Mr. BRYAN. I yield.

Mr. KENNEDY. Mr. President, I hope we will have an opportunity to listen to the Senator, but we are making good progress on this legislation.

I think we have just had an indication of some of the scheduling challenges and difficulties. We are trying to accommodate our Members. We would like to try, to the extent that we can, in response to the greater number of Senators, to deal with these amendments and try to dispose of them.

We are mindful that Members have matters of sufficient importance to address the Senate, but we really hope we can accommodate the greatest number of Senators, that we can try to discuss or debate these issues, and try to work them out to the extent that we can.

The only way we can do that is to have those matters up before the Senate. I will not object at the present time, but I hope, just to try to provide the greatest amount of accommodation to our colleagues, that we can have whatever time that we do have this evening focused on this bill.

Mr. FORD. Will the Senator yield?

Mr. BRYAN. Mr. President, I yield.

Mr. FORD. Parliamentary inquiry. The distinguished majority whip has just offered a motion as it relates to cloture on a motion to proceed.

Now, on that motion to proceed, if cloture is invoked, and the Ryan White legislation has not been finished, the reform legislation has not been finished, the gift ban has not been finished, do they all go back to the calendar if cloture is invoked?

The PRESIDING OFFICER. We would remain on the cloture until it was disposed of.

Mr. FORD. They would not go back to the calendar because the will of the body has been that the legislation would be that motion proposed by the majority whip.

The PRESIDING OFFICER. The Senate will suspend while the precedent is checked.

Mr. BRYAN. I will proceed for about 5 minutes.

Mr. FORD. I yield the floor until we hear from the Parliamentarian.

Mr. BRYAN. Let me express my appreciation to the distinguished Senator from North Carolina and the floor leadership, who I realize are under very difficult time constraints.

ETHICS COMMITTEE MEETING

Mr. BRYAN. Mr. President, I want to talk to my colleagues for a moment regarding the situation which has arisen on the question of holding public hearings on the charges brought by the Senate Ethics Committee against Senator PACKWOOD, and as a result of remarks on the floor last Friday by the Ethics Committee chairman.

First, I want to briefly tell Members of the Senate where the process now stands, in terms of the Ethics Committee. The Ethics Committee rules provide for a three-tier process. The first stage, preliminary inquiry; second stage, initial review; and the investigation phases.

The Ethics Committee completed its preliminary inquiry and voted on May 16 of this year to skip the initial review phase and move into the final investigative phase.

Since the three-tier process was created, only four other cases have gone to the final investigative stage. The committee found there is substantial credible evidence that a violation may have occurred in 18 incidents of alleged sexual misconduct, intentional tampering with the evidence, and improperly soliciting financial assistance.

At that point, under our rules, the committee offered Senator PACKWOOD an opportunity to appear before the committee, and he availed himself of that opportunity on June 27–29.

As the media has reported, when the Senate returned from the July 4 recess, the committee began meeting again. At that point in the process, it was time for the committee to make a decision on what else needed to be done in the investigative phase, including the question of holding public hearings. That is where the process stood when the committee met on July 11 and 12; meetings which have been duly reported in the media.

I went to the July 12 meeting thinking we would vote that day on the question of holding public hearings. The media has reported that the committee did not vote that day and that the meeting set for July 13 was canceled. The chairman of the Ethics Committee acknowledged on the floor last Friday that no other meetings are planned.

One thing I want to make clear, without getting into a long debate at this time on the merits of public hearings, is that holding public hearings in this case would be consistent with a long and well-established precedent. Those of us who are advocating public hearings are not trying to change the rules of the game. All four other cases which went into the final investigative phase had public hearings. Indeed, every major ethics case this century has had public hearings. This would be the first case to be the exception.

The process needs to move forward. I know of no reason the Ethics Committee has not met nor any reason why the committee has not voted on the question of holding public hearings. I am fully prepared to do so. We have now gone 2 weeks without a committee hearing.

Today I wrote the chairman, appealing to him to call a meeting of the Ethics Committee this week for the purpose of voting on the question of holding public hearings. Whatever may happen or not happen on the floor is a separate issue. There is simply no reason for the committee to delay further, and I hope the chairman will establish a meeting time this week so the committee can proceed with its business.

I thank the Chair. I yield the floor. And I thank my colleagues for their accommodation.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 1854

(Purpose: To prohibit the use of amounts made available under this act for the promotion or encouragement of homosexuality or intravenous drug use)

Mr. HELMS. Mr. President, I have an amendment. I send it to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1854.

At the end, add the following new section:

SEC. . PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term 'to promote or encourage, directly or indirectly, homosexuality' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related 'at-risk' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

Mr. HELMS. Mr. President, as the distinguished clerk has just indicated, this amendment is simple. Forest Gump could understand this one.

I do not intend to take up a lot of time. I just say it is just a simple act of responsibility on the part of the Senate to make sure that no taxpayers' money—not a cent, not a farthing—distributed under the Ryan White legislation, shall be used in the promotion of homosexuality as being natural or normal—or that poppycock about just another lifestyle. None of the above is the case.

This amendment, therefore, takes another important step toward removing the Ryan White Act from politics. It provides a safeguard to make sure that Federal funds—that is to say the American taxpayers' money—ostensibly provided to help victims of the AIDS virus, these funds shall not be used to push the radical agenda of the homosexual activists.

I have said many times—and a lot of people do not like my saying it; that suits me all right. I do not like them not liking it. But, if the proponents of this bill really want to help those in need, let us make sure that we help those in need and not let the Ryan White funds be used for such outrageous, extraneous things.

This is not the first time I brought up this subject. About 8 years ago, I think it was, I submitted an amendment that prevented any funds used by the Centers for Disease Control for

AIDS education, the kind of education that would be used to promote homosexuality. And, believe me, it was going on.

