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Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today we have a guest chaplain, Dr. Gary Hollingsworth, of the First Baptist Church of Alexandria. He is a guest of Senator HELMS.

PRAYER

The guest chaplain, Dr. Gary L. Hollingsworth, offered the following prayer:

Let us pray together:

Loving God, we thank You for the wonderful gift of a new day. You have said, ''This is the day the Lord has made, let us rejoice and be glad in it.''—Psalm 118:24.

May today be a day of gladness and rejoicing. We rejoice in Your mercy, Your patience, and Your justice. We are glad that You have provided everything we need for life now and life everlasting. We pray, dear God, for Your wisdom and Your will to be made known and done in this assembly today.

Your word tells us ''righteousness exalts a nation, but sin is a reproach to any people.''—Proverbs 14:34. Help us this day be righteous people. In so doing, Your promise to our Nation is secure. Grant Your wisdom to these women and men of the U.S. Senate who serve at Your pleasure for Your people. I pray they might have courage to do what is right and that they feel Your strength and protection as they serve You by serving others.

I pray also for their families and friends who often must sacrifice time and treasure so they may serve. Wherever they are, and whatever they are doing, speak a word of peace to them at this moment. May the issues before this assembly today be discussed and decided with firm reliance upon Your providence and guidance. Amen.

DR. GARY L. HOLLINGSWORTH

Mr. HELMS. Mr. President, let me begin by saying it is a source of great pride and pleasure to Dot Helms and me that Dr. Gary L. Hollingsworth has accepted the Senate's invitation to serve as guest chaplain today.

His eloquent prayer was typical of his great ministry—sincere, impressive, and deeply reverent.

The Nation very much needs to be remembered every day in the prayers of all of us, and we Senators need the prayerful support of all Americans that we will faithfully uphold the moral and spiritual principles set forth by our Founding Fathers.

Dr. Hollingsworth is pastor of First Baptist Church, Alexandria, which since its organization in 1803 has served the spiritual needs of countless citizens of the Nation's Capital and surrounding area. It is one of the truly historic churches of the area; its congregation numbers 2,850 members. The First Baptist annual budget has grown to $2 million. In addition to the spiritual needs of its congregation, First Baptist, Alexandria, serves many other local, national, and international ministries—for example in the Dominican Republic, Tanzania, Ukraine, and others.

Now, first a word about Dr. Hollingsworth: He and Gwen Beaman were married a few days before Christmas in 1978. They have two fine sons, Jonathan Andrew and Ryan Thomas.

Gary's friends are excited about his being a part of the U.S. Senate today—but I suspect his wonderful parents, L.T. and Magoline Hollingsworth, are excited most of all. A number of staff members and members of First Baptist, Alexandria, are here today and of course the Senate welcomes all of them as well.

For the remainder of today's Senate session, Dr. Hollingsworth will have the privilege of the Senate floor. He can come and go—meaning that he can meet the Senators, talk with them and maybe counsel some who need it most.

Thank you, Chaplain Hollingsworth, from the U.S. Senate, for this day, for being here today. Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. HELMS. Mr. President, is there a unanimous consent stipulating what shall happen now? I assume the pending business is still the Bosnia resolution, is that correct?

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

Mr. HELMS. Mr. President, I inquire of the Chair if the first speaker on this has been identified in the unanimous consent?

The PRESIDENT pro tempore. The first speaker was to be the Senator from Connecticut, Senator DODD.

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

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. LEVIN. Madam President, the fact that more than 3 years after the outbreak of hostilities in the Balkans we are debating the same issues that we did not resolve 3 years ago is surely proof of the failure of Western leaders to craft an effective policy against the expansionist brutality and ethnic cleansing that is going on in Bosnia, and it is surely proof it is a false hope to believe that aggression which is ignored will somehow stop on its own without the use of collective force.

There is no use in blaming NATO or blaming the United Nations. We have to blame the leading nations of NATO and the United Nations. Leading nations means the United States, the French, the British, and our other allies that have the responsibility to lead but that have collectively failed.

We have heard a lot about the failure of the United Nations and the failure of NATO, and, yes, there is plenty of failure there. But NATO and the United Nations are made up of countries, and those entities follow the decisions and the will of their members. So when the United Nations fails, it is because we or the British or the French or the Russians or other members of the Security Council and the General Assembly that make up the United Nations and will not allow it to do something have decided on that course of action.

The same thing is true with NATO. NATO has failed because we and the British and the French and the other members of NATO will not agree on a course of action in the Balkans. We have failed. Collectively we have failed.

There is no easy answer in Bosnia, but I am convinced that the least bad answer is to allow Bosnians to defend themselves. I have been convinced of that for a long time and nothing has changed my view. Quite the opposite. I am more convinced than ever that since we and Western Europe are not willing—no one is willing—to send in ground forces to defend the Bosnian Government and its people against aggression. The least we should do is allow them the right that every other government in the world has, and that is the right of self-defense. No other state recognized by the United Nations is being prevented from exercising this inherent right.

If lifting the embargo results in the United Nations leaving and if it results in the suspension of humanitarian relief, then at least the Bosnians will have been able to exercise their right to die fighting instead of having their hands tied by this embargo while they are being slaughtered.

I find it morally repugnant that we, the nations of the world, are denying Bosnia that right while being unwilling collectively to come to the defense of Bosnia. And it is particularly repugnant in light of the ethnic cleansing, the rape, the forced marches which the State Department has acknowledged are being carried out primarily by the Bosnian Serbs.

The United Nations estimates that the Bosnian Serbs have expelled, killed, or imprisoned over 90 percent of the 1,700,000 non-Serbs who before the war lived throughout the territory now held by the Bosnian Serbs. Now, it is not just in the name of decency that we must allow the Bosnians the right to fight back. In the hope of stopping Serb aggression before it spreads more widely, or before it involves neighboring countries and ultimately us in a wider, deeper conflict we must also allow the Bosnians the right to fight back.

At this point allowing the Bosnians to fight back seems to me to be the best hope of eventually stopping Serb expansionist drives. So it is not just that it is morally repugnant not to allow the Bosnians to defend themselves. As a practical matter I do not see any other way of stopping Serb expansionism unless someone tries physically to stop it. Who is going to try to stop it? Who is there fighting the Serbs in their expansionist goals? And they have them. Their goals for a greater Serbia which can spread into the Balkans and spread into Europe can once again be the source of a wider war which then drags in America as we have been dragged in twice in this century. So no one believes that allowing the Bosnians to defend themselves is going to Americanize the war more than doing nothing. Doing nothing will also result someday in America being dragged into a wider conflict. The only way to prevent a wider conflict is to allow someone who wants to fight against Serb expansionism to fight. That is what the Bosnians not only are willing to do, but they are pleading with us that they be allowed to do.

Bosnia has been littered by broken promises. None of us can be sanguine about the new threats of airstrikes that were made in the last few days. We look at the fine print of the London agreement and we see that us and our allies, NATO, and U.N. officials are still arguing about the dual-key approach, about who has the right to call in airstrikes and who has the right to veto them, and about whether or not the threats apply to Gorazde or whether or not they apply to all safe areas. We read in the morning newspaper that ''U.N. officials are now given the right to veto airstrikes by NATO.'' We were told last weekend no, they were not. NATO and the United Nations are again in disarray within a few days after presumably there had been an agreement. And if there is any principle involved in the London conference, in the London agreement, it was that a credible threat of airstrikes against strategic Serb targets in Bosnia would have at least a reasonable prospect of stopping an attack on Gorazde.

Now, that is what the Secretary of Defense told us yesterday. That at least a credible threat would have the possible effect of deterring an attack on Gorazde. It is not guaranteed that threat of an airstrike even if it is addressed at targets in Bosnia held by the Serbs outside of the immediate area, that a threat, a credible threat of a strong air attack would deter the attack, but at least there was that possibility. That is what is at the heart of the London declaration. Though then the question comes, if it is possible that the threat of a credible airstrike would stop an attack on Gorazde, why would not that same threat stop the attack on Sarajevo? Why do we not apply the Gorazde rules to Sarajevo? What London did was give a green light for an attack on Sarajevo because what it said was the threat of a credible air attack is limited to Gorazde. And when I asked the Secretary of Defense and Secretary of State yesterday, why do we not apply that same threat to stop this ongoing assault and siege of the capital of a nation that belongs to the United Nations, I was told we hope that same decision will be made relative to Sarajevo in the next few days.

Well, I hope it will be too. But I am not going to hold my breath. And I cannot honestly tell the people of Bosnia who have suffered for years that somehow or other these kinds of faltering steps, threat today, watered down tomorrow, threat today, not carried out tomorrow—that this can in any way protect them. There is only one thing that will protect the Bosnian people from the Bosnian Serb expansion, and that is if they are allowed to defend themselves. It has been proven year after year that this is their only defense. There is no other. Now, we are told that this would be a bad precedent, withdrawing from the U.N. resolution. But this would not be the first U.N. resolution which has been ignored in Bosnia and ignored by us. The U.N. Security Council passed a resolution last September which was an effort to punish the Serbs for rejecting the contact group's peace plan. Now, that resolution, just last September, declared that all states should ''desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full.''

The U.N. resolution says, all states should ''desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full.'' Within 4 months we violated that resolution unilaterally. There was no change in that resolution. We and other European officials went to Pale for political talks with the leadership of the Bosnian Serb party. U.S. Special Envoy Charles Thomas went there despite the fact that the preconditions which had been set for that direct dialog had not been met. Now, that was a blatant disregard, unilaterally for an important U.N. resolution. Of course,

that one was dealing with the Serbs. So I guess that one is overlooked. That does not count. It was a resolution very specifically regulating diplomatic and political and military matters. And we ignored it, unilaterally we ignored it. The U.S. Ambassador at that time, Victor Jackovich, objected to the visit and was recalled to Washington as a result of his statement of objection.

This genocide in Bosnia has taken on Orwellian aspects. UNPROFOR is no longer a protection force. Safe havens are neither safe nor are they havens. The contact group of nations is not making any significant contact with the warring parties on a peace agreement. And peacekeepers are now hostages and human shields.

Whatever else, whatever else, the United States and our allies have not mustered the will to defend Bosnia. And we cannot in conscience both enforce an embargo and tell the Bosnians that we are not going to defend you and we are not going to let you defend yourselves. We cannot in good conscience say both things at the same time. We are not going to defend you and we are not going to let you defend yourselves. It is one or the other. Morally it is one or the other, and also it is one or the other for very practical reasons. That is, unless there is a counterweight to Serb expansionism in Bosnia, it will continue. Next it will be Kosovo. Next it will be Croatia. Next other countries will become involved in stopping that expansion.

Next, other countries will respond to the first countries getting involved. Next, a Balkan war spreads to Europe.

There is no easy answer in Bosnia, and anyone who thinks that there is a cure is making a terrible mistake.

Allowing the Bosnians to defend themselves has risks. The status quo has risks. And in judging which are the greater risks, nobody can be sure that their judgment is right. But year after year, I have felt that with all of the clash of pros and cons, there is one nugget of truth, and that is the right of self-defense, of that I am sure.

I am sure that the U.N. Charter, an international law, permits every nation the right of self-defense. I am sure that this country has stood for that for as long as we have been in existence. We have stopped standing for that in Bosnia.

Later on today, the Senate will reassert that fundamental belief that every nation has a right of self-defense, and if there is anyplace where that right is appropriate, it is in a place that has been the victim of a genocide.

I never thought we would hear the words ''ethnic cleansing'' again in this century. We not only heard them, we have watched them. We have watched ethnic cleansing operate. We saw a picture in the paper of Serbian troops separating men from women and children. The men going that way, probably to slaughter; the women and children going this way, probably to rape or to other horrors. That picture reminded me of another picture that took place in a concentration camp about 50 years ago, where Gestapo agents, at the doors of the camp, separated families, some to their death, a few to survive.

It is time to let the Bosnians defend themselves. It has been long overdue and the Senate today is going to make a statement, which I hope is a powerful statement that is, if we cannot stop genocide, and if we are unwilling to stop it, we certainly must let the victims of the genocide try to protect themselves from that horror.

Madam President, I yield the floor. 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NICKLES. Madam President, I rise today in support of the resolution that is before the Senate, the resolution sponsored by Senator DOLE, Senator LIEBERMAN, and many others. I compliment them for this resolution. I also compliment many of my colleagues who spoke so eloquently on this issue yesterday.

I was one that wanted to speak. I noticed the Presiding Officer made an excellent speech last night. Several other of my colleagues, Senator MCCAIN and others, spoke eloquently on the need for this resolution. I compliment them for it.

Madam President, my involvement in the former Yugoslavia probably started with a trip that I made with Senator DOLE to Yugoslavia in the summer of 1990. I learned a lot about the former Yugoslavia and some of the Republics at that time. I must say my eyes were opened. I was shocked by some of the things I had seen, by some of the discrimination, and I will say hatred, by some of the leaders in Serbia, particularly Mr. Milosevic.

I remember Senator DOLE and others on the trip, we wanted to go into Kosovo. Mr. Milosevic did not want us to go. I remember there were so-called elections in Serbia about that time. He stole the elections. But he did not want us to go into Kosovo because of all the problems. We wanted to go into Kosovo because we heard of human rights violations. They did not want us to find out about it.

The people of Kosovo wanted us to go, and we initially went. We went because of the leadership of Senator DOLE. Even the State Department said they did not know about this, but Senator DOLE said no, we are going to go, and we went after hours of haggling negotiations. We eventually went.

We saw thousands of people—Albanians. Kosovo is about 85 percent Albanian. They were really oppressed. They had been denied jobs. Their newspapers had been shut down. They were denied access to radios. They were expelled from hospitals, from universities, and other institutions.

Frankly, the leaders in Serbia—and I hope you will note I am talking about the leaders, because not all Serbs are bad. Certainly, in my opinion, they have some very bad leadership. They distorted the whole thrust of our intentions. Our intentions were to listen to the people, and they tried to deny us that access.

We did listen to many of the people in Kosovo on both sides of the issue. We saw mass demonstrations, thousands of people. In many cases, the police tried to deny them access to us.

I will not forget that trip. I will not forget the leadership that Senator DOLE had in trying to make sure that we were able to see the people in Kosovo, and also I will not forget the way that Mr. Milosevic had distorted our trip, distorted the press afterward, and how he had suppressed some of the people in Kosovo.

It reminds me of the same trip where we were also in other countries, some of the Eastern European countries that were now experiencing democracy, and how excited they were; and then, to see this happening in the former Yugoslavia, and how sad that was.

Now we see some results later. I might mention as a result of that, we passed an amendment. I will mention that amendment. In the fall of 1990, that was opposed by the Bush administration, but the result of it was if we are going to give economic assistance to the republics in the former Yugoslavia, they must be showing some respect for human rights and democracy. Serbia did not qualify. Other Republics did qualify.

We had a heated debate on that. We had a conference on that one issue that lasted for hours. We passed that amendment—so-called Nickles-Dole amendment. It was one of the first legislative items we had dealing with the former Yugoslavia that said we want to support the forces that are trying to get human rights, freedom, and democracy. Again, I say, this is back in the fall of 1990, so this is not a new issue.

Mr. President, in thinking back a little more, and more recently, I remember an issue we had in the summer of 1993, where this Senator and others raised the prospect that we felt like this administration was trying to delegate too much authority to the United Nations. We had a vote on this floor. Actually, we had an amendment, and fought it for 2 days on the floor, saying we did not think U.S. military combatants should be placed under U.N. control.

We eventually lost that amendment. I think we made a point. Our point was that this administration was very intent on delegating U.S. military authority under the auspices of the United Nations. We stated then, 2 years ago, that would not work. I think the events in Bosnia, the events in the former Yugoslavia, have proven that to be the case. They have not worked.

The United Nations is not a military machine. It may be a diplomatic effort, but their efforts on the military front will certainly fail. They have failed.

We are witnessing a real tragedy, a real tragedy, and a lack of leadership from the United Nations, a lack of leadership from the United States. A lot of mistakes have been made. We continue to see war-torn Bosnia suffer as a result.

Mr. President, myself and others have met with the Prime Minister of Bosnia, and he said, ''Let us defend ourselves. Lift the arms embargo. The arms embargo that was placed in 1991 was placed on the entire Yugoslavia. There is not a Yugoslavia today.'' The arms embargo was not placed on the State of Bosnia.

Maybe we made a mistake in recognizing the State of Bosnia. But we have done that. That may have been a mistake. But Bosnia is an independent nation. They have a right to defend themselves.

Under the auspice of the United Nations, we said, well, we will have a resolution, we will designate safe areas. Those safe areas are not safe. The Senator from Texas pointed out last night, they are not safe.

It is a real tragedy, a human rights tragedy, when we see today genocide taking place, when we see people either being slaughtered, raped, or separated from their families with men on one side, women on another, and there are other people transported out—ethnic cleansing, happening today, in 1995, in the so-called safe areas, where we have a U.N. resolution saying this will be a safe area, and it is not safe.

Certainly, we should accede to the request of the people of Bosnia who say, ''At least let us protect ourselves.'' We should give them that opportunity. They have requested that opportunity. Some people say if we do that, think of the consequences. I think that is important. We should think of the consequences. What will happen? Who is in the best situation to make those determinations? I say the people of Bosnia.

The people of Bosnia are saying they are going to ask the U.N. so-called peacekeeping troops to leave. If they wish to do so, let us let them do so. If they want to have the ability to be able to protect themselves, certainly we should allow them to do that. Senator MCCAIN said on the floor last night that there are worse things than dying. Certainly if a family is being separated from their loved ones, they ought to at least have the opportunity to be able to fight for their families. We are not giving them that. We have given them a false umbrella called the U.N. safekeeping area, safe haven, and they have not proven to be safe. Surely we owe it to those individuals to allow them to be able to protect themselves. We have not done that under this administration.

As a candidate, President Clinton said he wanted to lift the embargo. They have made a couple of failed attempts. To me, again, that shows real lack of leadership. They made an attempt through the United Nations early in 1993 to have a multilateral lifting of the embargo. But it was not successful.

What happened between this and the previous administration when we had a world crisis in the Persian Gulf with the Bush administration? They were able to pass U.N. resolutions and enforce those U.N. resolutions. They had teeth. They had respect, and we were successful in getting our allies in the United Nations—and some people who you would not consider our allies in the United Nations—to support those resolutions to expel Saddam Hussein and the Iraqis from Kuwait. We built up a worldwide effort and community to oppose his aggression, to finance the opposition to that aggression and militarily put the forces together to repel that aggression. We passed U.N. resolutions, and we enforced those resolutions.

This administration 2 years later is not able to convince our allies to lift the embargo and, instead, is leading us down a road to surely significant U.S. military involvement, which I know has not been stated as the intention of this administration. Now they say, ''Well, if we lift the embargo, the U.N. troops are going to leave, and surely then it would be Americanization of the war.'' Why? Because this administration said we will supply 25,000 troops to get the U.N. troops out. So now we have U.S. ground troop involvement in Bosnia. Where did they come up with the 25,000 troops?

Madam President, 2 years ago when we had this debate on the floor and I was arguing against delegating U.S. authority to the United Nations, I was quoting administration sources that said they wanted to commit 25,000 troops to an international peacekeeping force in the former Yugoslavia. I argued against that. Yet, that is what this administration is trying to do. They said, ''Well, we have already made a commitment.'' Even when they made that public announcement of, ''Yes, we will put U.S. forces in for the withdrawal,'' a few weeks ago for the relocation of U.N. peacekeeping forces, where did that come from? They said, ''Well, we were continuing with the commitment of the Bush administration.'' That is not the case. That is not factual. The Bush administration never committed putting United States ground forces into the former Yugoslavia for any reason, not relocation of troops, not the extrication of the U.N. troops, not for any reason. They did say, ''Yes, we might have some air support'' for protection, or cover, or for whatever reason, but they did not say we would be putting in ground troops.

The Prime Minister of Bosnia has said, ''Why do you need 25,000 troops?'' Almost all of the U.N. troops are on the Bosnian Government's land, Moslem controlled, not Serb controlled area. I think they said 30 or 60 U.N. troops might be under the control of the Serbs. Why do we need 25,000 troops to get them out?

So I want to make it perfectly clear, I support the resolution lifting the arms embargo. I do not support the 25,000 troops that President Clinton made without consulting with Congress, certainly in contradiction to the previous administration's commitment in Yugoslavia. I do not think you need 25,000 troops to get U.N. troops out. Those are troops. They can get out. They have the capability of getting out. Why make this kind of unilateral commitment, ''Well, if they are going to get out, we have to make a commitment to help them get out?'' The Bosnian Government said they are going to ask them to leave; they have not been a help; they have not been a positive factor concerning this.

I will read a couple of quotes by the Bosnian Foreign Minister:

> I emphasize once again that we are not asking for foreign troops to come to Bosnia. I emphasize once again that we are only prepared to count on ourselves and no one else.

This is July 17 of this year.

He also said, and I quote this.

> * * * it's my assessment that you don't really need these NATO troops and certainly not these U.S. troops. The reason is that when these plans were drawn up, they were drawn up under worst case scenarios—number one, assuming a large number of U.N. and Serb controlled territory, and number two, assuming that Bosnian civilians would, somehow, prevent the U.N. troops from leaving.
>
> Well, on the first point, there are almost no U.N. troops left on Serb-controlled territory. They have all withdrawn to government-controlled territory; effectively, now, it is government troops that are protecting them, and we are ready to let them leave. As for Bosnian civilians preventing the U.N. from leaving, they've seen what the U.N. has done for them in Srebrenica, what it's doing for them in Zepa, what it needs to do for them in Gorazde, and, frankly, what it needs to do for them in Sarajevo. It's not a heck of a lot. I think most of the Bosnian civilians—I think all, frankly—would be glad to see the U.N. forces leave.

That was made July 18, 1995.

So basically the Bosnian Foreign Minister has said they are going to be asking the U.N. forces to leave. They have not helped. The safe areas have not. They are not safe. We have seen what happened in Srebrenica and Zepa. They are afraid of what is going to happen in Sarajevo. They are asking. And we have a letter on our desk that said:

> Please. I am writing to you today to once again appeal to the American people and the government to lift the illegal and the immoral arms embargo on our people.
>
> Today's vote is a vote for human life. It is a vote for right against wrong. It is not about politics. It is about doing the right thing.

He basically says, ''Let us defend ourselves.'' So why have a commitment of 25,000 troops? He said, ''We are going to let the troops out.'' The troops can get out. Do we have to get their equipment out? We are going to risk 25,000 troops to get out U.N. equipment? I do not think that equipment is worth it.

What happens when some forces happen to shoot down U.S. transport helicopters or destroy military equipment or personnel get locked in, or if they capture more pilots and they hold those captive and hostage? What are we going to do then? We are probably going to send in more troops to make sure we get them out.

In other words, the Bosnian people are not asking for United States forces. They are not asking that we send troops. Let us not do it. I think it would be a mistake. I think the administration made a mistake when they unilaterally said, oh, yes, we will commit 25,000 U.S. forces for the extrication of the U.N. forces. I think that is a mistake. And so I am going to be very clear that while I support the lifting of the arms embargo, I do not support U.S. ground forces to pull out the U.N. forces that were probably there by mistake in the first place.

Madam President, let us allow the Bosnians to defend themselves. Let us lift this embargo. This embargo was placed on the entire country of Yugoslavia, not on the nation of Bosnia. Bosnia has been recognized by the United Nations. It has been recognized by the United States. Maybe that was a mistake. But that was in 1991. Surely, they have a right to defend themselves as a sovereign country.

Madam President, further vacillations from this administration, which said in the past they are in favor of lifting the embargo but has been so ineffective in getting other countries to join us, is very regrettable. We need strong leadership in the United States, and we have not seen it. So it is with some regret I say that we are really refuting the President's policy, but it needs to be refuted.

I think we have serious mistakes that have been made in the former Yugoslavia, and as a result you see a real decline of United States leadership, United States prestige, United States influence, not only in Europe but I am afraid throughout the world. As to our ability in the United Nations, think of where we were under both the Reagan and Bush administrations when we had a great deal of influence in the United Nations where we were the leaders, where we were the leader, and now to see we do not have the capability to convince the allies to lift the embargo I think shows a real impotence by the United States, a real loss of prestige and influence on our allies. I regret that. I do not want that to happen. I do not care who is President.

This is a serious vote, one of the more serious votes we will have had in this body, and it is one that I do not relish—having congressional dictation of foreign policy. Many times that can be a mistake. But, Madam President, this administration's foreign policy has been a disaster. It has been a real disaster for the people of Bosnia. We need to change course. I think lifting the arms embargo is the first step.

And again, I wish to congratulate Senator DOLE and Senator LIEBERMAN and others who have had the persistence to bring this forward, particularly Senator DOLE, because, as I mentioned earlier in my comments, I went to the former Yugoslavia with him and I saw his persistence in trying to stand up for what he felt was right in helping the people who are really oppressed—at the time the people in Kosovo. I compliment him for that tenacity. And looking back, since we have been involved in amendments in the Chamber since 1990, this is not just about Presidential politics, as some people have alluded. This is much more important than that.

I urge my colleagues to support this resolution.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank the Chair.

Let me say at the outset that this is a most difficult issue. I have heard my colleagues over the last number of days talking about the Bosnian situation express I think during the remarks a degree of anguish. It is a policy that began to evolve prior to the arrival of this administration, with serious and difficult questions under the administration of President Bush, and this administration has obviously wrestled with them as well. I think in fact that my colleagues by and large during the expression of their remarks have also expressed a recognizable degree of uncertainty over which is the best course of action to follow.

And so with that in mind, let me begin by saying the obvious to all of us. Under our Constitution, the Senate plays a unique and important role in the conduct of foreign policy. In exercising our responsibilities, we bear an individual and collective obligation—to do that which is in the best interests of our country. We are Senators of the United States and no other nation. This is our most important priority.

That is not to say there may be other considerations, but they must always be secondary, always secondary, Madam President, to the interests of our country, the United States.

It is not uncommon obviously for Members of this body to arrive at entirely different conclusions regarding what those best interests may be. That is obviously the case with the conflict in Bosnia.

I respect deeply my colleagues who have concluded that the United Nations should leave Bosnia and the arms embargo be lifted, thus giving the beleaguered people of Bosnia the chance to defend themselves. I have nothing but the highest respect for them and the conclusions that they have drawn.

If, however, the only consideration were whether the victims, the Bosnian Moslems, should be able to fight back, then I believe the conclusion we would reach would be a simple one.

Unfortunately, the implications of removing U.N. forces and lifting the embargo could, could produce, Madam President, profound effects on the United States, on NATO, our most important strategic alliance, on other significant allies, on the nations and peoples neighboring Bosnia, and on the innocent people of Bosnia themselves, who have already suffered so much.

Just as the original decision, no matter how lamentable in hindsight, to impose the embargo and introduce U.N. forces triggered certain events, the tragic results of which we are witnessing today, so, too, could the decision to lift and leave create unwelcome results tomorrow. No matter how much we may wish to undo the mistakes of the past 3 years, let us not compound those mistakes by plunging into greater ones today.

The stakes, Madam President, are far too high and, in my view, the price far too dear. The obvious guilt that some people feel over the bloodstained land of Bosnia should not be equated with, in my view, the paralysis that afflicted Western leaders in the 1930's. Remember, six decades ago the world literally sat idly and watched the cruel advance of fascism. Whatever else may have been done wrong in Bosnia, we have not been mere observers to Serbian genocide.

Significant military, diplomatic, and political efforts have been tried to end the horror of Bosnia. It is totally wrong and profoundly dangerous, in my view, to our future interests to imply that Western leaders have once again been mere spectators to naked aggression.

It is a legitimate criticism, however, to suggest that more thought, far more thought should have been given to those earlier decisions and the likely Serbian reaction to them. But our failure to have been thoughtful once on Bosnia, in my view, is no justification for making the same mistakes again.

As we vie with one another to find new and more dramatic language to express our moral outrage over Serbian aggression, we have not even begun to exhaust our vocabulary. In my view, the worst is yet to come. For all that will be left in the pitiful land called Bosnia are two highly armed forces, locked in a death struggle with no regard for anyone who happens to be in their way, including, I fear, their own people.

I know my colleagues are impatient over this issue. It has gone on far too long. I know that my colleagues are horrified over the sickening atrocities. I know, Madam President, my colleagues are frustrated with the pathetic failure of the status quo policy. And I know my colleagues want to move on to other issues that we must try to resolve. My concern, Madam President, is that we are about to act out of passion at what we are witnessing in Bosnia, rather than acting after

careful analysis of what may be the unintended results of our legislative action.

Madam President, I pose the following six questions for my colleagues to consider before casting their vote on this vitally important resolution.

First, are we prepared to commit 20,000 to 25,000 United States ground forces to the Bosnian battlefield with the full knowledge, the full knowledge, that there are those who will seek to involve us in their cause?

Second, are we prepared to witness the collapse of multilateral embargoes we have engineered against Iraq, Libya, and Iran, not to mention the added difficulty we will have in leading and fashioning such future efforts?

Third, are we prepared to accept a deep and lasting fissure in the most vital and strategic alliance our Nation has anywhere in the world at the very hour, at the very hour that alliance faces uncertainty from Russia and the New Independent States which are staggering under the crippling economic, political, social, and military burdens?

Fourth, are we prepared to accept the likely broad-based political hostility from the people of our two oldest and most dependable allies in the world?

Fifth, do we accept the clear responsibility of our country if the lift-and-leave proposals in this resolution occur and the cancerous conflict of Bosnia spreads to the other Balkan States?

Sixth, and lastly, Madam President, what are we prepared to propose if the war in Bosnia escalates and today's mind-wrenching scenes are paled by comparison as thousands more innocent Bosnians are raped, murdered, cleansed, and left destitute?

Madam President, I do not argue that any or all of these questions can be answered with certainty if this resolution is adopted, but nor, Madam President, can those who propose this resolution argue that these results will never occur. The issue then must be which course poses the greater risk when the possible results are weighed against each other. The answer, I believe, is clear.

Gnashing our teeth over the current mess in Bosnia does not justify placing other vital interests of our country at risk not to mention the risk to the very people that this resolution seeks to deliver from harm's way.

Having concluded that this resolution should be rejected, Madam President, let me quickly add that I do not believe a continuation of the status quo is any more acceptable for many of the same reasons. The U.N. forces must be permitted in my view to fight back and fight back aggressively on the ground in the face of Serbian offensives. The role of these forces as nothing more than armed crossing guards is untenable. These troops are some of the best trained troops in the world. These troops have been trained to do one thing, Madam President. We ought to allow them to do it, that is, fight.

NATO's airstrikes are also critical in my view. Alone they will not complete the job, but in conjunction with an aggressive effort on the ground these targeted airstrikes on essential military targets could, I think, be decisive.

Madam President, President George Bush, to his everlasting credit, showed the world how future conflicts of this kind should be addressed; namely, by building international alliances and cooperation, no easy task indeed. President George Bush demonstrated in my view how effective the civilized world can be in handling these international thugs and simultaneously protecting our own vital interests.

This is not to say, Madam President, that every situation that threatens U.S. interests must only be addressed through international measures. That would be foolish. But where international burden sharing can be achieved, it should be sought.

What a great tragedy it would be if in the very first real test of the Bush doctrine it was the United States led by President Bush's own party that walked away and left our allies on their own. Can, Madam President, the United States, the only superpower on Earth, accept the burden and mantle of leadership the world anticipates from us? The answer to that question does not reside alone on 1600 Pennsylvania Avenue. Madam President, it resides in this Chamber on this day. It resides with each and every one of us who bear the obligation bestowed by our Constitution and constituents as U.S. Senators. That obligation, Mr. President, sometimes means casting a vote that is politically difficult but necessary to protect U.S. national interests. This is clearly in my view one of those moments. And I urge the rejection of the proposal.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Virginia.

Mr. WARNER. Would the Senator, Mr. President, remain for just a brief question or two?

Mr. DODD. Certainly.

Mr. WARNER. I listened very carefully to your rendition of the six questions. I am prepared to work on that. But I listened as you said them, and I think I got your words accurately with reference to the NATO forces. ''They should fight back. They are the finest troops in the world.''

I agree that they are the finest troops in the world. But, Mr. President, roughly speaking there are only 10,000 of the rapid reaction force that have been brought in. They are the ones and the first ones that have been equipped to engage in defensive operations and offense if the Senator's recommendation were to be adopted.

But my first question to you, there are roughly 10,000 French, British, and Dutch. My understanding is but a fourth or a third of those are actually in the region at this time. That is a relatively small force. Some have moved into the Sarajevo area. The Senator suggests that suddenly this force can wheel into action and adequately deter the overwhelming forces of the Bosnian Serbs. I find that unrealistic.

Mr. DODD. Well, I presume that is a question.

Mr. WARNER. Yes.

Mr. DODD. I will try and respond. Let me say I have great respect for my colleague from Virginia's knowledge in matters affecting NATO and military affairs.

I really point out, as I said, I think the status quo is unacceptable and that in my view a better alternative would be to give these forces who are well-trained, some of the best trained in the world, the opportunity to respond.

Last evening our colleague from Nebraska, Senator KERREY, spoke with eloquence, I believe, in describing a series of events where NATO forces, officers, with far fewer numbers than their Serbian aggressors handled the situations militarily in several instances that have not been widely reported but should be known by people because the assumption I think that is developing is that these soldiers that are there are cowards unwilling to fight. In fact when they have been placed in those situations, they have done a remarkably fine job.

Now whether or not the balance in the equation of forces is such that these troops could presently handle the extensive aggression by the Serbians is a legitimate question. But I think it begs the issue of whether or not it makes more sense to try and free up that force and let them do the job. I happen to believe, having read the U.N. resolutions, that there is enough flexibility in that language that these forces could be far more aggressive without going back to the Security Council and seeking broader authority for them to act. So if the issue is merely getting more troops in to do the job, then it seems to me that would be a better course of action to follow, I say to my colleague, than the issue of leaving to the Bosnians the unilateral decision to ask these troops to leave, lifting that embargo on weapons, under the assumption that during that period of time that there will not be even a broader, wider spread of aggression than we are presently seeing today.

Mr. WARNER. Mr. President, my distinguished colleague from Connecticut refers to the U.N. resolutions which he, who is indeed a very experienced and knowledgeable Member of the Senate as it relates to the United Nations and other matters, the Senator thinks they lend themselves to interpretation.

Mr. President, I say why were not they written clearly in the first instance? That is one of the major problems we have here is the lack of clarity, the lack of understanding of who has the authority to use force.

The headlines in today's paper start out with: ''NATO Gives U.N. Officials Veto on Airstrikes in Bosnia.''

Is that the type of chain of command that the Senator from Connecticut is suggesting can resolve this conflict?

Mr. DODD. My colleague from Virginia, Mr. President, will have no argument with this Senator over whether or not there have been serious blunders made over the last few years. I do not think necessarily we advance our cause by engaging in the kind of 20/20 hindsight with which no one is going to argue.

I quickly state, and my colleague from Connecticut is here, who is one of the principal authors of this resolution, had this body and others followed the advice of my colleague from Connecticut several years ago, I suspect we would not be here today engaged in this debate. I am not debating that point at all.

The points I tried to raise and, again, I believe probably a few other Members appreciate and understand the one particular point I tried to raise, and that is NATO. I do not think there has been another Member of this body over the past quarter of a century who has stood more often and fought harder to maintain the vital concern of that alliance.

My fear is, and it is shared, that we may do damage to that alliance at the moment when it is critically important we do everything possible to shore up that alliance. I cannot say with certainty that will happen. I do not buy the rhetoric in every case of those who suggest this is an absolute certainty.

But when I balance and weigh the risks between jeopardizing that relationship and the situation as it presently exists, I come down on the side of caution rather than running the risk of looking back and regretting deeply, in the legitimate call of doing something different than we are doing, placing in harm's way that most strategic alliance.

That is not the only reason I argue, but it seems to me we have to be careful, no matter how disappointed and how angry and how legitimately upset people are over what we are watching night after night, day after day with the human tragedy unfolding in Bosnia.

As tragic as all of that is, my deep concern is that in our resolve to answer those mistakes, we will make additional ones, in fact, fall prey to the same thing that occurred several years ago when we should have thought—I think my colleague from Connecticut yesterday in an eloquent set of remarks pointed out the people are well intentioned. I do not think he was arguing they were motivated by malevolence, but honestly thought, I guess, if you impose an embargo on the Bosnian Moslems, somehow that was going to bring the Bosnian Serbs to the negotiating table.

I do not think anybody had a corrupt intent with that in particular, except maybe the Serbians themselves, but it did not work. We did not think it through carefully.

Now the situation is different than at that particular moment. There is a lot more involved in the decisions we make than just the decision to go in or not. That is why I express that concern.

I will be honest with my two colleagues, this is really the first time I have spoken on this issue, because as I said to my colleague, this has been gnawing at me over what steps to take. I envy those who months ago, except those who have worked for years on this, came to a snappy conclusion on this. I think most of my constituents are deeply concerned and confused as to what is the best course to follow.

Mr. WARNER. Mr. President, let me speak for myself. I have not come to a quick, snappy decision. For 2 years plus I opposed the distinguished majority leader and my good friend from Connecticut steadfastly and have taken many of the positions that the senior Senator from Connecticut has taken.

Mr. DODD. No, I respect that.

Mr. WARNER. But I have changed my view because I think we can no longer, as a body, as the U.S. Senate, sit by idly. We have to take the initiative. The drafters of the resolution which is presently before us have radically changed from their earlier positions to where now they recognize there are a certain set of triggering mechanisms that should bring about the action sought; namely, the very basic right of people to defend themselves with such arms as they may require.

Here are today's dispatches:

> Thousands of terrified Bosnian refugees poured out of the captured enclave of Zepa today.

A safe haven which we basically demilitarized, took away the arms, thinking that for some reason, the Bosnian Serbs would honor the U.N. declaration that this was a safe haven. These people relied—relied, Mr. President—on what had been represented to them by the United Nations.

Despite the efforts to try to get clarity of chain of command and control, here is today's New York Times, if I may just read a paragraph:

> Four days after the United States, Britain, and France threatened the Bosnian Serbs with the heaviest airstrikes yet if they attacked the Moslem enclave of Gorazde, NATO officials said early this morning that they had agreed that no large-scale bombing could start unless United Nations civilian officials gave the go-ahead.

Clearly, again, the dual key. We just continue to go along indecisively as a partner to this decisionmaking between the United Nations and NATO. It is time, Mr. President, it is time some body politic in this world stood up and said, ''This is the course of action we can take,'' and that option is now before the U.S. Senate this very morning. In a matter of 3 hours, we will cast a vote which I hope will be heard around the world as this is the policy that should be followed henceforth. I commend the distinguished majority leader and the junior Senator from Connecticut for taking this action.

Mr. President, I thank my good friend and colleague, the senior Senator. We have worked together. We have traveled together on many issues relating to foreign affairs. While I regret he cannot at this point in time join, I hope that in the future there will be other opportunities when we can work together once again. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want to make a comment in regard to the story in the New York Times today referred to by my friend from Virginia, and to talk more broadly for a moment about some of the understandable and very sincere statements that my senior colleague from Connecticut made about the impact of our actions today on our NATO allies.

We have been in a historic alliance with the French and British, one of the great alliances of history, which successfully thwarted the advance of Soviet troops into Europe and beyond, and the cold war.

Part of what is being played out here—and I do not use that verb lightly—in the former Yugoslavia is the extent to which this great alliance, NATO, remains viable, the extent to which we have common interests or acknowledge that we have common interests, both in protecting stability in Europe and in having NATO be a force for stability in the world, which we continue to need.

Mr. President, the last two American administrations, the Bush administration, Republican, and the Clinton administration, Democratic, have either agreed with or gone along with our allies in Europe, particularly the British and the French, in their vision of what was happening in Yugoslavia and what they ought to do and ought not to do to try to stop it.

From the beginning, there has been a group of us in Congress on a bipartisan basis that has disagreed with the position of the administrations, the Bush and Clinton administrations, and our allies particularly in Britain and France. As I have said before, this is a Democratic administration, obviously, but Senator DOLE stood with me, and I with him and with many others of both parties during the Bush administration in criticizing that administration for standing by and letting this arms embargo continue to be imposed, particularly in response to the appeals of our allies of Britain and France.

President Clinton ran for office, as we have said, critical of the Bush administration for its weakness in Bosnia, urging the policy of lifting the arms embargo and then striking from the air. He came into office with that policy. A lot of Members had a high sense of hope. But as this debate has gone on, people say if you vote for this Dole-Lieberman proposal there will be more bloodshed, the war will be Americanized.

We have rebutted that and we will again. Do we not have a responsibility to listen to the people whose blood has been shed? What gives us the sense of presumptuousness, of moral paternalism, to say to these people who have lost 200,000 lives, that we are worried that what we are about to do, which they want us to do, give them the weapons to defend themselves, will shed more of their blood?

That is preposterous. It is outrageous. Think how we would feel if we were on the other side of this tragedy, attacked, having lost a substantial percentage of our population, watching our families separated, men in this direction, women in that direction, women raped, men slaughtered, refugees all around, torn from our homes because of our religion.

How would we feel in trying to fight back against these tanks and heavy artillery, with light weapons on our side, if the world not only stood by and watched this slaughter occurring, but it continued to impose an embargo that meant we could not make it a fair fight, that we could not stand up and fight for our families.

Mr. President, these excuses that have been given are really, to me, unacceptable. The Americanization of the war—we have responded to that as we have gone along, too; but what remains is the fact that as we look at this history, we continue to impose this illegal arms embargo.

Let me go back to the NATO allies. The allies talked Secretary Christopher out of the lift-and-strike position. The allies had a few months before, earlier in 1992, as a result of the first understanding of the atrocities being committed in Europe, the ITN British television crews going into the concentration camps—I cannot call them anything else. They called them ''detention camps'' at that time—emaciated bodies of men, clearly starving.

Yesterday, the International Tribunal in the Hague, authorized by the United Nations, indicted the President of the Bosnian Serbs, Mr. Karadzic and his chief of staff, General Mladic. Among the elements of the indictment is the operation of these detention camps and slaughtering of people.

Europeans at that point, very much on their own, felt pressure from world opinion. We, too, instead of responding with the basic and fundamental policy that at long last—this is 1992—give these victims, the Bosnians, the weapons with which to fight back. We did not do that. We maintained the embargo. And instead of using NATO air power to punish the Serbs for their aggression and genocide, what did we do? We sent in—we, at the urging of the Western European allies—sent in the United Nations on a peacekeeping mission where there was no peace, misusing the brave soldiers—British, French, Dutch, Bangladeshi, Jordanian, a whole host of countries that are there, Malaysian—sending them into combat without adequate weapons themselves, making a mistake for which we will pay for a long time, bringing the United Nations down because of the outrageous mission. That was the decision that was supported and led by our allies in Europe.

Allies are just like members of the same family—you have disagreements. It is a test of the strength of the family and a test of the strength of this alliance as to whether we can transcend the disagreement and go on and be allies.

Understand how this happened—the British and French led the drive to send in the United Nations to assert their own ability to deal with this problem in Europe. It was dealt with in a way that was ambivalent.

''If the sound of the trumpet be uncertain, who will follow into battle?'' Remember the words of the Scripture. The sound of that trumpet was extremely uncertain. No one followed in the battle except the Serbs who saw the weakness and continued the aggression.

The policy has continued. The strength of rejection of the policy has grown on a bipartisan basis here in Congress. That is what, I think, will be expressed later today.

Now the latest excuse for not acting—at every step we were told, Senator DOLE and I, ''Do not lift the arms embargo, they will seize hostages, U.N. personnel.'' The embargo has not been lifted, and hostages were seized. ''Do not lift the embargo, they will attack the safe havens.'' We did not lift the embargo, they attacked the safe havens. The latest excuse is the London communique, an agreement, an expression of strength by the NATO allies to use the might of NATO air power, a warning to the Serbs: Attack Gorazde and you will pay the price. As I have said here before in the last 3 or 4 days, a threat, not a policy to end the war, and a limited threat at that. Only going to one of the four so-called safe areas is sending a clear signal to the Serbs that the other three are open season. In fact, in the last 3 or 4 days, that is exactly what they have done, attacked Sarajevo, Tuzla, and particularly, Bihac. OK, a limited threat, but at least a threat with regard to Gorazde.

At least the assertion coming out of the meetings that the dual-key approach was over, that we no longer had to go to the United Nations, that NATO had finally taken control, and this great alliance was working, together, to stop aggression, instability in Europe, and genocide, once again, in this century, against a people, because of their religion.

What do we find? Today is Wednesday, 5 days later. Exactly what my friend and colleague, Senator WARNER from Virginia, has said. Apparently, it was not as strong a message from London. Apparently, the dual-key approach, where soldiers on the ground have to go to the U.N. politicians to get approval, and over and over, they have gone and been refused the right to strike back at those who are shooting at them.

I will read from the article in today's New York Times written from Brussels by Craig Whitney.

> Far from doing away with the cumbersome ''dual-key'' arrangement that the United States says has hampered NATO's ability to protect United Nations peacekeepers on the ground, the NATO allies in effect have sided with the United Nations Secretary-General Boutros Boutros-Ghali, who has been saying nobody could take his key away from him.
>
> The allies agreed to make what one NATO official called a ''strong recommendation'' to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time had come to start bombing the Serbs if they attacked.

Imagine this. We have gotten ourselves in a position where the strongest military alliance in the world today must make a plea to the Secretary General of the United Nations to allow this strong alliance to strike back at countries, at soldiers, that are not only attacking civilians in safe areas, but are attacking NATO soldiers.

Continuing:

> But since Mr. Boutros-Ghali has been extremely cautious about approving airstrikes in the past, what was meant to sound like a roar in London 4 days ago appeared likely to have been throttled down to something more like a growl by the time NATO ambassadors finished grappling with it in the small hours of Wednesday morning.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. LIEBERMAN. I yield the floor.

Mr. WARNER. If the Senator will look at that article, there is the paragraph that deserves to be noted. It says as follows:

> The main pressure to preserve a decision-making role for Mr. Boutros-Ghali came from Britain and France. With nearly 15,000 soldiers on the ground in Bosnia who could suffer the consequences if bombing and Serb reactions to it spiral out of control, the countries pressed, in effect, for a series of political firewalls against precipitate American action from the air.

Then the next paragraph.

> In particular, French officials deny [I repeat deny] that they ever agreed last Friday in London to launch automatically what the American Secretary of Defense William Perry called a ''disproportionate response'' to an attack on Gorazde.

The U.S. Senate was highly influenced by the comments of the Secretary of Defense. I think he is a very fine and able individual. I do not know what the background is to this. He, along with the Secretary of State, were present yesterday in the Halls of the Senate. I met with both briefly.

But I find it very disconcerting when our allies undercut what Secretary Perry thought was a decision reached last week, and he personally was present at that time.

So I think that again we come back to who is going to make a decision in this frightful situation? I say the responsibility comes now to this body politic as the sole one in the world

willing to step up at this time and speak decisively on this critical issue.

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely right. Yesterday, I was in a meeting with the Democratic Senators which Secretary Perry and Secretary Christopher addressed. I have the highest regard for both of them.

It is clear to me—I know they are acting with the best of intentions and sincerity here—that the policy they took and fought so hard for last week in London, and it appeared that they thought was adopted, was clearly not what the British and the French are willing to accept. The paragraph that the Senator from Virginia read is exactly where I was going, which is to say that our allies, presumably having accepted a policy in London on Friday, then at the NATO Ministers' meeting in Brussels yesterday have undercut it and set up Mr. Boutros-Ghali as their instrument to frustrate that.

I must say that I do not understand it because they do have troops on the ground. They are the ones who are most vulnerable if the NATO allies are not able to strike back against Serbian aggression. When will they understand that the Serbs will take the—who is smiling, who is laughing most at this story from Brussels? The Serbs are. The signals are clear. ''Do what you want with the three of the four remaining areas, 'safe areas,' incredulously titled today. And as for Gorazde, don't worry too much about attacking that either eventually because the West does not have its act together.'' That was just a toothless tiger roaring, or growling, as the article in the Times today said, from London.

I want to make two points about this. The first is to my colleagues who are going to vote in a few hours, and it is an important vote. Please read this article. Then I simply do not know how any colleague in good conscience could say that the policy emanating from the London communique is a reason not to vote to lift the arms embargo. This sense that somehow the calvary was coming and, therefore, the victims do not need to defend themselves is not so. It is simply not so. That is not a reason to sustain this illegal, immoral arms embargo.

The second point is, and let us acknowledge it, that we continue to have a fundamental difference of opinion—that is, the bipartisan majority here in the Senate, bipartisan majority in the other body—with our allies in Britain and France. Let us acknowledge it. We acknowledge it.

I do not understand how our Western European allies, having gone through two world wars in Europe this century because aggression was not stopped early, can stand by and not see that they have an interest in stopping aggression here before it goes on to Kosovo, and then to Macedonia, which will bring in Greece and Turkey, Bulgaria, Albania, and in the worst of all circumstances will create truly another tragic wider war in the Balkans. But they have apparently not reached that conclusion.

Let us acknowledge here what we are saying. We disagree with our allies. Let us acknowledge also that that disagreement puts in doubt, sadly unsettlingly, the viability of this great alliance.

I think we have to figure out a way to disagree within the family and still remain strong. We have to figure out a way. Looking back in hindsight I wish that both the Bush and Clinton administrations had figured out a way to lead our NATO allies to a stronger policy, the policy of lifting the embargo and striking from the air. I truly believe that if we had implemented that policy in 1992, the war would be over today. A settlement would have been reached because the Serbs finally would have been given a reason to stop their aggression.

Mr. WARNER. Mr. President, could the Senator forbear for a moment?

Mr. LIEBERMAN. Yes.

Mr. WARNER. We have but a few moments left.

The Senator from Connecticut raised a very clear point. In today's New York Times—and I ask unanimous consent to have printed in the RECORD certain backup documents to this important colloquy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE—PRESS BRIEFING BY SECRETARY OF STATE WARREN CHRISTOPHER, SECRETARY OF DEFENSE WILLIAM PERRY, CHAIRMAN, JOINT CHIEFS OF STAFF, GEN. JOHN SHALIKASHVILI, JULY 21, 1995

Secretary CHRISTOPHER. Good evening. On behalf of the entire United States delegation, I want to thank Prime Minister Major for convening today's conference and Foreign Secretary Rifkind for his very skillful chairmanship.

None of us is under any illusion about today's meeting. By now we're all too aware that no conference, including this one, can end the war and suffering in the former Yugoslavia. What a conference of this kind can do is to focus our minds on how we can best contribute to alleviating suffering and achieving a negotiated settlement. This conference has served as a decision-forcing event. As I told my colleagues today, the entire world is watching us, waiting to see if the West will answer the Bosnian Serbs' outrageous aggression.

We face a very simple and stark choice: either the international community rapidly takes firm steps to fulfill its mission in Bosnia or its mission will collapse. Today we have agreed on several actions which, if vigorously implemented, offer a real opportunity to reassert the international community's role in Bosnia.

Let me stress the obvious: to have any chance of success the decisions made today must be translated, translated quickly into reality on the ground. President Clinton and the United States are determined to do so. The international community and the people of Bosnia simply cannot afford any more empty threats. Let me briefly review what the United States believes to be the central elements of today's agreement.

First, the unanimous reaffirmation that UNPROFOR will remain in Bosnia. In order to do so, its ability to fulfill its mandate will be strengthened. We are all painfully aware of UNPROFOR's shortcomings. Nevertheless, we agree that UNPROFOR's collapse in the face of Bosnian Serb aggression can only lead to far greater humanitarian tragedy and strategic danger in the Balkans.

Second, and of most immediate concern. Gorazde will be defended. Bosnian Serb leaders are now on notice that an attack against Gorazde will be met by substantial and decisive air power. Secretary Perry and General Shalikashvili can speak more fully on the military aspects of the plan, but let me make just a couple of points. Any air campaign in Gorazde will include significant attacks on significant targets. There'll be no more pin-prick strikes. Moreover, existing command and control arrangements for use of NATO air power will be significantly adjusted to ensure that responsiveness and unity, our purposes, are achieved. The new system is a much improved system.

Third, we will take steps to stabilize the situation in Sarajevo. Its people must be fed. French and British troops from the Rapid Reaction Force will take action to open and secure humanitarian access routes. At the same time, we agreed more broadly on the need to fullfill the United Nations other mandates, including that in the other safe areas. In this regard we are especially concerned about the escalating Bosnian Serb attacks in Bihac.

Fourth, we're agreed on the need to support on-going efforts to address Bosnia's deep humanitarian needs, which have certainly been exacerbated by the fighting in Srebrenica and Zepa. We intend and we are urging others to increase our contribution, especially in advance of the coming winter.

Fifth, we reaffirmed our belief that the conflict in Yugoslavia can only be resolved by a political settlement. Today we received an update from the European Union's representative Carl Bildt and we underscored our support for this work. Tonight the Contract Group ministers will be meeting with Mr. Bildt to review his political efforts. At the same time, during the conference, I made clear our belief that so long as the Bosnian Serb aggression continues, any political process is doomed to failure. Our first step must be to take action that can return an element of stability on the ground. At that point we agreed that a country wide ceasefire should be declared which can be used as a basis for a resumption of the negotiations.

Finally, today's participants are fully aware of the risks that will accompany any effort to implement UNPROFOR's mission more vigorously. The Bosnian Serbs have taken hostages before and they may do so again. As part of today's plan, we are urging the United Nations to take steps immediately to minimize the exposure of its personnel. At the same time, we're determined that the taking of hostages will no longer be allowed to prevent the implementation of our policies. We are also resolved to hold the Bosnian Serb leaders fully responsible for the safety and personnel of any UN personnel that they have detained.

Let me say again that President Clinton is committed to working with our partners, all of them—especially France and Britain—to see that the decisions we take today are translated into reality. We do not seek to make the international community a participant in the war in Bosnia, but we're determined to make another, perhaps final effort to fulfill the world's responsibilities in Bosnia. Today's meeting was a necessary first step toward that goal. Now we must act. Thank you.

I believe that Secretary Perry and General Shalikashvili will not have opening remarks,

but I'm sure you'll have some questions for them as well as for me.

QUESTION. Secretary, could you clear up a couple of things? We had been told earlier by our Defense officials that this ultimatum would apply to an attack on Sarajevo as well. And according to Secretary Ritkind, that is not the case. It would only apply, according to the Chairman's statements, to an attack on Gorazde. So could you clear that up, and also could you clarify French claims that there is a commitment of American helicopter lift to bring in troops to Gorazde?

Secretary CHRISTOPHER. With respect to the first question, the conference today focused on Gorazde because that seemed to be the area of greatest immediate threat. Having attacked and apparently overcome both the enclaves in Srebrenica and Zepa, the next one evidently on the target list is Gorazde. So we focused our primary concern on that, but at the same time we were concerned about all the safe areas. Now with respect to Sarajevo, the focus there was on the use of Rapid Reaction Force to ensure that there will be opportunities for humanitarian aid to get through. But let me emphasize this: should the Bosnian Serbs launch the kind of shelling attack that they have had on Srebrenica and Zepa, should they launch that kind of attack on other safe areas, these procedures can be promptly applied to those other areas and we stand ready to take the necessary steps to do so. But today's meeting was focused, as the Chairman said, primarily on Gorazde.

With respect to the other question you asked, as the Chairman's statement indicated, there was an indication on the part of all the participants that the UNPROFOR troops were necessary, would be resupplied, given additional supplies, additional arms if necessary. If that becomes necessary, that can be considered. But there is no commitment on behalf of the United States, at the present time, for the use of helicopters; and I might say there is also no commitment by the United States with respect to ground troops. Our long-standing position on that remains intact.

QUESTION. I am sorry. You said that there would be no more pinprick attacks and there have been statements here about substantial attacks, I would like to ask Secretary Perry and General Shalikashvili, would these attacks go far beyond Gorazde? In other words do you intend as you said on the airplane to wipe out the Serbs' air defense system and give you freedom in the air over Bosnia and to attack perhaps fuel dumps, ammunition depots and other areas to teach them a lesson?

Secretary PERRY. I don't want to describe the details of the air campaign which we discussed in some detail with our colleagues. But what I will say is that, first of all, it is a phased plan ranging everywhere from close air support for a particular tactical unit on the ground that is being attacked, to a broader regional air campaign; that this would be agreed to in detail, to be drawn out in detail and agreed to between the air commander and the ground commander. In its latter phases it involves an area considerably broader than Gorazde. Would General Shalikashvili perhaps like to add to that?

General SHALIKASHVILI. I think that you are right, that it is important to understood that these are not just responses against the initial provocation but an air campaign that consists of a wide range of targets throughout a broad zone of operations. That is a significant departure from the way air power was used before.

QUESTION. And was it agreed that, if hostages were held, that such a campaign would not be stopped by that?

Secretary PERRY. That was an issue that was discussed fully and completely at the meeting. We all understood that the success of a sustained air campaign depended on its being sustained and therefore it could not be deterred and interrupted by hostage taking if that were to occur. We cannot let a policy be hostage to the taking of hostages.

QUESTION. Do you understand the meeting to have declined to approve, at this point, the use of air power in the case where some other action is taken other than an attack on Gorazde? Will there have to be another meeting if some other action is taken by the Bosnian Serbs in violation of UN mandates?

Secretary CHRISTOPHER. David, let me say two things about that. First, the meeting didn't decline to do anything. The meeting was positive in character. Second, there are existing authorities, as you know, for the use of air power in particular circumstances. If additional authority was necessary because the Bosnian Serbs took some other action, we stand ready to do that; but there are broad existing authorities under the UN Security Council at the present time that are available to the NATO authorities. We focused on Gorazde and, as both the Secretary and the General have said, we made fairly specific and detailed plans for an air campaign should it become necessary in Gorazde. I think those procedures could be translated into other areas if that becomes necessary.

QUESTION. Bihac is under attack now, sir, and I wonder why that hasn't been responded to?

Secretary CHRISTOPHER. The situation in Bihac is as it has been before, not always entirely clear as to who's doing the attacking and what the circumstances are. We will be watching that very carefully. I think that today's meeting indicates a new level of concern about the situation in Bosnia as a whole. We addressed what we thought was the principal current threat; we will certainly be following Bihac. As I said in my statement, we are very concerned about the escalating attacks there, and we are following it with great care.

QUESTION. What is the new message to the Serbs?

Secretary CHRISTOPHER. The new message to the Serbs is that if you attack—First, the message to the Serbs is you should not attack Gorazde. We are issuing a very strong, stern warning to them which will be communicated in ways in addition to this particular press conference or Foreign Secretary Rifkind's press conference. But beyond that we are saying that if you do attack, you are going to pay an extremely heavy price.

QUESTION. What price?

Secretary CHRISTOPHER. I think that we will leave that to their consideration and imagination.

QUESTION. Do you think they are quaking in their boots, as somebody else put it earlier at another press conference?

Secretary CHRISTOPHER. If they are well advised, they will not attack Gorazde because they will pay a very heavy price.

QUESTION. I have just been to the press conference by Mr. Kozyrev and the greatest expert on air strikes in the world at the moment, on civilian air strikes, namely General Grachev. They said that they don't agree with any of this and that they haven't been quoted properly, and they attack Mr. Rifkind for not quoting them. Do the Russians have the veto or not?

Secretary CHRISTOPHER. The Russians do not have a veto. There is no further action by the United Nations Security Council required for us to take the action that we are going to take today. We are prepared to go forward with the action if necessary. I must say that I did not hear the press conference, but Foreign Minister Kozyrev and the General were present in the meeting. They joined us I think in the importance of UNPROFOR staying. They joined us in the significance of the Bosnian Serbs not taking further action—that they should not threaten Gorazde. I think that they realize UNPROFOR is at stake. If Gorazde were to be taken, as the Foreign Secretary said, UNPROFOR's mission in Bosnia would be very seriously compromised.

But to answer your question directly, the action that we've taken today and the agreements that we've reached are not dependent upon Russian concurrence or any Russian vote.

QUESTION. You said earlier that how the countries with troops on the ground would respond if hostages were taken was fully discussed in the meeting. Do I understand you to mean that you understand clearly that these countries would not request interruption of bombings if this were to take place?

Secretary CHRISTOPHER. I can't forecast what any given country would do under some hypothetical situation. But the agreement of the importance of introducing a sustained air campaign was made with the understanding that it had to be sustained even in the face of hostage-taking. This was explicitly discussed and discussed in some detail.

QUESTION. Secretary Perry, again on your hostage remarks. Does that mean that the allies have to be prepared for the possibility of losing their personnel to a NATO air strike? Did the allies explicitly agree to that?

Secretary PERRY. Could you re-formulate the question? I did not understand the point.

QUESTION. Your comment on the necessity of sustaining an air campaign, even if hostages are taken: Could we interpret that to mean that the allies must be prepared for the possible loss of their hostages in the event air strikes are authorized? Was it discussed in such explicit detail, and did you get agreement on that point?

Secretary PERRY. First of all, we are not proposing to conduct an air campaign. We are proposing to threaten an air campaign to stop, to deter any action that the Bosnian Serbs might take to attack Gorazde. We hope that will be successful.

If it is not successful, we are prepared to conduct a sustained air campaign. We understand—everybody at the meeting understands—there would be substantial risks in doing that. The risks would be to the air crews conducting the campaign, the risk would involve UN forces on the ground, the risk would be even to civilians who are in the area of the targets. Those are inherent risks in air campaigns. We all agreed that that was an unattractive option, and the only reason we are going to proceed with that option is because the alternatives seem even more unattractive to us. The alternative of letting Gorazde fall, which would drive the UNPROFOR out of Bosnia, would result in a humanitarian catastrophe of great proportions. Therefore, balancing risks, we believe that these risks were far preferable to allowing Gorazde to fall.

Secretary CHRISTOPHER. Could I add to Secretary Perry's statement that we are urging the United Nations and we have urged the United Nations already to minimize the exposure of its personnel to limit the possibilities of hostage-taking if it comes to that.

QUESTION. Yes, I would like to ask you if the results of this meeting and met your hopes and expectations before the meeting and do you think they will be sufficient to restore the credibility of the United Nations mission in Bosnia?

Secretary CHRISTOPHER. Yes, I found the meeting to be a successful meeting. It met my hopes and expectations, especially since it was called on short notice and there was the need to try to coalesce the views of many countries in a very short period of time. I

think our working together with the British and French in advance to the meeting, of contacting other countries in advance paved the way for a successful meeting. And incidentally, at the meeting today Foreign Minister Kozyrev also described it as a successful meeting. If the Serbs are wise, the situation in Bosnia will become stabilized and will provide the opportunity for us to try to seek a peaceful negotiated settlement of the matter. In a sense, the matter is in their hands. If they choose to attack Gorazde, as I said, they will suffer very gravely. But it would be a much wiser course for them to withhold those attacks and enter into a peaceful negotiation which is the only ultimate conclusion to this tragic conflict.

QUESTION. Has it been decided to invite Canada and Italy to join the contact group, both in recognition of their major contributions to peacekeeping and peace enforcement in Bosnia and also to put the contribution of one of the current five, post-Chechnya Russia in more proportionate perspective? And second, given the outspoken support of the World Jewish Congress for Bosnia's Muslims, will you seek technical assistance from the Israelis for an Entebbe-like operation to rescue Karadzic and his mates before they commit further war crimes?

Secretary CHRISTOPHER. One thing about it when you get two questions, you can choose which one to answer. With respect to Italy and Canada, there was no discussion about the Contact Group today, but the point I would emphasize here is that both Italy and Canada were very well and openly represented today by the Foreign Minister, the Defense Minister and the chief of their military forces. They participated very actively in the discussions today. They were deeply involved and they will be certainly fully consulted as we move through each one of these further procedures.

QUESTION: I'd like to ask about the dual key. Secretary Rifkind was saying that he could not conceive of a situation in which General Rupert Smith didn't have a final decision on whether air strikes would be launched. Can you tell us how far up the UN chain of command approval would have to come and who talks to whom in order to approve an air strike?

Secretary PERRY. We discussed that in considerable detail today, and we had at the meeting all of the relevant people. I'd like to refer specifically to General Shalikashvili to give you a more detailed answer to that. I am satisfied that we've made substantial changes much for the better in how that coordination is done. John?

General SHALIKASHVILI. The procedures we did discuss, as Secretary Perry said, are a very qualitative step forward, and they parallel proper air-ground operations procedures. In such procedures, the appropriate ground commander, General Rupert Smith, and the air commander must continually coordinate to insure that air strikes are carried out safely, but at the same time also very promptly.

These procedures that we now have represent the second part of your question: how far up does this coordination go in the UNPROFOR chain. The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

Thank you very much.

Mr. WARNER. Mr. President, the New York Times article clearly says that NATO officials said early this morning that they had agreed that no large-scale bombing could start unless the United Nations ''civilian officials'' gave the go ahead. Emphasis ''civilian officials.''

Now I read from a press conference last Friday, July 22, of Secretary of State Christopher, Secretary of Defense Perry, and Chairman of the Joint Chiefs of Staff General Shalikashvili. Referring to the last page:

QUESTION: I'd like to ask about the dual key. Secretary Rifkind was saying that he could not conceive of a situation in which General Rupert Smith . . .

That is the on-scene commander for the UNPROFOR and U.N. troops—

didn't have a final decision on whether airstrikes would be launched. Can you tell us how far up the UN chain of command approval would have to come and who talks to whom in order to approve an air strike?

General Shalikashvili replied:

The procedures we did discuss, as Secretary Perry said, are a very qualitative step forward, and they parallel proper air-ground operations procedures. In such procedures, the appropriate ground commander, General Rupert SMITH, and the air commander must continually coordinate to insure that air strikes are carried out safely, but at the same time also very promptly.

These procedures that we now have represent the second part of your question: How far up does this coordination go in the UNPROFOR chain. The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

Let me repeat that.

The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

To me, Mr. President, I clearly get the impression that the on-scene military commanders, Gen. Rupert Smith and NATO Commander Admiral Smith, are the decisionmakers. That is in direct conflict with what is reported today.

The Senate of the United States is trying to work its way through this complex issue. To a certain degree many, including this Senator, want to rely on the representations of the three principal security officials of the United States, Secretaries of State, Defense, and the Chairman of the Joint Chiefs. But their representation to the world in this press briefing to the U.S. Senate on July 22 is in direct conflict with the reports that we received today.

So I come back again and again. It is now the time, and the obligation of this body politic to make a decision.

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely right.

Again, I say to my colleagues, to quote the Scriptures, ''If the sound of the trumpet be uncertain, who will follow in the battle?''

The sound of the trumpet that was sounded in London on Friday is extremely uncertain, and there is no reason to use that communique as an excuse for not voting to lift the arms embargo.

I thank the Chair. I yield the floor.

Mr. ASHCROFT. Mr. President, the situation in Bosnia continues to worsen. Every day brings additional news of Bosnian-Serb troop movement, resulting in more chaos, devastation and reports of horrendous atrocities. As one so-called safe zone after another is overrun, and with refugees streaming out of them, it is obvious to most that the Bosnian policy constructed by the United Nations, NATO and the American administration has failed.

If the consequences of the U.N. failure were not so grave, many of the scenes we all have witnessed would have to be considered almost farcical. United Nations armored personnel carriers being used to ferry bicyclists across streets in order to avoid a handful of snipers who operate with near impunity—shooting not only at the U.N. personnel—but at women, children, elderly folks. It's an outrage. Then we witness the spectacle of United Nations equipment being taken by the Bosnian-Serbs as they overrun United Nations positions, and also by the Bosnian Moslems in desperate attempts to protect themselves against Serbian attacks.

We have all witnessed these events, Mr. President—and those who continue to argue that negotiators require just a little more time need to face up to the reality of the situation. There is a deep-seated American belief that reasonable individuals—with time and effort—can solve even the most intractable of problems. Well, perhaps too many of our well intentioned negotiators labored for too long under the false impression that we were dealing with reasonable individuals in Pale and in Belgrade. The cycle of retaliatory violence confirms the fact that there is nothing remotely reasonable about the Bosnian-Serb leaders or their counterparts in Belgrade.

Institutions that tried to prevent further escalation have failed to do so—plain and simple. This being the case, it is now time to pursue an alternate course of action that will not embroil United States ground forces in a conflict that the Bosnian Moslems can best settle on their own. The Serbs control 70 percent of Bosnian territory and will continue to advance unless the Bosnian Moslems affect a reversal of the balance of power through force of arms.

While the unilateral lifting of the arms embargo may have some shortcomings of its own, and could be a costly endeavor, we should no longer actively prevent the Bosnian Moslems from defending themselves by trying to keep them unarmed.

However, we should not assume that this decision will not have consequences. For example, depending on the sources of the weapons, we could be sowing seeds of future difficulties. If the Bosnian Government decides to access East European weapons inventories for instance, we do not know exactly how the Russians will react.

Apart from sending weapons directly to the Serbs, the Russians might also decide to stem the flow of weapons to the Bosnians by applying certain forms of pressure on the East Europeans.

Somehow, I have a difficult time imagining that Russia will just sit idly by as events unfold which are clearly detrimental to their Balkan allies. It is also not exactly clear what might happen in the event that the United States become a prime source of equipment, and gets involved in the training of Bosnian personnel.

Mr. President, my decision to support this resolution is not without some concern about the unintended consequences of lifting the embargo. However, I do not see that we have much choice.

For several years, the administration has been sending a stream of let's-wait-and-see signals regarding action on Bosnia. The President asked the majority leader to hold off on S. 21 until after the London conference. Well, the London conference is over and the situation continues to spin out of control. It should be abundantly clear to all that sooner or later, all of the safe-areas are threatened by the Bosnian-Serbs. We even have one of the top Bosnian-Serb commanders in a recent interview with a Belgrade newspaper stating his intention to take the remaining safe-areas within a few months. Coincidentally, this same Bosnian-Serb commander—who oversaw the trampling of Srebrenica—was indicted yesterday by a U.N. Criminal Tribunal for perpetrating war crimes.

This time, the waiting is over, for if the embargo is not lifted soon, there may be no Bosnian Moslems left to arm. Ronald Reagan once said that ''America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win.'' By supporting this resolution today, the Senate will telegraph its support for those who seek to make it on their own. I urge my colleagues to support the Dole resolution.

Mr. MCCONNELL. Mr. President, I rise in strong support of the resolution offered by Senators DOLE and LIEBERMAN.

For months, the situation in Bosnia has deteriorated from bad to worse, as have our policy options. Disappointment has given way to disaster—no matter how deep our common concern, it pales in the face of the horror and chaos of Srebrenica.

As we witness this unfolding tragedy, it is important to keep in mind that it is more than the future of Bosnia that is at stake—American credibility and international influence are on the line. Tomorrow's adversaries are carefully watching Bosnia today. They are measuring the weight of American words—evaluating the strength of our resolve—assessing our leadership, credibility and determination.

And, there is little doubt over the conclusion any casual observer would reach—our Bosnian policy is scarred by retreat and reversal—and repetition of the same mistakes.

Once again, as the Senate takes up legislation to lift the embargo there is a last minute appeal from the White House that the timing is all wrong. We are urged to give yet another policy alternative time to work.

But this alternative, like the last alternative, and the options before that are building on the failure of UNPROFOR.

Last week, Assistant Secretary of State Holbrooke commented ''To whatever extent Americans are involved in the air or in any other way in Bosnia, we will not be limited or constrained by the insane dual key system with the U.N. and NATO * * *. We are not going to ask the United Nations' permission for Americans to do anything in Bosnia.''

I was encouraged by this refreshingly frank assessment of what has compromised UNPROFOR's mission and shattered all hope for a resolution to the crisis. You do not usually hear senior officials call years of policy ''insane.'' It is a rare event for anyone in this administration to forcefully assert unilateral American rights and interests.

Unfortunately, no one in London listened.

United Nations officials will still be involved in decisions about when and where to conduct air strikes and use force. Although Secretary Perry and Secretary Christopher have offered public assurances that this time, this decision is different, U.N. officials are already undermining those claims and maintaining that all final decisions on the use of force will continue to involve the United Nations.

Bosnia policy is in mayhem—the effect of the meetings in London merely modified the mayhem. Once again, we failed to deal with the real problem—Serb aggression. As Prime Minister Silajdzic said, ''Another half measure . . . another fig leaf.''

Marginally modifying the chain of command as agreed in London cannot erase or correct the United Nations and UNPROFOR's failed course. And, this is a well travelled course.

Just a few short weeks ago, President Chirac visited the U.S. pleading for American support for the Rapid Reaction Force. He assured us that it would be an aggressive, combat ready unit prepared to intercede—to make a real difference. Field commanders would make the decisions, not U.N. bureaucrats hundreds of miles removed from the conflict.

Chirac talked of opening a road to Sarajevo, of vigorously defending all the safe havens; and, he was adamant that peacekeepers would no longer be the sorry victims of Serb hostage taking.

Sadly, within days, it became clear the U.N. had other ideas. Special Envoy Akashi immediately issued an apologetic letter, assuring the Serb military that the Rapid Reaction Force would only augment the existing UNPROFOR units. There would be no change in mission, no change in operational activities, no change in command. In soothing platitudes, Akashi directly undermined the RRF's credibility and undercut whatever opportunity they might have had to demonstrate success.

Worse yet, no one from the administration challenged Akashi's interpretation.

Now, we are being promised a robust air campaign, but one that will only protect Gorazde. Once again we have abandoned a principle we asserted a few short months ago. Once again, we drew a line in the sand, or, more appropriately, we drew a line around six safe havens. And now, once again, we are deserting the Bosnians in five of the six safe havens.

How long before we are forced by circumstance to redefine, retreat, repackage the next alternative?

It is long past time to recognize that United Nations Protection Force has become an expensive oxymoron—it is neither a force to be dealt with nor does it offer any protection. In fact, some have grimly joked the only thing the U.N. has successfully occupied is office space.

Any doubt—any false hope—about their capability to protect civilians was obliterated in the savaging of Srebrenica.

The mission has failed and it is time—it is past time—for UNPROFOR to leave, for the embargo to be lifted, and for the Bosnians to be given the chance to defend themselves.

It is their right and our duty.

In 1775, a young Patrick Henry stood up and talked of indulging in the illusions of hope, served by entreaty and supplication.

In calling our Nation to arms, he said,

> We have done everything we could to avert the storm which is now coming on. . . . Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned. . . . In vain, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free . . . we must fight.

The United Nations role in Bosnia is replete with petitions, supplications, and remonstrances—all in vain.

Are we to deny the Bosnian Moslems the very right to self determination that defines the conscience of this Nation? Are we to refuse them freedom—repudiate their desire to secure liberty?

We have paid a high price for failure in Bosnia—over $2 billion in taxpayers' dollars have supported UNPROFOR. What we have paid in treasure, Bosnians have paid in lives and liberty.

Lifting the embargo will not guarantee Bosnians their freedom, but the United States will no longer hold the key to their shackles—the ball and chain that UNPROFOR has become.

Mr. CAMPBELL. Mr. President, I rise today in support of the majority leader's resolution to lift the arms embargo. I do not make this decision lightly, and I have no illusions that our vote today will do anything to stop this

conflict. In fact, we can be sure that lifting the arms embargo will intensify the fighting and lead to more pain and suffering. I do not see what other choice we have, though. The U.N. peacekeeping force has failed to defend the misnamed ''safe havens'' or to protect Bosnians from Serb aggression, and the most honorable thing we can do is allow the Bosnians to defend themselves.

I will be the first to admit, Mr. President, that I did not expect Bosnia to become such a difficult and divisive issue for our country. When communism collapsed and the walls fell in 1989, I was as excited as anyone over the end of the cold war and the prospect of a world finally at peace. I expected that old ethnic and national tensions would flare up, but I figured that European and U.N. diplomacy and a few peacekeepers could handle the job, with limited U.S. involvement. The United States had just won a 40-year-long cold war, and we deserved to rest on our laurels. So when this conflict first started in 1991 after Slovenia and Croatia declared independence from Yugoslavia, like most Americans, I barely took notice of it. I supported the creation of the U.N. Protection Force [UNPROFOR] in February 1992, and I did not argue with UNPROFOR's extension to Bosnia in June 1992, putting my faith in efforts to cobble together a political settlement.

But this wound refuses to heal. Instead it festers, fed by historical conflicts and prejudices reaching back 500 years. I worry that this gangrenous conflict threatens to contaminate all of Europe.

As this conflict continued to worsen and Bosnians continued to suffer, I still held out hope for reason to prevail over aggression and imperialism. Last July, I voted against this very same resolution to lift the arms embargo. I wanted to give the administration more time to pursue a multilateral agreement on the arms embargo, and negotiators more time to find an agreement the Serbs would accept.

In the past year, the situation only got worse. This civil war cost the lives of several U.N. peacekeepers, and almost killed a brave American pilot. The Serbs continue to press their attacks, to ethnically cleanse by driving Bosnians out of their homes, and to kill civilians by shelling Bosnian safe areas. The only honorable thing to do is to admit that without unrestrained military commitments, U.N. peacekeepers cannot stop the Serbs, and let the Bosnians begin to fight Serbs on equal terms.

Regardless of the final wording of this legislation, I hope we all accept our commitment to helping U.N. peacekeepers withdraw from Bosnia, if necessary, with the massive involvement of United States ground troops. Senator DOLE set forth a set of reasonable guidelines on the use of U.S. forces in a withdrawal, designed to reduce risks, which I support. But despite the risks, it is our responsibility as a member of NATO to help our allies save their people stuck in Bosnia.

Mr. President, this is not a political or partisan issue for me. I think our Defense Secretary, Secretary Perry, called this legislation the ''lift-and-pray'' option, and that is as good a description as any. This difficult situation has no easy solutions, and highlights our own difficulties in coming to grips with the realities of a post-cold-war world. It seems like the new world order looks a lot like old world disorder. As much as anybody, I want peace in Bosnia—but not a peace bought with the wholesale slaughter of Bosnians by Serbs.

It is time to admit that we do not have the answers here, and to do the only honorable thing—let the Bosnians get weapons they need to fight for their homes and their lives.

Mr. BAUCUS. Mr. President, I rise in support of this resolution to lift the arms embargo on Bosnia.

For several years, the United States and the United Nations have relied on a system of safe havens. These were protected towns: Gorazde, Srebrenica, and Zepa in eastern Bosnia; Sarajevo, the capital; and Bihac in the west. U.N. peacekeepers were to provide security for the people in these towns, while an overall arms embargo covered all participants in the war.

FAILURE OF PRESENT POLICY

Where do we now stand today?

The Bosnian Serbs have ignored repeated efforts on the part of Americans, Europeans, and Russians to achieve peace. Instead, they have attacked all the safe havens.

Srebrenica has been captured, and its women and children expelled. Nobody knows what has become of the men of the town. The Western countries had given all these people a guarantee of safety.

Zepa fell yesterday.

Bihac is under attack.

Sarajevo is being bombed as heavily as ever.

And the U.N. peacekeepers have been shot at, shelled, and taken hostage.

Clearly, this policy has failed. The U.N. force has proven unable to prevent Bosnian Serb offensives, to protect civilians, or even to protect its own members. The time has come to admit it and move to something new.

THREE CHOICES

No choice is a good one. But I believe we have essentially three options, and one is superior.

First and foremost, we should not become involved as a combatant in the war. That would confront the American armed services with an impossible task—to impose a permanent political settlement. We would be likely to lose many men and women; we would certainly lose some; and ultimately it would be futile.

Second, the strategy some propose of American air attacks against Bosnian Serb positions, is irredeemably flawed. It does not command the full support of our allies, and in any case history shows that air attacks without a coordinated ground campaign do not succeed.

The only remaining choice is the third: to lift the arms embargo and let the Bosnian Government fight in defense of its country. This may not solve the problems of the former Yugoslavia—and I do not believe an outside power can solve those problems—but it has the virtue of justice.

A country attacked by an outside aggressor, or by a rebellion against a legitimate government, has the right to defend itself as best it can. And its people, who have seen the West break its promise to keep them safe, should at least be able to fight for themselves.

That is why I support this resolution. And I urge my colleagues to do the same.

Mr. DORGAN. Mr. President, for many months I have resisted legislative initiatives to unilaterally lift the arms embargo against the Bosnian Government. But today I intend to vote differently.

I have felt that our country should not depart from the joint 1991 decision made with our NATO allies through the United Nations in enforcing an international arms embargo against what was then Yugoslavia. The international community took this action to prevent the fighting from escalating after Slovenia and Croatia withdrew from the Yugoslav federation.

As we all know, the fighting has escalated nevertheless. The U.N. and NATO have ever since struggled to balance the safety of Bosnia civilians with the desire to prevent the war from spiralling or spreading.

But events have taken a dramatic and tragic turn in recent weeks. That is why I now intend to vote for the Dole-Lieberman bill to lift the arms embargo after the United Nations protection forces have left.

I recognize that United Nations forces have helped to reduce civilian casualties to a fraction of their prior levels. These forces have also carried out humanitarian operations that have saved thousands of lives.

However, it is now evident that the U.N. peacekeeping forces cannot be expected to keep the peace where there is no peace. The U.N. forces, I believe, were sent to the region to try to provide safe havens to protect civilians, to open routes to supply food, medicine and essential supplies to the Bosnian people, and to try to keep the peace.

But it is now clear that the Bosnian Serbs are advancing in areas that the Bosnian Moslems thought were safe. The Bosnian Serbs have marched into Srebrenica, a city that the United Nations had guaranteed as a safe haven for civilians. Today we here the further news that another so-called safe haven—Zepa—has fallen before the Bosnian Serbs' advance.

Again, Bosnian civilians have been left unprotected because the U.N. forces are not deployed for or capable

of resisting the Serbs' aggression. The fate of Srebrenica and the fall of Zepa make a mockery of the United Nations humanitarian mission.

We can now see that the embargo has had the practical effect of leaving the Bosnian Moslems virtually defenseless in the face of Serbian aggression.

I have not supported and do not support sending American ground troops to Bosnia to take sides in this conflict. I do not expect that we or our allies are prepared to send troops to the region in sufficient numbers to put an end to the war.

If that is the case—and I believe it is—then I think we must end the arms embargo against the Bosnian Moslems, so that they can defend themselves.

It is a departure for me to support ending an arms embargo anywhere, because I believe we ought to promote policies that slow the spread of arms around the world.

However, I cannot stand by and watch the atrocities that are occurring in Bosnia without believing that it is somehow immoral for us to deny the Bosnian Moslems the ability to defend themselves, their families and their territory. An independent nation has the right of self-defense under article 51 of the U.N. Charter. That is why lifting this embargo is not analogous to lifting the arms ban against Iraq or against any other aggressor.

Let me also point out that the Dole-Lieberman bill we are debating is a new version. It now says that United Nations Protection Forces should first leave Bosnia before the embargo is lifted. This will help to prevent the U.N. forces from getting caught in an escalating crossfire. As an additional insurance against that possibility, the United States must be prepared to honor the President's commitment to our NATO allies to send United States forces to assist in evacuating NATO forces from Bosnia.

Even as we take these steps, I support a renewed effort on the part of the United States to seek NATO's support for a multilateral lifting of the arms embargo against Bosnia. That would be a preferable approach. But in the final analysis, the United States must help the Bosnian Moslems get the arms to defend themselves.

For these reasons, I intend to vote for the Dole-Lieberman bill. I pray that in some way a new set of policies might force the Bosnian Serbs to negotiate a real truce and move that region closer to a permanent end to its conflict.

Mr. LEAHY. Mr. President, yesterday I spoke at length about the situation in Bosnia. I spoke about the damage this debacle has caused to NATO, which has acted like a frightened child in the face of genocide on its borders. I said that the status quo is totally unacceptable. I also said that I believe our first responsibility is to NATO, and that NATO should be given an opportunity to redeem itself and act forcefully to protect the remaining safe havens in Bosnia.

I was encouraged by the statements of the NATO leaders after last Friday's meeting in London, when they said that NATO would respond with substantial and decisive air strikes if the Serbs attack Goradze. Then Secretary Perry and Secretary Christopher suggested that there would be a similar response to attacks against the other remaining safe havens, which I support. They also indicated that the dual-key approach, that has been such a disaster, would end. In the future, NATO commanders would decide when to strike, not U.N. bureaucrats. These assurances were major factors in my decision yesterday to oppose unilaterally lifting the embargo.

