importance of this, as well as the parents. Every children's group, every disability group, every women's group, every one of those groups support this because this is the way to protect children, the disabled, women, and families.

With all respect to the importance of the legislation that we are currently considering, we have few days left to debate the Patients' Bill of Rights. We continue to implore the Republican leadership to bring up this legislation and permit the Senate to work its will so that we can do something to protect the American consumer in health care.

Mr. President, I see my friend and colleague from Arizona on the floor. I yield the floor.

Mr. MCCAIN. Mr. President, I thank the Senator from Massachusetts for shortening, somewhat, his statement today. I appreciate it, because I know the obvious passion with which he addresses the issue.

#### WENDELL H. FORD NATIONAL AIR TRANSPORTATION SYSTEM IMPROVEMENT ACT OF 1998

The Senate continued with the consideration of the bill.

##### AMENDMENT NO. 3631

(Purpose: To express the sense of the Senate that the Secretary of Transportation should ensure the enforcement of the rights of the United States under the air service agreement between the United States and the United Kingdom known as the "Bermuda II Agreement")

Mr. MCCAIN. Mr. President, I have an amendment at the desk for Mr.

FAIRCLOTH, Mr. HOLLINGS and Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for Mr. FAIRCLOTH, for himself, Mr. HOLLINGS, and Mr. HELMS, proposes an amendment numbered 3631.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FAIRCLOTH. Mr. President, this Sense of the Senate resolution puts the Senate on record about a transportation issue in the largest city in my State.

The failure of this Administration to stand up for American carriers under our air services agreements with foreign governments is a serious issue. The unwillingness of this Administration to stand up for American interests undercuts our international position in critical negotiations and promotes intransigence amongst other parties to these negotiations.

Specifically, Mr. President, this Administration has not fought to enforce the rights of American citizens, American communities, and American air carriers.

Under the existing air services agreement between the United States and the United Kingdom, the so-called Bermuda II agreement, the United States has the right to designate a U.S. flag carrier to serve the Charlotte-London route.

On February 20, 1998, the U.S. Department of Transportation awarded this route to US Airways. US Airways announced its plans to launch nonstop service on May 7, 1998 and to compete with British Airways' monopoly on this route.

With its network at Charlotte, US Airways was prepared to offer convenient one-stop service to the United Kingdom from dozens of cities in North Carolina, South Carolina, and the surrounding area.

However, the government of the United Kingdom failed to provide US Airways with commercially viable landing and take-off rights at Gatwick Airport, London's secondary airport.

The Bermuda II agreement prohibits US Airways from serving Heathrow Airport at all. Only two U.S. carriers are allowed to serve Heathrow. I want to remind my colleagues that the British are blocking access not to the primary airport, Heathrow, but even to the secondary airport, Gatwick.

Yes, Mr. President, the British Government refused to facilitate access to its secondary airport for a competitor to the British Airways monopoly on the Charlotte-London route.

US Airways tried to obtain landing and take-off rights at Gatwick airport. The British refuse to budge. As a result, US Airways was forced to cancel its Charlotte-London service for the

high-peak summer of 1998 and for the winter of 1998-1999 as well.

The outrage is that not only was British Airways' monopoly at Charlotte preserved, but the Department of Transportation granted British Airways yet another monopoly route—between London and Denver.

That's right, while the British refused to comply with their Bermuda II obligations, our Department of Transportation gave them another monopoly route.

While the US Airways Charlotte flight remains grounded, and while the British thumb their noses at us, British Airways now has a monopoly on ten routes between the U.S. and the U.K.

This Sense of the Senate urges the U.S. Government, especially the U.S. Secretary of Transportation, to act to enforce U.S. rights under the Bermuda II agreement.

Our government seems willing to grant foreign carriers the right to serve our airports on a monopoly basis but unwilling to take a firm stand with foreign governments.

We need the Administration to ensure that our carriers have the right to serve our citizens and enforce their rights under international law.

We hear a lot of talk from the Administration these days about "Open Skies" with the U.K. We understand that negotiations are about to begin to achieve a more competitive marketplace.