This amendment passed the Senate 94 to 2. I certainly can think of no reason why this amendment, the pending one, should not pass by a similar margin. But if any Senator wishes, he or she can come by this desk and we can look at the rollcall of 7 or 8 years ago. We do have it.

The promotion of homosexual conduct as acceptable or permissible or just another lifestyle flies directly in the face of what a sound AIDS policy ought to be. Mr. President, 53 percent of AIDS cases, more than half of the AIDS cases in America, have come about through male/male sexual relations. This being true—and the Centers for Disease Control has documented it to be true—then why on Earth should any Federal money, even a penny, be used to promote activity that has proven to be the leading cause of AIDS?

Mr. President, I wish I had a nickel for every time I have come on this floor and implored Senators to treat the AIDS disease as a public health issue instead of a civil rights issue. But, judging from the clamor and shouting over the past several weeks, these words continue to be ignored—certainly in the media, and certainly by the AIDS activists. They have run up and down the corridors of the Senate, buttonholed Senators, and all the rest of it. We will see how effective they have been.

If this bill passes without any one of the amendments that I intend to offer, we will know something about the effectiveness of the AIDS lobbyists.

I am going to say it again and be through. AIDS is not a civil rights issue, it is a public health issue and a serious one, and the money ought to be spent in that regard, not for the promotion of homosexuality or the advocacy that homosexuality is just another lifestyle. The last thing Congress should do is to allow any of the American taxpayers' money to be used to promote the very behavior that is responsible for spreading this disease.

What homosexuals do behind closed doors is their own business. But they have no claim—none—on the taxpayers' money. This amendment simply prevents the use of tax money to portray homosexual conduct as acceptable or permissible. The Federal Government has no business financing the promotion of homosexuality, it never should, and as long as I am a Member of the Senate, I am going to be on my feet protesting the use of moneys in that way—or the misuse of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I was trying to get a copy of the language that had been used. The Senator from North Carolina mentioned we had passed that before? He mentioned it had passed by a large vote before. I was just wondering if it was the same language as in this, the exact same language?

I do not think anyone could quarrel with the language that would say none of the funds authorized under a title should be used to fund AIDS programs or to develop materials to promote, encourage, directly or indirectly, homosexuality or intravenous drug use. But I was uncertain about getting into a definition of homosexuality. But I clearly have no objection to say that no funds should be authorized to be used for promotion. If I may, I want to look at the language that we passed before.

Mr. HELMS. If the Senator, the manager of the bill, let me know if we can get the yeas and nays, to set this one aside, and make it one back-to-back rollcall vote at 6 o'clock.

Mr. KENNEDY. It is 20 minutes of. We have been interested in getting to this amendment. I was just handed this amendment. It is on a subject matter that I am hopeful that we can work through in terms of what I think would be an agreeable—may not be agreeable to all—but at least an approach which I think would achieve the stated objective but would not necessarily prohibit medical services, for example, to a targeted community. But quite frankly I did not have this. We just received this amendment, and I have no idea what the next amendment is. So as much as I would like to move this along, we could move along much faster if we did have an opportunity to examine the amendments prior to the time that they are addressed and called up.

Mr. President, we all agree that it is not the business of the Federal Government to promote or encourage any kind of sexual activities whether they are homosexual or heterosexual, and it is certainly not the business of Government to promote or encourage illegal activities such as drug use. I hold that view, as do 99 of my Senate colleagues, I am sure. But that is not to prohibit desperately needed funds for organizations on the front lines of this epidemic. The thrust of the amendment has been to deny funding to organizations that serve gay communities or HIV drug users, like the highly respected AIDS Action Committee in Boston or AIDS Atlanta. Over the years similar amendments have been offered to restrict the use of AIDS prevention funds under the theory that targeted AIDS education that acknowledges the existence of homosexuality or drug use somehow promotes such activity.

That is the nub of the concern that we would have, or at least I would in terms of the reaction to the Senator's amendment.

We have, as the Senator from Kansas pointed out, addressed this at other times. If we had had the opportunity to at least know that this was going to be up, we would have been able to be perhaps more relevant. But the thrust of this amendment has been to restrict the use of any AIDS prevention funds under the theory that targeted AIDS education that acknowledges the existence of homosexuality or drug use somehow promotes such activity.

If you had an organization, for example, that is providing services, and that included volunteers, are you encouraging, are you promoting or are you not promoting? Are you effectively limiting the opportunities for those organizations that are attempting to try and deal with the public health issue? Are you curtailing their opportunities to have some kind of impact in a public health way?

I think this is the principal concern that we would have on this particular issue.

Mrs. KASSEBAUM. Mr. President, I appreciate being able to see a copy of what perhaps was before, which was an amendment on the appropriations bill, not the Ryan White legislation. And it did not have a definition in it either. Again, it was language designed to prohibit funds to be used for promotion activities. As I said, I certainly think there would be concurrence with that.

If the Senator from North Carolina wants the legislation in the amendment that he has presented to be voted on without any need of amending it, I certainly respect that and we will have an up-or-down vote. I will intend later on to offer an amendment which would be the same language as the Senator from North Carolina but without the definition part, and would suggest perhaps, if we want to go ahead with the second amendment, as the Senator says, we could have back-to-back votes.

Mr. HELMS. It is not necessary to get the yeas and nays yet on this pending amendment.

So we will lay that aside, if the Chair will permit us to do so, and I ask unanimous consent to do so.

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

Mr. KENNEDY. Will the Senator be good enough to yield for the purpose of a quorum call?

Mr. HELMS. Certainly.

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

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE 40TH ANNIVERSARY OF THE KOREAN WAR

Mr. WARNER. Mr. President, the 40th anniversary of the Korean war will