Yesterday, I said I expected to see NATO display the kind of unity and power that it should have displayed from the very beginning of this conflict. I feared that by unilaterally lifting the arms embargo, we would be undercutting our NATO allies and saying that we do not support a forceful NATO response. I believe such a decision could lead to wider war, greater suffering, and potentially endanger thousands of Americans. I believe that decisive NATO air strikes could not only turn the tide in favor of the Bosnian Moslems, it could also demonstrate the continued viability and strength of the NATO alliance.

I was therefore very concerned by the article in today's New York Times, titled ''NATO Gives UN Officials Veto on Air Strikes in Bosnia.'' That article suggests that the fatally flawed status quo regarding the dual-key policy has not changed.

Mr. President, if that article were accurate I would have had no choice but to reconsider my position on this issue. As I said yesterday, I cannot support the status quo. I needed to be convinced that the failed dual-key policy was no longer in effect, and that NATO is now fully authorized to use decisive force to deter further Serb atrocities.

Because of the questions raised by that article, I prepared to telephone U.N. Secretary General Boutros Boutros-Ghali earlier today. I wanted his assurance that future decisions about the use of NATO air power would be made by military commanders, not U.N. bureaucrats. Shortly before I was to make that call, I was informed by our mission to the United Nations in New York that the Secretary General had issued a statement which eliminated any ambiguity about dual-key. His statement goes even further, to address the issue of NATO action to protect Bihac and Sarajevo, as well as Goradze.

It is for that reason that I ask unanimous consent that the statement by U.N. Secretary General Boutros Boutros-Ghali be printed in the RECORD. His statement makes clear that the status quo is no longer in effect. Dual-key is over. A rapid, decisive response is now NATO policy.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESS STATEMENT

(Attributable to a Spokesman for the Secretary-General)

The Secretary-General and his advisers have concluded their study of the letter from NATO Secretary-General Willy Claes about the North Atlantic Council's decisions last night relating to the use of NATO air power to deter Bosnian Serb attacks on Gorazde.

As indicated in my earlier statement today, the Secretary-General welcomes the commitment of the North Atlantic Alliance to support the United Nations in the implementation of Security Council resolutions, and looks forward to working with NATO toward that end. He fully supports the decision taken by the North Atlantic Council, as conveyed in Secretary-General Claes' letter, and agrees with its conclusion that an attack by the Bosnian Serbs on Gorazde should be met by a firm and decisive response, including through air strikes.

On the question of the ''dual key'', the relevant Security Council resolutions call for close co-ordination between the United Nations and NATO on the use of NATO air power and this is reflected in the NATO decision. In order to streamline decision taking within the United Nations chain of command when the use of air power is deemed to be necessary, the Secretary-General has decided to delegate the necessary authority in this respect to his military commanders in the field. He has accordingly delegated authority in respect of air strikes, which he has hitherto retained himself, to General Bernard Janvier, the Commander of United Nations Peace Forces, with immediate effect. As regards close air support, which is the use of air power to defend United Nations personnel, the Secretary-General's Special Representative, Mr. Yasushi Akashi, after consulting the Secretary-General, has today delegated the necessary authority to General Janvier, who is authorized to delegate it further to the UNPROFOR Force Commander when operational circumstances so require.

The Secretary-General is deeply concerned by current attacks on Sarajevo and on the Bihac pocket and notes that the North Atlantic Council has asked the NATO Military Authorities, in consultation with the United Nations Peace Forces, to formulate proposals on the possible use of air power in these situations also.

The Secretary-General is informing the Security Council of the measures that he is taking. He again expresses his appreciation for the continuing close co-operation which he enjoys with the Secretary-General of NATO. In furtherance of co-operation between the United Nations and NATO, he has today instructed the Under-Secretary-General for Peacekeeping Operations, Mr. Kofi Annan, and the Force Commander, Gen. Janvier, to travel to Brussels for consultations with NATO on the operational modalities for implementing last night's decision of the North Atlantic Council.

Ms. MIKULSKI. Mr. President, the moral and practical consequences of our actions in Bosnia are on a collision course.

Every moral instinct I have tells me to lift the arms embargo of Bosnia. I share the anger, frustration and pain that inspired this amendment.

We must finally recognize that the U.N. peacekeeping mission has failed. They cannot keep the peace in a land where there is no peace. Despite their bravery, despite their good intentions

—they are not able to protect Bosnian civilians—they are not even able to protect themselves.

As a Polish-American, I see what is happening in Bosnia, and I think of what happened to Poland in the Second World War. Polish patriots on horseback, armed only with swords, faced German tanks and German howitzers. The world watched but did nothing.

And as Hitler exterminated the Jews, most of the world stood by. This passivity amounted to acquiescence.

We are showing the acquiescence today with our meaningless U.N. resolutions and our empty threats.

What is the result of our failure?

It is mothers and children running for their lives from so called safe havens.

It is the young woman who took her own life after being forced from her home and separated from her family.

It is the food and medicine convoys prevented from getting to those in need.

It is the Serb gunfire that is continually targeted toward civilians.

And it is the rape and torture that has been going on for 3 years. This barbarism is a crime against humanity.

It is very painful to be reminded of the inhumanity that man is capable of. It is a shame on all of us.

What history does not teach us, our principles should. And there is no more fundamental principle than the right to self-defense. We never should have imposed an arms embargo on Bosnia.

So my heart tells me to lift the embargo. I want the Serbs to pay for their barbarism. If we cannot or will not defend the Bosnian people—let us stop pretending—let us lift the embargo, let us let them defend themselves.

But, Mr. President, I cannot vote to take this course unless I also consider the consequences that we and the Bosnian people will face down the road.

What happens after we lift the embargo? Most people think that the Bosnian people will then be able to defend themselves—and that Americans would stay out of the war.

But both of these points are wrong.

Just allowing the Bosnians to arm will not make it happen. According to our military leaders, it will take months to sufficiently arm and train the Bosnian army. In the meantime, the Bosnian people will be defenseless.

The Serbs will not wait. The moment we lift the embargo, the Serbs will make a land grab—not just into the eastern enclaves, but also into central Bosnia. Their brutality could spread across all of Bosnia. So by lifting the embargo, we could make things a great deal worse for the people we so want to help.

In addition, lifting the arms embargo will guarantee that United States troops will be on the ground in Bosnia. They would be in rough terrain, surrounded by hostile forces. Not defending the Bosnian people—but defending the U.N. peacekeepers as they make their retreat. There could be American casualties and there could be American POW's. And we will have done nothing to protect the Bosnian people.

While most people in this body support lifting the embargo—how many support sending U.S. troops? And how many of us are willing to take responsibility for the carnage that could occur if we lift the embargo and leave the unarmed Bosnians to fend for themselves? We need to consider the moral consequences of our action.

In any military action abroad, I believe that must always have clear criteria and objectives that answer three important questions:

Why are we there?

What keeps us there?

And what gets us out?

Without answers to these questions, we cannot send U.S. troops into battle. And we have no such answers in Bosnia.

I am not saying that we should stick with the status quo. That has brought the Bosnians nothing but misery.

I had hoped that in the London meetings last weekend that the allies would reach consensus on clear, decisive and immediate action. We did not go as far as we should have. We did not end, once and for all, the dual key policy that puts U.N. bureaucrats in control of military decisions.

But NATO policy does seem to be shifting. We are at least preparing for more robust and meaningful retaliation for Serb aggression and for substantial and decisive use of NATO air power. I believe that we must give this new policy a chance to succeed.

So I will oppose the Dole resolution.

This is a heart-wrenching decision for me. As I have said, every instinct I have tells me to lift the embargo. But I believe that we should not go it alone unless we are willing to act alone—unless we are willing to send in our troops to save Bosnia from the carnage that could occur. We must look at the moral and practical consequences of our action.

Mr. KENNEDY. Mr. President, we all agree that the crisis in Bosnia is a massive human tragedy. But I oppose this legislation calling for a unilateral lifting of the arms embargo, and I do so for five reasons.

First, lifting the embargo may theoretically give the Bosnian Moslems a more effective means to defend themselves. But in fact, lifting the embargo is far more likely to put them in an even worse position—unless the United States and other nations are able and willing to provide extensive amounts of arms and military training over a lengthy period of time, and unless these nations are also prepared to take whatever military action is necessary—including the use of ground troops—to keep the Bosnian Serbs from over-running the Moslems during that period.

Second, if the U.N. forces withdraw, as seems inevitable when the arms embargo is lifted, the plight of innocent civilians will get much worse as the bloodshed escalates and the vital U.N. humanitarian lifeline is severed. In 1992, before the U.N. peacekeepers arrived, there were 130,000 civilian casualties. Last year, there were fewer than three thousand.

In addition, over 1.3 million refugees and much of the civilian population of Sarajevo and central Bosnia—a total of 2.7 million people—are dependent upon the relief work of the United Nations. The U.N. may not have kept the peace as well as we had hoped, but it has saved hundreds of thousands of Bosnian lives. This lifesaving capability—and the maintenance of vital humanitarian supply lines—will all be lost if we unilaterally lift the arms embargo and force the United Nations out of Bosnia. Without the U.N.'s humanitarian efforts, we will see more starvation, more loss of life and a new flood of refugees. The almost $500 million in food, medicine, shelter, and other relief supplies which U.N. agencies plan to deliver this year could well be denied to the innocent people of Bosnia.

Third, the wider war that is the most likely result if this legislation is enacted is in no one's interest and could have catastrophic consequences. The last thing the people of Europe and America need is a wider war in the Balkans.

Fourth, if the embargo is to be lifted, it should be done in cooperation with our allies, not unilaterally. Unilateral action by the United States will seriously undermine both the United Nations and NATO and will serve as a dangerous precedent for other nations to ignore other international mandates.

Fifth, this legislation would make a negotiated solution even more difficult than it is now. Yet a negotiated solution is the only realistic hope for ending this tragic war instead of expanding it.

There are no good answers on Bosnia. But the answer proposed in this legislation is worse than the alternative of working closely with our allies, as President Clinton is doing. He deserves the bipartisan support of Congress at this very important and very difficult time.

Mr. CONRAD, Mr. President, I intend to support the Bosnia-Herzegovina Self-Defense Act as modified by the Nunn and Cohen amendments.

The war in Bosnia is tragic and horrible. No one can hear accounts of the rape, torture, and other crimes the Serbs have committed as they overran the so-called safe areas in Srebrenica and Zepa without being profoundly saddened—and outraged.

I share with my colleagues a deep sense of frustration that the U.N. forces in Bosnia have been unable to put an end to these atrocities. I wish the many attempts to reach a negotiated settlement had been accepted by the Serbs. I wish our allies in Europe had been more willing to take the lead in countering Serbian aggression.

But the reality is, they have not. No one is effectively defending the

Bosnians, and they do not have the capacity to defend themselves because of the arms embargo on the former Yugoslavia.

In the past, I have opposed resolutions calling for the unilateral lifting of the arms embargo. I have long believed the United States should not get involved on the ground in Bosnia, and that it will be much easier to get into Bosnia that it will be to pull American forces out later. I have been very concerned that unilateral actions could lead to greater American responsibility for that outcome and greater U.S. involvement.

But the amended resolution we will vote on today is different. Taken together, the Nunn and Cohen amendments require the United States before unilaterally lifting the embargo, to force a U.N. Security Council and, if necessary, U.N. General Assembly vote on lifting the embargo multilaterally. Only if both these avenues have been exhausted would the United States, as a last resort, act unilaterally.

The events of the past few weeks have made it clear that we cannot wait indefinitely for multilateral agreement to lift the arms embargo. The current approach in Bosnia is not working. Under these circumstances, we must force the United Nations to re-evaluate the arms embargo. It is my strong hope that the United Nations will decide to lift the arms embargo multilaterally. It is immoral to continue to block the Bosnians from obtaining the arms they need to defend themselves against Serbian aggression when it is abundantly clear that only the Bosnians are willing to defend Bosnia against Serbian aggression, ethnic cleansing, and other atrocities. The events of the past few weeks demonstrate that no one else—not the United Nations, not the United States, and not the Europeans—will adequately defend the Bosnians.

This was not an easy decision, Mr. President. There are no cheap or easy answers in Bosnia, and this approach involves some risks. But it is time to take the least risky approach: to lift the arms embargo—multilaterally if possible, but unilaterally if necessary—so the Bosnians can defend themselves.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1848 TO AMENDMENT NO. 1801

Mr. NUNN. Mr. President, my amendment is at the desk, and I call that amendment up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. GRAHAM, and Mr. ROBB, proposes an amendment numbered 1848 to amendment No. 1801.

On page 2, after line 18, insert the following:

''(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia And Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last report would be unavoidable.''

On page 5, after line 12, insert the following and reletter subsections (e) and (f) as subsections (f) and (g) respectively:

''(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a requests to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina.

Mr. NUNN. Mr. President, I will speak more to this resolution in my overall thoughts on the subject of the Dole-Lieberman amendment later this morning or shortly after noon after we meet with the President of South Korea.

But this amendment, as indicated by the reading of the clerk, basically does two things. This amendment says, which is a fact, that the contact group composed of Britain, France, Germany, the United States, and Russia in 1994 made a statement that if the Bosnian Serbs did not agree to the contact group proposal, that the last resort would be the unavoidable lifting of the arms embargo in the U.N. Security Council.

The second part of this amendment makes it clear that, without interfering with the Dole-Lieberman amendment's timetable, which does not require the lifting of the embargo until after the U.N. forces are removed from Bosnia, without altering that timetable on what would be the unilateral lift, this amendment sets up another effort. It sets up one final effort by the United States, having the President of the United States go to the Security Council and asking the Security Council to multilaterally, in accordance with the United Nations' and the Security Council's previous resolution, lift the embargo.

I think this amendment is important. All of us know that the Security Council may not do that but in a month or two the situation may change. Some minds may change. And I would remind those countries, Britain, France, Germany, Russia, as well as the United States, that as part of the contact group, and those that are also on the Security Council, including Britain, France, and Russia, that this action, this multilateral lift that we will be seeking, if the U.N. forces withdraw, is in complete accord and consistent with statements that they signed on to as a part of the contact group in 1994. So it would be my hope that there would be some minds changed if the U.N. forces withdraw.

Mr. President, I will make further remarks about both this amendment and my overall view of the Dole-Lieberman proposal before us and the administration policy sometime later in this debate.

I would say, though, that I concur in what I heard my friend from Virginia and my friend from Connecticut just state about the reports in the paper this morning which indicate that there remains a dual key, that the United Nations is maintaining jurisdiction and that our allies in Great Britain and France, according to the New York Times report, notwithstanding the London meeting, have been proponents of retaining that dual key.

That is contrary to what this Senator understood in reports from our administration's representatives when they returned from London. It is contrary to the initial reports that came out of NATO from London. And it points to the continuing inability of NATO to get its act together and of the United Nations to be able to delegate authority for military action, and the United Nations by all accounts is incapable of making those decisions.

It also calls into question the crucial point about whether a bombing campaign envisions the possibility of hostage taking and whether the participants in the bombing campaign in response to an attack on Gorazde are willing to continue the required military action even if hostages are taken.

Mr. President, it is absolutely essential that the NATO alliance not begin a strike campaign unless they are willing to hit meaningful targets and unless they are willing to continue that in the face of almost certain adversity, that is, hostage taking and perhaps even the killing of United Nations personnel.

Mr. President, these remarks I will continue at a later point, but I did want to go on record that the Senator from Virginia and the Senator from Connecticut are correct, in my view, that this report this morning I think greatly undercuts the position we hoped had come out of the London conference, which was to abolish the dual key at least as far as Gorazde is concerned.

I yield the floor.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 12 noon and proceed to the Hall of the House of Representatives for the joint meeting.

Thereupon, the Senate, at 10:44 a.m., recessed and, preceded by its Secretary, Kelly D. Johnston, and its Sergeant at Arms, Howard O. Greene, Jr., proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Kim Yongsam, President of the Republic of Korea.

(For the address delivered by the President of the Republic of Korea, see today's proceedings in the House of Representatives.)

AFTER RECESS

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. ASHCROFT).

The PRESIDING OFFICER. The Senate will come to order.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Parliamentary inquiry.

I think it would be helpful if the Chair would cite the order of the time of the votes and the pending matter.

The PRESIDING OFFICER. The pending matter is S. 21, the Bosnia matter. There are 45 minutes to each side under control in debate, and circumstances with leaders on each side controlling debate. At 1:30——

Mr. WARNER. I think it is 1:45, Mr. President.

Will the Chair clarify the time?

The PRESIDING OFFICER. There is controlled time until 1:30, followed by the two leaders who have an opportunity to speak to the issue and use their leader time. The amendment by the Senator from Georgia. [Mr. NUNN] is pending to the substitute of the majority leader.

Mr. WARNER. Thank you. Mr. President, then, for planning purposes, Senators could anticipate a vote between 1:45 and 2.

Would that be correct?

The PRESIDING OFFICER. That, I believe, is the general time of which the next recorded vote should occur.

Mr. WARNER. Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 10 minutes.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. Who yields time for that purpose?

Mr. CRAIG. And that the time not be used by either side.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, would that time then be divided for both sides fully?

Mr. CRAIG. I would choose it not be divided from either side.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. CRAIG. If there is no objection, it could be divided equally.

Mr. WARNER. Mr. President, reserving the right to object, I have to consult with the distinguished majority leader. I note the presence on the floor of a number of Senators who wish to address the pending resolution.

Might we inquire of the Senator from Idaho the time?

Mr. CRAIG. It does not deal with this issue.

Mr. WARNER. I realize that. The time that the Senator would want?

Mr. CRAIG. No more than 10 minutes.

Mr. COATS. Mr. President, may I inquire of the manager of the bill—I am sorry. I just walked onto the floor and did not understand what the allocation of time was. I know we are moving toward a vote at 1:45, approximately. The time is reserved for leaders. I would like to get some assurance that I will be able to speak on the pending question for up to 10 minutes or so. I do not know how that works in terms of other time that might be allocated. I just offer that so that the leader has some opportunity to make a judgment on this.

Mr. WARNER. For the information of the Senators present, there is now an hour and a half of time equally divided between the majority leader and the Senator from Connecticut and those who wish to speak in opposition. I see the presence of two or three Senators I happen to understand will be speaking in favor, on behalf of the majority leader's amendment. I am perfectly willing to allocate such time within that 45 minutes as they desire.

Could the Senator from Indiana indicate how much time he would like to have?

Mr. COATS. I prefer more, but I will accept 10 minutes or so.

Mr. KYL. Mr. President, if I may indicate to the Senator from Virginia, I would be happy to have 5 minutes reserved for my comments.

Mr. WARNER. Mr. President, I have just been advised by the majority leader's staff that the majority leader is overcommitted at this time with respect to the time period of 45 minutes under his control. Therefore, I regret that I would have to interpose an objection to——

Mr. CRAIG. Mr. President, I will yield the floor then if time has been allocated for this purpose.

Mr. WARNER. Mr. President, this is the first I knew about this allocation of time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. WARNER. Might I ask the Senator from Indiana if he could lessen that time if at all possible because we are overrequested.

Mr. COATS. I will do my best.

Mr. President, I thank the Senator from Virginia for his courtesy. I did speak on this issue a few days ago, and I will attempt to summarize the statement that I have here in the interest of preserving some time for other Members.

I tried to make two points. First, that it is regrettable that we are here not debating what the policy should be relative to Bosnia, fulfilling our constitutional role of advise and consent to the President of the United States, who is Commander in Chief and who is delegated and given the responsibility and authority to conduct the United States foreign policy, but regrettably we are here formulating that policy in the absence of leadership provided by the President and the administration in fulfilling their duties. That has been a continuing sad story that has permeated this entire Bosnia debate over the last 2½ to 3 years.

Filling this vacuum of leadership is not something that this Senator relishes or even feels fully qualified to perform. Nevertheless, it seems that it is left to us to try to identify and define some policy relative to the United States involvement or lack of involvement in this conflict in Bosnia.

It is true that the choices that face us as a nation in terms of dealing with this conflict are not easy choices. Former Secretary of Defense Les Aspin said all choices in Bosnia are bad; some are worse. It is clear that we are dealing with perhaps what might be defined as the best of the worst in terms of choices. But a couple of facts confront us very, very directly today in this conflict.

Fact No. 1 is that the current attempts at negotiating a settlement to the conflict in Bosnia have failed. And they have failed for a period now of 2½ to 3 years. There have been numerous attempts. There have been numerous so-called peace agreements, new peace plans. I met with the Bosnian Foreign Minister just a few days ago. He said, ''We have signed 17 pieces of paper agreeing to cease-fires and agreeing to peace plans.'' He said that, ''We have one party in this conflict that holds a piece of paper and no weapon, and another party who holds a weapon and no piece of paper.'' He said to guess which one is going to prevail.

He said, ''We will not be able to sit down at the table and begin to negotiate an agreement which both sides can agree to and adhere to until there is an equalization of the confrontation that exists between the two.'' Either both hold a piece of paper or both hold a piece of paper and a weapon, and some sort of rough stalemate exists that will cause both parties to have an incentive to come to the peace table. As the situation now exists, no peace can be achieved if one party has no reason to achieve a peace, no basis to achieve a peace. There is no reason they need to achieve a peace if they can achieve their gains through force.

The second truth we face is that UNPROFOR's—the so-called protective force's—policy of protecting Bosnians

in safe havens has failed. We daily read of the latest disaster in this regard.

It is clear that UNPROFOR, for whatever reason, does not have the capacity, the will, or whatever, to achieve a successful implementation of the protection policy.

The third basic fact, and we might as well say it and be up front about it, the United States is not going to intervene militarily to solve this and resolve this conflict. The American people do not support it, the Congress does not support it, the President has not articulated why we should do this, how it is in our vital strategic or national interest, how we could achieve this militarily, how long we would be there, what our exit strategy would be.

None of the defined criteria that are used to justify American intervention have been either defined or articulated to either us or the American people, and it is clear that we will not commit troops to this conflict.

Anyone who has studied the history of conflict in this region, anyone who understands to the most elementary level the nature of the environment in which we will be placing our troops, anyone who understands the complexity of this particular conflict, has to come to the conclusion that it would be a disaster, a mistake, to involve the U.S. militarily in this conflict.

Therefore, we are left with what I believe is probably the best-worst option, something that I have been reluctant to endorse, but something I do now endorse, and that is a lifting of the embargo. I agree with the proposal that withdraws the U.N. protective forces first before we lift. I think that is important. I agree with the policy that says the United States should not commit to a NATO strategy that is destined to be a failed policy.

But after UNPROFOR has left, and hopefully we will not need to fulfill the President's already-stated commitment and promise to our NATO allies to utilize U.S. forces to withdraw those forces, hopefully that will not be necessary. I will reluctantly support that, in an emergency situation, if there is no other way, as a commitment to NATO that I believe has been made and we need now to keep. Hopefully, we then can lift the arms embargo.

I think we need to understand what this means. I asked the foreign minister, what does this mean lifting the arms embargo? What kind of arms do you seek? He said, ''You don't understand. We don't need American advisers on the ground; we don't need massive training off site, we are very skilled in the rudimentaries of conflict.''

What we are dealing with here is not a Desert Storm sophisticated arms conflict, but something more akin to pre-World War II. He said, ''The first thing we need are helmets.'' He said, ''Most of our deaths are caused by shrapnel injuries to the head because we are not allowed to have helmets under the arms embargo.'' It is an absurd restriction.

Second, he said, ''We need some ammunition, small arms ammunition. We don't need people to show us how to use that. We have been an arms manufacturer in the past.''

Third, he said, ''We need some antitank weapons so that we can deter the heavy tank forces that may be arrayed against us.'' He said, ''These don't need to be sophisticated either; shoulder-held, shoulder-fired antitank weapons would be sufficient.''

And fourth, ''We need artillery to counter the artillery that is utilized by the Serbs so that we can achieve some kind of balance of forces.''

So lifting the arms embargo does not mean necessarily greater U.S. involvement, it does not mean we need to supply the arms. These arms are available on the world market. It simply means we give the Bosnians the right to do what they had asked us to do, and that is to defend their own borders.

Finally, I think we need to examine a strategy of containment that is in our vital national interest, not to have this spread into the areas of Macedonia and Kosovo. We do need to draw the line, NATO does need to be involved in this, but it requires U.S. leadership to accomplish it. U.S. leadership has been the glue that formulated NATO, it has been the glue that has held it together, and it is going to be the leadership necessary to maintain NATO as a sustainable, viable defense entity. So we need that leadership, and we should consult with our NATO allies about a containment strategy that keeps this conflict contained within its current area.

So, Mr. President, that is a very abbreviated explanation of why I support the Dole-Lieberman effort here. I do so reluctantly. I believe we have no other choice.

I thank the Senator from Virginia for the time that he has allotted to me.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time that I might require.

I think it would be in order if we sort of recognized, went back and forth from those in support and those in opposition. The Senator from Washington came very promptly. So I suggest by way of unanimous consent that the Senator from Washington proceed, to be followed by Senator KYL and Senator DEWINE, Senator THURMOND. Of course, we can interrupt that order, if necessary, if others in opposition wish to speak.

And then I also announce that we have reason to believe that Senator COHEN may be desirous of submitting an amendment. I hope he will advise the managers as to his time requirements as early as possible. I yield the floor.

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

Mrs. MURRAY. Mr. President, I yield myself 5 minutes in opposition.

I do rise today in opposition to S. 21, which directs the President of the United States to unilaterally lift the arms embargo on Bosnia and Herzegovina. Like many of my colleagues, I, too, want to do something, anything, to stop further atrocities from occurring in Bosnia. The situation grows more horrid everyday. We have all said it in a hundred different ways: There are no good options to choose from when trying to determine how best to respond to the tragedies in Bosnia and Herzegovina.

Compelling, sound, and thoughtful arguments have been made on both sides of this debate. In the words of one young Dutch peacekeeper just freed from Srebrenica: ''You wish the war would stop, but it's only a wish. It will be a miracle if this war ever stops.''

He had come to that conclusion after witnessing first hand the hatred that has fueled this conflict for generations, a hatred so deep as to seem endless, passed on for centuries from parent to child.

At home, most Americans wonder aloud why the nations of Europe have not been able to come together around this crisis. Knowing how pressing the needs are in our own country, many Americans voice frustration at the unending calls for one form or another of United States involvement in Bosnia. Many resent the United States. in the role of global policeman again, and still many others are horrified by the pictures they see of refugees, of Bosnia's senseless dead, of ethnic cleansing and genocide, of a young woman hanging from a tree in desperate pursuit of escape.

It is this profound sense of frustration that brings us to this debate today. Proponents of S. 21 argue that this approach gives us the best of both worlds—allowing the United States to do something to resolve the conflict while doing nothing to further our own national involvement. But I believe, Mr. President, that the promises of this approach may well prove to be false and that the consequences of Senator DOLE's bill are not well understood.

It is those consequences that concern me the most. It is those questions that have not been answered as we go through this debate.

Despite those who have dismissed his comments during the course of this debate, I agree with Secretary of Defense William Perry when he says that unilaterally lifting the embargo greatly risks Americanizing the war in the Balkans.

Let me make it clear that I agree with those who argue that the arms embargo should be lifted, because it is the Bosnians' right as an independent nation to defend themselves. U.N. Resolution 713, agreed to in 1991 and imposing an arms embargo on all states formed from former Yugoslavia, has frozen a military imbalance in place, because Bosnian Serbs inherited most of the arms and troop strength from Tito's Yugoslavia.

But I continue to have very strong concerns about the United States going

it alone and lifting the arms embargo against Bosnia unilaterally—against the better judgment of our European allies who have troops on the ground, and who have far more at stake than we do at this point.

We have spent little time during this debate discussing the actual details of the plan before us. But it is those details that will determine the success or failure of this approach.

For example, if the goal of lifting this embargo is to get arms to the Bosnians, how exactly will that be accomplished? Who will be supplying the arms? The language of the bill suggests that we can somehow preclude U.S. participation, but I am unclear as to how that can be achieved. If we act unilaterally, we may then be in a position of supplying not just arms, but also trainers and other U.S. military support personnel. Or, if we simply provide funds for the Bosnians to purchase arms, will we be supportive if they use United States funds to purchase arms from Russia—or Iran?

How do we keep United States supplied arms from falling into the wrong hands? This may be a particularly difficult problem if Russian arms are purchased—given that Russia has remained very close to the Serbs during this conflict.

More broadly, if we view the Bosnian crisis as a potential threat to European stability, then I believe we must approach the problem in concert with our European allies, despite how difficult this has been. They are strongly opposed to lifting the embargo, and have made it clear that if the United States lifts the Bosnian embargo, they will remove their peacekeepers. That will no doubt lead to a new wave of refugees in Europe. It is the Europeans who will have to deal with the immediate effects of any U.S. action. It will be their soldiers who are on the ground in Bosnia, and whose lives will be on the line.

Other questions remain.

Currently, the United States works with our allies to enforce the embargo. If we break it unilaterally, will our allies continue to try and enforce it, and if so, how will we deal with such conflicts?

The Croatians, too, have lost territory to the Serbs and would like to reclaim it. If we lift the embargo against Bosnia, why will we not be asked to do the same for Croatia?

And, if the United States acts unilaterally, this could lead some nations to question their commitment to other embargoes, such as the economic boycott of Iraq currently in place.

Mr. President, I am not prepared today to bury the multilateralism we have worked so hard to develop over the last 50 years with our allies.

And finally, if the U.N. peacekeepers are removed, the United States may find itself in a position of having to deploy our own troops to help in that evacuation. Have the American people been adequately prepared for the loss of life that may occur under those circumstances? On that question, Mr. President, I strongly believe we should take the matter to a vote of the House and Senate if a wider role for U.S. troops is requested, so that the American people are involved.

Let me make it clear that although I do not support the resolution before us today, I agree that the status quo is totally unacceptable. The handwringing of the West has been endless. Our actions have been irresolute and irresponsible.

It has been a mistake from the beginning to deploy U.N. peacekeepers in a situation where no peace exists. It is not the mission of U.N. peacekeepers to make peace. Their role is to try to keep the peace once a settlement to the conflict has been agreed upon. That is not the situation in the former Yugoslavia. In the words of the Secretary General, the West has delivered to the United Nations a ''mission impossible.''

Scores of peacekeepers have been killed—and countless wounded. They have been deployed as soldiers into a war zone, but without the arms and means to protect even themselves.

The peacekeepers have done their best under these horrid circumstances. They have saved countless thousands of lives. They have delivered vital humanitarian relief supplies. But they cannot be expected to resolve this war.

As I said in the beginning of my statement, we have come to this debate out of a deep sense of frustration.

This past weekend's ministerial level meetings in Europe produced a refinement of current allied strategy, but the current allied position remains tenuous and untested. We know that NATO's pinprick airstrikes are to be replaced by a NATO air campaign. We have been promised significant improvements in the duel-key command and control system, but confusion on this critical issue remains.

Overall, the agreement between the United States and our allies is extremely fragile, with important questions remaining about its implementation. Will, for example, the plan to protect Goradze become a policy and extend to other U.N. safehavens if they come under attack?

Fundamentally, is there a policy of resoluteness behind this site specific plan? If so, I have yet to hear it. And will the military officers on the ground finally be in control of military decisions, as opposed to the current situation where civilian U.N. officials can veto a military recommendation to initiate airstrikes. It is that situation which has led the Serbs to conclude that the West is nothing more than a paper tiger.

Rightfully frustrated by what appears to be yet more allied indecisivness, Senators voting today in support of the unilateral lifting of the embargo believe their action will contribute to a solution in Bosnia. For the sake of the Bosnians, and for the sake of the entire civilian population throughout the former Yugoslavia, I hope that they are right, and that this action brings the conflicting parties closer to the peace table.

But we have no way of knowing that will be the case.

Let me state clearly that I oppose unilaterally lifting the embargo for two basic reasons: At the core, this is a European issue. Our European allies are on the frontline, and they do not want us to act unilaterally. We have 50 years of solid NATO relations at stake, and I have strong concerns about the United States going it alone against our European allies who have troops on the ground and who have more at stake than we do as we go into this debate.

Second, and more important, if we do this, we have to be prepared to accept the consequences—we, the Senators of the U.S. Senate. The moment we lift the embargo, there is a strong chance the allies will leave and an all-out war will follow. If that is our choice, we will have to live with the resulting carnage. It is for those two reasons that I oppose this proposition before the Senate.

Mr. President, this is a debate with endless questions and few answers, but in my view history will far better be served if the United States continues to try to forge a consensus approach to this tragic situation, rather than adopt a go-it-alone strategy that may well have the unforeseen consequence of widening the war and escalating our own national involvement.

It is with a great deal of reluctance and sadness that I vote today in opposition to the amendment before the Senate.

Mr. WARNER. I yield myself such time as I may require. I am informed at the present time there will be an objection to any request to extend the amount of time now elapsing between 12:20 and 1:30, at which time the leaders have their time reserved.

Therefore, I ask the Senator from Arizona how much time is required?

Mr. KYL. Mr. President, 5 minutes.

Mr. WARNER. Could the Senator reduce it to 3?

Mr. KYL. I will do my best.

Mr. WARNER. I ask the Senator from Ohio [Mr. DEWINE], to reduce his time to 3 minutes.

The distinguished Senator from South Carolina, could we inquire as to the amount of time that the Senator desires?

Mr. THURMOND. Mr. President, 7 or 8 minutes.

Mr. WARNER. Could I ask the Senator to reduce that amount of time? We are rapidly running out of time.

Hopefully we can accommodate the Senator from Maine.

Mr. THURMOND. Can the Senator extend it to give me 7 minutes?

Mr. WARNER. I am told there will be an objection. Could we hopefully do 5 minutes?

Mr. THURMOND. I will try.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to strongly support the Dole-Lieberman resolution. It is frustrating for all because the moral imperatives here demand action, yet as has been noted by all of the other speakers, all actions are fraught with problems.

We all agree there are no good options. We all agree that lifting the arms embargo is not a panacea, but it will enable the Bosnian Moslems to defend themselves, which is their right under article 51 of the United Nations charter. It may hasten the day when the Serbs cease their aggression.

Ever since the United Nations extended diplomatic recognition to Bosnia and Herzegovina in 1992, I have believed that the United Nations should either act to get the United Nations to lift the 1991 embargo, or unilaterally lift that embargo to make it easier for the Moslem communities to defend themselves.

We all know that the Bosnian Serbs have an arsenal of weapons which they obtained largely from the Yugoslavian Army, also from Romania, the Soviet Union and other sources.

In Afghanistan, Cambodia, Nicaragua, and with the Kurds in Iraq, the United States helped those defending their families and territory to acquire the weapons to defend themselves. This situation is no different, Mr. President. That is why I support lifting the arms embargo.

While some negative consequences could result from lifting the arms embargo, it cannot be worse for the Bosnian Moslems than the death of 200,000 civilians, perhaps thousands of women raped, 2 million people left homeless, and the loss of 70 percent of their territory.

Albert Wohlsetter pointed out in an editorial entitled ''Genocide by Embargo,'' ''adherence to Security Council Resolution 727, even after the United Nations, European Community and the United States has recognized the independent status of the states of the former Yugoslavia, is a violation of article 51 of the U.N. Charter which acknowledges the right of self-defense.'' He says ''The United States should now simply declare that there is no valid embargo on the sovereign nations who are the victims of continuing Serbian genocide.''

Mr. President, shortly we will be voting on two amendments which seek to involve the United Nations. Of course, if the United Nations could quickly lift the arms embargo, that would be the best result. These amendments should not interpose between U.S. action immediately and lifting of the arms embargo by the rest of the world communities any requirements that would delay U.S. action.

That is why I believe we should first pass the Dole-Lieberman resolution which commits the United States to action, not dependent on what anyone else does. As former British Prime Minister Margaret Thatcher wrote in her recent letter to Senator DOLE, ''American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe.''

Mr. WARNER. Mr. President, I ask unanimous consent I may proceed for not to exceed 2 minutes on my time.

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

Mr. WARNER. Mr. President, it is important that the Senator from Maine be given an opportunity to propose an amendment which is in the nature of a second-degree amendment. I yield to him 2 minutes.

AMENDMENT NO. 1851 TO AMENDMENT NO. 1848

Mr. COHEN. Mr. President, last evening I took the floor to indicate that my expectation was that Senator NUNN would be offering an amendment that essentially would require President Clinton to go to the United Nations. A year ago in August, Senator NUNN and then Senator Mitchell also sponsored legislation requiring the President to go to the United Nations. The President did, but he did not seek a vote.

Under the Nunn amendment, as I understand it, he would require the President to seek a vote to lift the embargo on a multilateral basis. It is my expectation that if the President were required to do so, nonetheless we could anticipate that one of the members of the Security Council—be it Russia, be it France, be it any other member—would impose a veto or seek to prevent it from coming to a vote.

My amendment to the Nunn amendment would require that in the case that a vote is prevented or in case a veto is lodged, that the President would then go to the General Assembly of the United Nations which has voted—the membership of that has voted on two prior occasions overwhelmingly—to lift the embargo.

This would, in my judgment, meet the objections of our colleagues who are concerned about undermining our relationship and the United Nations or with NATO. This would give an opportunity for a multilateral lifting of the embargo and would preserve the integrity of the institution itself.

I believe it would resolve the problems that many of my colleagues feel now, acting unilaterally. This is an opportunity for the countries who have voiced their support for the lifting of that embargo on a multilateral basis to cast their vote. I believe we would accomplish our objectives. I intend to support the Dole resolution. I intend to support the Nunn amendment, and hopefully my colleagues will also support it.

Mr. President, I send to the desk my amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 1851 to amendment No. 1848.

The amendment is as follows:

Strike the period at the end and insert in lieu thereof the following: ''In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.''

Mr. THURMOND. Mr. President, I believe the Nunn amendment is sufficient to allow consideration of a multilateral lift of the arms embargo by our allies. The Nunn amendment provides the United States ample opportunity to consult to the greatest reasonable extent with our allies. As I said in my statement earlier, the time to act is now—not later. However, so that it can never be said that the United States did not allow every opportunity for the international community to support a multilateral lift of the arms embargo, I will support the Cohen second-degree amendment.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1801

Mr. DEWINE. Mr. President, I rise today in support of the Dole-Lieberman bill.

Let me make very clear, however, at the outset, that I believe that this is a terrible way to have to make foreign policy.

The facts are that no congressional action can substitute for Presidential leadership. No congressional action can substitute for Presidential vision. There is no substitute for a clear and coherent U.S. foreign policy defined, articulated, and pursued by the President.

Congress cannot negotiate with our allies. Congress cannot open up a back channel. Congress cannot order airstrikes.

Therefore, this is a resolution that I am not particularly happy to have to endorse. I am sure that many of my colleagues share my intense dislike for congressional micromanagement of foreign affairs and foreign policy. I do not think, Mr. President, we should make a practice of acting as pseudo-Secretaries of State.

In fact, last week when the President called the majority leader and asked him to delay action on this resolution, I had hoped then that the President was going to lead. The events of last weekend and the last few days, as articulated by my colleague from Connecticut and my colleague from Virginia several hours ago, clearly shows this is not going to happen.

Mr. President, Congress cannot force the President to lead, but maybe Congress can push him towards leading. Indeed, we must do this. The stakes in Bosnia are great. This conflict is more than just a civil war. It involves more

than just the tragedies we see on TV, however horrible they are. It also involves the question of the future of NATO and ultimately the stability of Europe.

We have to reassert U.S. leadership of NATO. We have to maintain NATO as a viable force. We have to prevent the spread of this conflict.

The administration simply does not have a coherent policy to achieve these ends. Crossing your fingers is not a policy.

To achieve these ends, you have to start changing the conditions on the ground. The bill before us outlines one way in which we could begin to do this.

Clearly, though, lifting the arms embargo is a moral imperative. It is the right thing to do. The administration may not have a foreign policy yet, but until they do we should at least give the Bosnians a chance to defend themselves.

The arms embargo is an unwise, outdated policy, enacted against a country that no longer exists. I am, however, troubled by the idea of a unilateral U.S. withdrawal from a collective engagement. That is why I intend to support the amendments of Senators COHEN and NUNN. We should go to the U.N. Security Council—and, if we fail there, the General Assembly—to make this an allied and not a purely American policy.

Mr. President, the handwriting is on the wall for the U.N. policy in Bosnia. The UNPROFOR troops are coming out—they are probably coming out whether we pass this resolution or not.

They are coming out for good reason. They simply have no constructive role to play under the rules of engagement.

Are the UNPROFOR troops supposed to stay in Bosnia just to die? Are they supposed to stay there just to be captured—just to serve as a shield for the aggressors? No. The writing is on the wall, and they are coming out.

We need the President to lead.

The President needs to explain to the American people what America's goals are in Bosnia—how, specifically, he intends to achieve them—what sacrifices the American people might have to make—and why.

We cannot do that here on the Senate floor, but somebody has to. And that somebody is the President of the United States.

On this issue, the administration is adrift. It is my hope that by passing this resolution, the Senate is recalling the President to his most important responsibility—to serve as Commander in Chief.

Mr. President, this problem will not just disappear. The only hope for a more positive resolution of this tragedy will come with Presidential leadership.

Mr. WARNER. Now, Mr. President, the distinguished senior Senator from South Carolina is about to address the Senate. I would like to make a further request for unanimous consent that the Senator from Minnesota [Mr. WELLSTONE] be granted 3 minutes following that.

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

Mr. THURMOND. Mr. President, last week I spoke on the floor about the situation in Bosnia—about the U.N. safe havens being overrun by the Bosnian Serbs and U.N. peacekeepers being taken hostage.

Since my statement on the floor, the United States and its allies, primarily Britain and France, met to discuss options. The result of those meetings was a stern warning that aggressive airstrikes would be used against the Bosnian Serbs if they try to overrun anymore U.N. safe havens, like Gorazde. The Bosnian Serbs reaction to that ''stern warning'' was to fire a barrage of shells into Sarajevo killing and wounding civilians. Members opposing S. 21 are asking that time be allowed for the new directive to use aggressive airstrikes against the Bosnian Serbs to work. In the meantime, the U.N. General Secretary is sitting in New York determining exactly what the use of aggressive airstrikes will include. And according to the news accounts today, he will retain the authority to veto any NATO recommendation to use aggressive airstrikes. Meanwhile, Zepa fell yesterday to the Bosnian Serbs, and Sarajevo continues to be shelled.

