



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 145

WASHINGTON, TUESDAY, JANUARY 19, 1999

No. 8

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE B. VOINOVICH, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, our Rock of Ages in the sifting sands of our times, You are our stability and strength. You have placed a homing spirit in our hearts, making us restless to return to You. And now in communion with You, we receive what we need—energizing power for this new day, enthusiasm for the demanding schedule of this long day, extraordinary intellectual resiliency for the challenges of this crucial day.

Lord, bless the Senators with an assuring awareness of Your presence in the varied responsibilities they will assume today: the morning business, the party caucuses, the resumption of the impeachment trial, the State of the Union Address by the President. May their consistently repeated prayer in each changing circumstance, conversation, or conflict be: "Lord, use me. Speak through me. Accomplish Your will in my life and leadership." And so we commit this day to live intentionally in the inspiration of Your Spirit. Amen.

### APPOINTMENT OF THE 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 bill clerk read as follows:

U.S. SENATE  
PRESIDENT PRO TEMPORE,

Washington, DC, January 19, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE B. VOINOVICH,

a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. NICKLES. Thank you, Mr. President.

### SCHEDULE

Mr. NICKLES. Mr. President, this morning the Senate will be in a period of morning business until 11:30 a.m. Following morning business the Senate will recess in order to accommodate the weekly party luncheons. The Senate will then reconvene at 1 p.m. this afternoon and immediately resume consideration of the articles of impeachment. Under the provisions of Senate Resolution 16 the White House will begin its opening arguments. At the conclusion of today's consideration of the articles of impeachment, the Senate will recess until 8:35 p.m. this evening and upon reconvening will proceed as a body to the House of Representatives for a joint session to receive a message from the President. I thank my colleagues for their attention.

I yield the floor.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business until the hour of 11:30, with 60 minutes under the control of the majority leader and with 60 minutes under the control of the Democratic leader, or their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, as I understand it, there are 2 hours equally divided. I ask unanimous consent to designate myself as the Senator in charge of the 1 hour designated to the Democrats.

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

Mr. DURBIN. Thank you, Mr. President.

### DEMOCRATIC LEGISLATIVE AGENDA

Mr. DURBIN. Mr. President, very shortly we will be joined by the minority leader, Senator DASCHLE, who will speak to the issue at hand. Of course, the issue is one that is positively dwarfed by the events that will occur in this Chamber later this evening. It is very difficult to stand here in the context of the impeachment trial and to speak of legislation, but I think we would be remiss in our responsibilities to the American people if we did not realize that although the impeachment trial is an important constitutional responsibility, we have other responsibilities to the American people, as well.

The Democratic package, leadership package, of legislation speaks to specific issues which many families across America consider paramount in their lives. I think it is a very realistic and a very forward-looking approach to the problems which challenge us. It addresses the day-to-day issues that matter the most to the American people: Health care, education, income security, crime, child care, a safe and stable food supply, and other critical issues.

I am sorry to report that the last Congress—the last 2 years of Congress

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



Printed on recycled paper.

S303

on Capitol Hill—was largely unproductive. The results of the last national election, I think, verified the fact that most people were disappointed by the outcome of the 105th Congress. There were so many opportunities missed in that Congress, so many chances to make real changes to improve life in America that were squandered. We failed to address patients' rights, we failed to reduce tobacco use by our children, we failed to reform the sorry state of campaign financing, and increase the minimum wage. In each instance, we were stymied by the other side of the aisle that simply did not want to deal with these issues.

It appears that the only issue of great moment—and I say that advisedly—was the decision to rename Washington National Airport after our former President, Ronald Reagan. Sadly, many of my colleagues in the Senate, once they had achieved that, decided to go straight to the airport and catch a plane and go home instead of sticking around and working on the issues for which we were called to Washington.

I think the American people have other things on their minds, and I think they are looking to us for leadership.

I am happy at this point to yield the floor to the Democratic leader, our minority leader in the U.S. Senate, who will speak to the agenda which we will try to forcefully address during this session of Congress.

#### THE OTHER IMPORTANT WORK THIS CONGRESS MUST DO: AN AGENDA TO HELP AMERICA'S WORKING FAMILIES

Mr. DASCHLE. Mr. President, for 3 full days now, this Senate has been sitting as a court of impeachment. We are only the second Senate in the history of our nation to sit in judgment of a President, and the first Senate ever to consider impeaching an elected President.

Deciding, ultimately, whether to overturn a free and democratic election is almost certainly the most awesome responsibility any of us will ever be called in our public lives to fulfill.

But it is not the only responsibility before this Senate, Mr. President. On many other urgent issues—from improving our children's schools, to passing HMO reform, to saving Social Security—the American people are waiting for us to act. They've been waiting—frankly, for too long. So today, on behalf of my fellow Democratic Senators, I am introducing our first bills of the 106th Congress.

