I will deeply miss that daily dosage of AL's humor and warmth. However, I am confident that we will continue to see each other and the real friendship which we have will endure.

God bless both AL and Ann Simpson in all their endeavors.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I certainly join with the distinguished chairman of the Senate Armed Services Committee in that tribute to Senator SIMPSON. I think we will all miss his daily dose of wit. And I certainly share those sentiments.

Mr. THURMOND. I wish to thank the able Senator.

THE GAG RULE AMENDMENT

Mr. KYL. Senator WYDEN and I want to take a few minutes right now to try to brief our colleagues, as well as our constituents and others, who have been interested in the issue on the status of the so-called gag rule amendment. That is not perhaps a very glamorous name for what we are talking about, so let me describe that briefly. Then we will try to provide a report, as I said, about the status of the negotiations and how we might try to conclude this matter.

People have heard the distinguished majority leader speak on several occasions about the effort to resolve this question. I think we are very close to it and want to report that to our colleagues. First of all, what we are talking about is an assurance for physicians that they are able to communicate freely with their patients about their patients' health and about the medical care or treatment options that might be important for their patients' health.

When these physicians are a part of a plan, like an HMO, for example, they are constrained in certain ways with respect to what the plan provides in the way of coverage and, therefore, in the way of treatment. So this issue has evolved.

To what extent can the HMO limit the physicians in their communications with patients? Well, virtually no one wants to create that kind of a conflict, at least intentionally, because clearly the physician has an obligation to his patient, and we all want the patients to have the maximum degree of care. So we want to ensure that this communication is not inhibited. What we have been involved in over the last several days is trying to craft legislation that is not overly broad but still ensures that degree of protection.

We have also tried to ensure that this is done to the maximum extent possible at the State level. We are not interested in some kind of a new Federal mandate or new Federal program here. But, of course, we do at least need to get the process started here so that the States who have not yet adopted statutes—and many have—but for those who have not done so yet, that there would be an incentive for them to provide the kind of protection for the kind of communication which we are talking about.

We also want to ensure that there is a conscience clause provision here that enables physicians who, for moral or religious beliefs, do not want to get into certain discussions, that they would not have to do so, and, likewise, that a provider, an HMO or other kind of insurer that may have based its benefits on its beliefs, including religious beliefs, be protected as well.

So these are not necessarily easy issues, but I think in terms of a general concept, there has not been a great deal of disagreement. But nevertheless, trying to put this all together at this time of the year has not been real easy.

I want to thank several people for their involvement in this, in particular the majority leader, who has been most patient in waiting for us to try to get this resolved; the assistant majority leader, who has been personally involved in discussions on this to try to craft it in the right way; Senator DAN COATS, who has been involved; and several others who have expressed an interest and given their input.

Senator WYDEN and I have developed a series of drafts. Our most recent draft, we think, is a very good product which achieves this goal but with the minimum of difficulty. As we speak, even this draft is being revised to some extent to try to reflect the views of other Senators.

I urge that anyone who has an interest in this issue and would like to give us their views, or who has heard about a particular version of this and would like to know what the actual most current version of it is, that they please communicate with us because we would be most pleased to share our ideas with them and to get their ideas as well.

The majority leader would very much like to get this wrapped up. We would, too. Therefore, again, I thank those who have been involved. We stand ready to try to wrap it up if people will give us their views. But I think we have come to a point now where there are not very many issues that prevent us from doing this. I really urge any Senators who have an interest to help us bring this to conclusion.

Under the previous agreement, at this time I yield the floor to Senator WYDEN.

Mr. WYDEN. I want to thank the Senator from Arizona for not just his very thoughtful statement, but for all of the effort over these last few weeks. He and I got to know each other in the House and enjoyed working together, and it has been a pleasure to work with my friend from Arizona on it. I share Senator KYL's view that we have had a number of Senators—I see Senator NICKLES is here and Senator COATS on the Republican side; Senator KENNEDY, for example, on the Democratic side—that have been working some very long hours and working in good faith to try to deal with this. I believe we are now very close in terms of dealing with the issue.

I just want to spend a minute and try to outline the problem and then talk a bit more about some of the remedies that Senator KYL has talked about.

The reason this issue is so important is that managed care is the fastest growing part of American medicine. Now, health care, we know, is a multibillion dollar industry. The fastest growing part of it is managed care. I want to make it clear that there is a lot of good managed care in our country. I come from a part of our Nation, the State of Oregon, that has been a pioneer in the managed care field. We have seen good managed care. If you want to see 21st century medicine, you can come to my State and see a lot of it in action every day.