It is clear to me that the majority of Members in this body agree that the U.N. mission has failed—it is time for the U.N. protection forces to withdraw. Despite continued stern warnings and threats by the United Nations and NATO to use aggressive airstrikes, the Bosnian Serbs continue to defy the United Nations and NATO and continue to pose a danger to the civilians in the U.N. safe havens and the U.N. peacekeepers there to protect them. The time has come for the administration and our allies to quit wringing their hands about what to do in Bosnia and quit looking to the United Nations to make decisions on whether to use aggressive airstrikes to enforce peace in a country where there is no peace.

Mr. President, as I stated last week, the United States has no national security interests in Bosnia. The only interests the United States has with regard to the situation in Bosnia is to provide leadership and act responsibly as a member of the United Nations Security Council and as a member of NATO. It is time for the United Nations to withdraw its forces from Bosnia and to seek agreement to lift the arms embargo against Bosnia. Failing an agreement by the U.N. Security Council to lift the embargo, the United States should unilaterally lift the arms embargo so that the Bosnians can defend themselves. It is time for the Congress to show its leadership to ensure that U.S. credibility as a treaty partner and NATO ally. We must assist, if requested, in a NATO withdrawal of the U.N. protection forces from Bosnia.

I remain concerned that Members of this body did not actively engage in a discussion of U.S. support in a NATO withdrawal of UNPROFOR. The U.S. cannot stand by while our allies are in mortal danger during a withdrawal of UNPROFOR. As I stated last week, the damage to U.S. leadership, honor, prestige and credibility would be beyond calculation, if we do not send a clear signal now that the Congress will support the participation of U.S. troops in a withdrawal operation. It should be understood, however, that any U.S. participation in a U.N. withdrawal must be totally under NATO command and that there can be no dual key arrangement between the United Nations and NATO and there must be robust rules of engagement.

The situation facing this body is not complicated, but the demand for us to take decisive action is clear and urgent. The Dole-Lieberman substitute to S. 21 allows us to take action which is well defined and in the best interest of our Nation. The Dole-Lieberman substitute also serves the best interests of our Allies, to whom we have pledged our support in leaving what has become an impossible mission. I urge the Senate to support the Dole-Lieberman substitute to S. 21 and hope that our Allies join in this positive course of action.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pose a further unanimous-consent request, that from the time under the control of the distinguished majority leader, 4 minutes be granted to the Senator from Minnesota, now waiting to speak; that 3 minutes be granted to the Senator from Iowa; that 3 minutes be granted to the Senator from New Jersey [Mr. LAUTENBERG] who has been here; and my understanding is the Senator from New York [Mr. MOYNIHAN] is going to speak against the amendment, consequently he would take 5 minutes from the time under the control of the other side.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have witnessed, over the last few months, especially the last 2 weeks, a sickening spectacle in Bosnia. Women raped for alleged sins committed by their ancestors centuries ago, torture, and the brutal cold-blooded murder of young Moslem men. Where are the Serbs taking these men, 12 years of age and older—if you want to call a 12-year-old a man? I have felt from the beginning we should be flying over, taking notes of the license plates, and making clear to the Serbs they will be held accountable for war crimes.

Mr. President, this is the never again—again. These are Nazi-like tactics, Nazi-like actions. That is what we are witnessing.

During the last 3 years, I have voted at various times both on the arms embargo and to find other ways that allies could respond to this aggression by the Serbs. And it does seem to me that the arms embargo must be lifted.

But if we are going to be intellectually honest, we need to think through all of the policy implications that accompany this momentous decision. If the UNPROFOR forces are going to be leaving, they have to have safe exit, and the international community, with the United States included, I believe, has to make a commitment.

What about the refugees themselves? I traveled to the former Yugoslavia, and I met with refugees. And I saw enough pain to last a lifetime. God forbid what is going to happen to them in the interim if U.N. forces withdraw and the Serbs just go on forward and we have more slaughter on top of slaughter. What is going to be our response and the response of the international community?

I say to my colleagues, I think this is a moral imperative, and we should end this. I hope it is multinational. But we should end this arms embargo.

But, please, Democrats and Republicans alike, do not think that now, all of a sudden, it is a level playing field. Do not make this a technical fix. Do not turn your gaze away from what is happening because we have other obligations that we must live up to. The people of Bosnia need our help. They deserve the right to defend themselves against brutal Serb aggression.

We should vote today to send a strong signal to the administration and to our allies that we must move forward forcefully on Bosnia before the entire U.N. operation collapses and the people of Bosnia are overrun altogether by the Serbs.

Mr. President, my colleagues, Senator LIEBERMAN, ''never again'' should mean ''never again.'' Let us vote to send a strong signal to the rest of the world that we still believe in that proposition.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, regardless of which side you may be on in this debate, I think we can all agree on one thing. And that one thing we can all agree on is the lack of leadership this administration has displayed in this crisis. This administration under President Clinton has zigged and zagged and flipped and flopped more than a lost rabbit in an Iowa corn field.

This administration has huffed and puffed and bluffed it's way through this crisis for over 2 years now. I would agree that the prior Bush administration also made mistakes. But, those mistakes have been increased and expanded under a Clinton foreign policy that no one understands or respects. And, that includes our allies.

The only entity that has less respect is probably the United Nations. And who do we turn the responsibility over to? Of course, the Clinton administration has allowed the United Nations to define and control our policy.

Just a few examples of the multilateral ineptitude that's taken place including the following:

In November 1993, a Sarajevo schoolyard was shelled, killing 4 children and wounding 40. The Clinton administration responded by saying ''We're not going to allow that city to be strangled, to be cut off, to be relentlessly attacked.'' What action was taken? None.

In May 1995, 200 U.N. peacekeepers were taken hostage and used as human shields against air strikes. We heard all kinds of protests and threats from the Clinton administration to the NATO Secretary General. What action was taken? None.

One of our planes was shot down recently thanks to the fact that the administration had neglected to provide missile jamming devices to our planes. And the pilot was hunted like an animal. Thankfully, the pilot was rescued. What action did we take against the aggressors? None.

Mr. President, in stark contrast, we see the leadership of Majority Leader DOLE. Senate DOLE has consistently moved forward with efforts to allow the Bosnian Government to exercise its inherent right to defend itself. Against many odds last year, including a hostile Clinton administration, and an uncooperative Congress, Senator DOLE forged ahead and made his case. Today, his case, which is the case for justice to the Bosnian Government, will finally win the day.

Of course, it may only be for a day or so, since the Clinton administration is adamant about continuing its incompetent course of disaster, by threatening to veto a unilateral lifting of the embargo. This of course, is another sad commentary on the administration's failed policy.

Mr. President, it is way beyond the time to finally act. And veto threats, notwithstanding, I urge my colleagues to do the right thing and support the Dole substitute amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Chair.

I rise for the simple purpose of clarifying, to the degree that I am able, a point of law, a point of international practice, an American principle which is at issue in the first two amendments that we are going to consider. And I thank my friends from Virginia and Connecticut for allowing me this time.

A very brief proposition, sir, but a long history behind it: Article 24 of the charter, drafted in a time of great expectations for post-world war that did not come to pass, states that,

> In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council act on their behalf.

Sir, this was at a time when we anticipated that the Security Council would have available to it armed forces from various member countries.

The Senate provided that the President could make available specific military units—the 6th Fleet, the 1st Marine Division. If once we had agreed in the Senate and in the Congress to do this, he could thereafter deploy them at will.

However, it was stated, and it was a matter of great concern in our delegation in San Francisco—Senator Vandenberg was most particularly concerned—that the powers of the Security Council would not interfere with the inherent right of individual or collective self-defense, which was the basic law of nations. Senator Vandenberg said that, if this was not provided in the charter explicitly, a reservation would be offered on this floor, and he would support it, and, in the end, it was agreed to. Then Republican adviser John Foster Dulles, was not that enthusiastic, but after much debate by the delegation it became the position of the United States that it had to be included in the charter.

Now, sir, here is the simple point, and I hope I can be heard on this. I speak as someone who was Permanent Representative to the United Nations under President Ford. I speak as someone who once served as the President of the Security Council.

If we adopt the two amendments before us, we concede that in the one instance, the Security Council, in the other, the General Assembly, has the right to deny the inherent right of individual or collective self-defense. If they have to vote to agree to the exercise of that right, then it is not a right itself; it is simply an authority that can be conferred by a higher body; to wit, the Security Council or the General Assembly.

I say once again, sir, this is an article of great concern to us. The Treaty of Chapultepec, the Western Hemisphere defense system, the Monroe Doctrine—all of those things were agreements which we were concerned might be limited by the charter, putting into question the inherent right of individual or collective self-defense.

If we ever concede, for whatever transient purposes of this moment, that the Security Council has the right to confer what becomes simply a privilege, not a right, or the General Assembly has the right to confer what becomes now a privilege, not a right, then we are in grossest ignorance and avoidance of the history of the charter and the text of the charter.

Mr. President, I hope we do not make this mistake. It would be something that 50 years ago on this floor would have been clearly understood. And we have not dealt with these issues much in the last half century. We may have become forgetful, although the revered former chairman of the Committee on Foreign Relations would remember. He was there.

I point out, sir, that the right of individual or collective self-defense is inherent. That is the language of the

charter. The charter is simply a codification of rights. The right to self-defense being an inherent right, we cannot ever concede to the Security Council or to the General Assembly some authority to confer—let the right become operational, or however you like to say it—that right. It ceases at that point to be a right. It becomes a privilege to be conferred or denied.

I thank the Chair most specifically for his kindness and attention.

Mr. President, I ask unanimous consent that a memorandum of law be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF LAW

SUMMARY

The history of Article 51 demonstrates that any member state's obligation to defer to the Security Council in refraining from engaging in individual or collective self-defense is conditioned on the Security Council taking effective measures to restore peace and prevent aggression. The record further shows that unless this point was made clear in the Charter, the Senate probably would have taken a reservation on this point in giving its consent to ratification.

DISCUSSION

According to Ruth Russell's indispensable ''A History of the United Nations Charter,'' the principle of the right of self defense was so unanimously agreed upon that initially there was no proposal to include in the Charter an express provision on this point. The bulk of the debate over the issue revolved around the desire of the U.S. delegation to confirm that the Security Council could not interfere with the ''collective'' right of self defense within the Americas under the Treaty of Chapultepec.

The American delegation initially considered opposing any express reservation on the grounds that it could only be used to restrict what was ''inherent'':

''When the [American] delegation made its paragraph-by-paragraph study of the Dumbarton Oaks Proposals, its most serious difficulties arose with . . . maintenance of peace and security. The enforcement aspects of the chapter were accepted without debate. The only point left unsettled was whether a specific reservation of the right of self-defense should be included. As this was agreed to be an inherent right of sovereignty, not deniable by the projected Charter, there was no controversy on the principle. The question, as it had earlier confronted American officials, was whether attempted definition would not defeat the very end desired by making possible a restrictive interpretation of the principle. The issue was left open. . . .''

Later the U.S. delegation had ''acrimonious'' debates about how to protect the right of the U.S. to engage in collective self-defense in the Western Hemisphere in the face of a ''Great Power'' veto. This passage is from Senator Vandenberg's diary:

''[John Foster] Dulles argued that there is nothing in Dumbarton Oaks which prohibits 'self-defense' and that under the Chapultepec agreement 'self-defense' in the Western Hemisphere is a partnership affair and that the Monroe Doctrine is still part of it. I served notice on the Delegation, as a matter of good faith, that if this question is not specifically cleared up on the Charter, I shall expect to see a Reservation on the subject in the Senate and that I shall support it.''

A subsequent U.S. delegation statement of the U.S. position made it clear that states must be free to take action if the Security Council is frustrated by the use of the veto: ''if any one of the Great Powers with a veto in the Security Council abuses its power . . . the Organization will have broken down and all states would then be free to take protective action.''

When the U.S. finally proposed that there should be a formal recognition of the 'inherent'' right of self-defense in order to protect its rights in the Western Hemisphere, the official U.S. position—endorsed by President Roosevelt—was explained as follows:

''Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state possesses the inherent right to take necessary measures for self-defense.''

Ruth Russell explains that an express reservation on this point was in part necessitated because the delegation ''faced a very practical problem in getting the treaty through the Senate.''

The British proposal on Article 51—which is very close to the final version—makes even more clear than the final text that the Security Council must act and act effectively if other states are to be expected to defer to it:

''Nothing in this Charter should invalidate the right of self-defense against armed attack, either individual or collective, in the event of the Security Council failing to take the necessary steps to maintain or restore international peace and security.''

Interestingly, two of the last three paragraphs in Russell's 965-page history of the Charter concern the inherent right of self-defense. She was writing in 1958 and the ''Great Power'' veto had, of course, become very much a problem:

''Responsible American officials assumed, it can be said with more accuracy, that if the desired cooperation did not materialize, a serious great-power split would probably lead to another world war, with or without the United Nations. Even if the Council could not guarantee the peace, they also pointed out, it could make clear the record. And as the Charter in no way abrogated the right of self-defense, which no nation was prepared to relinquish, action against aggression could still be taken outside the Organization. This was always an implicit assumption of American officials, although it was not made explicit until the San Francisco Conference.

''There the right was recognized in Article 51, in both national and collective terms. If, therefore, the United Nations machinery for any reason could not function to maintain international peace and security, national power could be mobilized by the states on a regional or some other joint basis. The decisive factor, in that case, would be the willingness of other states to act against the recalcitrant state even at the cost of war. What experience has shown is that the desire to support such drastic action against disliked policies and countries is never as widespread as the willingness to condemn them. This was as true in the autumn of 1945 as it has been under the United Nations.''

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, does the Senator from New York require more time?

Mr. MOYNIHAN. I would only say the same thing over and over again. The right of self-defense—individual, collective—is inherent and in no way depends on the approval of the Security Council or the General Assembly or any other international body.

Mr. WARNER. Mr. President, I think he has very clearly stated his message.

Under the current unanimous-consent request, there are 3 minutes for the Senator from New Jersey.

Mr. President, I yield such time as to make that 5 minutes, 2 minutes additional.

To inform other Senators, that results in the expiration of the time under the control of the majority leader.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. I thank our colleague from Virginia for his graciousness in permitting me these 5 minutes. I know everybody is pulling at him, and I do not want to use any more time except to thank him for that.

Mr. President, if any of us were fence sitting or had doubts about what it was that we were witnessing, I think each day that has gone by in recent weeks has further confirmed that we no longer can stand idly by, that we must take action as befits our status as an international leader in terms of morality and humanity, a country that supports human rights almost above all else. Our very Constitution is based on law. And when we stand by idly, which we are being forced to do by the cowardice of our allies, then I think we become coconspirators, whether we like it or not.

Mr. President, as recently as this morning, we saw something that kind of confirms what the distinguished Senator from New York just said.

In a report from Brussels, the New York Times writes that:

> The allies agreed to make what one NATO official called a ''strong recommendation'' to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time has come to start bombing the Serbs if they attack. But since Mr. Boutros-Ghali has been extremely cautious about approval of airstrikes in the past, what was meant to sound like a roar in London 4 days ago appeared to have been throttled down to something more like a growl by the NATO Ambassadors.

That is the situation. But the killing does not stop. The attacks do not stop. The barbarism does not stop. And if one had at all any sense of rights, when you read the stories about what happened in Zepa and what happened before that in Srebrenica, where a woman was forced to drink the blood of her 16-year-old son after his throat was cut, barbarism of the most primitive and cruel fashion, we cannot stand by and permit that to happen.

Mr. President, last year, we gave a deadline of November 15 for our allies to get themselves together so that we could move multilaterally. What happened? Since then hundreds, thousands more have been killed, thousands abused, and more territory taken by the rogue government of the Bosnian Serbs—total disdain for world organization, for rules, for humanitarian conduct among people. It is shocking to see, and we ought not to permit it to go on any longer.

Now, I know, Mr. President, that we are embarking on a shaky course, but

not to do anything is a far shakier course. And certainly coconspiring with the Bosnian Serbs to say that we will talk ourselves into the ground while you kill the Bosnian people, separating men from women, families, brothers from sisters, is terrible. It is terrible. And there is not a person here who could witness a crime like that taking place and not intervene at one's own peril—no one. No decent human being could walk by and permit that to happen.

Mr. President, yesterday I had a conversation with the Prime Minister of Bosnia, and I asked him the perennial question that seems to exist now, and that is: Are you not afraid that larger forces will come in and bring even more devastation? And he said, ''Ask the 5,000 missing in Srebrenica whether or not they were afraid of more power coming against them.''

Mr. President, he is not asking for much. He is asking for us to give them a chance to fight back, to untie the hands from behind their backs and give them the weapons necessary to defend themselves, as the Senator from New York so articulately stated just a couple of minutes ago.

It pains me to make this kind of a decision because we are going down a path we are not sure about. There is one thing I am sure about. I for one cannot permit the killing to take place, the barbarism to continue, without speaking out against it in a way that has significance.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to say to my distinguished colleague from New Jersey that was a very powerful statement, and I hope it can be clearly understood and accepted by all. I certainly join him in his observation and very much respect his support of this important measure now before the Senate.

Mr. President, it is my understanding that would consume all the time under the control of the majority leader.

The PRESIDING OFFICER. The time under the control of the majority leader has been consumed.

Mr. WARNER. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Connecticut.

Mr. LIEBERMAN. Noting the absence in the Chamber of any colleagues wishing to speak on the other side, I rise to say a few words with the understanding that as soon as or even before I see someone else who wishes to speak, I will yield the floor.

Mr. President, this has been, since we began it yesterday afternoon at 2:15 p.m., a very important, very serious, very heartfelt debate, and I thank my colleagues for, no matter which side they are on, appreciating the seriousness of what we are doing here and for reflecting that seriousness in their remarks.

I just want to say a few words in closing. Of course, Senator DOLE will speak in leader's time a little bit later.

No matter what any of those in opposition to the proposal that Senator DOLE and I and others of both parties have made, no matter what arguments have been made—that it would cause bloodshed, it would Americanize the war, it would do offense to our allies, all of which arguments I feel we have rebutted—one thing stands out. No one has come to the floor of this Senate to say that the arms embargo is justified or should stay in place. No one has supported the arms embargo. Everyone who has said they will be voting against our measure to lift the arms embargo will do so because of their fear of what might happen—the war might be widened; it does not give a proper opportunity for the London communique, as flawed as Senator WARNER and I indicated we believed it was earlier in the morning, or did not give time for the London communique to go into effect. But I have not heard anyone come here and justify the arms embargo, because it is unjustifiable.

As Senator MOYNIHAN said, in what might be called an articulation of a natural rights theory of international law, quite valid, to suggest that this is a right of self-defense that must be granted or can be taken away by an international body is wrong. It is conveyed as a right under the charter of the United Nations. I would say under any theory of natural rights that people have individually or acting collectively. Again, remember that it was imposed in 1991 on Yugoslavia, which no longer exists, on the premise that it might help stop a war from breaking out because it would keep weapons from pouring into that area, encouraged—in fact, requested by Milosevic in Belgrade. Why? Because he knew he had a monopoly of the weapons and munitions, supported by a well-meaning world. But what was its justification to support it after war broke out, and after the Serbs invaded Slovenia, Croatia, Bosnia and began to kill and remove from their homes hundreds of thousands of people, millions of refugees? This is an illegal act. It is an immoral act, and has consequences on the victims. And it is invalid.

Some have said if we lift this arms embargo, what about the other international policies of sanctions against Iran and Iraq and Libya? Is any Member of the Chamber prepared to compare the behavior of Iran to that of the Bosnian people or Libya to Bosnia or Iraq to Bosnia? And in every other one of those cases, those nations violated international law, international norms. The Bosnians have done no such thing. And they have been the victims of this embargo. Just think if anyone stood up today, the embargo had not been in effect since 1991, and proposed an arms embargo on the nations in the former Yugoslavia, no one would support it. It is so self-evidently unfair, and unfortunately in its consequences brutally deadly.

So, I take some heart from the fact that the opposition to the proposal that we have made to lift the arms embargo has not featured anyone saying that the embargo was or is justified in their feature arguments of what might happen if the embargo was lifted.

Does the Senator from North Dakota wish to speak?

Mr. DORGAN. Let me, Mr. President, if I might. I would like the ask the Senator from Connecticut to yield for a question.

Mr. LIEBERMAN. I would be glad to.

Mr. DORGAN. I have been enormously torn by this issue. Much of what the Senator from Connecticut and the Senator from Kansas and others have expressed on the floor is real anguish. There is real anguish about, I think, a moral problem confronting the world with respect to what is happening in the Balkans. I know there has been a lot of criticism on the floor that the current policy does not work, the President does not have a policy, and so on.

Frankly, I have not heard anyone else on the floor express what policy they would work in the Balkans. This resolution, as I understand it, is a policy that simply says lift the arms embargo. That is not, of course, a policy to end the war. It is a policy, as the Senator from Connecticut describes, to try to even the odds. But to those who say there is no policy, I would say that I am very anxious to hear, what do they think will solve this problem in the Balkans?

What is happening there is grotesque. Unspeakable horrors are being visited upon innocent civilians. I read yesterday of Dutch observers, Dutch soldiers coming back who describe what is happening. And there are other reports from reputable sources. What is being visited upon the Bosnian Moslems can only be described as a horror. And we must care about that and deal with it and respond to it.

Yet I would ask the Senator this question. Here is what troubles me. We have not—the United States—put U.S. troops on the ground in the Balkans. I do not think we should. And I would not support us doing so. But other countries have. The British have. The French have. The Ukrainians have. The Dutch have. Other countries have put their troops on the ground in harm's way in that region.

It troubles me at this point for us, who have not put troops on the ground, and I do not think we should, to say to those countries who have, that we do not care what you think about the proper policy in Bosnia. This bill tells our allies that we do not care that you believe the arms embargo ought to continue. We will decide unilaterally that the arms embargo should not continue. That is what I am torn by. That is what I am troubled by.

Other countries have made a troop commitment on the ground. And they

still say they believe that we ought to act together on lifting the embargo. And they are not yet willing, as I understand it, to decide that the arms embargo ought to be lifted.

I wonder if the Senator could respond to this general question. How does one look at what our allies have done, that we have not done, and then respond that we can unilaterally decide on an arms embargo without caring what their position is?

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from North Dakota. Actually, I have watched him as he has been listening to this debate. I have seen, because I know him, his own struggling and anguish about this. And I respect the seriousness with which he has gone out, and the sincerity and the relevance of the questions that he asks now.

Let me answer the two questions. In the first place, what is the policy? Who can offer a policy that will do any better than what is happened now? I will say to my friend, the policy that the Western World and the world has followed up until now, which is to send the United Nations into what I consider to be a mission impossible, to keep the peace where there was only war has not worked.

The London communique raised some hope that it might begin to work if the allies can get together and use their air power to give some meaning to the word ''safe'' as applied to safe areas. Right now they are the furthest things from safe. Combined with that the very weak and confused U.N. presence, the continued arms embargo, that has been the policy up until now.

I judge that to be a failure. It has not stopped Serbian aggression and not stopped the suffering of the Bosnian people and it has done terrible damage to the credibility of the United Nations, NATO, and unfortunately the United States.

The alternative policy, the preferable policy, which is in part implemented by the proposal that we will vote on in awhile, is the so-called lift-and-strike policy that in fact President Clinton adopted in the 1992 campaign and carried with him into 1993 and to the Presidency. He was frustrated in his desire to implement that lift-and-strike policy in the spring of 1993 when our allies in Europe refused to go along.

So what we are asking in putting this proposal here is to begin to finally, though the hour is late and ever more difficult in Bosnia, to implement the lift-and-strike policy. Lifting through this action and striking hopefully through the broadening of the measures agreed to and the toughening of the measures agreed to in the London communique.

Mr. DORGAN. If I might ask a question about that point. That suggests somehow that the strategy of dealing with the conflict in Bosnia is to rely on air power. And I tell you, I have been in meetings where Colin Powell, when he was Chairman of the Joint Chiefs of Staff, and others described for us how air power might be used in the Balkans. It is a much different circumstance than using air power in the desert, where folks would run their tanks out into the middle of the open desert and we would send airplanes over to bomb the tanks. I wonder whether the Senator believes that air power eventually is what is going to resolve the conflict in the Balkans?

Mr. LIEBERMAN. No. I agree with Senators and others who have spoken that air power can help but never decide the conflict. But when combined with the considerable Bosnian military force on the ground, finally fully armed, I think it is a winning combination.

I say to my friend I note the presence on the floor of the Senator from Georgia. I do not want to impinge on his time. I would simply answer the second question raised about the troops on the ground and the allied nations that I hope that the U.N. mission can be fortified as a result of the London communique. I am doubtful based on the conflicting messages that have come out of late, but it does seem to me the lifting of the embargo does stand separately because it is an illegal and invalid act and it can stand alongside the continued presence of the U.N. troops.

However, responding to concerns expressed, I think appropriately, by the Senator from Georgia and others, Senator DOLE and I made a substantial change in the proposal to lift the arms embargo from the measure we introduced last year to say the embargo would not be lifted until the allies on the ground had the chance to exit if, in fact, they chose to exit.

I will say finally, as the Senator from North Dakota considers how to vote, it seems to me—and I must say of all the reasons given for voting against our proposal, the one that has most profoundly troubled me is the suggestion that it would cause more bloodshed. Here I think we owe it to the victims, those who have shed their blood, to listen to them and not to make a paternalistic judgment for them about what may be better for them. They are the ones who have suffered.

I close, finally, with words from a letter of Prime Minister Silajdzic of Bosnia, who said:

> Our people ask that we be allowed only our right to defend ourselves. It is on their behalf that I appeal to the American people and Government to untie our hands so that we may protect ourselves. The slaughter has gone far enough. My people insist that they would rather die while standing and fighting than on their knees. In God's name, we ask that you lift the arms embargo.

I thank the Chair and yield the floor.

Mr. NUNN. Mr. President, I do not want to interrupt my friend from Connecticut. I do want to get started on my remarks. I understand I have 20 minutes.

The PRESIDING OFFICER. A little under 20 minutes.

AMENDMENT NO. 1848

Mr. NUNN. Mr. President, I would like to begin my remarks by briefly reviewing the history of the Bosnian debate that has taken place in the Senate not over the last 3 or 4 years, but over the last 12 months.

As most Senators will recall, last July during the consideration of Department of Defense Authorization Act for fiscal year 1995, the Senate debated two competing amendments. One, sponsored by Senators DOLE and LIEBERMAN, would have unilaterally lifted the arms embargo upon the request of the Bosnian Government. The other, sponsored by Senator Mitchell and me, expressed the sense of Congress that there should be a multilateral lift of the arms embargo.

I know it has been pointed out, but the Dole-Lieberman amendment we now have before us is not a lift-first-then-leave policy; it is a leave-first-and-then-lift policy, and that point needs to be emphasized. This is not the same Dole-Lieberman amendment we had last year.

The Dole-Lieberman amendment last year failed on a 50 to 50 vote, and the Mitchell-Nunn amendment was adopted on a vote of 52–48. Later, on the Department of Defense appropriations bill, another vote was taken, and the Dole amendment was adopted and the Mitchell-Nunn amendment was adopted again.

During the House-Senate conference on the authorization bill, with both of these amendments on the authorization bill, the House bill had a unilateral lift provision that passed by a significant margin in the House. The Senate bill had the Mitchell-Nunn provision I already described. The compromise provision, worked out during conference, stated as general United States policy that the United States should exercise leadership within the international community to cause the Bosnian Serbs to accept the contact group proposal. It also called for such leadership to be taken on three separate, but complementary tracks, as follows, and these are important as background for this vote today:

First, there was an international track policy that if the Bosnian Serbs did not accept the contact group's peace proposal by October 15, 1994, the President should formally introduce and support a resolution within the U.N. Security Council to lift the Bosnian arms embargo multilaterally. The provision was not mandatory because the President wrote to the conferees committing his administration to introduce and support such a resolution in the Security Council. The administration did as they committed they would do to the conferees, but they did not press the resolution to a vote because they determined that it would not pass.

The second part of the provision in that authorization bill, a compromise between the House and Senate, was a

unilateral U.S. policy track. It provided that if the U.N. Security Council did not lift the Bosnian arms embargo, then, first, no funds could be used to enforce the arms embargo on the Bosnian Government other than as required of all U.N. member states, and that has been the law since last year. We have not been enforcing the embargo according to the law. We have been respecting it, not enforcing it, with our money and with our forces.

Second, the President shall submit a plan to and consult with the Congress on the manner in which U.S. Armed Forces and the forces of friendly states would provide training to the Bosnian army outside Bosnia.

And, third, the President should submit a plan to consult with the Congress regarding the unilateral termination of the Bosnian arms embargo and the implications thereof.

The third and final part of last year's authorization bill, which I think perhaps was its most relevant part to where we are now, was an interim policy track. It provided that if the Bosnian Serbs attacked any safe areas, the President should promptly, formally introduce and support in the U.N. Security Council a resolution that selectively lifts the Bosnian arms embargo in order to allow the provision of defensive weapons, such as antitank weapons, counter-battery radars and mortars, to enable the Bosnian Government to defend the safe areas.

Mr. President, to my knowledge, the Clinton administration did not introduce a resolution in the U.N. Security Council to selectively lift the Bosnian arms embargo when the Bosnian Serbs attacked and overran the safe areas just recently. I consider it unconscionable for the United Nations protected safe areas to be overrun, with the Bosnian defenders being unable to defend because they are denied defensive weapons, and the United Nations is unwilling or unable to defend these safe areas. We declared that policy last year in the authorization bill. We gave the President congressional instructions, short of a mandate, but instructions as to what should be done. It has not been done.

The United States, our allies, and the United Nations have reached the point in Bosnia of making a fundamental change in policy or beginning to withdraw. A continuation of the present policy is a prescription for continued tragedy on the ground in Bosnia and continued erosion of U.N., NATO, and United States credibility in Europe and throughout the world.

The Clinton administration favors the continued presence of the U.N. forces in Bosnia, as well as a vigorous use of NATO air power to save the remaining safe areas. But a number of fundamental questions about this strategy remain unanswered.

First, have our NATO allies truly signed on to a substantial and decisive use of air power, hitting lucrative targets, if Gorazde is attacked?

Second, is NATO willing to continue its air attacks as required, even if hostages are taken or the Serbs begin killing substantial numbers of U.N. personnel?

Third, are we protecting only Gorazde or are other safe areas included? If not, what does the term ''U.N. safe area'' mean at this point in time when two have fallen and only one is clearly designated as being protected? Will the United Nations divide safe areas into three classes—fallen safe areas, about-to-fall safe areas and safe-safe areas? It appears that is taking place.

Fourth, does the so-called dual-key arrangement remain in effect? This morning's New York Times reports from Brussels that British and French officials in NATO really do not want the United Nations to give up its dual key. If accurate, this would directly contradict the administration's understanding and explanation of the London conference.

Fifth, if NATO and the United Nations really intend vigorous airstrikes, why are U.N. personnel not being moved out of harm's way, both as a protective measure and as an indication of the dead seriousness of NATO's new resolve?

Sixth, if there is an allied diplomatic strategy to go along with its London policy, what is it? I have not seen it.

Will the United States continue to insist on a just settlement—I put those words in quotes because they have been used so many times in both editorials and in debate—insist on a just settlement to the conflict, but also remain unwilling to commit American resources for a just settlement and remain unwilling to admit that there will never be a just settlement unless the United Nations and NATO are willing to impose it by force?

That question is not simply for the administration, but for many in Congress, for many in the news media that keep talking about a just settlement but never, ever, complete the logic that it requires the use of force to impose it. Otherwise, it is not going to happen. And the use of force is most likely going to have to be outside force, including U.S. force.

Mr. President, these open questions make it clear to me that the United Nations, the NATO policy, and the U.S. Government altogether have no coherent strategy regarding Bosnia.

To many Members of Congress, the Dole-Lieberman proposal is more attractive than the current policy, primarily because it has not yet been tried and tested. This proposal also is far from complete or coherent. It has taken on a very large and, I believe, exaggerated significance, both by its supporters and by its critics, and many of its critics continue to describe it as it was last year without acknowledging it has changed.

A number of key questions are not answered or even acknowledged by the Dole-Lieberman proposal that we will vote on this afternoon. I will add quickly, that both Senators DOLE and LIEBERMAN have addressed some of these policies in their oral statements.

Most of these are not in any way part of this deliberation, because they are not going to be voted on. It is not in the proposal.

First, there is a large question that must be answered by the supporters of the Dole-Lieberman proposal, which encourages U.N. withdrawal—and when we vote on it today, that is what we will be doing. We will not mandate. We will be encouraging it. We will be giving an incentive.

Are the supporters prepared to back President Clinton's public commitment and private commitment to assist in the U.N. withdrawal with U.S. ground forces, if required? We are calling for the withdrawal. The President has said we will help the withdrawal, if it takes place, with ground forces, if necessary.

But we ignore that question. We act like it does not exist. We act like that is not even part of the equation, if we can simply vote on the part we like here—lifting—but not face the implications of the part we do not like; that is, U.S. ground forces committed. The Dole-Lieberman proposal's silence on this point, I am afraid, speaks loudly to the world.

Second, will the United States furnish equipment like artillery, tanks, and antitank weapons when the embargo is lifted? If we will not do it directly, will we help facilitate that delivery? Will the allies also lift the embargo? If they continue the embargo, will we forcibly break the embargo by delivering equipment? Will Russia unilaterally lift its embargo on Serbia, as it has said it will do over and over again? If that is the case, will there be a net gain for the Bosnian Government?

Third, and perhaps more importantly, will the United States help train the Bosnian forces, or at least help facilitate the training? Training is needed more than equipment. Equipment is part of the equation, and an important part, but training is sadly lacking. It has to take place. Someone has to do it. When will it take place? Where will it take place? Who will do it? Will the United States help?

Silence on this key set of questions is what we have, and what we will be voting on. Silence.

Fourth, do the authors of the Dole-Lieberman amendment envision defensive or offensive equipment flowing to Bosnia, or both? Understandably but unfortunately, in order to secure votes for passage of the Dole-Lieberman amendment, it addresses these key questions—training, supplies, equipment—it addresses these key questions only by silence, plus one paragraph. That is a negative paragraph on page 5, section 4(e) which states as follows:

> Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including

training, support, or delivery of military equipment.

That is what this says. We are not going to help them with training. We are not going to help them with equipment. We have no authorization. We will not let any American forces on the ground. All of this somehow wondrously is supposed to take place.

Fifth, considering the implication of this paragraph, who will provide close air support to protect the few remaining safe areas when the U.N. forces begin pulling out, as envisioned by the Dole-Lieberman bill? Who will have the forward air observers on the ground to designate targets for our aircraft if the United States conducts airstrikes to protect against Bosnian Serb offensives? And as the United Nations starts pulling out—and it will take anywhere from 7 weeks to 22 weeks—and the Bosnian Serbs go on the offensive, and there are no close air observers there plugged in, with training, with NATO equipment, how are we going to have airstrikes that go after targets unless they are fixed targets? We can go after fixed targets, but what about the moving targets? Believe me, those on the attack will be moving. Will we ask for British and French to provide the protection while the United Nations is pulling out prior to the lifting of the embargo and the necessary weeks of training of the Bosnian forces?

Again, these are unanswered questions.

Mr. President, I feel the Senate is faced with a choice between two incoherent policies. In these circumstances, our Nation would be better off if we made impassioned speeches and avoided passing a law.

The Dole-Lieberman amendment does not face up to the reality of the situation on the ground where the Bosnian Serbs occupy between 70 and 80 percent of the territory in Bosnia and have a decided advantage in heavy weapons.

Mr. President, I pointed out many flaws with the current policy and with the Dole-Lieberman proposal. Even with these flaws, however, in the legislative proposal, the Dole-Lieberman bill is much improved over the earlier provisions.

It has been mischaracterized by the administration, our allies, and the U.S. press. Yes, it requires a unilateral lifting of the Bosnian arms embargo, but it does so only after the U.N. forces are withdrawn from Bosnia. It does not mandate that UNPROFOR withdraw from Bosnia. It places a responsibility upon the Government of Bosnia to make the difficult choice of requesting that the United Nations withdraw its forces, with all the attendant consequences, including the loss of humanitarian relief supplies, of such a withdrawal.

This is not going to be an easy decision for the Bosnian Government.

The Rapid Reaction Force, consisting of our French, British, and Dutch allies, has deployed to the Sarajevo area with the intention of countering Bosnian Serb attacks on U.N. forces there, including those U.N. forces who are escorting humanitarian relief convoys.

NATO is apparently determined to conduct robust air action to counter the Bosnian Serbs' attack on Gorazde, a determination that will hopefully be extended to other safe areas, Bihac and others, if necessary.

If these actions are carried out successfully, and if this bill is ultimately enacted into law, the Bosnian Government will be faced with a very difficult decision, a difficult decision that I do not believe we can predict with certainty.

One choice they will have is to keep the United Nations in Bosnia, which means a continuation of the effort to protect the flow of humanitarian relief supplies to the Bosnian people and some degree of protection for at least the safe area of Gorazde and perhaps Sarajevo.

The other choice the Bosnian Government will face is to have the U.N. forces withdrawn and have the arms embargo lifted by the United States after the U.N. forces are out of Bosnia, which may —I say may—result in their acquiring more heavy arms and equipment and may result in a continuation of air defense and airstrikes by the United States or some other nation.

Mr. President, there have been assertions over the last week or so that various actions will Americanize the conflict in Bosnia. I think those who say that about either the current policy or the Dole-Lieberman amendment are accurate. In my view, with either policy choice we are given today, there is a danger that the conflict will increasingly be Americanized.

Mr. President, neither the current policy of the United Nations and NATO, nor the Dole-Lieberman approach, in my view, are coherent policies.

The administration has worked diligently in the last few days to bring about change in the current policy in Bosnia. It has fallen short of the mark.

Mr. President, the United States, our allies, and the United Nations have reached a critical juncture in Bosnia. I believe that the actions of UNPROFOR, particularly the actions of the Rapid Reaction Force to ensure the delivery of humanitarian relief supplies to the people of Sarajevo, and the actions of NATO to deter or, if necessary, repel attacks on Gorazde, and hopefully the other remaining safe areas, will in the final analysis, determine the outcome of the Dole-Lieberman amendment. Not only the outcome as to whether it becomes law, but what happens if it does become law, and what the Bosnian Government does when the ball is in its court.

When this bill passes, it will probably be accepted by the House of Representatives and sent to the President in the next few days. The President will undoubtedly, as he said, veto the Dole-Lieberman bill, and Congress will vote whether to override the President's veto.

Mr. President, in spite of its flaws, I will vote for the Dole-Lieberman bill today even with all of its defects, as a way of expressing my strong feeling on two key points: First, the current U.N.–NATO policy in Bosnia is a failure and, without dramatic change, will continue to erode the credibility of the NATO alliance and the United States worldwide; second, the ability of the Bosnian Serbs to overrun the so-called safe areas without the United Nations taking decisive steps to prevent that, and the commission of unlawful acts in capturing the safe areas and in mistreating innocent civilians by the thousands clearly demonstrate that the continuation of the arms embargo is both untenable, immoral and unjustified.

Mr. President, this embargo should be lifted the way it was imposed—multilaterally, and, in the final analysis, unilaterally, if absolutely necessary. It is my hope that the Nunn amendment, which will express that order of priorities, will pass when it is voted on in a few minutes, because it makes it clear that even though the odds are against the Security Council lifting the embargo multilaterally, we ought to at least try to get it lifted multilaterally before we do so unilaterally. Otherwise, we will truly meet ourselves coming back, in terms of our embargo on Iraq, Libya, and perhaps other places in the world as events unfold.

Mr. President, I believe that, even after this bill passes and after it goes to the President and after it is vetoed, if it is, I believe that all of us—whichever side of this argument we are on or where we have been—need to carefully review the developments on the ground in Bosnia, and particularly the performance of the United Nations and NATO in the coming days.

I will decide and I will cast my vote on the inevitable question of overriding the President's veto, based upon these events that will unfold.

Mr. President, I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I certainly wish to express to my good friend and colleague of these many years my own appreciation for his supporting the underlying measure by the distinguished majority leader and the Senator from Connecticut. The Senator from Georgia and I have worked in this arena for many, many years together. I have always had a profound respect for his ability to get right to the heart of an issue and to express, irrespective of politics or partisan issues, what he thinks is in the best interests of the country. Again, I appreciate his joining here today.

I would like to see if I could clarify one part of my colleague's remarks. He addressed the rapid reaction force,

which today is reported to be taking positions in the Sarajevo area. If I understood the Senator, he felt how they carried out that mission might well have a very strong bearing on the future of this legislation.

Mr. NUNN. That mission, as well as protecting the other safe areas as designated, as well as enforcing the other mandates that have thus far been rather ineffectively enforced; not solely that issue but including that issue.

Mr. WARNER. But as I look through the press reports and other information that is available to the Senate, it is not clear to me the extent to which those rapid reaction forces augmenting the UNPROFOR forces in Sarajevo will be used for any mission other than protecting the UNPROFOR forces in the carrying out of the mission, namely of delivering food, medicine, and the like to that area.

Is it the Senator's understanding that they would participate in the protection of the civilians if it is unrelated to the mission of UNPROFOR?

Mr. NUNN. I say to my friend from Virginia, I am not clear on that point. I do not know that there is a clear policy.

Obviously, if you keep the road open, as those forces are pledged to do, that helps the humanitarian mission of getting the supplies through. Whether they would respond to artillery shelling of the city if it does not hit U.N. personnel, I do not have an answer to that. It seems to me, when you have a safe haven and that safe haven is being grossly violated, if it means anything at all it ought to be enforced. But I do not have the knowledge to speak to what their intention is at this point in time.

Obviously, the United States does not have forces there and this would be a decision made by the United Nations and by our allies who have forces on the ground.

Mr. WARNER. Mr. President, that is my understanding, that it is certainly unclear at this point in time the extent to which they would engage in retaliating or defending or whatever word you wish to use, against these prolonged, continuous attacks on the Bosnian Serbs. I just hope the Senate, indeed others following this debate worldwide, do not attach too much significance to the presence of those rapid reaction forces until such time as we have a much clearer idea as to their mission and their capabilities of carrying out that mission.

This is a relatively small number of combat arms that are being placed in that area by the rapid reaction forces; in comparison to the order of battle, after the Bosnian Serbs.

