

day the Senate sits as a Court of Impeachment, it be in order for Senators to submit to the desk statements and introduce legislation.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

Mr. LOTT. Now, Mr. Chief Justice, I believe at this point it would be in order for a motion to be made that we go into open debate, if any, and then when that is dispensed with, we would go to the move to close and would deal with that issue, and then we would begin the closed session. And so I believe we are ready for a motion to be offered, if any, at this time.

The CHIEF JUSTICE. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

#### MOTION TO SUSPEND THE RULES

Mr. HARKIN. Mr. Chief Justice, in accordance with rule V of the Senate's Standing Rules, I filed a motion of intent to move to suspend the rules to open debate on this motion to subpoena witnesses. The motion is at the desk. It is No. 5, I believe.

The CHIEF JUSTICE. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Iowa, Mr. HARKIN, for himself and Mr. WELLSTONE, moves to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on a motion to subpoena witnesses during the trial of President William Jefferson Clinton.

(1) The phrase "without debate" in rule VII.

(2) The following portion of rule XX: " , unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate and by yeas and nays, which shall be entered on the record"; and

(3) In rule XXIV, the phrases, "without debate except when the doors shall be closed for deliberation in that case" and " , to be had without debate."

Mr. HARKIN addressed the Chair.

The CHIEF JUSTICE. The Senator from Iowa.

Mr. HARKIN. I ask for the yeas and nays.

The CHIEF JUSTICE. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Maryland (Ms. MIKULSKI) is absent due to illness.

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 3]

[Subject Harkin motion to suspend the rules]

#### YEAS—41

Akaka	Cleland	Edwards
Bayh	Collins	Feingold
Biden	Conrad	Feinstein
Bingaman	Daschle	Graham
Boxer	Dodd	Harkin
Breaux	Dorgan	Hollings
Bryan	Durbin	Hutchinson

Inouye  
Johnson  
Kennedy  
Kerrey  
Kohl  
Lautenberg  
Leahy

Levin  
Lieberman  
Moynihan  
Murray  
Reed  
Reid  
Robb

Sarbanes  
Schumer  
Specter  
Torricelli  
Wellstone  
Wyden

#### NAYS—58

Abraham  
Allard  
Ashcroft  
Baucus  
Bennett  
Bond  
Brownback  
Bunning  
Burns  
Byrd  
Campbell  
Chafee  
Cochran  
Coverdell  
Craig  
Crapo  
DeWine  
Domenici  
Enzi  
Fitzgerald

Frist  
Gorton  
Gramm  
Grams  
Grassley  
Gregg  
Hagel  
Hatch  
Helms  
Hutchinson  
Inhofe  
Jeffords  
Kerry  
Kyl  
Landrieu  
Lincoln  
Lott  
Lugar  
Mack  
McCain

McConnell  
Murkowski  
Nickles  
Nickles  
Roberts  
Rockefeller  
Roth  
Santorum  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)  
Snowe  
Stevens  
Thomas  
Thompson  
Thurmond  
Voinovich  
Warner

#### NOT VOTING—1

Mikulski

The CHIEF JUSTICE. On this vote the yeas are 41, the nays are 58. Two-thirds of those Senators voting, a quorum being present, not having voted in the affirmative, the motion is not agreed to.

The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, that motion being defeated, I believe it is now in order to move to close the session so we can have debate on the question of the motion to subpoena witnesses.

The CHIEF JUSTICE. The majority leader is correct.

Mr. LOTT. I so move, Mr. Chief Justice.

The CHIEF JUSTICE. The question is on the motion.

The motion was agreed to.

The CHIEF JUSTICE. The motion carries.

Mr. LOTT. Mr. Chief Justice, I would like to ask that Senators remain at their place, but I will put in a request for a quorum just momentarily so the appropriate arrangements can be made for the closed session.

Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### CLOSED SESSION

(At 4:29 p.m., the quorum was dispensed with and the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 8:01 p.m., at which time the following occurred:)

#### OPEN SESSION

(At 8:01 p.m., the doors of the Chamber were opened and the Senate resumed proceedings in open session.)

Mr. LOTT. Mr. Chief Justice, I now ask unanimous consent that the Senate return to open session.

The CHIEF JUSTICE. In the absence of an objection, it is so ordered.

#### ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate stand in adjournment as under the previous order.

There being no objection, at 8:02 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Wednesday, January 27, 1999, at 1 p.m.

(Under a previous order, the following material was submitted at the desk during today's session.)

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 307. A bill to amend title XVIII of the Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare + Choice organizations; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. LEVIN, Mr. MCCAIN, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. CLELAND):

S. 308. A bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such a filing; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. THURMOND):

S. 309. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 310. A bill provide for a Dekalb-Peachtree Airport buyout initiative; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. COVERDELL, Mr. CLELAND, and Mr. KERREY):

S. 311. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia

or its environs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. COVERDELL, and Mr. HAGEL):

S. 312. A bill to require certain entities that operate homeless shelters to identify and provide certain counseling to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself and Mr. BAUCUS):

S. Con. Res. 4. A concurrent resolution expressing the sense of Congress that assistance to South Korea should be conditioned on South Korea's compliance with its international trade commitments and on South Korea's termination of its unfair trade practices and subsidies; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 307. A bill to amend title XVIII of the Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare+Choice organizations; to the Committee on Finance.

