

Mr. President, with all due respect to my colleague from North Carolina, I do not know—I have to believe that this is not the intended effect—but what the effect of this amendment would be, the effect of this amendment would be very cruel and mean spirited and harsh and beyond the goodness of the vast majority of people in this country, because the way this amendment reads—and I certainly hope there will be some change—if you had community-based clinics, say you have the Minnesota AIDS project, and some young man came in and he was talking to some of the people there and he said, “Look, I am gay, and my family is ashamed of me and a lot of my friends shun me. And I do not want to live. I am thinking about taking my life. I feel worthless.” If those men and women that are working at that community-based clinic said to that young man, “The fact that you are gay does not make you any less of a human being. You are a person of worth, dignity and substance. And, for God’s sake, you do not want to take your life. You can live a life of contribution to community. You can live a life of contribution to country, a contribution to world. And you certainly do not want to take your life,” by the wording of this amendment, those individuals that were working at this community-based clinic would be encouraging homosexuality as a way of life.

We cannot have amendments worded like this on the floor of the Senate. This is just too cruel. I am not going to say that the intent of it is too cruel because I do not want to believe that. But the effect of it would be cruel and harsh. It goes beyond the goodness of people in the country and it goes beyond the goodness of Senators regardless of their political party. And this amendment as now worded should be defeated.

I yield the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. May I ask a question before the Senator asks for the quorum call?

Mr. KENNEDY. I withdraw the request.

Mr. HELMS. What is up? We are supposed to be working on this bill.

The PRESIDING OFFICER. Excuse me. We are under a quorum call.

Does the Senator from North Carolina ask for it to be dispensed with?

Mr. KENNEDY. I withdraw it.

The PRESIDING OFFICER. Without objection, the quorum call is dispensed with.

The Senator from North Carolina.

Mr. HELMS. Certainly. Please explain to me. We were trying to be through, finished with this bill at 6. And I, as a matter of courtesy to the

Senator from Massachusetts, permitted him to enter a quorum call.

I had the floor. I did not have to do that.

When can we expect some action on these amendments and the bill? I understand the Democrats have a problem with something else that I have nothing to do with.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome working out a process and procedure by which we can get a determination and a judgment on these measures. I have been told that there will be objection to having the votes this evening, that we would not be able to move toward the votes. But we could work out an agreement which would permit a vote up or down on the Senator’s amendments, and also other amendments as well, that would be related to the Senator’s amendments. I was consulting with the chairman of the committee to try and see how that process could be realized.

Obviously, I have no objection to the Senator talking or speaking or debating these matters. What I was trying to do was work out with the floor manager at least a process and a procedure so that we could get votes on the amendments of the Senator from North Carolina and also on amendments that are related to the similar subjects and do that in a way which will accommodate the greatest number of Members.

Mr. HELMS. But the Senator just said they were not going to permit any more votes tonight. Who is not?

Mr. KENNEDY. There is objection to moving towards the conclusion of the votes, to having votes this evening.

Mr. HELMS. So what the Senator is saying then is that the announcement I made that we would attempt to have two more rollcall votes and then finish the debate on the remaining amendments and go to a vote tomorrow morning on two remaining amendments and final passage of the Ryan White bill, that is being objected to, now, is that it?

Mr. KENNEDY. I want to say to the Senator, the Senator made that request at 5:30 without us getting a chance to review those amendments. As far as I am concerned, we ought to get a judgment, and I am quite prepared to stay here to get a judgment. But there has been an issue and question in terms of the scheduling, as a result of the requests that have been made by the acting majority leader. Those matters are being discussed by the leadership, and they believe that if we could work out at least a process by which we could debate or discuss these matters tonight with a judgment so that we could vote on these matters and matters related to those issues tomorrow, that that would be a way of proceeding.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from North Carolina will yield to me just for a moment to pose a question.

Mr. HELMS. Certainly. I hope you can clear it up. I do not understand what he is saying.

Mrs. KASSEBAUM. Maybe I can try. I think that the minority leadership was concerned about the cloture motions that were filed and how that would affect scheduling. It has nothing to do with the Ryan White CARE legislation. It does, unfortunately, pose a problem for us. And it is my understanding there would not be an objection if we could put down a listing of all of the amendments yet to be debated. We can debate some tonight and then the votes would be tomorrow; is that correct?

Mr. KENNEDY. That would be it.

Mrs. KASSEBAUM. I wonder if we can suggest the absence of a quorum at this point and see if we can put together a UC agreement which all parties could support.

Mr. HELMS. I will agree to that if I may ask unanimous consent that when I choose to ask that the quorum call be rescinded, that I be recognized to do so and that it occur.

The PRESIDING OFFICER. Did the Senator from North Carolina ask not only that he be recognized to call off a quorum call but that the calling off of the quorum call be guaranteed?

Mr. HELMS. Absolutely, 100 percent.

The PRESIDING OFFICER. That is a request that cannot be granted, as each Senator has the right to object to the unanimous consent request.

Mr. HELMS. I will retain the floor. We will stand in limbo.