Mr. NUNN. I say to my friend from Virginia, he may be right on that. I think we will have to wait and see how the events unfold.

Mr. THURMOND. Mr. President, I rise in support of the Nunn amendment to the Dole-Lieberman substitute to S. 21. The Nunn amendment recognizes that it is the Bosnian Serbs who have rejected the agreement reached by the contact group. The amendment also places the responsibility of seeking a multilateral lift of the arms embargo on the administration. Failing an agreement of the U.N. Security Council to multilaterally lift the arms embargo, the United States has no alternative but to unilaterally lift the arms embargo, pending a withdrawal of UNPROFOR.

The PRESIDING OFFICER. The Democratic leader is recognized for 10 minutes.

Mr. DASCHLE. Mr. President, we are about to vote, and I would like, simply, to summarize, as best I can, the situation as many of us understand it to be this afternoon.

As we begin, I think there is much about which there is complete agreement. We all agree that the current situation is horrifying—the ethnic cleansing, the violence, the violation of human rights, pictures on television, all of which we believe we simply should not tolerate. We all agree that the status quo is untenable. Zepa fell yesterday, and there continues to be Serbian aggression in areas throughout Bosnia that we are simply unwilling to accept. We all agree that lifting the embargo is desirable. And we agree that the Bosnians ought to be able to defend themselves. We agree on all of those points. I do not think there is a Senator in the Chamber who would disagree on any of that.

The issue before us is not a question of if we lift the embargo, but how. How do we lift it so we can enable the Bosnians to fight for themselves but protect our other vital United States interests as well? That is the issue.

We have a number of specific questions relating to this embargo that go beyond enabling the Bosnians to help themselves, and on that issue, the question of how we keep in balance, in proper perspective, all of these various aspects of the decision. I am afraid our decisions are being driven as much by emotions as they are by the facts, as they are by the cool consideration of the consequences of lifting the embargo unilaterally this afternoon.

That is understandable. We see the Serbian atrocities and we want to respond. We see a one-sided war spreading day by day, and by all that is right we want to scream, ''Enough. Enough.'' We want to be able to help in some way, because all too often countries have stood by while atrocities of this kind have been perpetrated. And we want no part of that.

We are united by that outrage, by that contempt. We are united by the resolve to do something more. And I understand that, as does every Senator in the Chamber this afternoon.

What divides us, what really divides us, is how best to transform resolve into action. Really, the question is, as we try to come to some agreement as to what our action ought to be—the question is, do we give NATO and the United Nations one more chance to succeed? Do we give them one more chance to act to stop Serb aggression before we lift the embargo? Or must we lift it right now, unilaterally?

The President has made himself very clear. The President has urged us to give our united efforts that chance. The President has urged us to recognize the purpose of our alliances, to demonstrate our commitment to multilateral efforts. How many times have we said to the United Nations and to other members of the world community: We need your help. We need your cooperation. We need your participation?

How many times did we send people to Britain and to France and to countries all over the world during the Persian Gulf war saying, ''Help us, this is a united effort''? How many times did we go to other countries and say, ''We have to put some constraints on Libya, or on Cuba''? And will we, at some point in the future, go to our allies and say, ''We need your help with North Korea, with China''?

That is what the President is asking us to bear in mind as we make the decision we must this afternoon. The choice is clear. Recognizing our desire to lift the embargo, do we give this effort another chance, recognizing that progress has been made in the last few days? Recognizing that, at some point, time does run out, do we allow them the opportunity to demonstrate, with whatever resolve we can muster, that in the remaining weeks before winter sets in that we use all of the muscle, all of the force, all of the resolve that we in a united way can muster, or face the consequences of unilateral action which could lead this country to great peril and, frankly, to very disturbing precedents?

A unilateral lift means in large measure unilateral responsibility. A unilateral lift means accelerated deployment of U.S. forces, and on that there can be no question. If we lift, they leave. If we lift, we help them leave. If we lift, we are there, and the action spreads. And then what? A unilateral lift means the possibility of the disintegration of NATO.

What do we tell our NATO allies, that this organization, which has stood now for 50 years—ironically we celebrated that anniversary this year—what do we tell them the next time they come to us or we go to them? ''Well, as long as everything is going OK, as long as it is comfortable for us, we will join you. But, you know, if things get rough, if we disagree with you, we have the right to say NATO does not matter anymore. NATO is not going to be an alliance. We are going to pick and choose for ourselves whether or not and when we want to be involved in NATO.''

Do we really want to send that message to our NATO allies? Do we really want to say NATO does not count? Do we really want to suffer the consequences of a disintegrated NATO

with all that is going on in Europe today?

A unilateral lift means the demise of other multilateral embargoes. Let there be no mistake about that either. I do not know how we tell our allies we still need them in the Persian Gulf, we still need them in Libya, and, by the way, we do not want you to send anything to Cuba. How do we say that with a straight face, Mr. President?

A unilateral lift could dramatically undermine our President and this country's credibility. If we roll over the President this afternoon, then what? ''Go out there, Mr. President. We are united, Democrats and Republicans. We want you, as the Commander in Chief and as the articulator of foreign policy, to go do your thing. We are just going to roll over you when we decide we do not like what you are doing.''

What kind of standing is this country going to have with all of the world? We have one President at a time. We have one Commander in Chief at a time. We have a State Department that we delegate responsibility to, to create foreign policy.

A unilateral lift, Mr. President, unfortunately may not even work; arms may not even get through. We are talking here about 3 months before anything actually reaches Bosnia. That assumes that we can get through Croatia, that the Croatian ports will be open, that the lines will be available to us. It means that somehow we have all that worked out but our allies, after we have ignored their pleas, are going to agree to end the embargo and allow our supplies to get through into Bosnia.

Then, what if arms are not enough? What if our allies have gone? What happens then, Mr. President? What happens when we find out 6, 8 months from now that this did not work, and our allies are gone and the horrific acts that we see on television right now are continuing? What happens then when the Bosnians come to us and say, ''We need your help; you have seen what we have seen on television, and we cannot tolerate this.''?

Will we send troops to stop the spread of the war to Macedonia or Kosovo, or, God forbid, Turkey or Greece? What then? Are we still going to make these courageous speeches about how horrifying and difficult it is for the Bosnians? Will we be willing then to rush to their support?

Mr. President, this is not a time to divorce ourselves from a united effort. Let us make a decision based upon what comes not only from our hearts but from our efforts as well. Let us vote ''no'' on this resolution.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. DOLE. Mr. President, as I understood last night we had about 15 minutes. I would be happy to yield 5 minutes to the Senator from Connecticut, Senator LIEBERMAN.

Mr. President, I have listened with great care to the distinguished Democratic leader, and I have a lot of respect for him. But I do not think the world is going to collapse if we do the right thing. That is what it is all about. NATO is going to collapse? Our allies are going to leave us? They are not going to leave us. We are the leader of the free world. But we have not acted like it in this instance. But we are. We did not act like it in the last administration—but we are—when it came to Bosnia.

So I am not as troubled about the world coming apart here, now, if the Senate does what it should have done months and months ago, and maybe a couple of years ago. This is not about rolling over the President. This is about the Senate of the United States. It is about Republicans and Democrats with a shared common view—and some on each side, I might add.

I believe we do not have many opportunities like this to sort of turn away from the historic failure and chart a new path for America. It does not have to do with the U.S. Senate. And I know it is a difficult vote for my colleagues on the other side with a President of their party. And I commend those who have stood up and said, ''We are going to do the right thing.''

This is not politics. This is not about President Clinton or President Bush or anybody in the Senate. It is not the Dole amendment or the Lieberman amendment. This is a message from the U.S. Senate, supported, I might say, by dozens and dozens of groups all across America. And without reading all the groups, the Action Council for Peace in the Balkans, Americans for Saving Bosnia, America Council for Public Affairs, American Jewish Conference, American Muslim Council, American Task Force on Bosnia, and on and on it goes.

Then the Action Council for Peace in the Balkans, represented by outstanding Americans, Democrats and Republicans, Morris Abrams, Frank Carlucci, Hodding Carter, Max Kampelman, Frank Fahrenkoph, Richard Burt, Zbigniew Brzezinski, Jeane Kirkpatrick, and that list goes on and on. Albert Wohlstetter, Paul Wolfowitz, John Silber, Albert Shanker—Democrats and Republicans, conservatives and liberals, who I guess believe the people have a right to defend themselves, even if they are a little, tiny country with no lobbyist running around the Congress. They will not be affected by what we did yesterday on lobbying reform. They do not have any.

We get long-distance calls, overseas calls, from the prime minister and the foreign minister, and they called yesterday. And as they were calling, they were telling us that Zepa was about to fall, and it did.

So it seems to me that what we ought to be doing here is the very responsible, right thing—a nonpartisan, nonpolitical, bipartisan message to the world, not just to Bosnia—that if you are an independent nation, if you are a member of the United Nations, as the Senator from New York so eloquently stated yesterday, you have a right to self-defense. You do not have a right to American troops. You do not have a right to American air power. You do not have a right to American anything. But you have a right to self-defense. And that is what this debate is all about.

We are a big country. They are a small country. And I guess it would be good if Bosnia would just go away. If they would just surrender, our problems would end for a while until somebody starts writing the history of this era.

It would be a stain on the West, almost. Well, maybe not almost. It would recall previous stains on the West when we stood by and watched the genocide in World War II.

Call it ethnic cleansing, call it anything you want. The Senator from Massachusetts, Senator KERRY, said we are going to abandon Bosnia. We are not going to abandon Bosnia. We are going to do what we have been told by their elected officials they want us to do, lift the arms embargo.

And again, I know that things do change. But I remember in 1992, candidate Clinton said lift the arms embargo and have air strikes; let us provide some leadership, he was saying to President Bush, who was fairly quiet on this issue himself. Lift the arms embargo. And I remember going to meetings at the White House in, I think, April and May of 1993. It was all for that purpose. The President was for it. The Vice President was for it. This Senator was for it. But I must say, there was a mixed group there, as we do have from time to time. We get mixed advice. The President got mixed advice that said: Do not do it; do not get involved.

This is an immoral and unjust policy that we have in effect now. They ought to take away the key from Boutros Boutros-Ghali, lock the door and throw away the key as far as he is concerned. They are not even certain yet; they are still debating whether or not we have the dual-key approach, whether anything can ever be done by NATO without U.N. approval. I think NATO is in difficulty because nobody can find a mission. Without a mission, why are they there? And they are troubled by this. I have been there. I have talked to them. And I have heard them all tell us the same thing: Do not lift the arms embargo. The U.N. protection forces are doing the best they can.

And they are, and they should be commended. Some have lost their lives. They are our friends and they are our allies. But we are the leader of the free world. We cannot abdicate that responsibility. We cannot abdicate that leadership and say, well, not this time; we want to pass on Bosnia. This is a

European problem. So we go along with the Europeans until it fails.

They tell all the Bosnians we are going to have these six nice safe havens for you. You give up your heavy equipment. You are not going to need it. This is safe.

So they give up their heavy equipment. Now they have rifles to fire against tanks and artillery weapons. And how many safe havens is it going to take to get anybody's attention? How many are going to fall? Two already, two more in danger, Sarajevo and Bihac. How many more—all? Four? Five? Six? And then suddenly we recognize that this must be a failed policy?

We have had a lot of activity in London and Brussels. We have had a lot of pounding the table and demanding the Serbs do this and do that, and they did it. They just took another safe haven. They are scared to death.

I was asked on a program last evening, and I do not mean it to sound like this, but I think the person asked the question, well, they are not killing as many people now so there must be something good coming out of it. And maybe the killing has been reduced as far as numbers. There were only 630 casualties in July, 130 killed. An average of 4 or 5 are killed daily, 12 and 15 are wounded, and last weekend 7 children were killed.

Now, does that mean we have to rush in and help everyone because we are the world's policeman? Absolutely not. But it seems to me—and I am not an expert in foreign policy—that this country ought to have a right through its elected leaders to say to us: It is time to go, U.N. protection forces. When they leave, lift the arms embargo and let us defend ourselves.

It always seemed to me that was sort of a basic right, an inherent right that all Americans enjoyed, and all Americans would defend somebody else's right to defend themselves or some nation's right to defend itself. And suddenly it is all mixed up.

The House, by a vote of 3 to 1, has sent the world a message. I know it is tough for the British, and it is tough for the French. I have talked to the Prime Minister, and I have talked to the President of France. They are our allies, and they are our friends. We have been their friends in tough, tough times, and we have provided the manpower and the money and the weapons.

Now, there have been a lot of efforts to muddy the waters and say, boy, if you do this, you are going to Americanize the war.

That is one I cannot fathom. I have talked to Senator MCCAIN about it. I do not know how you Americanize the war. If you withdraw the protection forces and lift the arms embargo, the Democratic leader said as sure as that happens, there are going to be American troops there.

Who said so? I assume the President would come to Congress. They are not asking us to die for Bosnia. They are asking us to give them a chance to defend themselves and they will do the dying for their country. They are not asking for American ground troops. Oh, they would like some air cover, but they are not even asking for that.

The amendment before us is very important. This amendment does not prohibit United States assistance to Bosnia, military or financial. I would say, since Soviet-style weaponry is the preponderance of what the Bosnians use, certainly we would not be providing the bulk of the arms. I think we can find some consensus if we pass this resolution and if a veto is overridden.

This amendment also does not prevent the United States from seeking a multilateral lifting of the arms embargo in the U.N. Security Council. I do not happen to believe that the amendment by the Senator from Georgia is necessary. I know he has offered it in good faith, just as he did offer an amendment last August in good faith, but I do not believe it is necessary. I do not think it detracts much from the resolution. It does not add much to the resolution.

On August 10, 1994, President Clinton sent a letter to the distinguished Senator from Georgia which stated:

> I am writing to reaffirm my administration's support for lifting the international arms embargo on Bosnia and Herzegovina . . . It has been my long-held view that the arms embargo has unfairly and unintentionally penalized the victim in this conflict, and the Security Council should act to remedy this injustice.

That was President Clinton's statement a year ago about lifting the arms embargo. The letter goes on to state:

> In this regard, if by October 15—

This was last year—

> the Bosnian Serbs have not accepted the contact group's proposal of July 6, 1994—

Which, I might add, the Bosnians did accept—

> it would be my intention within 2 weeks to introduce formally and support a resolution at the United Nations Security Council to terminate the arms embargo on Bosnia and Herzegovina.
>
> Further, as my administration has indicated previously, if the Security Council for some reason fails to pass such a resolution within a reasonable time, it would be my intention to consult with the Congress thereafter regarding unilateral termination of the arms embargo.

Those are all President Clinton's words.

I believe that 9 months is more than a reasonable time, with all the atrocities, all the things we have witnessed, as the Democratic leader said. I listened to the Democratic leader last night on C-SPAN, and I have listened to others. I listened to the remarkable statement made by the Senator from Delaware last evening, Mr. BIDEN, and many, many others on both sides of the aisle. I have listened to Senator WARNER from Virginia, who has had a different view of this issue up until now, and he has told us in very vivid terms why he now holds the view that a great majority do.

So I just ask the question, Is the leadership to say, ''Well, we've got a failed policy but we have to stick to it and we should not persuade our allies it is a failed policy''? It might be embarrassing for the British to have to leave, or it might be embarrassing for the French to have to leave. And America is going to be blamed if they leave. We are being blamed right now. We are being blamed right now, but, as I said, we may be blamed more in the history books for what did not happen.

The opposition is also saying, the Dole-Lieberman bill will Americanize the war—America will be alone in providing assistance to the Bosnians.

Mr. President, that is simply not the case. We know that most of the members of the United Nations support lifting the arms embargo on Bosnia. Going first does not mean going it alone.

Mr. President, finally, the opposition to Dole-Lieberman is saying that this bill abandons Bosnia. In my view, this is truly twisted logic. I believe that at this very moment the Bosnians feel abandoned. The issue is not how many troops are on the ground or how many planes are in the air, but what these troops and planes are doing. It seems to me that if they are doing nothing, the Bosnians feel abandoned. Let us face it, these forces are essentially bystanders as events in Srebrenica painfully demonstrated.

If we are worried about abandoning the Bosnians, let us listen to the Bosnians. Ask the Bosnians if they feel abandoned by this legislation. The truth is, the Bosnian Government strongly supports this legislation. They know the price they are paying. They know the price they are willing to pay.

In conclusion, I would urge my fellow colleagues to support this legislation. I would urge them to search their consciences. The U.S. Senate has the historic opportunity to make a difference. To do what is right. To let the Bosnians live defending themselves, rather than die defenseless.

Mr. President, I ask unanimous consent that a letter from over 40 organizations in support of this bill, along with a letter of strong support from Lady Margaret Thatcher be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 25, 1995.

DEAR SENATOR: We are writing to urge you to vote YES on the Dole-Lieberman bill (S.21) to end the U.S. arms embargo against the Government of the Republic of Bosnia and Herzegovina. We also urge you to sign on as a co-sponsor of the bill and to recruit your colleagues as co-sponsors.

The war in Bosnia is now well into its fourth year. Over 200,000 civilians have been brutally murdered by Serbian forces, tens of thousands of women raped, and almost three million people have been forced to flee their homes and villages. Serbian forces have been able to carry out their genocidal assault on Bosnia with virtual impunity because of an immoral arms embargo that denies the legitimate government of Bosnia the means to exercise its inherent right to self defense.

The response of the United Nations to the aggression has been to send poorly armed

peacekeepers, even though there is no peace to keep. In recent weeks, Serbian forces have been allowed to overrun two of the six UN-declared ''safe areas,'' and the UN mission has approached total collapse. The lesson we must learn is that only the Bosnian Army has the will and the manpower to defend the fledgling multi-ethnic democracy and its citizens against further attacks.

It is also clear that ultra-nationalist Serbian leaders have no interest in negotiating while they can accomplish their military and political objectives by attacking Bosnia's remaining civilian population. Until the Bosnian Army can mount a credible defense on the ground, this cowardly war of aggression will continue. And we must live in the knowledge that, at least in part, we are responsible for tying the hands of the victims.

The organizations listed below represent a wide range of religious, humanitarian, student, and citizen advocacy groups. Some of the names will be familiar to you; others have been formed in recent months by voters outraged by the genocide and our feeble and immoral response to it. We have joined together today to ask for your support for the Dole-Lieberman bill. The U.S. and its allies, NATO, and the UN have failed to stop the aggression. Unless Congress acts—and acts NOW—thousands, perhaps tens of thousands, more innocent people will die and the price of eventually confronting this aggression will continue to rise.

By voting for Dole-Lieberman, you will be taking a clear stand against genocide, against aggression, against appeasement, and for an honorable and sustainable peace in Bosnia. You will be rejecting the failed policies of European countries that have facilitated more than three years of genocide. You will be voting for the one policy that makes moral, political, and military sense.

Vote Yes on the Dole-Lieberman bill.

Sincerely,

NATIONAL ORGANIZATIONS

Action Council for Peace in the Balkans.
American Committee to Save Bosnia.
American Council for Public Affairs.
American Jewish Congress.
American Muslin Council.
American Task Force for Bosnia.
B'nai B'rith.
Federation of Reconstructionist Congregations and Havurot.
Islamic Network.
Muslim Public Affairs Council.
National Association of Arab Americans.
National Federation of Croatian Americans.
National Jewish Community Relations Advisory Council.
Reconstructionist Rabbinical Association.
Union of American Hebrew Congregations.

GRASSROOTS ORGANIZATIONS

American Bosnian & Hercegovinian Association.
Americans for Bosnian Orphans.
Ann Arbor Committee for Bosnia.
Bosnia Advocates of Metrowest.
Bosnia Briefings.
Bosnia Support Committee of D.C.
Bosnia Task Force, San Diego.
Bosnia-Hezegovinian Help Organization.
California Coalition Against Ethnic Cleansing.
Coalition Against Genocide.
Coalition for Intervention Against Genocide.
Connecticut Citizens Against Genocide.
Free Bosnia Action Group.
Friends of Bosnia (W. Mass).
Friends of Bosnia, Philadelphia.
Greenwich Coalition for Peace in Bosnia.
Human Rights Council, USA.
JACOB at B'Nai Jeshurun.
Jews Against Genocide/NY Committee to Save Bosnia.
Jews Against Genocide in Bosnia.
New England Bosnian Relief Committee.
New Hampshire Committee for Peace in Bosnia-Herzegovina.
New York-Sarajevo Exchange.
Students Against Genocide (SAGE).
Social Action Committee/Congregation Beth El.
Stop Ethnic Cleansing.
U.S. Bosnia Relief.
Women in Islam.

MARGARET, THE LADY THATCHER,
O.M., P.C., F.R.S., HOUSE OF
LORDS, LONDON SW1A OPW,

July 18, 1995.

DEAR SENATOR DOLE: I am writing to express my very strong support for your attempt to have the arms embargo against Bosnia lifted.

I know that you and all members of the United States Senate share my horror at the crimes against humanity now being perpetrated by the Serbs in Bosnia. The UN and NATO have failed to enforce the Security Council Resolutions which authorized the use of force to defend the safe havens and to get humanitarian assistance through. The safe havens were never safe; now they are falling to Serb assault. Murder, ethnic cleansing, mass rape and torture are the legacy of the policy of the last three years to the people of Bosnia. It has failed utterly. We owe it to the victims at last and at least to have the weapons to defend themselves—since we ourselves are not willing to defend them.

The arms embargo was always morally wrong. Significantly, it was imposed on the (then formally intact but fragmenting) former Yugoslavia at that regime's own behest. It was then, quite unjustly and possibly illegally, applied to the successor states. Its effect—and, as regards the Serbs, its intention—was to ensure that the proponents of a Greater Serbia, who inherited the great bulk of the Yugoslav army's equipment, enjoyed overwhelming military superiority in their aggression. It is worth recalling that the democratically elected, multi-faith and multi-ethnic Bosnian Government never asked for a single UN soldier to be sent. It did ask for the arms required to defend its own people against a ruthless aggressor. That request was repeatedly denied, in spite of the wishes of the US administration and of most leading American politicians.

There is no point now in listing the failures of military policy which subsequently occurred. Suffice it to say that, instead of succeeding in enforcing the mandates the UN Security Council gave them, UNPROFOR became potential and then actual hostages. Airpower was never seriously employed either. The oft repeated arguments against lifting the arms embargo—that if it occurred UN troops would be at risk, that the enclaves like Srebrenica would fall, that the Serbs would abandon all restraint—have all now been proved worthless. For all these things have happened *and* the arms embargo still applies.

Two arguments are, however, still advanced by those who wish to keep the arms embargo in place. Each is demonstrably false.

First, it is said that lifting the arms embargo would prolong the war in Bosnia. This is, of course, a morally repulsive argument; for it implies that all we should care about is a quick end to the conflict without regard to the justice or otherwise of its outcome. But in any case it is based on the false assumption that the Serbs are bound to win. Over the last year in Bosnian army has grown much stronger and the Bosnian Serbs weaker. The Bosnian army has, with its Croat allies, been winning back crucial territory, while desertion and poor morale are badly affecting the over-extended Serb forces. What the Bosnian government lacks however are the tanks and artillery needed to hold the territory won and force the Serbs to negotiate. This lack of equipment is directly the result of the arms embargo. Because of it the war is being prolonged and the casualties are higher. Lifting the arms embargo would thus shorten not lengthen the war.

Second, it is said that lifting the arms embargo would lead to rifts within the UN Security Council and NATO. But are there not rifts already? And are these themselves not the result of pursuing a failed policy involving large risks to outside countries' ground troops, rather than arming and training the victims to repel the aggressor? American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe. And if American leadership is truly evident along the lines of the policy which you and your colleagues are advancing I do not believe that any country will actually try to obstruct it.

The West has already waited too long. Time is now terribly short. All those who care about peace and justice for the tragic victims of aggression in the former Yugoslavia now have their eyes fixed on the actions of the US Senate. I hope, trust and pray that your initiative to have the arms embargo against Bosnia lifted succeeds. It will bring new hope to those who are suffering so much.

With warm regards.

Yours sincerely,

MARGARET THATCHER.

Mr. DOLE. I will just conclude by saying this is not a partisan discussion. It is not a partisan debate. It is not about Democrats and Republicans, not about philosophy. It is not about politics. It is about whether some small country that has been ravaged on all sides, pillaged, women raped, children killed, do they have any rights in this world? Do they have a right to say to these big countries like France and Great Britain and America that it is time to go, ''Let us fight and die for ourselves.'' That is what this is all about. They have said our amendment is simple. It is simple. That is what it does.

Maybe I missed something in my lifetime, but I have never missed the point that people have a right to defend themselves. And if we stand in their way, and if more are killed and more are raped and more little boys 12 years old are taken off to camps and more are hung on trees and more throats are cut because we imposed our will on this little country—''You cannot do this because we do not want you to do this.'' It is their country. It is their lives, their blood.

I think it is time for a change in policy. And I hope we will have a resounding vote in favor of the Dole-Lieberman resolution.

I want to congratulate and commend my friend from Connecticut for his tireless efforts, nonpartisan, going back—I think we worked together 1½ years on this issue, without any disagreement, never talking about the political advantage. This is not about

politics; it is about life or death for a little country.

The PRESIDING OFFICER (Mr. COVERDELL). The question is on agreeing to the second-degree amendment by the Senator from Maine.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—57

Abraham	Feingold	Moseley-Braun
Akaka	Feinstein	Murkowski
Baucus	Frist	Nickles
Bond	Gorton	Nunn
Boxer	Grassley	Packwood
Brown	Hatch	Pressler
Campbell	Inhofe	Robb
Chafee	Inouye	Roth
Coats	Jeffords	Santorum
Cochran	Kassebaum	Shelby
Cohen	Kempthorne	Simon
Conrad	Kerrey	Simpson
Coverdell	Kohl	Snowe
Craig	Lautenberg	Specter
D'Amato	Levin	Stevens
DeWine	Lieberman	Thompson
Dole	Lott	Thurmond
Domenici	McCain	Warner
Faircloth	McConnell	Wellstone

NAYS—41

Ashcroft	Glenn	Leahy
Biden	Graham	Lugar
Bingaman	Gramm	Mack
Bradley	Grams	Mikulski
Breaux	Gregg	Moynihan
Bryan	Harkin	Murray
Bumpers	Hatfield	Pell
Burns	Heflin	Pryor
Byrd	Helms	Reid
Daschle	Hutchison	Rockefeller
Dodd	Johnston	Sarbanes
Dorgan	Kennedy	Smith
Exon	Kerry	Thomas
Ford	Kyl	

NOT VOTING—2

Bennett Hollings

So the amendment (No. 1851) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the Nunn amendment, and the yeas and nays on final passage; and if we could have 10-minute votes on each of those.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent for 10-minute votes.

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

VOTE ON AMENDMENT NO. 1848, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. NUNN].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—75

Abraham	Ford	Lugar
Akaka	Frist	McCain
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bumpers	Hutchison	Pell
Campbell	Inouye	Pressler
Chafee	Jeffords	Pryor
Coats	Johnston	Robb
Cochran	Kassebaum	Roth
Cohen	Kempthorne	Santorum
Conrad	Kennedy	Sarbanes
Coverdell	Kerrey	Simon
Craig	Kerry	Simpson
Daschle	Kohl	Snowe
DeWine	Kyl	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thompson
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner
Exon	Lott	Wellstone

NAYS—23

Biden	Feinstein	McConnell
Brown	Grams	Moynihan
Bryan	Gregg	Reid
Burns	Hatfield	Rockefeller
Byrd	Heflin	Shelby
D'Amato	Helms	Smith
Faircloth	Inhofe	Thomas
Feingold	Mack	

NOT VOTING—2

Bennett Hollings

So the amendment (No. 1848) was agreed to.

VOTE ON AMENDMENT NO. 1801

The PRESIDING OFFICER. The question now occurs on Dole amendment number 1801, as amended.

The question is on agreeing to the amendment.

The amendment (No. 1801), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read for the third time.

The PRESIDING OFFICER. The question now occurs on passage of the bill, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—69

Abraham	Feingold	McConnell
Ashcroft	Feinstein	Moseley-Braun
Baucus	Frist	Moynihan
Biden	Gorton	Murkowski
Bond	Gramm	Nickles
Boxer	Grams	Nunn
Bradley	Grassley	Packwood
Brown	Harkin	Pressler
Bryan	Hatch	Reid
Campbell	Helms	Robb
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Jeffords	Shelby
Cohen	Kempthorne	Simon
Conrad	Kohl	Smith
Coverdell	Kyl	Snowe
Craig	Lautenberg	Specter
D'Amato	Levin	Stevens
DeWine	Lieberman	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Dorgan	Mack	Warner
Faircloth	McCain	Wellstone

NAYS—29

Akaka	Glenn	Kerry
Bingaman	Graham	Leahy
Breaux	Gregg	Mikulski
Bumpers	Hatfield	Murray
Burns	Heflin	Pell
Byrd	Inouye	Pryor
Daschle	Johnston	Rockefeller
Dodd	Kassebaum	Sarbanes
Exon	Kennedy	Simpson
Ford	Kerrey	

NOT VOTING—2

Bennett Hollings

So the bill (S. 21), as amended, was passed, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bosnia and Herzegovina Self-Defense Act of 1995''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United National Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina through a vote on a United Nations Security Council resolution since the enactment of section 1404 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(3) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable.

SEC. 3. STATEMENT OF SUPPORT.

The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

SEC. 4. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina, as provided in subsection (b), following—

(1) receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina; or

(2) a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw UNPROFOR from Bosnia and Herzegovina.

(b) IMPLEMENTATION OF TERMINATION.—The President may implement termination of the United States arms embargo of the Government of Bosnia and Herzegovina pursuant to subsection (a) prior to the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, but shall, subject to subsection (c), implement termination of the embargo pursuant to that subsection no later than the earlier of—

(1) the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina; or

(2) the date which is 12 weeks after the date of submission by the Government of Bosnia and Herzegovina of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

(c) PRESIDENTIAL WAIVER AUTHORITY.—If the President determines and reports in advance to Congress that the safety, security, and successful completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina in accordance with subsection (b)(2) requires more time than the period provided for in that subsection, the President may extend the time period available under subsection (b)(2) for implementing termination of the United States arms embargo of the Government of Bosnia and Herzegovina for a period of up to 30 days. The authority in this subsection may be exercised to extend the time period available under subsection (b)(2) for more than one 30-day period.

(d) PRESIDENTIAL REPORTS.—Within 7 days of the commencement of the withdrawal of UNPROFOR from Bosnia and Herzegovina, and every 14 days thereafter, the President shall report in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives on the status and estimated date of completion of the withdrawal operation. If any such report includes an estimated date of completion of the withdrawal which is later than 12 weeks after commencement of the withdrawal operation, the report shall include the operational reasons which prevent the completion of the withdrawal within 12 weeks of commencement.

(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina. In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

(g) DEFINITIONS.—As used in this section—

(1) the term ''United States arms embargo of the Government of Bosnia and Herzegovina'' means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading ''Suspension of Munitions Export Licenses to Yugoslavia''; and

(B) any similar policy being applied by the United States Government as of the date of completion of withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia; and

(2) the term ''completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina'' means the departure from the territory of Bosnia and Herzegovina of substantially all personnel participating in UNPROFOR and substantially all other personnel assisting in their withdrawal, within a reasonable period of time, without regard to whether the withdrawal was initiated pursuant to a request by the Government of Bosnia and Herzegovina, a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, but the term does not include such personnel as may remain in Bosnia and Herzegovina pursuant to an agreement between the Government of Bosnia and Herzegovina and the government of any country providing such personnel.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I just wish to echo the many accolades I have heard paid to the distinguished majority leader for his leadership on this issue over a period of years. He has been unwavering in his determination, together with our distinguished colleague, the junior Senator from Connecticut, Mr. LIEBERMAN, with strong staff support provided by Mira Baratta, who has worked on this tirelessly now for years, Randy Scheunemann, Ron Marks, John Lilley, of the staff of Senator LIEBERMAN, and Mrs. Ansley on my staff. Together, we have been able to present this in a very fair and objective and nonpartisan way.

I wish to extend my appreciation to those staff members and the distinguished majority leader and the Senator from Connecticut.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I call for the regular order with respect to S. 641.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate resumed consideration of the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand from the leader and from the clerk, we are now on the reauthorization of the Ryan White bill; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I see the chairman of the Labor and Human Resources Committee here. We are prepared to move along in terms of the amendments.

We had opening statements and discussion on last Friday.

I see my friend and colleague from California, who wishes to address the Senate on this issue. But I would like to indicate at least to our side that we are prepared to consider amendments. This measure has been on the calendar for some period of time. We have some 63 cosponsors.

We are, as we have said, prepared to deal with various amendments, and we hope we will have some brief comments in terms of whatever people's views are about the legislation and then we can get down to dealing with the amendments.

So I would yield the floor at this time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the Ryan White CARE Reauthorization Act, and in so doing I would very much like to thank the Labor and Human Resources Committee.

I would like to thank its distinguished chairman, the Senator from Kansas, and the ranking member, the Senator from Massachusetts. And I must say, to the credit of this committee, this reauthorization bill is reported to the full floor unanimously.

Mr. President, Ryan White affects 42 cities—7 in my State—and all 50 States. It costs $630 million, and it provides 350,000 people with services they would not be able to get, otherwise, outside of a hospital. It has dramatically reduced the overall cost of the health care delivery system.

Let me give you some examples of how Ryan White funding has helped communities in my State. In California, through use of its Ryan White title II funds, the State has reported a 50-percent reduction in hospital stays resulting in over $21 million in cost savings.

In San Francisco, Project Open Hand delivers a meal to 1,200 homebound people every day. This is accomplished through the efforts of 2,400 volunteer drivers and food preparers.

In Los Angeles, the AIDS Health Care Foundation, which is the largest AIDS organization in California, annually serves approximately 2,400 people living with HIV and AIDS at outpatient clinics. Last year it provided a final home to over 250 hospice residents.

In San Diego, the AIDS Foundation uses its Ryan White funding to provide a full range of outpatient clinical and social services to people with AIDS.

Let me say that, increasingly, the majority of new cases served under the Ryan White Act are in rural areas. Increasingly they are women, they are minorities, and they are children. And I think the lesson in this is that AIDS really knows no gender or sexual orientation. It is a real and major threat, and, as such, this act is very important in its treatment.

Mr. President, I am one who has had quite a bit of experience with AIDS. I would like to take a few moments to tell you what it was like before there was a Ryan White CARE Act. As mayor of San Francisco during the 1980's, I had many challenges. But none was more serious or severe than the emergence of the AIDS epidemic. I remember my first meeting on this subject as if it were yesterday. I think it was 1981. I was told in a meeting in the mayor's office that there was a rumor of a so-called gay cancer which had as one of its symptoms purple skin lesions. I called our director of public health and asked him to look into it. He called the Centers for Disease Control in Atlanta and learned that New York and Los Angeles were reporting a similar syndrome that was appearing in gay men.

At the time, we had no idea what we were dealing with. We did not know whether this was caused by a virus, a bacteria, or something else. We did not know how widely spread the epidemic had become or that hemophiliacs, Haitians, and intravenous drug users were already infected. We certainly did not know that it had originated in Central Africa, and that it would impact millions of people, and that it was sweeping through sub-Saharan Africa long before it reached this hemisphere.

But one thing I did know. We were dealing with something that was deadly. And it is my belief that as an elected official, when one learns of a threat to the public health, one has a responsibility to act. By the end of that first year, there were 76 diagnosed cases in San Francisco. We had allocated $180,000 for the first AIDS program in the Nation. By the time I left office in 1988, January, we were spending approximately $20 million a year, more than the rest of the cities in the country combined and, for most of the time, more than the State of California.

There was no Ryan White program then. But I can tell you that I certainly could have used it. We had to fund all those services from the city budget—the first AIDS prevention programs, the first AIDS housing programs, the first preliminary AIDS research efforts, which were pioneered at San Francisco General Hospital by Dr. Paul Volberding, and others. We opened the first AIDS ward. I broke that ribbon. We funded hospice care as well as a full range of support services.

San Francisco's response became known as the model AIDS program. Health officials from around the world came to observe it. And many returned home to replicate it. Make no mistake about it, it was hard. But if I had it to do over again, I would do it again. And if I do nothing else in my public life, creation of that model will be among my proudest achievements.

Last year it was learned that San Francisco was actually experiencing a decline in the number of new AIDS cases. This was very encouraging. As far as I know, San Francisco is the only major city on the planet that has experienced a decline in its AIDS caseload. When I read in the New York Times that the decline was attributable to one thing, the prevention program put into place in the early 1980's, I felt an affirmation of the principle which I stated earlier, which I will state again. As an elected official, when one learns of a threat to the public health, one has a responsibility to act.

Having said that, a lot of cities have sustained devastating losses. No city has been harder hit than my own, a city just 7 miles square, renowned for its beauty and its people. It is a city where 2 percent of its entire population has been claimed by AIDS, and 4 percent of its remaining population is estimated to be infected with the HIV. More than 50,000 young Californians have died from AIDS, approximately the same number as all Americans who died in Vietnam. Almost five times that many young Americans have died from AIDS.

While my colleagues on both sides of the aisle have recounted the alarming statistics with which we have become all too familiar, I believe that America has become numbed by the statistics of AIDS. I am reminded of a statement made in a different context: ''A single death is a tragedy; a million deaths are a statistic.'' That is all too true when it comes to AIDS.

The young man for whom this legislation is named gave the disease a face and a name to which every American could relate. Ryan White, a youngster, with his courage in fighting prejudice, helped this Nation begin to understand that AIDS knows no boundaries. Many years before the world came to know the name of Ryan White, there were also other names. There were names and faces that will be with many of us in this Chamber for a long, long time. For me, I lost many friends. I can tell you that I have lost many friends, and could recount a long litany of tragedy and suffering.

Let me tell you about two because they are recent deaths. The first is police officer Ray Benson whose funeral I attended just a few weeks ago. Ray became a San Francisco police officer in 1980 when I was mayor. And during the next 12 years he became the model police officer. He displayed conspicuous gallantry that personifies the risk of police officers daily when they report to duty. He received many awards during the course of his tenure, most recently the Medal of Valor for his actions while arresting a narcotics suspect. At the time he sustained serious wounds which required more than a 100 stitches in his face. But he shielded his fellow officers from the suspect's knife. Officer Ray Benson was a friend of mine. When I last saw him, his vision was failing, but his same strong spirit stood out. Ray's death from AIDS is but the most recent loss I have personally known.

I would like to mention just one other name and, due to the time constraints, I will stop. That name is Brad Wilson.

Brad was my scheduler during my campaign for Governor of California and my Senate campaign until he became too sick. He grew up in the Ozarks, graduated from the University of Chicago with top honors, and received his law degree from New York University.

After receiving an AIDS diagnosis, Brad fought for 6 more years, struggling to maintain his dignity and working as much as possible until 2 months before his death. In his final days, this brilliant young attorney, 39, was unable to care for himself in any

way. Morphine was administered intravenously to deaden the pain caused by a brain infection, but he maintained his dignity until the end.

Three of his last visitors at home were my daughter and her husband who took with them my 5-month-old granddaughter to boost his spirits. Both Brad and Ray were able to avail themselves of the services provided by the Ryan White CARE Act, and for this I am forever grateful.

I mention these two names as a very personal example of the loss, but they are but two more names out of almost 250,000 who have died from AIDS in the United States. Ryan White's death proved that AIDS is an equal opportunity killer, and there should be no room for prejudice or discrimination toward those it strikes for, in truth, it can strike anyone.

I urge my colleagues to support this bill, with Ryan White's memory in mind, as well as the memory of each and every American who has died from AIDS.

I thank the Chair. I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from California, Senator FEINSTEIN, for a very powerful statement. The reasons that she laid out as to why there should be support for this legislation, I think, will particularly help, and I appreciate her comments.

The Senator from North Carolina, Senator HELMS, had some amendments that he wished to offer. Senator BYRD has requested about 10 minutes as in morning business. I think as long as Senator HELMS is not here, I am prepared to offer an amendment as soon as Senator BYRD finishes, if, indeed, Senator HELMS is not here. But I think he is ready to go as well.

I ask unanimous consent that Senator BYRD be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Kansas, my friend, Senator KASSEBAUM, for her courtesy and kindness.

ELIMINATE THE DUAL KEY

Mr. BYRD. Mr. President, today's New York Times reports that the United Nations Secretary General, Mr. Boutros Boutros-Ghali, would ''veto NATO airstrikes.'' Secretary of State Christopher has written to me to clarify the decisions that were made in Brussels. In his letter, Secretary Christopher has stated that ''the North Atlantic Council approved detailed planning for the use of substantial NATO airpower to deter or respond to Bosnian Serb attacks on the U.N. safe area of Gorazde. These plans include a broader range of options for commanders, who for the first time will have the ability to use NATO airpower within a wide geographic area against a variety of targets which may pose a threat to the safe area.'' Secretary Christopher goes on to say that ''Of equal importance, NATO military authorities were instructed to formulate plans for protecting other safe areas, particularly Bihac, on the basis of the new approach adopted for Gorazde . . . These steps, which confirm decisions taken in London, reflect unanimous Allied endorsement of the substantial change to the dual key previously in effect.''

Reinforcing Secretary Christopher's letter, the Secretary General just released a statement that delegates the authority for airstrikes to the military commanders on the ground. In his press statement, the Secretary General says, ''on the question of the 'dual key,' the relevant Security Council resolutions call for close coordination between the United Nations and NATO on the use of NATO air power and this is reflected in the NATO decision. In order to streamline decisions taking within the U.N. chain of command when the use of air power is deemed to be necessary, the Secretary General has decided to delegate the necessary authority in this respect to his military commanders in the field.'' Mr. President, this is consistent with the North Atlantic Council decision agreed upon last night, and is a major step forward.

As a result of a meeting conducted last Friday in London and implemented by the North Atlantic Council of NATO last night in Brussels, NATO has made a decision to take new, positive action in Bosnia to deter and retaliate against Bosnian Serb aggression against at least the U.N.-designated safe areas of Gorazde and Sarajevo. Already, French and British troops have taken action to forcefully reopen the ground route for humanitarian supplies into Sarajevo. The NATO military command is establishing the command and control links and decisionmaking rules to guide NATO operations in Bosnia in fulfillment of the decisions so recently made. The new decisionmaking process would eliminate the veto that has been exercised regularly by U.N. political authorities, frustrating timely and strong alliance action. The Secretary General has agreed with this decision.