#### MEDICARE+CHOICE PAYMENT EQUITY ACT OF 1999

• Mr. WYDEN. Mr. President, my colleague from Oregon Senator GORDON SMITH, and I are introducing this legislation today to correct an inequity in the payment formula for Medicare+Choice plans. In states like Oregon, with historically low cost health care systems, these inequities leave many Medicare beneficiaries with few or no choices in their health care services.

The Balanced Budget Act of 1997 contained a promise to provide seniors with more choices, but that promise has gone unfulfilled because of these inequities.

The legislation that Senator SMITH and I are introducing today will fulfill that promise by fully funding what is known as the "blend" portion of the formula used to determine payment rates. The legislation brings parity to areas that have been historically efficient in delivering health care services. Under the current system, the Medicare payment formula has not rewarded these areas for their efficiency and low costs. As a result, beneficiaries in these areas have not received the range of benefits available in areas with less efficient and more costly health care systems.

This legislation also assures beneficiaries will no longer be penalized because they live in a rural or low-cost area. We must assure that seniors living in Oregon and other low cost areas receive the full promise of Medicare+Choice.

With managed care playing a larger role in Medicare, this bill is needed now more than ever. Nearly 100 plans elected to drop out of the Medicare program for 1999. Many of those plans served seniors in low cost and rural areas, leaving too many beneficiaries not only without choice but also out in the cold. Other managed care plans made benefit changes that limit the promise we all had hoped would occur through Medicare+Choice.

We need to make sure that all seniors are included in the Medicare+Choice promise and that managed care plans in Oregon, Iowa and other low-cost areas are no longer penalized because of their historic efficiency. Senator SMITH and I urge our colleagues to support this bill.

I would like to thank Senator SMITH and his staff for their assistance, and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

#### S. 307

*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 "Medicare+Choice Payment Equity Act of 1999".

#### SEC. 2. ELIMINATION OF BUDGET NEUTRALITY ADJUSTMENT FACTOR IN CALCULATING THE BLENDED CAPITATION RATE FOR MEDICARE+CHOICE ORGANIZATIONS.

(a) IN GENERAL.—Section 1853(c) of the Social Security Act (42 U.S.C. 1395w-23(c)) is amended—

(1) in paragraph (1)(A), by striking the comma at the end of clause (ii) and all that follows before the period at the end; and

(2) by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6) respectively.

(b) CONFORMING AMENDMENTS.—Part C of title XVIII of the Social Security Act (42 U.S.C. 1395w-21 et seq.) is amended—

(1) in section 1853(c)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "(6)(C) and (7)" and inserting "(5)(C) and (6)"; and

(B) in paragraphs (1)(B)(ii) and (3)(A)(i), by striking "(6)(A)" and inserting "(5)(A)"; and

(2) in subsections (b)(3)(B)(ii) and (c)(3) of section 1859, by striking "1853(c)(6)" and inserting "1853(c)(5)".

(c) SUBMISSION TO CONGRESS.—Not later than 20 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a legislative proposal that provides for aggregate decreases in Federal expenditures under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as are equal to the aggregate increases in such expenditures under such program resulting from the amendments to the Social Security Act made by subsections (a) and (b).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for periods beginning on or after January 1, 2000. •

By Mr. COVERDELL (for himself, Mr. LEVIN, Mr. MCCAIN, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. CLELAND):

S. 308. A bill to amend the Internal Revenue Code of 1986 to provide a 2-

month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such a filing; to the Committee on Finance.

#### THE UNIFORMED SERVICES FILING FAIRNESS ACT

• Mr. COVERDELL. Mr. President, American soldiers in the modern military operate under a great deal of strain. Forced to work harder with fewer resources, our men and women in uniform bear a heavy burden defending our nation. This is especially true for those deployed overseas. Not only must these troops defend American interests, but they also live under constant threat of attack and must spend months away from their homes and their families.

In addition to their duty to protect our nation's security, American service men and women still must fulfill obligations back home, including paying their taxes. However, in an incredible cart-before-the-horse scheme that could only be found in our nation's tax code, the federal government extends for our troops abroad the deadline for filing income tax forms by 2 months, but requires that service men and women still pay interest and penalties during the extension period. Mr. President, this is unconscionable.

The Uniformed Services Filing Fairness Act, which I introduce today with Senators LEVIN, MCCAIN, TORRICELLI, HUTCHISON, and CLELAND is simple. It codifies the current two-month extension period available to our troops and eliminates the interest and penalties that would otherwise be charged. The Joint Committee on Taxation has estimated the cost of this commonsense correction at just \$4 million over 10 years. Mr. President, how can we not afford to pass this bill?

We must show our nation's soldiers that we support them through concrete action. The bill I introduce today will help make the lives of soldiers deployed overseas a little easier. I hope my colleagues will join me in this simple, inexpensive correction of an unfair tax law. •

By Mr. MCCAIN (for himself and Mr. THURMOND):

S. 309. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home or qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Finance.

#### THE UNIFORMED SERVICES HOME SALES ACT OF 1999

• Mr. MCCAIN. Mr. President, I, along with Senator THURMOND, and others are proud to sponsor this bill to allow members of the Uniformed Services, who are away on extended active duty, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans.