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Mr. President, with those remarks, I yield the floor.

Mr. MOSS. Mr. President, I agree with my colleague, of course, and I tried to say, in the few remarks I made, that there is nothing wrong with lobbying. As a matter of fact, it is expected, and every person has his right to his viewpoint and to try to communicate to Senators and Congressmen his point of view. I was trying to point out that it was done under a cover, to make it seem as though it came from a different source and a different group, when, as a matter of fact, it was controlled by one person and one group, and therefore there was a concealment of the source of the lobbying.

I agree that there will be lobbying both for and against, and I certainly will not object to that, except to try to bring the facts into the open, so persons will know whence the lobbying effort comes.

I appreciate what has been said by my colleague from Nebraska. He has made an eloquent argument against various phases of the bill or the thrust of the bill. I would like, however, to underline and call to the attention of my colleagues the report that was made by the Senate Committee on the Judiciary, when a majority of the committee voted to report the bill to the Senate. The arguments made by the Senator from Nebraska, I think, are all dealt with rather tersely and sharply in the report, and therefore I would hope that my colleagues, in picking up the RECORD in the morning and before we begin our discussion tomorrow on the bill, will read the report of the Judiciary Committee, at least those parts which were discussed today, because I think the answers are very well written in that report.

Mr. President, the senior Senator from Minnesota (Mr. MONDALE) has prepared an amendment to S. 354, together with some remarks. I ask unanimous consent that the statement of the Senator from Minnesota (Mr. MONDALE) be printed in the RECORD, and that the amendment offered by him—which I now offer on his behalf—be printed in the RECORD, so that it will be known to Senators when the matter comes up, probably tomorrow.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table, and, without objection, the statement and amendment will be printed in the RECORD.

The statement and amendment are as follows:

STATEMENT BY SENATOR MONDALE

Mr. President, I introduce for consideration an amendment to S. 354, the National No-Fault Motor Vehicle Insurance Act.

This amendment would further insure that the benefits of no-fault insurance would be available to the consumer at the lowest possible cost. The amendment would permit health insurers a role in the new nationwide auto insurance systems if they can provide no-fault benefits for allowable expense losses at a lower cost to the consumer than auto insurers can. Not only the consumer, but the free enterprise system of insurance, will benefit because the amendment will foster competition in the insurance industry. It is consistent with the overall philosophy of this legislation which is to provide protection to the American motorist at the lowest possible

cost in his role as a consumer of auto insurance and in his possible future role as a victim in an automobile accident.

The amendment provides, as a national standard, that the obligation of a motor vehicle owner to purchase no-fault insurance can be satisfied, if certain conditions are met, in an alternative way with respect to the allowable expense portion of the no-fault package. (Allowable expense benefits are those for professional medical treatment and care; emergency health services; medical and vocational rehabilitation services; and funeral expenses in case of death.) Subject to certain conditions, the owner can satisfy the requirement to provide allowable expense protection by having a group health insurance policy provide the allowable expense benefits.

The non-auto insurer *must*, like the auto insurer, pay all reasonable medical and rehabilitation and other allowable expenses without limitation; *must* subject itself to the same responsibilities under the law such as the obligation under section 111(d) to "promptly refer each victim to whom . . . benefits are expected to be payable for more than two months to the State vocational rehabilitation agency"; and *must* share, on an equitable basis, in the financial burdens and costs of operation of the plans which national standards require for the hard-to-place risk and the victim of an uninsured motorist. Unless all categories of insurance companies are on the same footing, there can be no meaningful competition. In addition, this arrangement or option can only apply if the benefit source other than no-fault insurance is true group insurance, as defined, because this is the only area in which these savings to the consumer are at all likely and only where the members of the group are first notified of this arrangement and hopefully advised on what steps to take to make sure that their auto insurance premiums are reduced accordingly.

Finally, this arrangement, like all others in S. 354, *must* be subject to and approved by the State insurance commissioner of the applicable State on the basis of hearings and a finding by him that it "will result in economic benefits greater than those which would result" from the national standard on coordination between auto and health insurance to avoid duplication and produce cost savings (section 204(f)). The conditions or prerequisites to the applicability of this option are designed to assure that both health and auto insurers will be, in fairness, on the same basis so far as the obligations and responsibilities are concerned and to assure that the consumer will be protected such that the savings will be real rather than illusory.

I have heard a great many arguments from different interested parties with respect to this issue, and I frankly do not know whether or not the consumer will save if health insurance is made "primary," but I think that it is fair to permit the health insurers to participate on an equal footing if they can save consumers money without lessening the protection of the buyer of insurance and the victim of highway accidents.

AMENDMENT NO. 1197

On Page 109, between lines 17 and 18, insert the following new subsection:

"(c) ALLOWABLE EXPENSE DEDUCTION OPTION—

Benefits or advantages that an individual receives or is entitled to receive for allowable expense from a source other than no-fault insurance shall be subtracted from loss in calculating net loss for allowable expense where—

"(1) such source other than no-fault in-

surance provides or is obligated to provide such benefits or advantages for allowable expense, as defined in section 103(2) of this Act, without any limitation as to the total amount of such benefits or advantages obligated to be provided.

"(2) such benefits or advantages are provided by such source other than no-fault insurance on terms and conditions which comply wholly with the provisions of sections 103(6), (7), and (16), 109(c), and (d), and 111(d) of this Act and subject to all authority set forth therein;

"(3) such source other than no-fault insurance is required by the applicable State no-fault plan for motor vehicle insurance in accordance with this Act to share, on an equitable basis, in the financial burdens and costs of operation of plans established pursuant to sections 105 and 108 of this Act;

"(4) such benefits or advantages are provided by such source other than no-fault insurance through group insurance where the individuals who are likely to be the beneficiaries under such group insurance have received notice that there will be such subtraction; and

"(5) the commissioner finds that such subtraction will result in economic benefits greater than those which would result from coordination pursuant to section 204(f) of this Act, on the basis of a hearing in which interested parties present competent evidence.

The commissioner shall promulgate rules to assure that the economic benefits found under paragraph (5) of this subsection are realized. As used in this subsection (A), 'group insurance' means any plan of insurance offered or provided to members of a group not organized solely for the purpose of obtaining insurance, under the terms of a master policy or operating agreement between an insurer and the group sponsor, and incorporating group average rating, guaranteed issue with or without minimum eligibility requirements, group experience rating, employer contributions, and any other benefit to the members as insureds that they may be unable to obtain in the ordinary channels of insurance marketing on an individual basis; and (B) 'group sponsor' means the employer or other representative entity of an employment-based group. Sections 103(10), (11), and (12) of this Act are inapplicable with respect to such definitions.

Mr. MOSS. Mr. President, we have had a good discussion today, but it is obvious that we cannot continue very much further. We have some amendments that are coming up in which Senators preparing the amendments are not present to bring them before the Senate today.

Therefore, I am prepared at this time to yield the floor, with the statement that it is hoped by the managers of the bill and the Commerce Committee, and I assume the Judiciary Committee, that within the next day or two we can proceed with the bill and vote on it up or down. I do not expect any delay on the bill. I think we will have sharp debate and very reasonable discussion on it, but I would expect it to move now, and I would like to say to my colleagues that I would hope that those who have amendments will bring them to the floor tomorrow so that we can deal with those amendments and can approve or reject them, as is the will of this body, and get on with final passage of the bill.