This is an important new development, a vital change in the military equation. It is critical to the success of alliance military operations in Bosnia.

Our NATO allies have come to this consensus partially at the behest of the United States, which has urged more forceful action against the Bosnian Serb forces. This decision to retaliate, which has been forcefully communicated to the Bosnian Serb military commander by a trio of United States, United Kingdom, and French generals, commits NATO to punishing and disproportionate airstrikes against any Bosnian Serb military facility or formation anywhere in Bosnia, including Serb headquarters and command and control centers, should the Bosnian Serbs attempt to overrun Gorazde.

The need to make these decisions and these threats credible requires the elimination of the ''dual key'' to authorizing airstrikes. This ''dual key'' process, which has required both NATO and U.N. political authorities to authorize airstrikes, has gutted the effectiveness of previous NATO airstrikes undertaken to punish the Serbs for actions against U.N. protection forces or Bosnian civilians. The decisionmaking process has been far too slow, and has been burdened with added requirements to notify the targets of the intended strike, to strike at prearranged times, and to strike at targets that do not disproportionately punish the Serbian forces. These restrictions are militarily foolish, and serve only to set up NATO forces as targets for Serb antiaircraft fire as they come in over preannounced targets at specified times. Allied air power in Bosnia has been reduced to a farce by the misguided political calculations of U.N. civilian officials.

These restrictions do not pertain to the retaliation that has been outlined for NATO. NATO retaliatory airstrikes will be swift, unannounced, and directed at targets of NATO's choosing, encompassing any Bosnian Serb military facility or formation. These strikes will be disproportionate and massive, rather than the pinpricks that have been conducted in the past. NATO has resolved to continue, to punish the Serbs even if they resort again to such dastardly tactics as using U.N. personnel or civilians as human shields to protect their military facilities. Regarding military action in the face of hostage-taking, the presumption outlined in the NATO decision is that operations will go forward.

According to the North Atlantic Council decisions last night, the strikes will take place when NATO and U.N. military commanders—military commanders, not civilian authorities—determine that Serb preparations pose a threat to Gorazde. The chain of command stops at the military level, not at the political level, according to the North Atlantic Council decision document.

Under the ''dual key'' process, U.N. civilians are allowed to make military decisions, which does not and has never made military sense. Once a decision has been made by civilian authorities to carry out airstrikes, military commanders should be, and must be, trusted to carry out that decision in the most effective manner, and in a manner that best protects their striking forces. NATO commanders must be given the freedom of action to make good military judgments, to strike at targets that pose the greatest danger to NATO, and to strike at targets that will inflict the greatest damage to the Serb forces. This is what is necessary to let the Serb forces know that this

time, we mean business. Peaceniks at the United Nations cannot be allowed to overturn military options to the tragedy in Bosnia. New York should be out of the Bosnia loop.

At the United Nations, political entanglements also entangle military operations. Aside from decisions being made by United Nations civilians with little or no military experience, opportunities exist for Bosnian Serb supporters to undermine the effectiveness of NATO airstrikes. I understand that the Russians are opposed to the NATO decision to undertake airstrikes against the Bosnian Serb forces, but this is understandable. Russia has ancient ties to the Serbs of both Serbia and Bosnia, ties of religion and of history. But Russia, with its vote on the United Nations Security Council, should not be allowed to jeopardize NATO decisions and NATO actions. Russia is not, at least not yet, a member of NATO. I respect the views of those who would acknowledge Russian concerns in this matter, but I venture to surmise that the Russians would not allow consideration of NATO's views to handcuff decisions made and actions taken by Russian military forces, regardless of the voice and veto of NATO members on the United Nations Security Council.

I believe that, differences over the passage of the bill lifting the arms embargo aside, the Members of this body are united in opposition to the existing and cumbersome ''dual key'' decision-making process. It has been a critical element in the failure of the United Nations operation in Bosnia, and it has been a critical element in the failure of previous NATO attempts to shore up the U.N. operations in Bosnia. If the action taken to lift the embargo leads to the departure of the United Nations or our European allies from Bosnia, with all the danger that operation might entail, the elimination of this ''dual key'' becomes even more important. If the United States participates in the withdrawal, as President Clinton has suggested, I believe we all would agree that we do not want the United Nations in a position to crimp NATO's ability to react.

The Secretary General's statement is an endorsement of the major change in the way NATO does business in Bosnia. It will permit allied air power to do what it is designed to do, as characterized by the following statement from the NATO Secretary General, which is that ''there is a strong feeling among Allies that such operations, once they are launched, will not lightly be discontinued. In the face of the inherent strike, the Alliance is determined.''

Mr. President, I ask unanimous consent to have printed in the RECORD pertinent materials.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, July 26, 1995.

Hon. ROBERT C. BYRD,
U.S. Senate.

DEAR SENATOR BYRD: Working with our NATO Allies, the United States has embarked on a stronger and firmer approach to preserving the UN mission in Bosnia. New command and control arrangements agreed to in Brussels last night, combined with British and French decisiveness in using their Rapid Reaction Forces to secure routes into Sarajevo, are vivid examples of our heightened resolve.

Last night in Brussels, NATO acted resolutely to confirm and implement decisions taken at last week's International Meeting on Bosnia in London. After intensive review by NATO military authorities, the North Atlantic Council approved detailed planning for use of substantial NATO airpower to deter or respond to Bosnian Serb attacks on the UN safe area of Gorazde. These plans include a broader range of options for commanders, who for the first time will have the ability to use NATO airpower within a wide geographic area against a variety of targets which may pose a threat to the safe area.

Of equal importance, NATO military authorities were instructed to formulate plans for protecting other safe areas, particularly Bihac, on the basis of the new approach adopted for Gorazde. Authority for the decisions taken at NATO already exists under current UN Security Council resolutions. NATO Secretary General Claes communicated the NATO decisions to UN Secretary General Boutros-Ghali last night.

These steps, which confirm decisions taken in London, reflect unanimous Allied endorsement of a substantial change to the dual key previously in effect. This would be accomplished through the anticipated new delegation of authority from UN and NATO political authorities to theater and field commanders, consistent with military practices.

These new arrangements will ensure that the use of airpower is substantial and decisive. They are consistent with the requirements of the U.S. military and have its endorsement. The Alliance recognizes that there are risks involved in use of substantial airpower, but will not be deterred. In short, there will be no more pinpricks.

I hope the Administration can count on your support.

Sincerely,

WARREN CHRISTOPHER.

[From the New York Times, July 26, 1995]

NATO GIVES U.N. OFFICIALS VETO ON AIRSTRIKES IN BOSNIA

(By Craig R. Whitney)

BRUSSELS, Wednesday, July 26—Four days after the United States, Britain, and France threatened the Bosnian Serbs with the heaviest air strikes yet if they attacked the Muslim enclave of Gorazde, NATO officials said early this morning that they had agreed that no large-scale bombing could start unless United Nations civilian officials gave the go-ahead.

Far from doing away with the cumbersome ''dual key'' arrangement that the United States says has hampered NATO's ability to protect United Nations peacekeepers on the ground, the NATO allies in effect have sided with United Nations Secretary-General Boutros Boutros-Ghali, who has been saying nobody could take his key away from him.

The allies agreed to make what one NATO official called a ''strong recommendation'' to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time had come to start bombing the Serbs if they attacked.

But since Mr. Boutros-Ghali has been extremely cautious about approving air strikes in the past, what was meant to sound like a roar in London four days ago appeared likely to have been throttled down to something more like a growl by the time NATO ambassadors finished grappling with it in the small hours of Wednesday morning.

''It's falling apart,'' an American military officer said of the previous allied indications that in the event of an imminent attack on Gorazde, military leaders could decide on their own to proceed with bombing of the Serbs. (Field commanders already have the authority to call in close air support in the midst of battle, though that power has seldom been used.)

A senior NATO diplomat said as the Brussles meeting dragged on, ''What we came up with tonight has to be endorsed by Boutros Boutros-Ghali.'' As for the ''dual key'' arrangement, he said, ''We have to live with it.''

The main pressure to preserve a decision-making role for Mr. Boutros-Ghali came from Britain and France. With nearly 15,000 soldiers on the ground in Bosnia who could suffer the consequences if bombing and Serb reactions to it spiral out of control, the countries pressed, in effect, for a series of political fire walls against precipitate American action from the air.

In particular, French officials deny that they ever agreed last Friday in London to launch automatically what the American Secretary of Defense William Perry called a ''disproportionate response'' to an attack on Gorazde. Americans had emerged from the London meeting describing an agreement to sidestep the Secretary General, but apparently that was exaggerated.

The emerging decision would represent a serious setback for the United States, which wanted the allies to leave all decisions on bombing from now on to NATO officers and United Nations military commanders on the ground in Bosnia.

An American diplomat said, ''We're just trying to get the best deal we can.''

NATO ambassadors endorsed a detailed military plan prepared by their uniformed chiefs and then planned to call on Mr. Boutros-Ghali to delegate to as low a level as possible his authority to approve air strikes if the Serbs attacked designated ''safe areas'' in Bosnia, one participant said.

The allies took two full days and part of a third to decide what to do about Gorazde despite the fact that most of them had been present in London when the problem was discussed last Friday. And NATO has had authority to bomb Bosnian Serb heavy weapons in Gorazde and all the other United Nations-designated ''safe areas'' in Bosnia since April of 1994.

The senior United Nations commander in Bosnia, Gen. Rupert Smith of Britain, has frequently reached agreement with his NATO counterpart, Adm. Leighton Smith of NATO's Southern Command in Naples, an American, on conducting air strikes.

In the past, some of these have then been vetoed by Gen. Bernard Janvier, the overall commander of United Nations peacekeepers in the former Yugoslavia, but many more have been disapproved by Mr. Boutros-Ghali or his civilian representative there, Yasushi Akashi.

While the plan discussed here was devised to deter a Bosnian Serb attack on Gorazde, NATO officials said they would try to adapt it as quickly as possible for the western Bosnian enclave of Bihac, where Bosnian Serbs, Croatian Serbs, and renegade Muslim forces are fighting Bosnian Government troops.

Mr. Boutros-Ghali, who has insisted on retaining ultimate authority over air attacks

ever since last week's tough talk in London by American officials about cutting him out of the decision-making process, was to be informed of the allies' latest decision by NATO Secretary-General Willy Klaes.

The coldest feet here apparently belonged to Britain and France. ''We have to have at least a nihil obstat from the United Nations at the political level, in the most practical and least obstructive way possible,'' one French official explained, referring to the Vatican's expression when approving a book for publication. Officials said that Britain, too, was adamant about keeping the United Nations in the decision-making loop as far as possible.

But the allies said that Mr. Boutros-Ghali would need no additional Security Council resolutions to authorize his subordinate military commanders to approve a bombing campaign. If he asked for such a resolution, Russia would almost certainly veto it. The Russian Foreign Minister, Andrei V. Kozyrev, refused to go along with the London threat last week.

The allies also agreed that they would have to meet again before any decision to actually begin a campaign of widespread air strikes against Bosnian Serb air defenses and other military targets, and that Mr. Boutros-Ghali would have to agree that it should go ahead, officials said.

Mr. Boutros-Ghali attended last Friday's meeting in London, where the U.S., Britain, and France promised ''substantial and decisive response'' to any attack on Gorazde, but he said little publicly there.

President Jacques Chirac had described the London decisions to threaten bombing as ''not entirely what we were hoping for.'' He has pressed for a thousand British and French troops to be dispatched to reinforce the United Nations peacekeepers in Gorazde.

Mr. BYRD. I thank again the distinguished Senator from Kansas for her courtesy, and the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I see my colleague from California on the floor. I understand she would like to address the Senate.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, thank you so much. I rise in support, very strong support, of the Ryan White CARE Act. I want to thank my friend and colleague from Massachusetts for giving me just a short period of time to make a few remarks.

I hope I will not have to rush back to the floor to defend against harmful amendments and mean-spirited amendments that attempt to drive a wedge between Members.

The way I view life, we are all God's children, and when we are sick, we should help each other. That is what this bill is all about.

I also want to thank the Senator from Kansas, the chairman of the committee, for moving this legislation to where it is today. It certainly means a lot to many people across this great country that we are responding to the AIDS epidemic.

Indeed, it is an epidemic. An estimated 150,000 people infected with HIV are living in California. That is a huge number of people, Mr. President, who are looking to Members for help. We cannot solve every problem for every person. We know that. But the Ryan White CARE Act is the basis for having matching dollars flow into our communities, to help those who need it most. The Ryan White CARE Act provides funding for health care and supportive services for people living with AIDS.

Title I of the act talks about the cities that are under great stress and great duress because of this epidemic. In California, we have seven title I cities: San Francisco, Los Angeles, Oakland, Anaheim in Orange County, Riverside/San Bernardino, San Diego, and Santa Rosa/Petaluma. Two more cities, San Jose and Sacramento, unfortunately, are expected to qualify for funding next year. I say ''unfortunately'' because it means that the devastation of AIDS continues to spread to new cities—not only in my State of California, Mr. President, but across this great Nation.

Through this act, we provide funding for statewide programs that reimburse patients for the cost of medicine. They provide insurance coverage and health and supportive services. And, title III(B) supports community-based health care clinics that are so important to outpatient services.

Title IV, Mr. President, supports pediatric, adolescent, and family HIV care programs.

Mr. President, at this point I want to mention a name of a woman who died who had dedicated her life to making sure that we paid attention to pediatric AIDS. That is Elizabeth Glaser, one of the greatest people I have ever met in my entire life. I feel blessed that somehow I crossed her path in my life.

This is a woman who saw tragedy, who got the HIV virus through a transfusion, and unknowingly—because it was so early in the epidemic—passed it on to two children. Her husband, Michael, who has taken up the cause, has lost so much love from his life, but yet he remains dedicated to making sure we find a cure for AIDS, and that we prevent the AIDS virus being transmitted from the pregnant woman to her child.

We are seeing some breakthroughs, Mr. President, in this regard. The early use of AZT seems to work in many, many cases so that the children do not get HIV and they are born healthy.

It is very important that we continue the Ryan White CARE Act and all the titles in the Ryan White Act. We know the Ryan White CARE Act is cost effective. The lifetime cost of treating a person with AIDS is over $100,000, with an average yearly cost of $38,000. People say, why do we spend money in the Federal Government? In this case and in other cases we could point to, we really save money in the end, because this act works to keep people out of the hospital where the care is the most expensive. It allows individuals to continue on with productive lives in their communities.

One California study found that individuals receiving managed outpatient care services spent 8 less days in the hospital, saving $22,000 per person, or a total of $13 million in health care costs per year.

Mr. President, I hope that my colleagues on the committee are aware of this program supported by the Ryan White CARE Act. Senator FEINSTEIN mentioned it in her wonderful opening remarks today. There is a program that operates in California called Project Open Hand. Saturday, I went to visit the program. I was really moved to see the kind of community spirit that this program promotes. We talk about saving money. This program feeds people with HIV and AIDS who need that kind of help, people who may be too tired or too sick to cook healthful meals for themselves.

It is interesting to note that there are huge donations to Project Open Hand, and an enormous number of volunteers. When we look over the budget, 18 percent of the budget comes from Ryan White funds, but all of rest of it flows into the program in a 5-to-1 ratio. The Ryan White money brings in a match of almost 5 to 1 to Project Open Hand, which serves more than 1,000 people every day. It is extraordinary to see the way it is done.

I watched them prepare the meals there. They have different diets for different people. Some have to be no salt, some low salt—and it is all done in a way that is so efficient. So many volunteers give of themselves.

Mr. President, even with Ryan White funds, title I cities have tremendous unmet needs. For example, in California, 62 percent of those in need of HIV primary care do not receive those services in Los Angeles; 73 percent of people with HIV in Orange County cannot get case management services; 45,000 publicly-funded home health care visits are needed for people with AIDS and HIV in Alameda County and there are no funds to help people with their transportation costs. They have no way to get to outpatient clinics.

Mr. President, 40 percent of HIV infected individuals in Riverside and San Bernardino County—which we call the inland empire in California, that is inland from the coast—40 percent of those HIV-infected individuals there are receiving services through the Ryan White CARE Act because they have no health insurance whatsoever.

In San Diego, we have at least 900 additional people with AIDS in its system who were diagnosed and reported elsewhere. In other words, they came from Mexico and other areas to get treatment in San Diego, so there is a terrible problem there.

An estimated 1,000 people with HIV are homeless in San Francisco.

So, in conclusion, to my friends whom I thank so very much for bringing this bill forward, this bill is crucial. It is crucial to people with HIV

and AIDS. And I want to point out something that is often lost. The groups today that are most at risk are heterosexual women and our young people. So, if there is an attempt on this Senate floor to ghettoize this disease, I will be back to speak out. Again, we are all God's children. We must help each other. We are all Americans. We are in this together. We must confront AIDS forcefully and directly, provide the necessary funding that will be matched by States and localities, and a very generous private sector.

So I am very pleased to be here in support of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, we had many of the opening statements on Friday and are prepared to move forward with amendments now. The Senator from North Carolina [Mr. HELMS] has suggested I go ahead with an amendment.

AMENDMENT NO. 1852

(Purpose: To provide for the adoption by States of the CDC guidelines for pregnant women)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas, [Mrs. KASSEBAUM], for herself and Mr. KENNEDY proposes an amendment numbered 1852.

Mrs. KASSEBAUM. 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. . CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

Mrs. KASSEBAUM. Mr. President, I rise to offer this amendment on behalf of myself and Senator KENNEDY, the ranking member of the Labor and Human Resources Committee. This amendment is aimed at preventing the prenatal transmission of HIV from mothers to newborn infants. Because new research findings show that when pregnant women with HIV take AZT—which is a treatment that shows positive results for those who have contacted the AIDS virus—it can protect their infants if taken at the right time. I believe we should make testing and treatment available to all who could benefit from this approach. Our amendment would begin to meet this objective.

As many of my colleagues know, the Centers for Disease Control and Prevention recently released guidelines for voluntary HIV counseling and testing of pregnant women. These guidelines call for health providers to offer HIV testing to all women.

The CDC guidelines were developed after recent research showed that HIV transmission to newborns from infected mothers could be dramatically reduced. If pregnant women with HIV take AZT during pregnancy, they can decrease the transmission rate to their newborns from 25 to 8 percent—this is a dramatic reduction.

In response to these findings, and from a desire to protect the health of newborns, the amendment we offer would require States with the greatest number of HIV-infected newborns to implement the CDC guidelines. Under this proposal, 11 States plus the District of Columbia, which account for 80 percent of all newborn HIV cases, would qualify to receive grants from the Public Health Service to help offset some of the costs of testing and treatment.

I offer this amendment as an alternative to a proposal which is being advanced in the House of Representatives, by Congressman COBURN of Oklahoma. To address this problem, the Coburn amendment would test newborn infants for HIV. I believe this is the wrong approach. It seems to me that it is most important that we test the mother at a time in the process in which we could potentially intervene. The Coburn amendment would allow for voluntary testing of the mother but would mandate testing of those babies whose mother had failed to be tested during her pregnancy. I regret that, under the Coburn amendment, it seems to me, that testing of newborns would not prevent HIV transmission. This why I think it is important to start the process at an earlier period of time, rather than after the birth of the newborn infant.

As many of my colleagues know, I would actually prefer mandatory testing of all mothers during pregnancy for HIV. I support such an approach because I believe it would be the most effective way to prevent HIV transmission to newborns. However, I am not advancing a mandatory testing approach at this time because of the concerns that have been raised by many. These include increased Federal Medicaid expenditures, unfunded State mandates, and a decrease in pregnant women seeking prenatal care.

For all of those reasons I decided it was best to not make it mandatory, but to follow the CDC guidelines in the 11 States where 80 percent of the cases have, in the past, occurred. I believe this amendment, which will provide funding to States to implement the voluntary CDC HIV counseling and testing guidelines, and is an effective way to protect our Nation's newborn infants. As such, I urge colleagues' support for this measure.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise in strong support of the amendment put forward by the Senator from Kansas. It represents a responsible approach to an important issue. I am pleased we are taking action on it at the outset of this debate. The CARE Act is about providing health care and

hope to people living with HIV disease. It is about making the promise of advances in biomedical research a reality in the lives of our fellow Americans in need.

Research has demonstrated we can reduce the transmission of HIV from mother to child by providing HIV positive pregnant women with AZT, during the second or third trimesters of pregnancy and during delivery. In so doing, we can save young lives and help keep families together.

In response to this important discovery, public health officials and maternal and child health care providers have worked closely with the Centers for Disease Control to design guidelines for standards of medical practice that will help to maximize the impact of this discovery. Earlier this month, the CDC issued guidelines recommending that all pregnant women receive counseling about the benefits of seeking HIV testing, and that such testing be made available on a voluntary basis.

Where this is currently being done, more than 95 percent of the women have sought voluntary HIV testing. I think that is really the heart of this whole amendment that Senator KASSEBAUM has talked about.

We have a nationwide problem. The amendment is focused in the areas where there is the greatest need, and has been encouraged by voluntary counseling. And where we get the voluntary testing and where we have the appropriate kind of counseling consistent with the CDC guidelines, you get 95, even higher percentage. Dr. Koop, who has been working in this area, talks about areas and communities that are up to 98 percent, which is what, obviously, we are interested in doing. If effectively implemented, the guidelines will make a tremendous difference.

So the amendment offered by the Senator from Kansas will ensure that these guidelines are implemented in those States with the most significant problems. We know that more than 80 percent of the cases of pediatric AIDS occur in 11 States, including my own State of Massachusetts. The amendment will ensure action by these States. It authorizes funds to assist them with that action.

This approach is supported by the Academy of Pediatrics, the American Medical Association, the March of Dimes, the Governors, the State Health Officers, the State AIDS Directors, the Pediatric AIDS Foundation, and a host of other public health and social service organizations.

We talked with Dr. Koop yesterday, who strongly supported this action as the most responsible means of moving toward this important issue.

So, Mr. President, I urge the Senate to accept it. I think what we have found out in the whole battle on AIDS is where we work toward encouragement and work with consultation and counseling, we get a very positive response. That is what this particular measure does. If we were to come back in a more compulsive situation which has been recommended by others, what has happened—and the data reflect this—is that there is less of a desire and willingness to move ahead and get the test.

This I think makes sense from a public health point of view. It makes particular sense with regard to the children. And it makes sense from a scarce-resource point of view.

So I commend the Senator for this amendment and urge its adoption. I think it is a very, very important one. It is the a result of research that has been going on at the Centers for Disease Control.

We have 7,000 infants that are born each year that are HIV. Three-quarters of those will be free and on their own within about a year or a year and a half. But, as the Senator's amendment points out, with the addition of AZT treatment, that number comes down to only about 8 percent.

So the way that the Senator has proposed I think maximizes the opportunities to help and assist the infants, and also will get them the most positive response and do it in a way which is financially most responsible.

I commend her for this approach and urge our colleagues to accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I do not know how anybody can oppose this. I certainly support it. I think that we should expedite the consideration of this bill by letting all amendments possible be approved on voice vote, and not get into any high-jinks about second degree. I am not going to second-degree anybody's amendment. We can save a lot of time if we do not get involved in that, and can get this Ryan White bill behind us.

I certainly approve of this amendment. I urge its adoption.

Mr. HATCH. Mr. President, I rise in support of the Kassebaum-Kennedy amendment to S. 641 which essentially adopts the guidelines of the U.S. Public Health Service [PHS] which require counseling and voluntary testing of pregnant women who are at risk for HIV infection.

The PHS has issued guidelines in the following areas: Information for both infected and uninfected pregnant women which will help improve their health and that of their infants; laboratory considerations involved in HIV testing of these populations; and necessary follow-up services for HIV-infected women, their infants and other family members.

The guidelines released this month by the PHS are an excellent model. They recommend that health care providers ensure that all pregnant women are counseled and encouraged to be tested for HIV infection. This will allow women to know their infection status, which can both help them maintain their own health and reduce the risk for perinatal HIV transmission.

The guidelines also emphasize that HIV testing should be voluntary. Health care providers should counsel and offer HIV testing to women as early in pregnancy as possible so that informed and timely therapeutic and reproductive decisions can be made.

The issue of mandatory testing is one I have studied in great detail. I understand the reasons why requiring mandatory testing of pregnant women or newborns may seem like a good idea. However, I have concluded, that such a mandate, while well-intentioned, often has the opposite effect of turning those women who are most likely to be infected with the HIV virus away from the system.

The issue boils down to access and trust; mandatory testing accomplishes neither.

My reasoning is as follows:

The idea of mandatory testing creates a great deal of apprehension and fear in precisely those women whom we would want to test.

Some women fear that if there were mandated testing, it may not be accompanied by necessary informed consent.

Others fear they may not be informed of the results of their HIV status.

We unfortunately have a tragic precedent for this with the infamous Tuskegee experiments; African-American men in the South were tested for syphilis and were not treated if found to be positive for the disease. The fact that they were uninformed about the testing and not treated, continues to tarnish the reputation of the public health establishment.

For many, especially the poor who utilize the public health system, there is often very little trust of a system which is not responsive to their health care needs, poorly staffed, over-crowded and ill-equipped to provide the necessary services.

Mandating treatment for all pregnant women independent of their risk factors for HIV significantly increases the rate of false positive results.

In other words, due to the sensitivity and specificity of testing for HIV, indiscriminate mandatory testing increases the likelihood that women who are falsely positive will be treated.

And, as I understand it, while AZT is a potentially life saving medication which has helped literally thousands of people, it is not without significant side-effects and morbidity. We should not be subjecting individuals who may not be HIV positive to unnecessary treatment.

Mandating testing without providing the treatment merely sets up the largely false expectation that services will be provided.

This would be a cruel hoax for those individuals who may test positive and not have the access to appropriate medical services.

Scientific prospective clinical trials reveal that early detection of HIV-infected mothers and subsequent treatment with AZT reduces the transmission rate of HIV to the newborn by a third.

The key to prevention and appropriate treatment is education and counseling of the pregnant woman.

I think that the Kassebaum-Kennedy amendment address these issues in a responsible way.

This amendment shows that the Senate is on the side of counseling and voluntary testing as advised by our Nation's top public health experts. Education and prevention remain our best weapons against this horrible epidemic.

I thank Senators KASSEBAUM and KENNEDY for developing this dialog, and hope this amendment is a position we can maintain in conference.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1852) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I appreciate the comments of the Senator from North Carolina. I am glad to start off with such a positive amendment and share with him that I think it is important to debate these amendments, just the value of amendments as they are presented. I think that we both share the desire to move forward on this legislation. I appreciate the comments of the Senator from North Carolina.

Mr. HELMS. I thank the Senator from Kansas.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, as the Senate proceeds to the consideration of the proposal to reauthorize the so-called Ryan White CARE Act of 1990, there are so many ironies, that I feel obliged to call attention to some of them. Although the homosexual activists of America have created a virtual minefield for any Senator who dares raise a question about the legislative history of this proposal.

These homosexual activists have managed to convince the news media, and a surprising number of Senators, that it is irrelevant to talk about who and what really caused the death of Ryan White—Ryan White, the 18-year-old hemophiliac who died of AIDS because tainted blood was pumped into his veins, blood that was tainted in the first place by a homosexual conduct somewhere generations back.

The Centers for Disease Control was quite candid in the early 1980's as to when and how the AIDS disease was brought to America. The CDC may be somewhat politically correct now.

In any event, I have in hand a volume which I obtained on loan from the Library of Congress, a book authored by Randy Shilts entitled ''And the Band Played On.'' Newsweek magazine described this book in 1987 as ''compelling and often shocking, impassioned, and path breaking, the best book yet on AIDS.''

The Washington Post described it as ''a monumental history.''

Time magazine called the book ''stunning and impressively researched, a richly detailed narrative.''

The Chicago Tribune described it, ''It reads like a good medical sleuth story. But it is not fiction. It is a painstakingly detailed history.''

Mr. President, let us emphasize how virulent the AIDS virus is. A Canadian airline flight attendant, who knew he had AIDS and whose name is a matter of record, flew into the United States, and over a period of time—I am quoting from page 147 of Mr. Shilts' book—the Canadian airline flight attendant ''established sexual links between 40 patients in 10 cities. The role played by the flight attendant was remarkable,'' Mr. Shilts says. And he continues, ''At least 40 of the first 248 homosexual men diagnosed with HIV or AIDS in the United States as of April 12, 1982 either had had sex with the flight attendant or had had sex with someone who had.''

Mr. Shilts continued, ''The links sometimes were extended for many generations of sexual contacts, giving frightening insight into how rapidly the epidemic had spread before anybody knew about it.''

Mr. President, I include those details to emphasize the virulence of HIV, AIDS, and it has been that way since the very beginning. Yet, I know of not one homosexual organization that has advocated abstinence from engaging in the incredibly offensive and revolting conduct that has led to the proliferation of AIDS; not to this good day has there been even a hint that abstinence should be followed. No. The homosexual activists have gone precisely in the other direction, demanding more and more Federal funds for research and special funding for personal care available to no other Americans suffering and dying of other diseases like cancer, heart disease, diabetes, and Alzheimer's.

This is a unique piece of legislation. It was in 1990, and it still is. There has never been a bill like this for any other disease.

The ferocity of the lobbying and the intensity of media criticism of anyone raising a question about all of this has caused many in Congress to go along with the questionable demands of the homosexual lobby.

I myself, Mr. President, have taken the heat, but I will not be deterred. The Senate probably will pass this bill again, and the House has already passed it. And it may become law because President Clinton will rush and sprain his ankle grabbing a pen to sign it.

I have intended to have my say, and I have intended to offer a number of amendments for the consideration of Senators to vote for or against as they please. But I think the Senate ought to go on record.

Let us examine some of the support the American taxpayers are forced to give to a comparison of diseases. Let us start off with AIDS.

This year, $2,700,000,000 for AIDS. That is the tab Congress has demanded that the American taxpayers furnish.

That is more money than for any other disease.

The Congressional Research Service breaks down the money like this:

This year, $1.548 billion for research, $491 million for so-called prevention or education programs—and I will get into that in just a minute—and $664 million for treatment. And this is only for fiscal year 1995.

The fiscal year 1996 request totaled a whopping $2.9 billion —$1.819 billion for research, $526 million for prevention or education, and $555 million for treatment programs.

Now, the disease AIDS ranks No. 8 in America among all of the diseases in terms of causing death. The No. 1 killer is heart disease followed by cancer, followed by stroke and lung disease, diabetes, Parkinson's disease, Alzheimer's, and so forth.

But do they get money like this? No. AIDS is No. 8—No. 8—yet AIDS gets more Federal money than any of the other diseases. If memory serves me correctly, the original 1990 Ryan White bill was funded with money taken from a fund originally allocated for Alzheimer's disease. The Federal Government spends $91,000 for every patient who dies of AIDS. The Federal Government spends $5,000 for each American who dies of cancer.

I know the advocates of this Ryan White reauthorization bill will claim that comparisons are odious, but there is a great big odor rising from the manner in which Congress is falling all over itself to do what the homosexual lobby is almost hysterically demanding that Congress do.

Now, then, I am a little bit fascinated by a clause in this existing bill that is now the pending business, language which authorizes—and let me quote from the bill—''appropriations of such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.''

Supporters of the bill say, ''Oh, well, do not worry about that, Jesse. That does not mean anything. It still will have to go through the authorization and appropriations process each year.''

Well, if that is so, Mr. President, if it does not mean anything, let us take out that reference to ''such sums as may be necessary.'' I will bet you a quarter not one of the proponents will agree to that. Of course, it means something.

While I am at it, let me raise a question about the provision in this Ryan White bill's title V which creates new education and training centers related to homosexuality and AIDS.

Mr. President, this bill is silent in seven languages about teaching the importance of abstinence. It is not even mentioned. Abstinence, I say again and again and again, is the only way AIDS will ever be brought under control. And the activists do not even use the word or permit it to be used.

There is general agreement among scientists that the biggest risk for contracting HIV or AIDS is the number of sexual partners homosexuals have. The more promiscuous a homosexual, the greater his risk of contracting HIV or AIDS, and, by the way, infecting innocent people like little Ryan White, whose name is being exploited in this legislation, who had nothing to do with that. He was innocent.

Reliable surveys, Mr. President, show that many homosexuals average 16 different sex partners every month, 182 partners per year. And my source for that is a document ''Hepatitis B Cohort Study of 1980,'' and I have it available for any Senator who wants to see it.

Now, is it not clear, Mr. President, that AIDS is a chronic disease of sexually promiscuous people? And a lot of innocent people like Ryan White are caught up in it, unknowingly and without any misconduct on their part.

Let me move on. Mr. President, you would not believe the stonewalling that has been going on in and by the Clinton administration to prevent my staff and me from obtaining statistical information about how these millions and billions of dollars of the taxpayers' money are to be spent and have been spent in the past. You call HHS—and we have the date and time and the name of the people we talk with—and they say they do not know, that there is no monitoring going on.

Stonewalling, that is what we have. But I say this, and I say it with all the sincerity I possess, that before the Senate Appropriations Committee acts on this bill, S. 641, I hope Senators HATFIELD and BYRD and all of the members of the Appropriations Committee will insist on credible documented information about who has received the Ryan White funds since the enactment of the 1990 version of the Ryan White CARE Act.

That is all I ask. If Senator ROBERT C. BYRD says it is all right, after he has looked at the information, I will be reasonably satisfied because I trust Senator BYRD. We do not belong to the same party. We do not agree on everything. But I respect him as an honorable gentleman. I think the American people will be appalled by what their hard-earned tax dollars are supporting in fact. Nobody knows now. I am sure NANCY KASSEBAUM has no idea what is going on because I know this lady. I know her inclinations, and I know her character. But a lot of things are going on that have not been discussed or disclosed to the Congress of the United States let alone the American people.

For example, I have a brochure from the Gay Men's Health Crisis.

By the way, I hate to use the word ''gay'' in connection with sodomy. There is nothing gay about these people. ''Gay'' used to be a beautiful word. It has been corrupted, but that is another argument for another day.

This Gay Men's Health Crisis organization put out a brochure describing various and sundry methods of homosexual sex. Now, I have been around the track a long time, and I have seen a lot of things in my lifetime, but I can just imagine how the average American would react if they could see what this is all about. Not once—I reiterate, not once—is abstinence mentioned as the way to avoid HIV infection. They do not want abstinence.

Senators may be interested in an advertisement by another homosexual outfit, the so-called Whitman Walker Clinic in Washington. This advertisement says: ''If you visit a bath house remember to always use a latex condom. Used properly latex condoms prevent HIV, AIDS and other sexually transmitted diseases.''

Now, this statement is blatently false. It is inaccurate. It is misleading. And yet taxpayer funds are being used to circulate this falsehood, giving false hope to homosexuals in their many and various liaisons.

Then there is the Washington Blade, which is a homosexual newspaper published here in Washington, DC. They have a pink section they call Lights Out. The implications are obvious on that. This pink ''Lights Out'' section is dedicated exclusively to advertising for anonymous dates, sexual encounters. No names are given. You just pick this one that sounds good to you, and there you go. Decency prevents me from reading the so-called classified ads out loud on the Senate floor. Suffice it to say here comes the Whitman Walker Clinic again. This time implying, ''Just do it, but do it with a condom.'' And they know that is not so. They know that it is not so. The Whitman Walker Clinic, which receives Ryan White CARE Act money from the American taxpayers, who care for people with HIV or AIDS, leads homosexuals to believe that as long as you use a condom it is safe to have anonymous sexual encounters.

Now, what kind of use of the American taxpayers' money is that? People say, it is hateful for JESSE to talk about this. But somebody needs to talk about it. Somehow the American people need to know and deserve to have an understanding of what is going on, not get up here with all of the plaintive remarks about Ryan White. Let us talk about what killed Ryan White. Who furnished the tainted blood? Where did it come from? I met the little boy one time. I was sorry for him then, and I am sorry that he is dead now. But it was not accidental. There was somebody who did not care, who furnished tainted blood.

Now, the Gay Men's Health Crisis and the Whitman Walker Clinic are not the only such homosexual outfits receiving Ryan White funds advocating so-called safe sex. As I said earlier, I do not believe Senators could possibly believe the stonewalling by the Clinton administration to prevent us, my staff and me, from obtaining accurate, verifiable statistical information on precisely how these millions and billions of dollars have been spent and will be spent. I think it is a legitimate question for the legislative branch to ask the executive branch. But not the Clinton administration. Nobody. That is off limits. They have got a deal. The Senate is debating whether or not to reauthorize this act for appropriations of such sums as may be necessary, and nobody can tell me and nobody can tell the American people exactly where this money is going and for what it is being spent.

Oh, you hear all of the wonderful stories about how these people say it is being spent. And I suppose some of it is being spent for good purposes. But Congress does not monitor this, and HHS will not let anybody monitor it. So it is sort of a closed shop, do you not see?

Incidentally, speaking of the word ''care,'' I have been the butt of a lot of diatribes lately, like the New York Times, which put words in my mouth that I had not said. And these editorial writers around the country somewhere along the line gave up this responsibility of checking for themselves what the facts are and what was really said. They pick up a report from the New York Times, and they rush to their little hot typewriters or little hot microphone or camera and say, ''Oh, you cannot talk about this. This is a hateful thing to do.''

It is all right with me what they say. I do not care. I do not talk to them much anyway because they will take a snippet here and a snippet there and about 5 seconds here and 5 seconds there, and they will make the quote say what they want it to say. The first amendment does not require that they be honest or fair about anything.

For the record, Mr. President, let me say that I do not hate anybody, but I have been accused of it in editorial after editorial. I do not hate homosexuals. I do not even know any homosexuals. But what I do not like is for the Congress of the United States to bow and scrape to homosexual pressure and give them Federal funds and rights and privileges that other Americans are denied. That is what I do not like. And, yes, Mr. President, I have a deep sympathy for homosexuals who are dying of AIDS because of their having deliberately—deliberately—placed their lives at risk. I have deep sympathy for anybody who sticks a loaded pistol in his mouth and pulls the trigger. You are playing Russian roulette

either way. And homosexuals are losing and losing and losing, and they do not want to talk about abstinence.

Now, homosexuals know the risk they are running with their sexual conduct. They go on television programs. I saw one or two on ''60 Minutes'' the other night, 2 or 3 weeks ago. They discussed why they just cannot abstain and why it is so much more intimate not to try to protect themselves from being infected with AIDS or preventing others from being infected. They are not interested in abstinence. They are not interested. In all candor, Mr. President, when you get down to the guts, feathers and all, they do not give a damn.

But the rest of us do. A lot of us are sick and tired of all the pretenses of injured innocence. They are not innocent. They know it. And that is why they are so belligerent in their demands that homosexuality be accepted as just another lifestyle—indeed, a specially protected and encouraged lifestyle. And that is not a reckless statement because I am about to explain what I mean. I do not believe they will ever sell that bill of goods to the American people.

But back to Senator HATFIELD, the distinguished chairman of the Senate Appropriations Committee, and Senator ROBERT C. BYRD, who has served with distinction as chairman of that committee in the past, and he serves now, of course, as ranking minority Member. The Department of Health and Human Services has declined to make any useful information available to my staff or me. They say they have no records of how many homosexual advocacy groups receive or have received Ryan White funds. They have no record of what they do with it. But to that I say, why? Why? And I think the American people are entitled to say, why? It is not HHS money. It is not JESSE HELMS' money, and it is not NANCY KASSEBAUM's and certainly not TED KENNEDY's money, or any of his aides'. It is the American people's money. They have a right to know the full information.

Senators HATFIELD and BYRD and other members of the distinguished Senate Appropriations Committee might start by inquiring officially and formally how much Federal money was delivered to, for example, the Gay Men's Health Crisis Organization in New York, or right here in Washington, how about the homosexual outfit, the Whitman Walker Clinic? Surely, the Appropriations Committee is entitled to know. Surely, the Members of the Senate are entitled to know.

During the past 15 years, Mr. President—and I shall conclude shortly—AIDS has killed 270,000 people in this country.

Heart disease kills more than that in less than 5 months. Less than 2 percent of the deaths last year in America were the result of AIDS.

I go back to Ryan White. I was sorry for that young man then, and I am sorry for him now. He died at age 18 of AIDS, a disease that he almost certainly contracted from that tainted blood that had its origin as a result of that homosexual airline flight attendant who was the first documented instance of the AIDS disease being brought into North America from Africa.

We will never know, of course, the precise list of individuals who passed the HIV virus along—in what they call the generational series of homosexuals—to drug users, and one or more of them contributed to that blood transfusion that Ryan White got.

But you know one thing, they were involved in it and they know it, too, but they want to obscure that. They usually go around Ryan White to attract sympathy for them, undeserved sympathy. I am talking about the ones who have not caught it yet, but they are playing Russian roulette and they want the discovery to be made so it will be safe for them. I do not think there is ever going to be a protection of that nature developed by science. I find myself hoping that it will be, but I just do not believe it is going to happen.

Ryan White was without blame. He was a hemophiliac who had to have a blood transfusion, but he did not deserve a fatal tainted blood transfusion.

Ryan White was innocent, and I pass no judgment on any member of his family or any other family who has lost in such a way a member of their family. I do not have any real problem—I do not understand it—but I do not have any problem with Ryan White's name being exploited by the kind of people who have acknowledged that they either cannot or will not even try to restrain their impulses to prevent the further spread of AIDS.

Michael Fumento, an associate of the Competitive Enterprise Institute in Washington, has written a book that all Senators should read, but probably will not. The name of the book is ''The Myth of Heterosexual AIDS.''

I wish some of the people in the press gallery would read it. Mr. Fumento relates that he called the offices of a number of Senators to inquire about the fairness of devoting so much of the taxpayers' money to one disease at the expense of other diseases. He said he asked in each Senate office for a statement on the fairness of it all. And then he wrote:

> Wonder of wonders, I got no answer.

He concluded this way:

> And while several Senators claim that as President they would be tough enough to deal with America's foreign adversaries, when it comes to AIDS activists, they go crawling for the deepest foxhole.

I am not looking for a foxhole. What I want is for the American people to be informed as to how this money is to be spent, where it is to be spent and by whom it is to be spent. Do not take the word of Senators who say, ''Well, we had in our State this situation,'' or others, ''We had our situation and it's terrible,'' and so forth and so on. Of course, it is terrible, but that does not address the problem. Let us find out how this money is being spent. That is all I have said at any time along the line. No foxhole for me. We will find out sooner or later what happened.