But, unfortunately, too often we have seen that financial concerns, concerns about expensive treatments or referrals, have replaced what is the important essence of American health care, which is free and unfettered communication between doctors and patients.

These limitations are what is known as gag clauses. A health maintenance organization may say to the doctors, ''We're watching you in terms of those expensive treatments.'' Or the health maintenance organization will say to the doctors, ''We're keeping track of the referrals that you're making,'' with an idea that perhaps a doctor who tells about an additional provider outside the network is doing something detrimental to the plan.

We can have differences of opinion—and Senator KYL and I have talked about this before—on a lot of health care issues. Reasonable people surely differ with respect to the role of the Federal Government, the role of the private sector. There are lots of issues in American health care that there can be legitimate differences of opinion on.

I offer up the judgment that what should never be in dispute is the importance of patients and families to get all the facts, to get the truth, to get all the information about the various issues relating to their medical condition and the treatments that are available. In fact, I think 21st century health care is about getting information over the Internet. The kind of legislation we are talking about today is going to be built around empowering patients to get the information so as they look at the various options that they might consider for their treatment, they can do it on the basis of having all the facts.

Now, Senator KYL has outlined briefly a few of the issues that we have focused on in some depth. Let me just add to them very briefly. The first is on the matter of the regulatory framework and the role of the Federal Government and the States. What Senator KYL and I have done, in very blunt, straightforward terms, is make it clear

the States will take the lead with respect to carrying out this statute. Congress has done this before in a number of areas, done it in the Medigap area, done it in the maternity stay legislation. The legislation that we offer up and is based on our discussion, basically makes it clear when a State acts in a way that is rationally connected to the purposes of this statute, the State is going to be in a position to take the lead.

Second, we know there are many who are concerned with respect to an issue that comes up in this body quite often, and that is reproductive health issues, in the matter of abortion specifically. We have sought to make sure that each individual practitioner or doctor can exercise what amounts to a ''conscience clause'' and be able to express that for religious or moral reasons, there are certain matters—abortion—that they would not be comfortable discussing. We also thought to make it clear that plans would have certain rights, particularly to make it clear to their individual practitioners, doctors, and others, that the plan did not offer abortion services.

There are other ideas that may be worth exploring, built principally on the concept of disclosure. Plans ought to know they are not going to be subject to unexpected legal consequences, and the consumer ought to be in a position to get full disclosure of exactly what their plan offers. I believe we have made considerable headway in that regard.

We believe, with a bit more work and the kind of good faith we have seen over these last few weeks—and it is important to note that the same spirit exists in the House. Dr. GANSKE of Iowa and Congressman MARKEY, like Senator KYL and I, have been working on a bipartisan basis, with the idea that these gag clauses have no place in 21st century American health care.

Mr. President, 21st century American health care ought to be built around the idea that when patients and families sit down with their physician, their physician would give them all the facts, all the information they need, to make these choices.

I want to thank Senator KYL. He knows when I offered this the first time we got a majority of votes in the U.S. Senate, but the point is to get something that is going to bring the entire Senate together, to bring all the Members together around a proposition of full consumer disclosure and consumer empowerment. I think we can do that.

We are putting the States in the lead. This is not an example of Federal micromanagement or Federal Government run wild. We are going to make sure that plans and practitioners, who, for religious or moral reasons, have concerns about discussing abortion, and others, would be protected. I think we do it in a way that is sensitive to legitimate concerns of many in the field for managed care plans. For example, we have important provisions on utilization review. Those managed care plans ask for those. That is part of our compromise.

Let me at this time yield, because I know there are a number of Senators who have been working in good faith and want to participate in this. Therefore, I yield back to Senator KYL and our other colleagues who have been putting some long hours on this. I am looking forward to staying with this until we get these protections for consumers and doctors, and do it in a fair way.

Mr. KYL. Mr. President, before the distinguished acting majority leader speaks to this, I thank Senator WYDEN for his bipartisan cooperation and make the point with all of the things we have to do here at the end of the session to finish the Nation's business, the assistant majority leader, the Senator from Oklahoma, is right in the middle of all of that, yet he has taken the time to personally be involved to improve this legislation.

If we are able to craft an agreement here, it will be in no small part due to the ideas that he brought into the debate to ensure, for example, that the State control was preeminent and that some of the other protections that we have in here are here.

Again, I want to thank him, as well as Senator COATS, for all of their contributions to this effort, too. It has gotten us much closer to the goal line than we otherwise would have been.