Our proposals target the real needs of America's families and communities. They are relevant, not revolutionary. If they seem familiar, it's because most of what is in them we first introduced in the last Congress. But they did not pass, despite the support of the American people and, in some cases, by a bipartisan majority of Senators. We offer

them again in this Congress because the need for them has not diminished. In fact, it has grown.

#### SENATE DEMOCRATS' FIRST 5 BILLS

Our first bill is S. 6, the Patients' Bill of Rights. Democratic Senators spoke about this bill so often last year, trying to persuade our Republican colleagues to permit a vote on it, that I think we may all know it inside and out. In a nutshell, our Patients' Bill of Rights is based on a fundamental premise that insurance company accountants have no business practicing medicine. Decisions about medical care should be made by doctors and patients. Period.

The Patients Bill of Rights guarantees HMO patients the right to go to an emergency room, and see a medical specialist, when they need to.

It guarantees doctors the right to tell patients all their treatment options, not merely the cheapest ones. If you're being treated for an illness, or you're pregnant, the Patients' Bill of Rights allows you stay with your own doctor, even if your employer changes health plans. It guarantees parents the right to take their child to a pediatric specialist if they need one.

And it holds HMOs accountable for their decisions. If an HMO refuses to cover a prescription or procedure, our bill allows patients to appeal that decision to an independent third-party.

And, if a patient suffers serious harm as a result of insurance company's decision to delay or deny needed care, the Patients' Bill of Rights guarantees them the right to sue their insurer—the same way every other industry can be sued for its bad decisions.

We're pleased that our Republican colleagues say HMO reform will be a priority for them this year as well. That's progress. The plan they offered last year covered only 1 in 3 privately insured Americans and contained other major holes as well. We hope their new proposal will correct those problems. We also hope the Republican leadership will allow an open, honest debate on this issue. That would be further progress. If we can have that debate, we can pass a real Patients' Bill of Rights this year.

Our second bill, S. 7, is the Public Schools Excellence Act.

There are more children in America's public schools this year than ever before in our nation's history. These record enrollments are already causing serious teacher shortages. One way some schools are trying to deal with the shortages is by lowering standards for new teachers.

Over the next 10 years, continued enrollment increases and teacher retirements will require America's public schools to hire more than 2 million new teachers. If we don't act now, the need for new teachers will put ever more pressure on communities to lower their teaching standards.

Enacting a proposal by Senator MURRAY, we made a historic commitment last year to help local communities

hire 100,000 new teachers so they could reduce class size to an average of 18 students in first 3 grades, and give young children the personal attention and solid academic foundation they need.

This year, we are proposing a new partnership to increase both the quantity and quality of America's teachers. It is based on a proposal by Senator KENNEDY. We'll help local communities attract qualified new teachers by offering college scholarships to students and to professionals who want to switch careers. We'll also help them provide these new teachers with the intensive support they need—but too often do not get—during the first few years on the job. At the same time, we'll help communities keep good teachers who are already in the classroom, by providing them with the training they need to strengthen their skills, or learn new skills—like how to use computers in the classroom.

But even the best teachers can't teach, and students can't learn, in classrooms that are unsafe or crammed beyond capacity. That is why, as part of our education bill, we are also re-introducing our plan to help local communities repair and replace crumbling and overcrowded schools.

We all know the figures: According to the GAO, 14 million children in this country attend schools that require major renovations; and 7 million children attend schools with serious safety code violations such as asbestos, radon, and lead-based paint. Millions more children attend schools that hold far more students than they were designed for.

Our bill provides communities with reduced-rate bonds that will enable them to cut school construction and repair costs to local taxpayers by as much as 50 percent. Senators LAUTENBERG, ROBB, FEINSTEIN, and HARKIN have all helped put this proposal together.

More than 90 percent of America's children attend public schools. By strengthening their schools, we can give our children the skills to prosper in tomorrow's economy. But we also need to help families the tools to succeed in today's economy. That is the focus of Democrats' third bill, S. 8, the Income Security Enhancement Act.

For 20 years, beginning in the early 1970s, 80 percent of America's families didn't get a raise; their incomes stayed flat—even when they took on second or even third jobs. Fortunately, that's over. Since 1993, the average family income has gone up nearly \$2,000 per year.

One way we can keep that trend moving in the right direction is by increasing the minimum wage by \$1 over the next years—to \$6.15 per hour. We know from experience that raising the minimum wage doesn't hurt the economy. It doesn't kill jobs. What it does is help families, and reinforce our belief as a society in the dignity of work. We hope our Republican colleagues will join us in supporting this modest increase for