Mr. President, I ask unanimous consent that an op-ed column written by Mr. Fumento, published on June 19 by the Washington Times, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, for the guidance of the clerk, the headline in the article is ''Bill Oils the AIDS Squeaky Wheel.''

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Times, June 19, 1995]

BILL OILS THE AIDS SQUEAKY WHEEL

(By Michael Fumento)

Grab your wallet, folks! The Senate is about to demonstrate its boundless compassion again by spending billions of your dollars. But this time it won't just be unfair to taxpayers but to the great majority of Americans suffering from serious diseases.

The subject of this latest act of largesse is the cynically named Ryan White Act, which is up for reauthorization. With 58 co-sponsors, its Senate approval is virtually guaranteed, though for the moment its passage is blocked by North Carolina Republican Sen. Jesse Helms.

Enacted in 1990, ostensibly to provide care for such victims as Ryan White, the measure was a sham from the start. Young Ryan White was a hemophiliac who won the heart of the nation after he contracted AIDS. He died at age 18. But only 2 percent of AIDS victims in 1990 were hemophiliacs, according to the federal Centers for Disease Control and Prevention. Today it's 1 percent. Less than 2 percent of AIDS victims are under the age of 20.

One wonders how the bill would have fared had it been named the Robert Mapplethorpe Act, after the late homosexual photographer famous for such depictions as bullwhips extending from people's posteriors.

The Ryan White Act was also sold as a means of helping, as National Commission on AIDS Chairwoman June Osborne put it, the ''many parts of rural America [that] are about to be blind-sided by the epidemic.'' Yet then, as now, cases from non-metropolitan areas amounted to 5 percent of those reported.

Predictably, almost all of the money went to those places that had the most AIDS cases. This means not Ryan White's town of Cicero, Ind., but rather New York City, Los Angeles, San Francisco and other areas that also happened to be Democratic strongholds. In other words, it followed the same supply lines as all the Democratic pork of that era. The money went for those who make up the bulk of AIDS victims: homosexual men and intravenous drug abusers.

Further, even on a per-patient level, the bill resulted in allocating several times more money per victim in larger cities than in less-populated areas.

Misnaming and misrepresenting the act has paid handsomely. In its first five years, spending more than doubled from $276 million in 1991 to $664 million for this year, for a total of over $2 billion.

This time around, the bill is sponsored by Kansas Republican Sen. Nancy Kassebaum. When I called her office, her aide cited—

yes—the rural AIDS bogeyman. One wonders if the good senator knows that Kansas has all of 245 AIDS cases last year, just 3 percent of the national total. Of those, eight were children.

In fairness, Sen Kassebaum has rewritten the act so that more money will be authorized for rural areas. But with so few patients there, the money must necessarily flow right back through the old pork pipeline established in 1990.

The biggest difference this time is that the estimated cost will balloon from slightly more than $2 billion to $3.6 billion. This even though the AIDS epidemic is declining. New AIDS cases are being reported at a rate well below the 80,000 of last year.

Yet even if the bill weren't such a budget-buster, it would be terribly wrong.

Ryan White provides no money for medical research, so no one will ever be cured of AIDS with all those billions of spending. Along with some allocations for education that are redundant with the $500 million federal AIDS education budget, the Ryan White Act simply provides money for treatment, drugs, free meals, in-home care and the like.

It's nice that sick people can get such services regardless of their income levels. But for anybody with any disease besides AIDS the sign on the door reads, ''Go away!'' There is no Gilda Radner Act for victims of ovarian cancer, no Ronald Reagan Act for Alzheimer's disease patients. Some elderly and indigent people with such diseases can qualify for programs like Medicare and Medicaid, but then so can AIDS patients.

No, the Ryan White Act was a gift to one extremely squeaky wheel. Not content with a medical research budget that dwarfs that of every other disease but cancer—despite being only the ninth-greatest killer of Americans—the AIDS activists demanded and got privileges that persons with other diseases can't even dream about.

Quite simply, the homosexual activists want special treatment because they themselves, and their friends, have an extraordinary chance of contracting the disease. Somehow they have translated ''Gimme! Gimme! Gimme!'' into a cry for compassion. Long gone are the days when AIDS activists begged merely to be treated no worse than the victims of diseases not associated with behaviors society finds distasteful.

I called the offices of both Sen. Kassebaum and the other Kansas senator, Bob Dole, for a statement about the fairness issue. Wonder of wonders, I got none. To a Congress always eager to take money from all of us and give it to some of us to buy votes, fairness is a four-letter word. And while several senators claim that as president they would be tough enough to deal with America's foreign adversaries, when it comes to AIDS activists they go crawling for the deepest foxhole.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to answer, some of the questions that were raised by the Senator from North Carolina. I know how much Senator HELMS genuinely cares about this issue. I would like start by saying that many of the 64 cosponsors of this legislation were cosponsors of the legislation in 1990. So they, I hope, are familiar with what was in the bill then and what is in the bill now.

We have had a through hearing on this bill. A GAO report on the funding equities and distribution, which had been requested by Senator BROWN of Colorado and myself was used as the basis for that hearing. The report had been requested because of our concern about equity of funding for all individuals with AIDS.

I share with Senator HELMS a concern about the fact that sometimes we are not able to do the type of oversight that we should, but with the hearing and the GAO report we were able to propose in this bill changes to provide equity in the distribution of funds.

It is sad, but true, that there are many who have been victims of HIV. Some individuals like Ryan White contracted this disease through contaminated blood. Unfortunately, this illness has had a ripple effect with involvement of individuals from many walks of life but also the family members of those infected have also suffered. So we have to be mindful of all who have suffered. I think that this epidemic must be viewed in the broader sense of the epidemic and the tragedy.

Senator HELMS quoted figures related to the amount of money that has been expended for the major causes of deaths in this country. I lost a niece, several years ago to cancer. She had two small children. I remember through the years of her struggle with cancer discussing Federal Government funding levels for cancer. She questioned why there could not be more expended for cancer research than we were spending on AIDS. I spent time researching this important question in hopes of finding an answer. One thing that became apparent to me was that money that goes into research for HIV is also very valuable for other illnesses like cancer.

The figures that Senator HELMS gave were only for research, and I would like to give figures that include not only the research expenditures but also the moneys that come from Medicare, Medicaid, Social Security disability funding, and the Public Health Service moneys. For HIV and AIDS, it is about $5.4 billion a year; for cancer, about $15 billion a year; for heart disease, about $34 billion a year.

One of the reasons that the Ryan White CARE legislation came into being, Mr. President, was to help provide assistance to those who were not eligible for Medicare; because they were not yet of age to receive Medicare or to receive Medicaid, because they had an income level which would not allow them to qualify. As we all know such medical care services even those that are basic can be very costly.

That was the genesis of the Ryan White legislation. It has grown significantly in funding since 1990, but so have the number of AIDS victims.

I suggested in 1990 that we do such sums. I do not think that this a good approach for defining the level of authorizations. I would propose an amendment, if this would be of any benefit, to say define the funding level for the first year which would be consistent with the appropriated levels reported recently by the House of Representatives. The House appropriation figure just recently passed is $656 million for 1996; then such sums in the following years. At least that puts a benchmark which gives some consistency between the House and Senate.

Senator HELMS mentioned a new title, title V, which was is slated to receive a small amount of funding, $17 million, in this year's authorization. I would like to explain this program a bit further. Title V is for AIDS Education Training Centers [AETC]. This title is not new. It has been moved from the health professions bill to this legislation. It seemed appropriate to consolidate those efforts related to AIDS into one legislation.

AETC's are not a new program. It has been funded for many years. Under this program, health providers are educated and trained in the best ways to treat individuals with AIDS, particularly children and women. Given the complications and numerous illnesses which individuals with AIDS often acquire, health providers benefit from this type of education. I believe that patients also benefit from better trained physicians and other providers. This explains why there is a new Title V, although we must remember that this is not new, but rather a program moved from the Health Professions program to this legislation.

Mr. President, this is not a piece of legislation that is enthusiastically embraced by everyone. It raises fears. It raises concerns. It certainly raised emotional levels and questions of morality, which Senator HELMS has noted.

I think the Senator from California earlier today, Senator FEINSTEIN, spoke with real eloquence, of two people she personally knew, and how it affects so many. Sometimes people who do not fit the pattern that Senator HELMS has mentioned are also infected.

AIDS touches people, not only those who are ill and/or dying, but it touches many others as well. That is why the Ryan White bill came into being—not to take his name in vain. The intention was to provide services that could be of help to families who are suffering—and to patients—who are infected with this disease.

I yield the floor. I do not know whether there are other amendments to be considered.

AMENDMENT NO. 1853

(Purpose: To require spousal notification in cases in which an individual is diagnosed with infection with the human immunodeficiency virus)

Mr. HELMS. Mr. President, I have some amendments to come before the Senate. I do not intend to second-degree anybody else's amendment, and I hope we can just have up-and-down votes and get this bill out of the way.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1853.

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

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

The amendment is as follows:

At the end, add the following new section:

SEC. . SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term ''AIDS-infected patient'' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term ''State'' means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term ''spouse'' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

Mr. HELMS. Let me sum up this amendment. I think we had two votes against it the last time.

This amendment requires that States receiving Federal funds for AIDS education and prevention take specific legislative and/or administrative steps to make sure that spouses—that is, the wife or husband—of an individual infected with the HIV/AIDS virus, that the spouse be promptly notified.

Let me say why I think we ought to vote on this again. Some years back, 2 or 3, I forget how long ago, there were several circumstances that led me to draft this amendment at that time.

It began when I received a call from a young woman who worked on the House side of the Congress who said, ''Senator, my mother wants to come by and talk with you on a matter of confidence. She doesn't want you to ever use her name,'' and I shall not. They came, a lovely lady and her beautiful daughter. I shall never forget that visit. The meeting did not last long. After the usual amenities—and I had no idea what the lady wanted to discuss—but after the usual amenities, I seated them. The three of us began to discuss why she had come and what I might be helpful to her about.

At that point, tears welled up if that mother's eyes as she began to tell the story. She took a deep breath and stated the bottom line. She had AIDS, she said, ''and I am dying.'' Her bisexual husband, you see, had infected her with the AIDS virus. He had not informed her he was infected, and State law in her State forbade the family doctor from telling her—which I consider to be outrageous.

Now, Mr. President, we hear so much about protecting the confidentiality of AIDS-infected patients, yet we hear nothing about the fatal consequences of confidentiality laws. The homosexuals march in Washington, and they demand their rights, but what about the rights of this lovely lady and the thousands of others like her, potentially, who, through no fault of their own, have become infected with the deadly AIDS virus, or may be infected in the future?

Do they not have rights, too? Should there not be laws to protect the innocent spouses, instead of those who hide behind the confidentiality law and, as in this case, are causing others to die?

What a terrible tragedy. Only 12 States protect the lives of spouses of HIV-infected citizens, only 12 States. Eighteen States provide for notification of partners, but they are silent on the rights of spouses. What kind of fair play is that? And you know what I mean when I say ''partner.''

Does this not lead to the conclusion that some States may appear more concerned with protecting the interests of the HIV-positive spouse instead of the life of the unsuspecting innocent spouse?

This amendment does not require States to initiate a spousal notification program. It simply says that if States want Federal money, which they take from the taxpayer—if States want money to combat the AIDS virus, the AIDS disease, those States are going to have to make a genuine and concerted effort to protect innocent spouses from being exposed to the AIDS virus.

It is time to start treating AIDS as the public health issue that it is, rather than the civil rights issue that it has become. I have no doubt that if we take this step, it will help curb, to some extent at least, the spread of this lethal disease.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, maybe, as a clarification of what we did last year, it is my understanding that, in law, from what we had before, that each State is required to set up its own notification system. Is that correct?

Mr. HELMS. Not to my knowledge. But even if it is, if you will forgive me, it will not hurt the Senate to go on record again.

Mrs. KASSEBAUM. No, I have no problem—I was just asking the Senator if he knew if that was not correct that each State is required to set up its own?

Mr. HELMS. My expert is sitting to my left, and sometimes to my right as well, and she says she does not know about that. And so, of course, I do not.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum for a minute until we look at the language and get some comparison, so maybe we can accept that.

Mr. HELMS. That is fine, just so there is no attempt to second-degree my amendment, because then we will have protracted debate.

Mrs. KASSEBAUM. No, I agree with the Senator. I know the effect of a second-degree amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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 (Mr. THOMPSON). Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that this amendment will be accepted by the membership. I intend to vote for it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], is necessarily absent.

Mr. FORD. I announce that the Senator from Illinois [Mr. SIMON], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—98

Abraham	Daschle	Hollings
Akaka	DeWine	Hutchison
Ashcroft	Dodd	Inhofe
Baucus	Dole	Inouye
Biden	Domenici	Jeffords
Bingaman	Dorgan	Johnston
Bond	Exon	Kassebaum
Boxer	Faircloth	Kempthorne
Bradley	Feingold	Kennedy
Breaux	Feinstein	Kerrey
Brown	Ford	Kerry
Bryan	Frist	Kohl
Bumpers	Glenn	Kyl
Burns	Gorton	Lautenberg
Byrd	Graham	Leahy
Campbell	Gramm	Levin
Chafee	Grams	Lieberman
Coats	Grassley	Lott
Cochran	Gregg	Lugar
Cohen	Harkin	Mack
Conrad	Hatch	McCain
Coverdell	Hatfield	McConnell
Craig	Heflin	Mikulski
D'Amato	Helms	Moseley-Braun

Moynihan	Reid	Snowe
Murkowski	Robb	Specter
Murray	Rockefeller	Stevens
Nickles	Roth	Thomas
Nunn	Santorum	Thompson
Packwood	Sarbanes	Thurmond
Pell	Shelby	Warner
Pressler	Simpson	Wellstone
Pryor	Smith	

NOT VOTING—2

Bennett	Simon

So the amendment (No. 1853) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT REQUEST—S. 908

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 908, the State Department reauthorization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I object. Let me just respond.

I was under the impression that we had an agreement that following the disposition of the Ryan White Act, we would go back to the legislation relating to gifts. That has been everyone's understanding. I am hopeful that we can do that. I think we are very close. I think we could work under a time agreement.

I had the opportunity to talk to a number of those who have been actively involved in the negotiations, and I think progress is being made. So there is really absolutely no reason at this point to move on to other legislation until we resolve that. I hope that all our colleagues will understand that and will persist in keeping to the schedule that everyone was working under the assumption we would have, beginning with the disposition of the Ryan White Act.

Mr. LOTT. Mr. President, if I might respond to the distinguished minority leader's comments, there is a lot of work underway on the gift rule issue. I think progress is being made. There are a couple of different packages that are out there, with some potential amendments pending. I do not think that we have come to closure on that, although we are continuing to work in a bipartisan way, and we have meetings later on tonight to see exactly where we are.

We would like to get some sort of understanding about what the procedure would be for it to come up. I think we are getting there, but I do not think we are quite ready to go to the gift rule issue yet. It may be that tomorrow we will be. I think the leader would like to do that, intends to do that before this week is out, and we will continue to move in that direction.

In order for us to make sure that we have legislation ready to go, we need to make this effort. But in view of the objection——

Mr. DASCHLE. Mr. President, if I can respond briefly, and I appreciate the explanation given by the Senator from Mississippi, I suspect what this means is there will be cloture motions filed. Frankly, I think the message that that sends is not the one that many of us would really like to see.

No one is holding up State Department authorization. No one is holding up foreign aid appropriations. No one is holding up any legislation of which I am aware. So to lay down cloture motions under these circumstances seems to me, first, premature, and then second, in violation of what I thought was an understanding we had on both sides that we would go to gifts.

There was not any axiom to that, any corollary that said it was only if we had some agreement about the procedure or about amendments that we would return to gifts. The issue was, would we do gifts and lobbying together this week? The answer was, yes, we were going to do that. Now we do not have that understanding. It is a violation, certainly, of the understanding that we have had on both sides.

So I am very disappointed, frankly, that the majority has seen fit to file cloture motions prior to the time we even have any appreciation as to whether or not there are objections to the bills themselves or even going to the bills. There are none, to my knowledge.

Mr. LOTT. Mr. President, I would like to say as one who has been actively involved in trying to move these negotiations along this week and feeling we made great progress and actually came to conclusion on a unanimous vote on a lobby reform bill—I wonder how many people would have thought that was possible 1 week ago. We did it.

We are now working feverishly to try to come to a reasonable agreement on the gift rule issue. There is no intent to not keep commitments, and the fact is to keep them. We would like to continue to do it in a low-key, reasonable and bipartisan way. We are going to do that.

The leader has every intention of us doing what we said we would do on gifts. He has kept his commitment to bring up both of them. We are working. I think what he is hoping for is that those of us who are involved would get to a point and say, ''Yes, we are ready to go back.'' Both sides right now would say we are not quite there.

Having said that, also with regard to the cloture motion, while you might say in the classic sense we have not had any filibusters this year, in fact every bill we have had up this year, with maybe one or two exceptions, has been very lengthy with hundreds of amendments. I really wonder sometimes how the Senate looks when we have 127 amendments pending on a bill. What happened to the committee process around here?

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. Without getting into a further argument on that, if we do not file a cloture motion now, then we would not be able to get a vote on that by Friday. If we are going to be able to complete very vital legislation before we leave for the August recess period, we have to complete the gift issue, hopefully we could complete regulatory reform, we have State Department authorization.

You would think we would all like to get to conclusion on State Department authorization. We have the foreign aid authorization bill pending, the DOD authorization bill pending, DOD appropriations and welfare reform, all of which we would like to get done. If we are going to get them done, we cannot spend a week each on every bill. I will be glad to yield.

Mr. DASCHLE. Just for a clarification. I am interested in knowing if the cloture motions are on the bill or the motion to proceed, and if they are on the motion to proceed, can the distinguished Senator from Mississippi inform us on the number of filibusters on motions to proceed to bills so far this year?

Mr. LOTT. They are both on the motion to proceed and in anticipation of likely resistance to proceed. Maybe it will not occur, but that possibility does exist and there had been some indications that might happen. Maybe it will not be necessary.

Let me say this, too. We always have the option—if we work out agreements, if we are making progress—we can vitiate these. But if we wait until Friday and we do have a filibuster on a motion to proceed and we are not making progress, it is too late then to file a cloture motion, and then we are over to Saturday or next Monday or next Tuesday.

I understand how the minority leader feels about this, and I know sometimes that filing cloture motions make it more difficult for us to sort of get together. But you must also understand, as the majority leader did in the previous Congresses, you have to try to find a way to move things along.

It is not easy. It is very hard. I had no appreciation whatsoever of what the majority leader is up against in the Senate, when Senator Mitchell was the majority leader. Now I have had a chance, being a little closer as the whip, to see what the majority leader goes through of either party, and it is a very tough job with the rules we have in the Senate.

This is not intended to slight anybody. It is not intended to make anybody mad. It is intended to try to have an opportunity to move the process along, and I hope that it will be taken in that spirit. The last time a cloture

motion was filed, I think it was vitiated. We did not go through with it. But we have to have that option, as we move this legislative process through.

Mr. DASCHLE. Mr. President, I will be very brief. Let me just say, I appreciate the answers given by the distinguished Senator from Mississippi.

He did not answer my question as to the number of votes cast, or I should say the number of cloture votes taken, or the number of filibusters actually endured as we consider the motion to proceed. If I recall, there is not one.

Last year and the year before, there were many occasions when the majority leader was compelled to file a cloture petition because there was a filibuster on the motion to proceed.

I will simply restate for clarification, we had an agreement. The agreement was we go back to gifts when this legislation is finished. We are in violation of that agreement, No. 1. No. 2, I think it sends the wrong message about the desire of the majority to work with us in trying to accommodate an agenda. We were only given this a couple of minutes ago.

I am surprised and disappointed. We will work through it and we will certainly do our best to accommodate the schedule. We also would like to see a completion of a lot of these items. I think we can do so without throwing cloture petitions down prior to the time we even have some consultation as to whether it is necessary.

I thank the Senator. I yield the floor.

Mr. LOTT. Mr. President, just one further response, and I think we can move this issue along. One of the reasons we perhaps have not already finished the gift rule issue is that the majority leader wanted to accommodate the President on the Bosnian resolution question.

He deferred action from last week over to this week by agreement on both sides, and in an effort to accommodate the President and allow more time to pass so that maybe something different would change in Bosnia, or with regard to the situation in the United Nations. That is why we went back to Bosnia. Everybody understood that. We were not quite ready anyway on gift.

Plus, I might note, I do not believe there was any agreement that we would go to Ryan White before we went back to gift. We went to the Ryan White bill because there was agreement that we could take it up and hopefully complete it, and in the meantime we could continue to work on the gift rule.

We already have not done exactly what maybe was intended, but for good reason. We went to the Bosnia resolution because we did not complete it by agreement last week. We went to Ryan White because we were ready to go, and then we can keep working on the gift bill.

We will continue to work with the distinguished Democratic leader, and hopefully be able to finish all of these bills that we have scheduled before the week is out, and at a reasonable hour on Friday, also.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 908, the State Department reorganization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE. I object.

FOREIGN RELATIONS REVITALIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Therefore, I now move to proceed to S. 908, the State Department reorganization bill, and send a cloture petition to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the petition.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 908, the State Department Reorganization bill:

Dan Coats, Spencer Abraham, Nancy Landon Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Rod Grams, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry E. Craig, Phil Gramm, Kay Bailey Hutchison, Don Nickles, Trent Lott.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Friday at 10 a.m. and the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

FOREIGN ASSISTANCE PROGRAMS APPROPRIATIONS AUTHORIZATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 961, the foreign aid authorization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE. Mr. President, for all the reasons already provided, I object.

CLOTURE MOTION

Mr. LOTT. Mr. President, for all the reasons cited on this side, I therefore now move to proceed to S. 961, the foreign aid authorization bill, and send a cloture petition to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 961, the Foreign Assistance Authorization bill:

Dan Coats, Spencer Abraham, Nancy Landon Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Strom Thurmond, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry E. Craig, Phil Gramm, Kay Bailey Hutchison, Rod Grams, Trent Lott.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Friday, immediately following the 10 a.m. cloture vote if not invoked, and that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. I yield the floor.

RYAN WHITE CARE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, the intention is to have two amendments voted on back to back as near to 6 o'clock or shortly thereafter as possible. Then we will continue with two more amendments, with no further rollcall votes this evening.

Tomorrow morning, we will vote on two additional amendments, plus final passage on Ryan White.

Did I state it correctly?

Mrs. KASSEBAUM. Mr. President, there is a possibility of debate on another amendment that Senator GREGG has wanted to offer.

Mr. HELMS. Yes.

Mrs. KASSEBAUM. That would be tomorrow morning, as well.

Mr. BRYAN. Mr. President, I talked with the distinguished floor leaders. I need 5 minutes, if possible, to be able to speak as in morning business.

I know the distinguished Senator from North Carolina has the floor. I do not want to in any way encroach upon his time. I need to do this.

Mr. HELMS. Proceed.

Mr. FORD. Mr. President, I would like to have the opportunity to ask——

Mr. HELMS. I still have the floor.

Mr. FORD. I apologize. I thought when you did that, you gave up the floor.

Mr. HELMS. No way, José.

Provided I do not lose my right to the floor, I yield 5 minutes to the Senator from Nevada and to the Senator from Kentucky.

Mr. KENNEDY. Will the Senator yield for a moment?

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

be celebrated in the Nation's capital, indeed in Korea, and in many other places this week. I was privileged to have a small and modest participation in that war as a member of the U.S. Marine Corps. I volunteered for a second period of active military service, having served briefly at the end of World War II.

The three of us in the Senate—as far as I know, there are only three who served in the Marines in Korea—are going to address the Senate in sequence over the next 3 days. It is my privilege to make brief remarks today. My understanding is that the distinguished Senator from Ohio, Mr. GLENN, who was in Marine Corps aviation, will speak tomorrow, and on the third day our distinguished colleague from Rhode Island, Senator CHAFEE.

Mr. President, it is most fitting at this time to pause to reflect on the service and sacrifice of America's 5.7 million Korean war veterans and those from 21 other nations which made up a multinational force that responded to the call of freedom with the invasion by North Korea into the South Korean province.

I take great pride in having had the opportunity to have served in the U.S. Marine Corps. I entered service on October 3, having volunteered during the summer of 1950. I went to Quantico with a group of officers, most of whom had, like me, served for a brief period in World War II. And then eventually most of us saw service in Korea.

To go back historically, on June 25, 1950, the North Korean People's Army had invaded the Republic of Korea in a forceable effort allegedly to unify that landmass into a Communist state. The North Koreans swept over the 38th parallel and occupied Seoul, South Korea's capital, in a very short period of time.

The U.N. Security Council immediately called upon the free world to render assistance to the struggling South Korean Government. President Harry S. Truman, a very courageous President and one who was a strong foe of communism, saw this as an effort of communism to spread in the world, and immediately he responded to the U.N. call for assistance and ordered the 7th Fleet and the Far Eastern air units to support the South Korean military forces.

Truman's Far Eastern Commander, Gen. Douglas MacArthur, made it clear that only American ground forces could prevent the complete collapse of the Republic of Korea. The President agreed. And in early July American forces joined the South Korean military forces on land, sea and air, and in operations against the North Korean's People's Army. At the outbreak of the Korean war the U.S. Marine Corps was in the condition of less than full readiness.

Recalling that period of history very vividly, because having served for approximately 2 years in the Marine Corps Reserve prior to this, I was well aware, as were all other marines, that our funds had been cut back severely in that period of time, and the readiness was at less than full state. That was because of 5 years of declining budgets. The Marine Corps' strength had dropped from nearly half-million men and women in 1945 to only 75,000 men and women in June 1950.

Nevertheless, Gen. Clifton B. Case, then Commandant of the Marine Corps, felt that the marines, many of whom were seasoned veterans of World War II, could effectively meet the challenge of battle. He therefore, together with the Chief of Naval Operations, Adm. Forrest D. Sherman, advised MacArthur that the 1st Marine Division would be ready for action whenever called.

General Case foresaw MacArthur's response and put his marines worldwide on alert. He recommended additionally a recall of Reserves in an effort to bring the Marine Corps' strength up. And how well I recall the first basic class of which I was a member in October 1950. They were all Reserves recalled to active duty, as I said, many having served for periods during World War II. Within a very brief period, the marines once again would be sailing across the Pacific to answer their Nation's call to arms to defend freedom.

Mr. President, as I rise to make these brief remarks today, I am reminded of those with whom I was privileged to serve who gave their full measure, who gave their life in the cause of freedom in that conflict.

I was, for a brief period, with a squadron in the 3rd Marine Air Wing, and eventually with an air group, Marine Air Group 33. And each day sorties were flown. And, regrettably, periodically a number did not return.

I shall recall one individual very well. His name was Captain Cole. Captain Cole had been a member of VMF 321, a marine squadron operating out of Anacostia, prior to its transformation to a helicopter base. We had been very close friends, as I likewise was a member of the Reserves in that squadron. Captain Cole was a school teacher. He had served in World War II but when his squadron, VMF 321 was called to active duty, he unhesitatingly responded and joined.

On November 11, 1951, by chance the airplane in which I was then an observer landed at an airfield where Captain Cole was stationed. And that was the last time I saw him. Four weeks later he was killed in the line of duty in Korea. And I am everlastingly grateful that his family has allowed me to hang in my office a picture of my dear friend, Captain Cole. I mention him only because there were many others, but he was an example of an American having come back from World War II, remaining in the Reserves so this country could be strong. Dedicating his life to teaching children. And unhesitatingly responding to the call of battle. I recently had the opportunity to meet with his son who was a very young person at the time of his death. So that I could convey to him some of my recollections about his father.

Mr. President, I am privileged to join here in these remarks. And I look forward to hearing the remarks of two other veterans of that conflict, Senators GLENN and CHAFEE, who were far more active in the combat role than I. And who deserve the great respect for having made their contribution in this conflict in the cause of freedom.

I yield the floor. And I thank very much my colleagues for allowing me to make these brief remarks.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, parliamentary inquiry.

Are we back now on the Helms amendment?

Mrs. KASSEBAUM. We would be. My understanding, Mr. President, is that there are some negotiations on the Democratic side of the aisle that are ongoing.

The PRESIDING OFFICER. At the present time the Chair announces the Helms amendment No. 1854 has been set aside.

So we are simply on the bill.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, I wanted to speak briefly.

First of all, in transition, let me thank the Senator from Virginia for his remarks. I did not mean to make such an abrupt transition from your very personal and powerful remarks. I apologize. Sometimes we rush so much we are impolite. I hope I was not.

Mr. WARNER. Mr. President, I was unaware. I was totally absorbed in what I was saying. But I thank the Senator.

Mr. WELLSTONE. I thank the Senator from Virginia.

Mr. President, this amendment, which I gather has been set aside, and I gather there are some negotiations going on, would set a prohibition on the use of Federal funds. And, as I look at this, community-based organizations—part of the definition would be the 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, intravenous drug use.'' Let me talk about ''encourage, directly or indirectly, homosexuality.'' We went through this debate before, Mr. President, when we were talking about any activities in schools that would promote directly or indirectly homosexuality.

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. 1855

(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 1855.

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

fully implement a comprehensive HIV/AIDS workplace policy and employee education prevention program. The White House staff made it mandatory for every Federal employee—an unreasonable requirement on its face, and particularly so considering the nature of these so-called education programs.

For the record, the White House Office of National AIDS Policy issued mandatory ''guidelines'' stating:

> HIV/AIDS workplace training is mandatory for every Federal employee . . . (and) the duration of the training session should be not less than 2 hours, although 3 hours is the recommended length . . .

Mr. President, it may be useful to examine one agency's training program. The Department of Agriculture's AIDS program—which employees are compelled to attend—counsels Federal employees on the proper ways to engage in oral and anal sex and other similarly inappropriate subject matters.

This is an editorial judgment on my part. I consider it outrageous—not just inappropriate, outrageous. I took it up with the Agriculture Department, and we are having a go at that.

This is an arrogant and nauseating abuse of power by the homosexuals in the Federal bureaucracy. Most Federal employees resent it.

We have had scores of Federal employees to protest to us and ask us to do something about it.

For example, let me to read from a letter I received from a USDA employee in North Carolina after the employee attended one of these so-called training classes:

> This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man-hours and consequently wages. We also were required to take a pre- and post-class test . . . Since we are mostly biological scientists we learned essentially nothing.

The employee continued:

> Some of the material is not appropriate for the workplace (e.g. how to have safe oral sex, page 28), and it does not seem too necessary for government time and money.

That is an understatement by the employee.

Mr. President, I also have at hand a copy of a directive issued by the Foreign Agriculture Service which states:

> To comply with this Presidential mandate, the Foreign Agriculture service is presenting the attached MANDATORY HIV/AIDS training sessions.
>
> Please attend the session scheduled as indicated or arrange to switch session with a coworker.
>
> Supervisors are responsible for disseminating this information to there (sic) . . .

They misspelled the word ''there,'' t-h-e-r-e. They meant t-h-e-i-r. They will learn how to spell that word next week.

> employees and for certifying that all employees under their supervision attend a session of the mandated training . . . THIS IS MANDATORY TRAINING FOR ALL FEDERAL EMPLOYEES . . . ATTENDANCE WILL BE TAKEN. . .

You see the intimidation there.

Mr. President, so that there may be no confusion in the mind of any Federal employee, my pending amendment simply stipulates that hereafter all HIV/AIDS training programs will be made optional for Federal employees.

To put it another way, nobody shall be compelled to attend a program that describes how to participate in oral and anal sex.

In addition, my amendment forbids that any Federal department or agency can take retaliatory actions against any Federal employee who chooses not to attend such classes. It makes no sense to say to an employee ''this class is optional, but we'll be taking attendance and your absence will be noted,'' because the employee will be understandably intimidated.

By the way, Mr. President, there are many who may be wondering why we are spending the taxpayers' money on these programs at all. I am one of them. There are today about 3 million Federal employees. It does not take a rocket scientist to do the arithmetic on how much this mandatory program is costing the American taxpayers. Even if the class costs only $1 per employee—and the actual cost is much more than that—even at $1 per hour, the American taxpayers are being soaked for $3 million for this HIV/AIDS training.

Mr. President, at issue in this amendment is whether all Federal employees are to continue to be forced to attend these programs.

At the risk of being repetitious, I do not see any point in forcing Federal employees to attend a session where the subject is the kind of sex conducted by homosexuals.

Like AIDS education in the public schools, Federal AIDS training programs are nothing but thinly-veiled attempts to restructure the values and attitudes of Americans in favor of homosexual lifestyles.

So the question is obvious. Since when does a free and democratic society mandate that its civil servants attend such classes to learn about—let us use the word—sodomy? The bottom line is that the Federal Government has no business requiring its employees to sit through embarrassing and sometimes disgusting classes on HIV/AIDS.

Mr. President, I have several insertions for the RECORD that I want included.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD:

First, President Clinton's Guidelines for the Federal Workplace HIV/AIDS Education Initiative ''Aids At Work,'' April 7, 1994,

Second, a letter from a North Carolina Federal employee who works for the USDA,

Third, the Foreign Agriculture Service's ''Mandatory HIV/AIDS Training'' memo dated January 1, 1995, and

Fourth, a March 29, 1995, Washington Times article entitled, ''Mandatory Federal AIDS Classes Cited as Promoting Gay Agenda''.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GUIDELINES FOR THE FEDERAL WORKPLACE HIV/AIDS EDUCATION INITIATIVE ''AIDS AT WORK''

I. PURPOSE

On September 30, 1993, President Clinton signed a directive (Directive) instructing all Federal departments and agencies to provide comprehensive HIV/AIDS in the workplace training for their employees. The Directive mandates that all initial training be either carried out or scheduled by World AIDS Day, December 1, 1994. In addition to providing HIV/AIDS prevention information, all federal employees must receive information on workplace policies and procedures related to persons living with HIV and other chronic illnesses. Human resources staff is required to review workplace policies and procedures to ensure that the federal workplace encourages people with any chronic illness, including those living with HIV/AIDS, to continue productive employment as long as their health permits.

The President has committed his Administration to a leading role in the fight to end the HIV/AIDS epidemic. Until there is a cure, educating people on assessing their own risk and taking appropriate steps to protect themselves from infection with HIV is the best way to stop the epidemic. As the epidemic matures and medical advances proceed, more and more people living with HIV/AIDS will be in the workforce. Since HIV cannot normally be transmitted in a workplace setting, people living with HIV/AIDS should be encouraged to continue working so long as their health allows them to be productive employees. The Federal Workplace HIV/AIDS Education Initiative (FWAEI) will serve as a model for all businesses on how to provide employees the information they need to prevent infection with HIV and the type of personnel policies and procedures which encourage people with any chronic illness, including HIV/AIDS, to continue productive work for as long as their health permits.

II. BACKGROUND

Based upon comprehensive research and evaluation of many private-sector workplace programs, the Centers for Disease Control and Prevention (CDC), *Business Responds to AIDS*, and the National Leadership Coalition on AIDS recommend that the following five components be included in any comprehensive HIV/AIDS workplace education program: Policy/Procedures; Training of Supervisors and Managers; Employee Education; Family Education; and Community Service/Volunteerism.

The Office of National AIDS Policy (ONAP) has produced the following guidelines for all Federal departments and agencies to assist in the development of comprehensive HIV/AIDS in the workplace programs. In order to succeed, the development and implementation of a training program must take into account the particular needs of each department or agency. The guidelines that follow are minimum requirements and are not intended to preclude any additional training that a particular department or agency determines is appropriate for its own employees. These guidelines will assist departments and agencies in creating developmentally appropriate, technically accurate, training programs whose success can be measured.

II. TARGET AUDIENCE

HIV/AIDS workplace training is mandatory for every Federal employee. The initial training must be conducted or scheduled by World AIDS Day, December 1, 1994. The Directive does not require that contractors receive training. Departments or agencies may

require that contractors receive training, particularly in those locations where they share the same workplace as Federal employees. Contractors should not be trained with Federal staff.

Managers and supervisors should receive more in-depth training that includes dealing with issues of confidentiality, how to approach any necessary counseling and referrals, and how to help a chronically ill employee continue working and remain productive.

III. CLASS SIZE

Class size is critical to the successful implementation of the Federal Workplace AIDS Education Initiative. Employees need to have their questions answered, and large classes prevent employees from getting the response time they need. Class size should be limited, optimally to 30, but never more than 50, participants.

IV. LENGTH OF TRAINING

The duration of the training session should be not less than 2 hours, although 3 hours is the recommended length to allow ample time for questions and discussion. Allowing for breaks will give staff an opportunity to digest the information presented. Additional time may be required for supervisor and manager training.

V. RECORDS/EVALUATION INSTRUMENT

Of the most difficult tasks you will encounter is the documentation of how the Directive is being implemented and whether it has an impact on the knowledge, attitudes, beliefs and behavior of the employees. To accomplish this, accurate records of training sessions, including: the names of participants; the date of the training session; and the total number of employees trained, are essential. All individuals receiving training should have an appropriate ''official training form'' sent to their personnel files, and/or the attendance information should be entered into their training records database. Keeping a monthly list of class sizes and participants will expedite the formulation of the regular quarterly reports.

Ideally, your instructor should ask each participant to complete pre- and post-training knowledge assessments. These assessments will indicate whether participants increased their understanding of HIV/AIDS in these training session. An increased understanding of the pathology of HIV/AIDS does not necessarily indicate a concomitant change in the behavior of participants.

To determine the effectiveness of the training session it is important to gauge the quality of instruction. An instructor/class evaluation should be administered at the end of each training session. These assessments should be no more than one page and ask participants to grade the class comment, the instructor's ability, the quality of questions and discussion, and whether the training session was worthwhile. Evaluation instruments used during your training should not be referred to as ''tests.'' If the evaluation instruments indicate that the training session was not well received, you should consider appropriate remedies including altering course content or securing a different instructor.

VI. CONTENT

The following topics are suggested for class content. The percentages attached to these topics are intended as guidance for the development of individual sessions. Discussion and questions at each department or agency will vary depending on the group addressed. Because discussion and questions are important, and there are always time constraints, an instructor must be flexible in practice.

30% Prevention Education (The discussion must include how HIV is transmitted and how to prevent transmission, including both abstinence and safer sexual practices. Note: It is especially important to provide sufficient time for questions and answers in this part of the training and no question is too dumb.)

30% Workplace Issues Discussion/Education (Includes a discussion of why this training and associated workplace policies are important, why support services are necessary, and data related to employees needs.)

30% Policy Discussion/Education (Includes a discussion of federal and legal protections as well as the policies of your department or agency.)

10% Resources and Closing Questions and Answers.

VII. INSTRUCTORS

The instructor is key to a successful HIV/AIDS education program. Instructors (Federal or non-Federal) should be trained comprehensively in HIV/AIDS issues and have experience with HIV/AIDS training. Instructor certification is not necessary unless required by your organization. (Certification may not always guarantee quality instruction for your HIV/AIDS education program.) You may want to rely on your department or agency's contractor policies in determining who will be the most suitable instructor. In many cases, members of non-governmental community based organizations have a wide range of experience in HIV prevention that may be helpful for all or part of a training session. It is also important to note that more than one instructor may be needed to present the full range of information necessary. The instructor should be experienced enough to tailor the session to the audience (i.e., the type of questions and concerns voiced by lawyers, support personnel, analysts, economists, etc. could be quite different).

A Federal employee, knowledgeable about all human resources related policy issues, should present the department or agency policies and procedures regarding HIV/AIDS and other life-threatening chronic illnesses. Policies and procedures regarding Federal employees and managers must not be presented by private-sector contractors or non-Federal employees.

If your agency uses a contractor for the HIV/AIDS presentations, be sure they follow these recommended guidelines. Ask the contractor for information regarding the teaching history and the educational experience of the instructor. Include in your contract language that permits the replacement of an instructor with whom you are displeased.

Before training Federal employees or contractors, all instructors may want to read at least two texts from the ''Suggested Reading'' section of these guidelines, preferably AIDS in the Workplace. The Guide to Living with HIV, or Managing AIDS in the Workplace.

VIII. METHODOLOGY

The training must be tailored to the needs of each department or agency. The primary goals of the educational component shall be: (1) increasing employee's knowledge on issues of HIV transmission; (2) increasing awareness of HIV/AIDS in the workplace issues and available relevant resources; (3) creating positive attitudes about working alongside people living with HIV/AIDS; and, (4) encouraging the participation in activities, both at work and in the community, that will stop the HIV/AIDS epidemic.

Effective HIV/AIDS prevention methodology for people at high risk for HIV infection (i.e., anyone engaging in unprotected sex with more than one partner or people sharing dirty needles), requires targeted, continuous, linguistically specific and culturally based information. It is impractical to divide up a workplace based on risk factors. The training sessions should provide sufficient information for employees to assess their own risk for HIV infection. Resource information provided as part of the training session must provide the employees with locations where they may obtain more targeted interventions if they perceive themselves to be at high risk for HIV infection.

If, for expediency in implementing the Directive, you must place all members of the same department or office together, the training must be relevant to all those present. Staff must be made aware that some of the issues discussed will be related to sexual practices and injecting drug use. Although departments and agencies are encouraged to be linguistically specific in covering the issues, the training sessions should not present material patently offensive to an average employee. If participants find the material offensive, it is often counterproductive to the goal of encouraging an accurate self-assessment of risk for HIV infection.

Classes should be interactive and allow time for individuals to ask questions and to process the information presented. Employees must receive materials on workplace and community resources available to address any concerns raised by the training session.

IX. VIDEO PRESENTATIONS

Video presentations should not represent more than 30 to 35 minutes of the total class time. A video presentation alone is insufficient. A discussion and question period is essential for some people to adequately assess their personal risk factors. Presentations may use videos to provide a standardized source of information for all individuals, but a video must not be the sole source of information. Individuals representing policy, personnel, or employee assistance programs should always be an integral part of the HIV/AIDS educational program and their presentations should not be substituted with video.