Mr. NICKLES. Mr. President, to the Senator from Arizona and the Senator from Oregon, flattery will get you everywhere, and may well end up getting an amendment.

Let me state, Mr. President, my thoughts. Originally, I will tell my friends and colleagues that I thought this was not the right way or the right time to legislate such an important matter. I am very dubious at the outset when I see legislative actions taking play the last day or two of the session, when measures have not had time to have hearings and have the benefit of congressional thought, hearings, markup, input from people on all sides.

This is important legislation. I will tell my colleague from Oregon who originally introduced this and had the assistance of the Senator from Arizona, the thrust of it I would concur. I also want to compliment the Senators from Oregon and Arizona for their willingness to be flexible, to understand that some of us did have serious concerns, concerns about making sure we protect the rights of States. They have shown a willingness to do that. Some States have acted. We want to compliment those States. We do not want to preempt their actions.

Also, dealing with religious institutions, I think, we still have a little way to go there. I know we will confer more tonight, and maybe tomorrow we can bring that to a conclusion. I, for one, want to make sure we would not be mandating to, for example, a religious institution, a Catholic hospital, or something that might have a clause that physicians that would work within this institution would not provide assistance to suicide, for example. I do not want to pass legislation in the wee hours that might outlaw or ban that particular clause or section of their contract.

I want to be careful. I know we are probably on about the ninth draft. I think the legislation has been improved significantly.

Again, I thank my colleagues who have worked so hard, including Senator COATS, as well as Senator WYDEN and Senator KYL, for their input on this legislation, and just state to my colleagues that we will continue working in good faith, and if we are able to resolve some of the few remaining differences, it may well be that we can have some legislation that would be acceptable, and maybe as an amendment to the continuing resolution or as independent legislation. So I compliment my colleagues for their willingness and their patience to work with some of us, and we will continue working.

I see an effort by many to legislate a whole agenda in the last two days of Congress. I urge people to be maybe a little more patient and wait for next year. The continuing resolution is growing, and that, to me, is not really the best way to legislate. So I urge our colleagues to realize that they don't have to do everything on this one bill. I also urge my colleagues to speak out on the public lands bill that Senator MURKOWSKI has been working so hard on. There is no reason for us not to be able to pass this package, which I believe will probably have an overwhelming vote of support by both Houses of Congress.

I think the administration is, unfortunately, moving the goal posts. We removed the major veto threats in that legislation in the last 24 to 48 hours. Yet, now they are finding more objections. I even say that maybe that is not in good faith, and that bothers me. There has been a lot of work by Members on both sides of the aisle. That bill was a bipartisan bill, and it should pass. I know the Senator from Minnesota reluctantly dropped an amendment that was very important to him. The Senator from Alaska dropped an amendment that was very important to him, and others were able to make concessions so we could pass an omnibus bill that is important to most of the Members in this body. It would be unfortunate indeed if we didn't pass this bill before we adjourn this Congress.

Finally, I want to say something on the immigration bill. The administration sent signals that they would sign that if we dropped the Gallegly amendment. We did drop the Gallegly amendment. Now there have been additional requests for additional modifications. I find that, too, moving the goal posts. I hope we will take up the immigration bill and pass it, as amended, without the Gallegly amendment. I think we

will have an overwhelming vote in both Houses—well, the House already passed it by an overwhelming vote. I think in the Senate we will, as well. I urge colleagues to be patient and not try to pass everything on their legislative agenda in the next two days.

Let us work together and finish the unfinished appropriations bills, the continuing resolution, do it responsibly. Again, I thank my colleague from Oregon and my colleague from Arizona for their willingness to be at least flexible enough for some of us who had concerns about their amendments. Perhaps we can get that resolved.

I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to address the Senate for 5 additional minutes.

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

Mr. WYDEN. I want to tell the Senator from Oklahoma that we very much appreciate his involvement in this. I only asked for 5 additional minutes because I want to go back to negotiating with him and his staff on it. As you know, Senator KENNEDY has done yeoman work on this and has been very involved in this as well. I think we are going to have good input and involvement on both sides of the aisle if we try to finish it up.

I think it is important that the Senate and the country understand that what we are talking about is ensuring that straightforward, honest conversation could take place between doctors, nurses, chiropractors, therapists, and their patients. That is all we are talking about here—information, and those honest, straightforward discussions. Right now, because of these gag clauses, that kind of communication so often can't take place. That is not right. That is what we are going to try to change.

Mr. President, I thank the Senate for the additional time. I yield the floor.

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 26, the debt stood at $5,198,325,061,997.28.