It is critical, however, that the Secretary of Transportation first ensure that existing rights are enforced for the benefit of U.S. citizens.

The people of the Southeast have been denied the benefits of competitive service by a U.S. flag carrier to the U.K.

Surely, an Administration that refuses to enforce existing rights cannot possibly negotiate an agreement that is less than a full surrender to the British. We didn't surrender in 1776 and we will not surrender now.

Mr. HOLLINGS. Mr. President, I want to thank the Chairman and Senator FORD for their support on this issue. This is a simple matter of fairness and equity. The unreasonable and anticompetitive conduct of the United Kingdom has gone on far too long and exacted an unacceptable toll on the Carolinas.

Mr. President, the Secretary awarded the Charlotte-London (Gatwick) route to US Airways on September 12, 1997. On May 7, 1998, US Airways announced plans to launch nonstop service in competition with British Airways, providing a convenient one-stop service from dozens of cities in North and South Carolina. Unfortunately, US Airways was forced to cancel this service because of the UK refusal to provide commercially viable access to Gatwick.

It is now time for the Secretary to assert our rights and enforce the Bermuda II Agreement.

Mr. President, before the Secretary enters into negotiations on a new

broad bilateral agreement, equity dictates that the Secretary must resolve this issue.

Mr. MCCAIN. Mr. President, this sense-of-the-Senate amendment is agreeable on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3631) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3632

(Purpose: To express the sense of the Senate that the Secretary of Transportation should ensure the enforcement of the rights of the United States under the air service agreement between the United States and the United Kingdom known as the "Bermuda II Agreement")

Mr. MCCAIN. Mr. President, I send an amendment on behalf of Mr. DEWINE to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for Mr. DEWINE proposes an amendment numbered 3632.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MCCAIN. Mr. President, this amendment has been examined on both sides. I don't believe there is further debate.

I yield the floor.

Mr. FORD. Mr. President, I have no objection on this side. This side has no objection. We are perfectly willing to let the amendment go forward.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3632) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3633

(Purpose: To provide for criminal penalties for pilots operating in air transportation without an airman's certificate)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. THOMPSON and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for Mr. THOMPSON, proposes an amendment numbered 3633.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title III, insert the following:

#### SEC. 3 . CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

#### "§46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

"(a) APPLICATION.—This section applies only to aircraft used to provide air transportation.

"(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual—

"(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

"(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

"(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

"(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

"(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

"(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

"(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"46317. Criminal penalty for pilots operating in air transportation without an airman's certificate."

Mr. MCCAIN. Mr. President, this amendment has been cleared on both sides of the aisle. I don't believe there is any further debate. I yield the floor.

Mr. FORD. Mr. President, this side has no objection to this amendment. It is long overdue. It is directed at enforcement of certificates for pilots. We think it is needed; therefore, this side approves it.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3633) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3634

(Purpose: To ensure consumers benefit from any changes to the slot rule and perimeter rule at Ronald Reagan Washington National Airport)

Mr. ROBB. Mr. President, I have an amendment, and I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Ms. SNOWE, Ms. COLLINS and Mr. GREGG, proposes an amendment numbered 3634.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 41, line 22, strike the "and".

On page 41, line 23, strike the period and insert ":",

On page 41, line 24 insert the following:

"(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

"(4) not result in meaningfully increased travel delays."

Mr. ROBB. Mr. President, I understand that a number of Senators could conceivably benefit from the additional flights at National. Current language in the bill directs the Secretary of Transportation to award new flights for service outside the perimeter if those flights will provide "network benefits beyond the perimeter" and "increase competition in multiple markets."

I believe this proposed test tilts the Secretary's decision in favor of consumers flying beyond the perimeter and away from considering the benefits to all consumers using this region's airports. For that reason, I am proposing an amendment to provide a more balanced approach. Consumers using the airports are not just worried about the availability of long-haul service, they are also worried about timely service and the availability of service to smaller airports.

The amendment I am offering would simply require the Secretary to consider those factors in awarding any new slots at National. Senators GREGG, SMITH of New Hampshire, GRAHAM of Florida, SNOWE, and COLLINS have agreed to cosponsor this amendment.

Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire and Senator GRAHAM of Florida be added as cosponsors to the amendment.

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

Mr. ROBB. Again, Mr. President, I believe very strongly—and will have more to say later this afternoon—that it is wrong for the Congress to retreat from its promise to the citizens of this region, and I believe the changes in this bill will be harmful to the capital area's economy as well as its quality of life. If we are going to meddle in the rules governing service at National, however, we should do so in a way that is fair to all consumers.

I understand that this amendment has been accepted by the managers on both sides, and I thank the managers for their assistance. I am prepared to move it or set it aside, whichever would be the preference of either manager at this time.

Mr. SESSIONS. I must say it is not cleared on this side at this time. We would be glad to continue to evaluate that, but I am not at liberty to accept it at this point.

Mr. ROBB. I understand. With that, I ask unanimous consent that it be temporarily laid aside.

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

Mr. ROBB. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I rise in support of the amendment proposed by Mr. ROBB of which I am proud to be a cosponsor.

This amendment addresses an issue of great importance to the State of Florida. Specifically, concern has been expressed about the weakening of the "Perimeter Rule," and the availability of nonstop flights between smaller airports and Reagan National Airport. I have been in touch with representatives from Jacksonville, Ft. Meyers, West Palm Beach, and Fort Lauderdale. They are convinced that a substantial portion of the direct flights to National that operate out of these airports would eventually be eliminated because the airlines would choose the higher revenue options. A study done by the Washington Airports Task Force supports this opinion.

The study shows that if the perimeter rule was essentially eliminated or weakened by allowing exemptions, economics will drive the airlines to take that airport's capacity away from markets within the perimeter and re-apply it to the higher value markets outside of the perimeter. That means that as many as 25 cities within the perimeter would be vulnerable to loss of some or all of their nonstop service to National. The study also shows that as many as 1.6 million air travelers in 93 congressional districts could be affected.

This amendment assures that, for those communities that are served by small and medium hub airports that fall within the perimeter, travel options will not be reduced and consumers will not be subjected to increased travel delays. In addition, this legislation protects the level of service and choices for consumers in the State of Florida and throughout the country.

I hope that you can support our efforts to ensure that the aviation service in our States are not threatened.

Mr. ROBB. Mr. President, I understand that the managers are now prepared to weigh in on this particular amendment. I yield to the managers of the amendment for any comments they might like to make.

Mr. SESSIONS. Mr. President, we are prepared to accept this amendment. I know of no objection.

Mr. BRYAN. No objection on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3634) was agreed to.

Mr. ROBB. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SESSIONS. I suggest the absence of a quorum.

Mr. MOYNIHAN. Mr. President, I ask the distinguished manager to withhold the request.

Mr. SESSIONS. I withdraw that request, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 3635

(Purpose: To provide for reporting of certain amounts contributed to the Airport and Airway Trust Fund and funding of States for airport improvement)

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 3635.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title V, insert the following:

**SEC. 5 . ALLOCATION OF TRUST FUND FUNDING.**

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term "Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(3) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) REPORTING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year—

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

Mr. MOYNIHAN. Mr. President, this is a simple proposal to obtain numbers about a Federal program as regards the respective States. As a member of the Committee on Environment and Public Works for the last 22 years, I served as chairman, at one point, and handled a number of highway bills, as we call them, transportation bills, and have been involved with negotiations with the House in these matters.

One of the subjects that comes forward continuously is the payments by respective State residents, or persons passing through a State, into the highway trust fund. This was established in 1956 by President Eisenhower, under his administration, on the recommendation of a commission headed by General Clay, with the previous Speaker, Mr. Wright of Texas, as one of the persons animating the effort in the Congress. There was a source of funding for the Interstate and Defense Highway Program. Indeed, there was, and we have very successfully finished that program and we continue to fund transportation projects across the Nation with those revenues as they come in.