Mr. KENNEDY. Will the Senator yield? Can we ask unanimous consent that the Senator be recognized after the quorum call is terminated?

Mr. HELMS. That would be all right.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the termination of the quorum call, the Senator from North Carolina be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SIMON. Mr. President, I ask unanimous consent that I may speak for 2 minutes, then I will renew the quorum call and Senator HELMS will be recognized immediately following the rescinding of the quorum call.

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

DISCRIMINATION IN SOCIETY

Mr. SIMON. Thank you, Mr. President.

I suppose I am like a great many Americans on this whole subject, and what we are dealing with in the problem of recognizing homosexuality, and this problem in our society.

I grew up in a home where we had strong opinions against prejudice,

against people because they were African Americans or Jewish Americans. But frankly, I did not understand this problem. I was not hostile to people who were gay, but I did not understand that they faced some special problems. The reality is, they do. I think we have to recognize that factor.

I also would add, because it is not only this bill, but we face it in the military and other places. When I was in the military, I was in part of something that no longer exists, the Counter Intelligence Corps. Among other things, we screened people for security clearances.

If there were people who were gay, they did not get security clearances. This goes back to 1951 to 1953. I happen to think that was, at that point, a very legitimate reason for not having security clearances, because people could be blackmailed.

If we decide we are not going to have people that are gay in the military, say we have an emergency, and then we have to have selective service, we conscript people, are we going to say that anyone who is gay is not going to be drafted? We are going to end up with an awful lot of gays in this country if we determine that.

I think there are practical problems. I think we should recognize this. Now, does that mean that everyone approves of this lifestyle? That is not the question. The question is discrimination.

For those—and I run into this at town meetings, and I am sure the Presiding Officer has—people who say, what about the Bible. The ten commandments include adultery. Some of the other things did not get mentioned.

I recall my army days. If we had decided we would kick everyone out who was involved in adultery, our branches would have been thinned appreciably.

I think we have to recognize that there are weaknesses in society, but that discrimination is not the route that we ought to be going.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1856

(Purpose: To limit amounts appropriated under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1856.

At the appropriate place, insert the following:

SEC. . Notwithstanding any provisions of this Act, there is authorized to be appropriated for each of the fiscal years 1996 through 2000, amounts that do not exceed the amounts appropriated under this Act in fiscal year 1995.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as the clerk has indicated, and I say the amendment as read speaks for itself, this amendment proposes to freeze Federal funding authorizations for the years 1996 through 2000 at an amount not exceeding the fiscal year 1995 funding for HIV-AIDS. The amount appropriated for fiscal year 1995 totals \$633 million of the taxpayers' money.

I consider this amendment is essential—imperative, as a matter of fact, to close a vast loophole in the pending bill. As currently written, the Ryan White Reauthorization Act authorizes funding for the Ryan White programs:

At such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, 2000.

As I said earlier, some of the proponents say, "This does not mean anything. It still has to go through the authorization and appropriations process," which is true. But it has a psychological effect, when it has been written into the Ryan White authorization bill that the appropriations will be "such sums as may be necessary."

So, as I said earlier, if it does not mean anything let us take it out. Because whenever I see vague, open-ended funding language such as this, I can understand why the Federal debt is approaching \$5 trillion. It stands at about \$4.9 trillion now.

Congress should never write a blank check for any purpose. The least we can do for the American taxpayers is to specify the amount of Federal funding, with no obfuscation, no vagueness, no whatever.

Taxpayers will be interested to know that the total estimated outlays under the current act are \$3.68 billion. That is \$3,680,000,000 over a 5-year period. So we are not talking about chickenfeed. We are talking about real money; real money that can run up the debt, the Federal debt, that will be on the backs of the young people of this country for generations.

This \$3.68 billion does not include NIH funding or the many other Federal programs dealing with HIV-AIDS.

Federal funding for AIDS research and prevention within the Public Health Service has increased from \$200,000 in 1981—\$200,000 in 1981—to \$2,700,000,000 in 1995.

When all the other Federal funds spent on HIV-AIDS are included, the total is about \$7.1 billion for fiscal year 1995.

We have an arrangement in the process, I will say parenthetically, that I will present each of my amendments.

Have we obtained the yeas and nays on the amendment set aside?

The PRESIDING OFFICER. The yeas and nays have not been requested on the amendments set aside.

Mr. HELMS. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. It is not appropriate to ask for the yeas and nays on an amendment which is not before the body. The Senator can ask unanimous consent.

Mr. HELMS. I ask, for the purpose of obtaining the yeas and nays, that these two amendments be considered the pending business.

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

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. There is an amendment pending.

Mr. HELMS. I ask unanimous consent that it be laid aside.

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

AMENDMENT NO. 1856

(Purpose: To ensure that Federal employees will not be required to attend or participate in AIDS training programs)

Mr. HELMS. I withdraw that amendment and send another amendment to the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1856.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provisions of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

Mr. HELMS. Mr. President, the pending amendment was made essential because of a directive issued by President Clinton on September 30, 1993, in which he ordered all heads of executive departments and agencies to develop and