One year ago, September 26, 1995, the Federal debt stood at $4,953,251,000,000.

Five years ago, September 26, 1991, the Federal debt stood at $3,638,501,000,000.

Ten years ago, September 26, 1986, the Federal debt stood at $2,109,293,000,000. This reflects an increase of more than $3 trillion ($3,089,032,061,997.28) during the 10 years from 1986 to 1996.

TRIBUTE TO HOWARD GREENE

Mr. BIDEN. Mr. President, last week the Senate took a few moments to pass a resolution honoring the service of Sergeant-at-Arms Howard Greene, who is leaving after a 28 year career with this body. I was away from the Senate floor during the discussion of that resolution, but I did not want this Congress to adjourn without having had the opportunity to share my appreciation for Howard Greene's service to the Senate, and for his personal friendship during my tenure here.

Mr. President, much of the important work which we do here in the Senate could not be accomplished without the dedication of the professional staff members who serve the Senate, and Howard Greene has been the consummate professional. His love for the Senate; his keen understanding of its workings and its constitutional role; his discretion and his tact, have gone hand-in-hand with Howard Greene's fundamental decency and sense of public service to make him one of the Senate's greatest assets for many, many years. I doubt that there is a single Member of this body who has not benefited from Howard's counsel, his industry, his knowledge of the Senate, or his friendship. I know that I have gained a great deal from each.

I am especially proud that Howard is a fellow Delawarean, and have always believed that his sense of public service embodies the bipartisan tradition that is the hallmark of our State. As Sergeant-at-Arms, or Secretary to the majority, or in any of the roles he has undertaken during his long career here, Howard has been a source of wisdom and assistance, counsel and comfort to all Senators, Republican and Democrat alike. He has been a fundamental believer in the idea that once the election is over, we are all public servants, and he has worked tirelessly to enable us to fulfill the trust that the people of our States have placed in us.

Mr. President, the halls of Congress are filled with idealistic young people who have come to Washington hoping for a career in public service. They are the lifeblood of this institution, and are the democratic system's hope for the future. For any of those young people searching for a model of integrity, commitment, and public spiritedness upon which to base their career, I would suggest that they look to the long and distinguished career of Howard Greene.

We will miss him a great deal. And I will always be proud to call him my friend.

RETIRING SENATORS

Mr. FORD. Mr. President, these last few days mark the last that we will have the pleasure of working with some of the most talented and dedicated Senators to have served in the U.S. Senate. That's because 13 of our finest Members will be retiring this year.

Recently, former Senator Warren Rudman wrote that ''As a Senator I had enjoyed sitting down with colleagues like George Mitchell, SAM NUNN, BILL BRADLEY, JOE BIDEN, and TED KENNEDY and saying, 'We have a problem here—let's find a way to solve it.' They were Democrats, to the left of me politically, but just because we saw things differently I didn't question their morality or their patriotism. I didn't come to Washington to cram things down people's throats or to have people cram anything down my throat. I thought the essence of good government was reconciling divergent views with compromises that served the country's interests.''

All of the Senators retiring at the end of this Congress have set their moral compasses in the direction of compromises to best serve the country's interests. In doing so, they have served their constituents, the U.S. Senate and the Nation well.

They understood that the arbitrary labels many are so insistent to place on each other, in the end, fall short and are inadequate to describe an individual's commitment to country. That in fact, to weigh a life, a community's future or a country's needs, a different type of scale is required.

In a pluralistic society such as ours, there are many ways to confront a problem and arrive at a solution. These fine Senators recognized that their job was to reach a principled position amidst all of these often conflicting choices. Henry Kissinger put it another way saying, ''The public life of every political figure is a continual struggle to rescue an element of choice from the pressure of circumstance.''

They saw that the preoccupation with these labels is what grips us in gridlock. And that paralysis can cripple a nation's ability to solve its problems and move forward. With their fine guidance we have been able to move beyond gridlock on issues of great importance to the everyday lives of all Americans from health care reforms to important budget and spending questions, energy, immigration, the elderly, and judicial matters.

When judging the choices they've made, I believe history will look back on their service with great respect and admiration. Over and over again, when confronted with conflict or when called upon for leadership, they insisted that their decisions answer the larger questions: Will it stand the test of time for our country? Will our country gain strength from this decision? Time and again, their guidance has resulted in policies that have come to define our country and the common vision we hold as a nation.

In closing, Mr. President, I want to extend my personal thanks to Senators SAM NUNN, NANCY KASSEBAUM, HOWELL HEFLIN, DAVID PRYOR, CLAIBORNE PELL,