Now, in 1986 we established the airport and airway trust fund. It is a ticket tax and other taxes. It brings considerable revenue, as anyone who has recently ridden on the Washington-New York shuttle can attest. In fiscal year 1998, we estimate that \$4.5 billion was collected in ticket taxes.

However, we have no State-by-State analysis of the dollar contributions. Inevitably and properly, the moneys are used by the Federal Aviation Administration to provide airport projects around the Nation, but with no accounting for the relative contributions of the different States with the thought that there be some proportion-

ality as to the return to the States. I say "some"—nothing precise, nothing is proposed in this amendment to make such a proportionality requirement. Indeed, it is not desired.

Public policy on transportation should follow the needs of transportation, and yet it is reasonable to assume that Senators and Representatives will expect some relationship between what their State provides and what it receives. That may now take place; it may not take place. The answer is we don't know.

The most normal function of government when it collects a tax is to record the origins and the specifics of the revenue stream. There will be some difficulty doing this. It is tricky. A good number of airline tickets are now purchased on the Internet as opposed to travel agents or at the airport. These are methodological problems which the Treasury is entirely capable of dealing with through sampling and other devices. This amendment quite specifically says, "as soon as practicable after the date of enactment of this act and annually thereafter," that the Secretary of the Treasury will report to the Secretary of Transportation.

The term "as soon as practicable" gives the Treasury the leeway it requires to get these numbers and break them down. It is routine government. It is good government. It is an opportunity to avoid a great deal of misunderstanding and discord in the committees involved and on the floor as we ask how appropriate, and in a general sense, how fair the use of these funds is—the allocation of these funds once they have been obligated through taxation.

Accordingly, I hope the Senate can approve this amendment.

Mr. President, I respectfully inquire of the managers whether this straightforward measure could be accepted and spare the Senate the time.

Mr. BRYAN. If I might respond to the inquiry from my friend, the distinguished Senator from New York, I am informed at this point we are not able to accept the amendment. The floor leader is absent from the floor temporarily and will return shortly. Perhaps the Senator may be able to engage in a conversation with him and the distinguished Senator on the other side of the aisle as to working out this point. I am not able to give the distinguished Senator the assurance that he needs that we can approve it.

Mr. MOYNIHAN. My friend from Alabama?

Mr. SESSIONS. I thank the distinguished Senator.

This amendment has just been presented and is now being seen by the managers. I think both sides of the aisle have expressed some concerns, so we will have to study it some more.

Mr. MOYNIHAN. In that regard, Mr. President, I wonder if I could, with the understanding of the managers, ask for the yeas and nays with the understanding that if the managers, after consid-

eration of this very simple proposal, decide that it is acceptable, when that moment comes when this amendment comes up after 5 o'clock, that the yeas and nays be vitiated and the amendment be accepted; if not, we will have a vote.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Once again, if on further consideration the managers would like to accept the amendment, we will vitiate the vote when the time comes.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent to speak as in morning business for 25 minutes.

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

#### THE HEALTH CARE SYSTEM

Mr. GRAMM. Mr. President, about an hour ago, our dear friend, Senator KENNEDY from Massachusetts, came on the floor to talk about health care and, like Goliath of old, challenged us to respond to his cry to allow him to dramatically change our health care system. Since it appears that there is a break in the legislative action,—I see no one standing around waiting to speak or amend—I thought I would make Senator KENNEDY's day, so-to-speak, by coming over and responding to him.

Mr. President, there are several points I want to make and I will try not to belabor any of them. First of all, there is something to be said about having an institutional memory. I would like to take our colleagues, at least those who are now eager to remake our health care system in their ideal image, down memory lane, and remind them that it was only in 1993 that President Clinton and Senator KENNEDY told us in a debate, which lasted for 18 months in the Senate, that they knew how to solve our health care problem.

Our health care problem, in 1993, according to President Clinton and Senator KENNEDY, was an access problem, that 40 million Americans did not have health insurance, and their solution was to have the Government take over and run the health care system and create one giant HMO that I think they called a "health care purchasing collective." All Americans were going to be forced into one giant Government-run HMO, and the benefit we were going to get from it was that everyone