X. GENERAL OBJECTIVES FOR ALL EMPLOYEE TRAINING

Based upon the time allocated for the class, prioritize class content using the following objectives:

Knowledge objectives

Participants should be able to:

1. Define HIV.
2. Define AIDS.
3. Know how HIV & AIDS are related.
4. Understand the disease process.
5. Know how HIV is transmitted:

a. Primary risk factors (i.e., exchange of bodily fluids from a person living with HIV to someone who is not)

b. Secondary risk factors (e.g., how the use of drugs or alcohol may impair judgement about HIV risk, importance of self esteem)

6. Know how HIV is not transmitted.
7. Understand relevant universal precautions for application in the workplace.
8. Know how to assess their personal level of risk for HIV infection.
9. Describe HIV antibody testing and encourage those that perceive themselves at high risk to ascertain their HIV status.
10. Understand the rights of employees with a chronic illness, including HIV/AIDS.
11. Understand basic applications of laws, regulations or policies such as disability, health and leave benefits, the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act, as these apply to people living with HIV/AIDS in the workplace.
12. Know agency expectations, specifically policies and procedures which address co-worker responses to employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.

13. Identify what are discriminatory behaviors/actions in the workplace.

14. Understand workplace behaviors or actions that are valued in terms of maximum productivity and optimum work environment.

15. Understand the importance of teaching young people how to protect themselves from HIV infection, and how to talk about HIV with children and adolescents.

Attitudinal objectives

Ideally, participants will indicate they:

1. View persons living or perceived to be living with HIV/AIDS no differently than persons with other life-threatening illnesses.

2. Feel more comfortable working with employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.

3. Are more supportive of reasonable accommodations for employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

4. Feel less judgmental toward persons who are chronically ill, including those living with or perceived to be living with HIV/AIDS (with respect to the presumed or known behaviors that resulted in their infection).

5. Experience little or no fear of interacting with employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

Behavioral objectives

Participants should be able to:

1. Assess their own levels of risk for HIV infection.

2. Adopt behaviors that eliminate transmission risks.

3. Provide support for chronically ill employees including those who are living with HIV/AIDS.

4. Express willingness to participate in work assignment adjustments necessary to provide ''reasonable accommodation'' for chronically ill employees, including those living with HIV/AIDS.

5. Share HIV prevention information with others.

6. Apply information about the Federal Rehabilitation Act of 1973, Americans With Disabilities Act of 1990, Equal Employment Opportunity, Family and Medical Leave Act, as well as leave disability and health benefits information.

XI. OBJECTIVES FOR MANAGERIAL TRAINING

Behavioral objectives

Managers should be able to:

1. Apply policies and procedures for managing employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

2. Manage employee disclosures assuring that confidentiality is maintained. This is critical for staff who may want to disclose they are living with HIV/AIDS and for other staff that may want to voice concerns about working with someone living with HIV/AIDS.

3. Appropriately provide any necessary reasonable accommodation in collaboration with Human Resources personnel and the employee.

4. Manage the performance of employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

5. Discuss concerns with Human Resources or employee assistance personnel during the employee disclosure, accommodation, or referral process.

6. Manage sensitive documents reporting an employee's HIV or health status.

XII. POLICY STATEMENTS

As indicated above, the Presidential Directive requires all departments and agencies to review their personnel policies to ensure that they provide adequate protections for employees with a chronic illness, including those living with HIV/AIDS, while ensuring a comfortable and safe work environment. To accomplish this we suggest the following:

Review the Office of Personnel Management (OPM), Federal Personnel Manual Letter (FPM) 792–21 (March 1988) and Attachment of FPM Letter 792–21 (April 24, 1991), ''Acquired Immune Deficiency Syndrome (AIDS) in the Workplace.'' Applying the basic guidance from the FPM letter, establish or revise your own organizational policies. OPM is in the process of establishing a repository for all the policies from the various departments and agencies. Upon completion of your organization's policy statement, please send a copy to: Chief, Employee Health Services Branch, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7412, Washington, DC 20415. If you have questions concerning the FPM letter or applicable policies, you may call the office at (202) 606–1269.

Each training participant should receive specific written policy information, as well as information outlining procedures for the disclosure process, counseling, disability and health insurance benefits. Distribution of a policy statement is not enough; each employee should receive a document that contains the names, locations and telephone numbers of the individuals associated with the administration of the following.

1. Equal Opportunity Employment.

2. Interpretation of the Federal Rehabilitation Act of 1973.

3. Interpretation of the Americans with Disabilities Act of 1990 (where applicable).

4. Health and disability retirement benefits information, Employee Assistance Programs and Counseling.

5. Family and Medical Leave Act.

6. State and local government interpretations.

7. Local union representatives (where applicable).

8. Occupational Safety and Health Administration (OSHA) guidelines, especially those related to possible occupational exposure to HIV.

XIII. GENERAL POLICIES FOR SUPERVISORS AND MANAGERS

Each department or agency should develop policies and procedures for employees with serious illnesses, including those living with HIV/AIDS, that are flexible enough to accommodate individual circumstances. In some situations it will be necessary to negotiate with the employee an appropriate workplace accommodation. This process should always include a designated representative from the Human Resources Department or the Employee Assistance Program (and may include a union representative).

Each department or agency must consult with their General Counsel in developing specific policies and procedures for employees with serious illnesses, including those living with HIV/AIDS. The following guidelines should be considered in developing those policies and procedures. A department or agency may develop policies that are more specific than those addressed here.

Privacy and confidentially

An employee's health condition is personal and confidential. Employees have understandable concerns over confidentiality and privacy about medical documentation and other information related to an HIV/AIDS diagnoses that is submitted for purposes of an employment decision.

Precautions must always be taken to protect information regarding an employee's health condition. It is inappropriate to report disclosures to other upper-level supervisors unless there is a documented ''need to know.'' (These cases are minimal and should be confirmed with your Human Resource Department.) Employees living with HIV/AIDS or other life-threatening illnesses are entitled to full coverage under the Federal Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, sick leave, Family and Medical Leave Act, leave bank programs, disability benefits, and equal employment opportunity. Should questions arise concerning such matters, contact your Human Resources Department.

Some employees work in occupations that may put them at greater risk of HIV infection (e.g., medical facilities, laboratories, security personnel who might come in contact with blood, etc.). These employees should attend a training session with special emphasis on the use of universal precautions where there might be exposure to blood-borne pathogens. These guidelines can be obtained from OSHA.

General practices for discussing disclosures

Generally, when employees disclose any life-threatening illness, including HIV/AIDS, a supervisor should not immediately initiate any sudden changes in the employee's working environment. Be sensitive to the possible contribution of anxiety over this condition to work behavior. Any part of the disclosure process should include discussions with the employee, the first-line supervisor, and a representative from the Human Resources Department or the Employee Assistance Program (and may include the employee's union representative.)

Making ''Reasonable'' accommodations

The purpose behind reasonable accommodations is to provide alternatives for employees living with disabilities, in this case HIV/AIDS, to continue productive work as long as possible. Reasonable accommodations provide a work environment where individuals living with disabilities can maximize their productivity and continue to be part of the workforce. The implementation of reasonable accommodations usually has a positive impact on all staff, as it communicates the willingness of managers to care for the individual needs of employees.

What reasonable accommodates does not mean is that employees with disabilities, including those living with HIV/AIDS, are held to significantly different performance standards than employees without disabilities in similar positions. It also does not mean new jobs must be created to accommodate any employee living with a disability.

When look at an individual employee's condition, consider changes in work assignments like job restructuring, reassignment, liberal leaves or flexible schedules for employees living with HIV/AIDS in the same manner as for other employees whose medical conditions affect their ability to perform safely and reliably. In so doing, observe established policies governing qualification, internal placement, transfers and other staffing requirements. Alternate work scheduling is often the least expensive and simplest accommodation.

Addressing co-workers' concerns

Be sensitive and responsive to co-workers' concerns, and emphasize the need for education. Be clear that mistreatment, harassment, malicious gossip, or hurtful actions in the workplace will not be tolerated. Through educational efforts and private discussions, teach employees that no medical basis exists for refusing to work with a fellow employee, or clients of a department or agency, living with HIV/AIDS.

XIV. TRAINING SUGGESTIONS

The following recommendations are made by the Office of National AIDS Policy to assure quality in this initiative. By following

these suggestions you can reduce training obstacles, ensure quality standards, and expedite the educational process.

1. Upon reviewing these guidelines, examine your organizational structure, the composition of your workforce and any logistical considerations that impact on training. By looking at other training programs offered by our department or agency, you may determine the most appropriate method for conducting HIV/AIDS workplace training for your staff.

2. To achieve consistency, coordinate the training at every level throughout the organization. Request initial input from department heads who can ensure the plan is carried out consistently. Develop a network of HIV/AIDS coordinators throughout your organization. Share the educational plan with them, develop a strategy and schedule the sessions. Also, you may want to include union representatives in your network of coordinators.

3. Establish a local-area network (LAN) bulletin board for questions and answers concerning HIV/AIDS issues, employee benefits, leave programs, interpretation of the Family and Medical Leave Act, policies affecting the terminally ill, etc. Keep entries into the system confidential.

4. Collect questions anonymously and publish answers in employee newsletters. If your own organization does not have a newsletter, perhaps your union does.

5. If your organization employs someone living with HIV/AIDS, and he/she feels comfortable talking to a group, you may invite the employee to a question and answer session or to make brief presentations, especially for World AIDS Day, December 1. These presentations, if included in the training, should not exceed 20 minutes.

6. For workplaces where the risk of occupational exposure to HIV may be greater (i.e., occupations in which employees routinely, or are likely in some circumstances, to come in contact with blood or blood products), a special training session on ''Bloodborne Pathogens/Universal Precautions'' in addition to the general HIV/AIDS training session may be appropriate. Be sure to inform the class of the exact date, time and location. Detailed, or specific questions about bloodborne pathogens and universal precautions can be answered in the Bloodborne Pathogens session.

7. Keep the education and policy modules together and offer them as one session, including a discussion of workplace policies and procedures. (Managers and Supervisors may need more details from the policy representative.)

8. When asked hypothetical questions that demand complex explanation, maintain credibility and try to negotiate the discussion back to the facts and objectives. Politely refer ''highly improbable'' questions to designated Human Resource or employee assistance personnel. You may want to visually tract the questions (using a flipchart etc.), ensuring that each question is addressed by the end of the session. However, if too many questions are deferred, the instructor may lose credibility. A skilled, experienced instructor will strive to provide the necessary balance.

9. Conduct pilot sessions to validate your training sessions and ask for input from unions, human resources, training and employee assistance departments. Optimally, retain the same effective instructors throughout your agency's or organization's program.

10. Before conducting the pilot sessions, take time with the instructor to discuss the employees who will be attending the sessions. (Are they analysts, lawyers, accountants, support staff?) The instructors will not need great detail, but a little background information will make the instructor more at ease and ''set the stage'' for successful training.

11. Work with your training departments and ensure that basic components of the HIV/AIDS training, especially policy, are incorporated in required managerial training and new employee orientation. If you do not have a new employee orientation program, maintain accurate records and provide future HIV/AIDS training sessions as needed. Remember this initiative is ongoing and HIV/AIDS workplace education must become a part of all employee's ongoing training.

12. As an option, offer some weekend or evening sessions to include family members, friends of employees, and other members of the community who interact with your department or agency.

13. During the training, provide supplemental information regarding discussions of HIV/AIDS with children and teens. The theme for World AIDS Day, December 1, 1994, will be ''AIDS and the Family.'' You may want to offer seminars or workshops emphasizing ''AIDS and the Family'' throughout the year, or during the week of December 1, 1994.

14. Provide additional information to all employees to enhance and reinforce understanding about the nature and transmissions of HIV/AIDS. Use news bulletin, personnel management directives, meetings, guest experts. Q&A sessions, films and video newsletters, union publications, fact sheets, pamphlets.

XV QUARTERLY REPORTS

Each department and independent agency is required to send quarterly reports to the Office of National AIDS Policy. These reports are compiled and sent directly to the President. Accurate record keeping will expedite the report writing process. The FWAEI Quarterly Report should include:

1. The number of staff trained during the quarter, including number of classes and average class size.

2. The total number of staff trained since inception of the initiative (September 30, 1993).

3. The percentage of the total staff of the department or agency that (2) represents.

4. Any difficulty faced in implementing the HIV/AIDS education program (logistical problem, unclear communications, personnel resistance).

5. Progress made in updating and revising departmental non-discrimination policies.

6. Future plans and milestones in implementing the HIV/AIDS initiative within your department or agency. (How many employees are scheduled during the next quarter, and foreseen barriers to full implementation.)

7. List private-sector and non-profit organizations who have visited with you about their training programs.

8. Other activities you plan or have scheduled to re-emphasize AIDS Awareness, especially for World AIDS Day, December 1, 1994. Include any press articles about your implementation of the Federal Workplace AIDS Education Initiative.

9. For the last report of the year, your future plans section must include what will be your plans for conducting training for the following calendar year. This shall include how many people you estimate to be trained per quarter for the following year.

Due dates for future reports are June 15, September 15, December 15. All reports should be faxed or mailed to the Federal Workplace AIDS Education Coordinator. Mailing information follows.

Office of National AIDS Policy contact

For information about these guidelines, contact the Federal Workplace HIV/AIDS Education Coordinator, Executive Office of the President, Office of National AIDS Policy, 750 17th Street, Suite 1060, Washington, DC 20503, telephone (202) 690–5560 or FAX (202) 690–7560.

Interagency meetings

Each month the Office of National AIDS Policy Conducts a meeting to discuss questions, as well as to present materials that have been developed by organizations for the FWAEI. The meeting is open to Federal and non-Federal employees. Meeting notices are normally faxed and not confirmed by a mailing. Please be sure that your contact name, address, telephone number and fax number are correct with the Office of National AIDS Policy. (See Office of National AIDS Policy Contact.)

XVI. RESOURCES

The Office of National AIDS Policy, the Department of Energy, the Office of Personnel Management, and other Federal agencies have collaborated with the Department of Health and Human Services' employee assistance program to develop training packages which comply with these guidelines. Supervisor training materials are nearly completed and your agency FWAEI contact will be notified when these training packages are available.

Materials should include resources and information provided by local community based organizations who work with HIV/AIDS related issues. The CDC National AIDS Clearinghouse can help you find information (800) 458–5231. The Centers for Disease Control and Prevention's National AIDS Hotline number, 1–800–342–AIDS, must be included in all resource information. Throughout the training, this number should be clearly posted in the room.

XVII. SUGGESTED READINGS

Periodicals

''A Case of AIDS'' by Richard S. Tedlow and Michele S. Marram, Harvard Business Review, November–December 1991, pages 14–25.

''AIDS Education Is a Necessary High-risk Activity,'' by Jonathan A. Segal, HRMagazine, February 1991, pages 82–85.

''AIDS Policy & Law,'' a bi-weekly newsletter of Buraff Publications, 1350 Connecticut Avenue, N.W., Suite 1000, Washington, DC, 20036, (202) 862–0926.

''Financial Realities of AIDS in the Workplace,'' by Vaughn Alliton, HRMagazine, February 1992, pages 78–81.

''Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome Training from a Union Perspective,'' by Elaine Askari, MPH, and John Mehring, B.A. American Journal of Industrial Medicine, 22:711–720 (1992).

''AIDS Reference Guide,'' published by Atlantic Information Services, 1050 17th Street N.W., Suite 480, Washington, DC 20036, (202) 775–9008.

''Removing the Mystery from AIDS Education,'' by Anne E. Jordheim, Ed.D., R.N., Management Review, February, 1990, page 20.

''Why AIDS Policy Must Be a Special Policy,'' by Ron Stodghill II, Russell Mitchell, and Karen Thurston, and Christina Del Valle, Business Week, February 1, 1993, pages 53–54.

Books

The AIDS Benefits Handbook by Thomas P. McCormack published in 1990 by Yale University.

AIDS Handbook by Brenda S. Faison, M.P.D. and edited by Laila Moustafa, Ph.D., published in 1991 by Designbase Publishing, P.O. Box 3601, Durham, North Carolina, 27702–3601.

AIDS in the Workplace, Legal Questions and Practical Answers, by William F. Banta,

published in 1993 by Lexinghouse Books, 866 Third Avenue, New York, NY 10022.

Getting the Word Out, A Practical Guide to AIDS Materials Development by Ana Consuelo Mariella, 1990 by Network Publications, P.O. Box 18830, Santa Cruz, CA, 95061–1830.

The Guide to Living with HIV Infection by John G. Bartlett, M.D. and Ann K. Finkbeiner, published in 1993 by The Johns Hopkins University Press, 2715 North Charles Street, Baltimore, Maryland 21218–431.

Managing AIDS in the Workplace, by Sam B. Puckett, L.L.B., M.B.A. and Alan R. Emery, Ph.D., published in 1988 by Addison-Wesley Publishing Company, Reading MA.

Preventing AIDS, A Guide to Effective Education for the Prevention of HIV Infection, American Public Health Association, 1015 Fifteenth Street, NW, Suite 300, Washington, DC 20005 (202) 789–5600.

Training Educators in HIV Prevention, An Inservice Manual by Janet L. Collins, Ph.D. and Patti O. Britton, 1990 by Network Publications, P.O. Box 1830, Santa Cruz, CA 95061–1830.

We Are All Living With AIDS, How You Can Set Policies and Guidelines for the Workplace, by Earl C. Pike, published in 1993 by Deaconess Press (a service of Fairview Riverside Medical Center, a division of Fairview Hospital and Healthcare Services), 2450 Riverside Avenue South, Minneapolis, MN 55454.

100 Questions and Answers About AIDS by Michael Thomas Ford, published in 1993 by New Discovery Books, MacMillian Publishing Company, 866 Third Street, New York, NY 10022.

Message #1

Subject: Mandatory HIV/AIDS training.

Author: Stec at FAS07.

Date: 01/31/95 02:27 p.m.

On September 30, 1993, President Clinton mandated Federal HIV/AIDS education for all Federal employees. To comply with this Presidential mandate, the Foreign Agricultural Service is presenting the attached mandatory HIV/AIDS training sessions.

Please attend the session scheduled as indicated or arrange to switch session with a coworker.

Supervisors are responsible for disseminating this information to their employees and for certifying that all employees under their supervision attend a session of the mandate training.

Please contact Charlotte Stec, 720–1596, if you have any questions regarding this training.

Message #2

Subject: PL 480 status of PA report.

Author: Rivera JA at FAS15.

Date: 01/31/95 03:13 p.m.

The monthly Public Law 480 ''Status of PA'' report is now available on the ''u'' drive. To access it, go to ''pl480'' from the Windows' File Manager, since this is a Lotus file, and click on ''title1''. This report shows Public Law 480, Title I agreements signed, purchase authorizations issued, and sales registered. For information, please call José Rivera at 720–6286.

TRAINING PROGRAM

Please attend the session scheduled as follows in accordance with your last name. This is mandatory training for all Federal employees. If you cannot attend your scheduled session, please arrange to switch sessions with a coworker.

Attendance will be taken. All participants should bring a pencil or pen with them.

A Sign Language Interpreter will be provided for the afternoon session of February 7th only. Employees requiring special accommodations should contact Charlotte Stec.

Date, Time, Location, Last Name, Begins in Letters

February 7, Tuesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, A–BE, BI–CI.

February 8, Wednesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, CL–DI, DO–GA.

February 9, Thursday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, GE–HAN, HAR–HO.

February 14, Tuesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, HU–KI, KL–MA.

February 16, Thursday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, MC–M, N–PL.

February 17, Friday 8:30–11:30 a.m., 12:30—3:30 p.m., Jefferson Auditorium, PO–RO, RU–SL.

February 24, Friday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, SM–TI, TO–WES.

February 28, Tuesday 8:30–11:30 a.m., Jefferson Auditorium, WET–Z.

(For further information or questions, contact Charlotte Stec, HIV/AIDS Coordinator, on 720–1596 or FAX 720–2016.)

[From the Washington Times, Mar. 27, 1995]

MANDATORY FEDERAL AID CLASSES CITED AS PROMOTING GAY AGENDA

TRAINING ADDRESSES RELIGION AS BARRIER

(By Rowan Scarborough)

The Clinton administration's guidelines for mandatory AIDS training of all federal employees call for the ''breaking down of audience resistance'' to the program's teachings if that resistance is based on ''religious beliefs.''

The training manuals portray people opposed to condom distribution in schools as ''partisans.'' They tell trainers to use the words ''sex partners'' instead of ''husband and wife'' and ''injecting drug user'' instead of ''addict.''

Would-be trainers have to discuss their views on ''homosexuality for my child'' as part of the selection process.

A federal worker who underwent training this month said she was offended when the instructor, a private contractor, began talking about her grandmother's likely sex practices.

''I was shocked and upset when the instructor personalized anal sex for each person in the room by saying our grandmothers probably practiced birth control by participating in anal sex,'' said the worker, who described the three-hour session on the condition that she not be identified.

''I was highly offended,'' she said, ''I have a very godly grandmother, and I just broke down and cried. I guess they're trying to say homosexuals do it that way and so did your grandmother.''

The guidelines are in documents from the departments of Energy, Health and Human Services, and Agriculture. Other departments are believed to use similar guidelines, which are coordinated and approved by the White House.

Aimed at the 2.1 million federal employees, the ''Federal Workplace AIDS Education Initiative'' was authorized last year by Mr. Clinton, whose campaign received political and financial support from the homosexual community.

Administration rules for AIDS instruction tell trainers:

To avoid certain terms, such as ''husband and wife,'' ''homosexual men,'' ''promiscuous,'' ''sexual preference'' and ''addict.''

To deflect ''homophobic comments'' during a training session by saying, ''There is some division of opinion on that point.''

To watch out for troublemakers among the pupils. A federal worker who takes an ''intransigent point of view'' on condom distribution in schools or needle distribution is pegged as a ''partisan.'' A ''heckler'' is someone who ''expresses disbelief, disgust or scoffs at content and processes.'' A ''moralist'' believes that ''people who are HIV-infected through sex or drug use deserve what they get.''

To suggest that a person use his own drug-injection equipment or try ''disinfecting with bleach'' to avoid getting the human immuno-deficiency virus, which causes AIDS.

The Department of Energy's AIDS program is titled, ''Walkin' the Talk'' and includes a discussion of ''serial monogamy,'' which it defines as an ''exclusive sexual relationship with one individual at a time.''

''Practicing serial monogamy and therefore having several sexual partners, even over an extended period of times, may place one at risk for HIV infections unless he or she practices safer sex,'' the program says.

One of the training manuals included a scoring system titled ''Values About HIV/AIDS-Related Issues.'' It was used to select AIDS instructors.

Candidates were asked to rate their opinion on several topics, including ''sex without love,'' ''sex outside of a committed relationship,'' ''homosexuality for my child,'' ''stiff sentences for injection-drug users who share needles and other drug-injection paraphernalia,'' and ''laws to protect homosexuals from discrimination in housing, jobs and public accommodations.''

Jim Woodall, a vice president of the conservative group Concerned Women for America, said President Clinton should ''cease and desist'' the training. He said the goals could be achieved by giving employees a Centers for Disease Control and Prevention brochure on AIDS prevention.

''We have been suspecting for a long time that AIDS education is being used as a facade to promote the homosexual lifestyle,'' Mr. Woodall said. ''AIDS education used in public schools and college campuses has now invaded our government, where the president is mandating federal employees to sit down for four hours for this type of education. It's a fraud.''

Mr. Woodall's 600,000-member organization is compiling information on the program.

''I do not have any problem with gays relating to gays when talking about sex,'' he said. ''The issue is, the U.S. government is promoting that agenda using taxpayer dollars.''

Richard Sorian, White House spokesman on AIDS policy, disagreed with the group's characterization of the program. ''The effort has been a very successful effort to supply people with information that allows them to protect themselves and protect their family,'' he said.

He said Concerned Women for America is misinterpreting some of the training material. For example, he said, the section on ''breaking down audience resistance'' based on religion is an effort to have workers air those concerns so they can be discussed.

''They are not trying to change someone's religious beliefs at all,'' Mr. Sorian said. ''What they are talking about is beginning the instruction with any concerns they have or religious belief that might make them uncomfortable with the discussion so they can be comfortable in the discussion.''

Mr. Sorian said such words as ''addict'' are avoided for a good reason: ''If you say drug addicts are susceptible to HIV, but they don't consider themselves an addict, then they don't recognize themselves as an addict.''

He said he has received ''positive feedback'' from participants who have used the

information to educate others. The program is scheduled to end this week. The White House AIDS office then will know how many workers were reached.

Some federal workers have objected to the training.

A defense Department employee said he walked out during his department's session.

''I don't believe I should sit next to a female and be told how to do intercourse, no matter how sidetracked they go,'' said the employee, who requested anonymity. ''I don't want to be in mixed company and talk about a lifestyle I'm not involved in, that I don't approve of. I don't care to be instructed by Big Brother in things I avoid.''

A Drug Enforcement Administration worker who objected to attending AIDS training was ordered to attend or be disciplined for insubordination.

Mr. Woodall said the system ''weeds out any people who have a problem with the gay lifestyle.''

MARCH 31, 1995.

Senator JESSE HELMS,
Century Post Office Building,
Raleigh, NC.

DEAR SENATOR HELMS: At a time when our total federal budget is under scrutiny, it seems appropriate to study all expenditures. Within USDA,ARS our budgets for agricultural research are particularly tight. Nevertheless, we spend a tremendous amount of time in all types of training sessions. This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man hours and consequently wages. We also were required to take a pre- and post-class test. Unfortunately, at least in our agency, there is no way to test out of the class time. Since we are mostly biological scientists we learned essentially nothing. The enclosed material was to be read prior to the class and thereby using more of our valuable time. Some of this material is not appropriate for the workplace (e.g. how to have safe oral sex, page 28), and it does seem to be necessary for government time and money.

I hope you and other congressional members will carefully consider the cost/benefits of our numerous training sessions. The taxpayer's money can be better spent on research in our agency than in peripheral training sessions not suited to us.

Sincerely,

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. 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.

Mr. HELMS. Mr. President, I ask unanimous consent to lay aside the previous amendment so that I can offer another amendment.

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

AMENDMENT NO. 1857

(Purpose: To limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer)

Mr. HELMS. I now send an amendment to the desk and ask that 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 1857:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

Mr. HELMS. As the clerk has read, Mr. President, this amendment proposes that the Ryan White CARE Reauthorization Act of 1995 have this provision to guarantee that any and all Federal funds authorized and appropriated for HIV/AIDS will not exceed the total Federal funds authorized and appropriated for and in connection with the disease of cancer.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks ninth, No. 9—I believe, as a matter of fact, they lowered it to No. 8. So make that read HIV/AIDS ranks eighth in the number of deaths it causes. It is of interest that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding in connection with any other disease. Heart disease, for example, Mr. President, kills more than 720,000 Americans every year, and $805 million in Federal funds are allocated and appropriated for heart disease. Cancer kills 515,000 Americans, and it receives $2.3 billion.

I think the arithmetic of all of this, Mr. President, speaks for itself. I want the RECORD to show that I hope a cure for HIV/AIDS is found tomorrow morning, and I encourage every research effort toward this end. However, I have to make it clear that I am appalled at what has become a total politicization of Federal funding for medical research and health services.

The pending amendment stipulates that Congress may not authorize or appropriate more money for HIV/AIDS than is authorized and appropriated in connection with the disease cancer. More people are dying from heart disease and cancer and stroke and lung disease and accidents and pneumonia and diabetes and Alzheimer's and suicide than die from AIDS. Each one of these kills more people than does the disease AIDS, yet AIDS receives a disproportionate amount of the taxpayers' money.

On average, the Federal Government spends about $91,000 on every person who dies of AIDS. The Federal Government spends about $5,000 for every person who dies of cancer.

Now, I have my own ideas about priorities, but that is an issue for another day. And I think I am correct in my impression that Americans agree that this discrepancy is neither fair nor equitable.

In a nutshell, the pending amendment will bring a measure of equity and fairness to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS nonetheless receives more Federal funding, it is time I think that Congress established some new equitable priorities.

Mr. President, I ask that all of my previous amendments be set aside enabling me to ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mrs. KASSEBAUM. Mr. President, I am not sure if we are ready to propound a unanimous-consent agreement yet or not.

Mr. HELMS. I am certainly ready to hear it.

Mrs. KASSEBAUM. No, I guess we are not. So if I may just for a moment respond to several of the amendments that have been put forward by Senator HELMS. On the amendment that talks about promotion of homosexual activity. I certainly have great sympathy for wanting to limit what the activities might be supported. I will be introducing an amendment which addresses that same issue but perhaps not in the same way as Senator HELMS. I will not get into a definition of the amendment. Since the unanimous-consent agreement has not been put forward yet, I am not sure whether we should go ahead and send our amendments to the desk, but perhaps we will get them all out and then we can decide what to do.

AMENDMENT NO. 1858

(Purpose: To prohibit the use of funds for certain activities)

Mrs. KASSEBAUM. I send to the desk an amendment. I ask unanimous consent to set aside the amendments.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment of the Senator from Kansas.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1858.

Mrs. KASSEBAUM. 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. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or hetero-sexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

Mrs. KASSEBAUM. The amendment I have sent to the desk will prohibit the use of the Ryan White CARE Act funds to support activities which promote homosexuality. This provision will assure that the funds allocated under this act would be used to provide treatment for individuals. There would be no funds to be used for promotion of homosexual activities. I offer this amendment because I am aware that some of my colleagues are concerned that the CARE activities may lead to increased sexual activity or to increased drug use. Specifically, some are concerned that needle exchange programs and prophylactic distribution programs may lead to increased homosexuality or drug abuse. Whether or not these concerns are valid, my amendment makes it clear that none of the funds expended under this act could be used for such promotion activities. Rather, this provision would assure that CARE Act funds would be used for treatment. In this regard, it is more narrow than the amendment that has been offered by Senator HELMS in that it clearly states that the CARE Act funds are for treatment only, not prevention or homosexual promotion activities.

I offer this amendment because I would like to have us fully consider some of the language and implications of that language, and that will be set aside at such time as we come to a vote on the legislation.

Senator HELMS also put forward an amendment to ensure that Federal employees will not be required to attend or participate in AIDS training programs. I would for myself think that is a very sensible amendment. Mr. President, it does seem to me that we should not have to require attendance of Federal employees for such programs. I would like to say, though, I do not believe that the intent was to design these programs to change the lifestyle of Americans. I think the intent was to really try to have an understanding of AIDS, what it was about, what type of disease it was. But I really myself strongly will support Senator HELMS and say that in my mind it should not be a required attendance.

Another amendment that Senator HELMS put forward was on the funding. He would hold the funding levels to the same as they are in 1995. Mr. President, the House Appropriations Committee has appropriated $656 million for 1996. If we take the 1995 level, that is $651 million. But holding it until the year 2000 when AIDS cases are increasing at 20 percent a year seems to me to be a very difficult way for us to address this issue at this time. And I think it clearly should be left up to the appropriators. I know that the appropriators today—the Presiding Officer is on the Appropriations Committee—are not going to be frivolous in the moneys they spend. And I have a great deal of confidence that they will take into consideration the needs that are addressed that have to be met in the Ryan White CARE legislation and will consider wise and sensible use of those funds. So that amendment I would just have to oppose because I think putting that type of restraint until the year 2000 clearly would do a disservice to many who are in serious need.

The other amendment was regarding funding equity. And I will be considering another amendment to address that issue because, as I mentioned earlier, it is of great concern. And one of the things where we would differ is what moneys go to research and is discretionary funding and what moneys come from, say, Medicare and Medicaid and the Social Security disability funding. That makes a big difference in the total amount, and I think it is important that there is an understanding regarding that difference. So, I will be putting forward another amendment on funding equity a bit later as we complete this debate.

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will just take a moment because the Senator from Kansas has outlined what I think has been a very responsible and thoughtful series of options for the Senate to make a judgment and a decision upon. They will be available to the Members as they examine these issues over the nighttime, and then we will have a chance to address them tomorrow and, hopefully, reach a final resolution. I think she has summarized the reasons and justifications for the positions which she has outlined, and I am in very substantial agreement. With some issues along the way we may have some difference. But I think there will be a series of alternatives for the Members to make a judgment on these matters on tomorrow and, I think, for the Members to make a final judgment on these questions tomorrow as well.

What remains will be the Gregg amendment, which deals with the exports of various pharmaceuticals and medical devices that have not been approved by the FDA or, for that matter, approved by the other 21 different countries that have regulatory agencies. He will best describe his amendment. This is a matter which is before the Human Resources Committee, and it certainly was my impression up until this afternoon that that would be a part of the whole FDA reorganization and structure. It is appropriate that it should be because we have a different criteria, for example, for pharmaceuticals and how the FDA treats those versus biotech and medical device legislation. So, I had thought we would be addressing that as part of our total FDA review.

It has been the judgment of the Senator from New Hampshire to offer that measure, which initially, as I understand it, was a Hatch measure to this proposal. And we will have a chance to discuss that in the morning and make some judgment on that issue. And I would certainly invite our colleagues to pay close attention to the debate that will, hopefully, take place at 9:30 if we are able to work through our consent agreement.

Mr. President, I have more extended remarks on some of these measures which I will either make this evening or include in the RECORD. Hopefully, we are at a point where we might be able to consider a consent agreement, and I have been here long enough to know that, if that is possible, it is wise to try to take advantage of the opportunity before it may escape.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that the name of the Senator from New Mexico, Senator DOMENICI, be added as a cosponsor.

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

Mrs. KASSEBAUM. It is my understanding we are close to being able to put forward the unanimous-consent agreement. I think there still needs to be a couple of additional checks made.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. If the Senator will yield.

It is perfectly acceptable to me, Madam President.

It will take a unanimous consent to vary the order in which the amendments were presented, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Just so there will be no accidental mistake made, I ask unanimous consent that all amendments be voted on tomorrow morning in the order in which they were presented.

The PRESIDING OFFICER. Is there any objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Could the Senator state again what the request was? As I understood it, we were in the process of trying to work out a consent request to cover the disposition of the measures tomorrow.

Mr. HELMS. If the Senator will yield. I am not suggesting anything that would vary the unanimous consent that I hold in my hand. I favor that. I simply want to be sure that all amendments are voted upon in the order in which they were presented.

Mr. KENNEDY. I see the Senator from Kansas on the floor.

Mrs. KASSEBAUM. Well, I did not present my amendment regarding promotional activities until you had completed presenting all of your amendments. I wonder in the voting if they could not follow each other, so that we are——

Mr. HELMS. Is that the one where you deleted the second half of mine?

Mrs. KASSEBAUM. Yes. Although it is changed.

Mr. HELMS. You did not change the language in the first half?

Mrs. KASSEBAUM. Yes. It is a different approach because it is just targeted to the care, but using some similar language.

We are going to end up voting on the Senator's amendment. This says the same thing but does not get into a definition.

Mr. HELMS. Madam President, I am going to have to suggest the absence of a quorum on this one because that is a contradiction of my understanding. Perhaps I can correct it. May I see a copy?

Mrs. KASSEBAUM. The Senator has it.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Madam President, I ask that it be in order for the Senator from North Carolina to ask for the yeas and nays on final passage on the Ryan White bill.

The PRESIDING OFFICER. It is in order.

Mr. HELMS. 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. I thank the Chair. I yield the floor.

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.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1859

(Purpose: To strike provisions relating to the medicare wage index)

Mrs. KASSEBAUM. Madam President, I send an amendment to the desk on behalf of Senator GRAHAM of Florida for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] for Mr. GRAHAM proposes an amendment numbered 1859.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 41, line 7, strike ''the product of—'' and all that follows through line 15, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).''.

On page 43, strike lines 1 through 13.

On page 43, line 14, strike ''(E)'' and insert (D)''.

On page 43, line 24, strike ''(F)'' and insert (E)''.

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike ''the product'' and all that follows through line 14, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).''.

Beginning on page 46, line 17, strike ''means the'' and all that follows through line 8 on page 47, and insert the following: ''means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).''.

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike ''(F)'' and insert (E)''.

On page 49, line 19, strike ''(G)'' and insert (F)''.

On page 50, line 4, strike ''(H)'' and insert (G)''.

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the ''Secretary'') shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike ''7'' and insert ''8''.

Mrs. KASSEBAUM. Madam President, this amendment has been agreed to by both sides. It addresses a problem that would exist particularly in Florida regarding formula. It is designed to be of assistance in addressing that in a way that we have all agreed we think works, to everyone's benefit.

Mr. KENNEDY. Madam President, I urge the acceptance of the amendment. This addresses some of the special needs of the State of Florida. I think it is justified. I hope the amendment would be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mrs. KASSEBAUM. Madam 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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Madam President, they are trying to put together a final agreement so that they can go out tonight. Until they do, let me take a few minutes and express myself on the Ryan White bill.

Madam President, people are dying. People are dying and we have the chance today or tomorrow to enact legislation that will really make a difference—really make a difference in their lives, and the lives of their families and friends who love them.

We have the chance to enact legislation that will help alleviate some of the pain and suffering of individuals who are infected with HIV.

We have a chance to enact bipartisan legislation showing that Congress cares more about people—about people who are critically ill and need our help—than about how those people got ill.

Madam President, in 1981, two physicians unknown to each other, on opposite ends of the United States, made similar observations that they would

then publish in their respective medical journals.

They noted that a small group of their otherwise healthy patients were becoming infected with organisms that would normally affect individuals who were for some reason immune-suppressed. In layman's terms—these patients had a weakened immune system.

By the end of the following year, 1982, almost a thousand cases of the disease had been reported to the Centers for Disease Control. Congress had appropriated $8 million for research to combat this mysterious virus.

Over the next few years, the number of such cases dramatically increased and began to spread throughout the country, as did our realization that the virus, now called acquired immune deficiency syndrome, AIDS, was not going to be eradicated overnight.

Funding for research rose to $44 million in fiscal year 1983, $104 million in fiscal year 1984 and by fiscal year 1990 had reached $3 billion. By 1987, there were cases in each of our 50 States.

As I look back, I recall how AIDS began to touch on each of our daily lives, as the number of cases grew, and the need for increasing research and service-related funding for this growing epidemic.

We began to expand funding beyond the Department of Health and Human Services, to the Department of Defense, the Agency for International Development, and the Bureau of Prisons.

We funded the Department of Labor, the Department of Housing and Urban Development and the Veterans Administration. We provided funding through the Federal Employees Health Benefits Program.

Our response grew with the magnitude of the disease, as it should continue today.

As I think back to the early days of AIDS, and how the growing numbers of infected individuals and the resultant death toll caused this country so much alarm and panic.

Unfortunately, as with any unsuspected crisis, the immediate response from many—including members of both houses of Congress—could be characterized as denial, anger, and blame. Fortunately, over time, our compassion has grown for those infected with this insidious virus, as our understanding about the causes of and treatments for this devastating disease increased.

As I look back, I think of the swift reaction of our health care community, yet how painfully clear it was that both our research and service delivery infrastructures lacked the capacity to address the growing number of cases of HIV infection.

I talked about our growing research effort. I did not talk about the dedication of our scientists, and their ensuing frustration, as a cure—or even a vaccine—continued to elude our grasp.

Today, they still remain outside our grasp.

As I look back, I recall how the service delivery programs evolved—the AIDS service demonstration projects, the home and community-based health services grant programs, and the AIDS drug reimbursement program—yet we still could not keep pace with the need for services in our communities.

They came out of our Labor Committee, and we were proud to authorize those programs which have really served to help people. But they were not enough.

Out of this great need for community-based, compassionate care was born the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act of 1990, a bill I was pleased to author with my colleague from Massachusetts, Senator KENNEDY.

We named the bill after Ryan White, a courageous, intelligent and caring young man from Indiana, who worked tirelessly to educate others about HIV and AIDS. Ryan helped replace fear and indifference with hope and compassion. One of the great lessons of his life—that we should not discriminate against those with the HIV virus of other illness—remains true today. His tireless efforts, indeed his legacy, is being carried on by his mother, Jeanne White. And I met with her a number of times. And I have to say she is doing a good job.

There are so many others who have spoken out with the same spirit and eloquence, including Mary Fisher, founder of the Family AIDS Network, who is a tireless crusader against AIDS, and our much-missed friend Elizabeth Glaser, who established the Pediatric AIDS Foundation which has done so much to improve the lives of children infected with HIV.

I can remember when she first walked into my office. I did not know a lot about pediatric AIDS. I knew about adult AIDS. But I did not realize so many children were being infected at that time. When she walked in and explained it to me, I have to say we decided to help her. Our colleagues, Senator Metzenbaum and others, helped her raise her first million dollars for the Pediatric AIDS Foundation at a wonderful dinner here in Washington, DC and she went on from there to raise several more million dollars in the fight against AIDS, and, of course, she is one of the most valued heroines in this country, as far as I am concerned. There have been so many unnamed others in countless communities across the Nation.

Today, we have before us reauthorization of the Ryan White CARE Act.

My message is simple: it is an important act. It must be reauthorized.

The need continues.

Let me discuss a few dramatic facts in order to highlight the tremendous impact of this disease and explain why this bill should be passed.

The most revealing fact is that the No. 1 cause of death for males aged 29 to 44 is now AIDS.

In the last decade, the proportion of cases represented by women has almost tripled.

Even in my small home state of Utah, it is estimated by the Department of Health that there are 5,000 people infected with the HIV virus. To date, 1,110 have been diagnosed with full-blown AIDS, and 644 have died.

Indeed, our knowledge of AIDS has expanded dramatically since those early days.

We now know that AIDS is not a gay disease, or a Haitian disease.

We know that it cannot be transmitted by casual contact.

We know that it affects man, woman and child, whatever race, whatever nationality.

AIDS does not play favorites. It affects rich and poor, adults and children, men and women, rural communities and the inner city.

We know much, but the fear remains.

Madam President, things have changed since 1990. But the need for this legislation remains.

The number of cases continues to increase. At the end of 1994, the Centers for Disease Control and Prevention had recorded 441,528 cases of HIV. The number continues to grow.

The emotional and economic burden for HIV patients and their families is substantial, and it continues.

The Ryan White CARE Act has made a difference and should continue to make a difference.

There is so much that remains to be done.

Since its enactment in 1990, the Ryan White AIDS Care Act has provided the necessary assistance to those persons and their families affected by the AIDS epidemic. Often, the funding provides for models of HIV service delivery that are considered to be some of the most successful health care delivery models in history.

I am very proud of Utah's Ryan White program. Let me tell you of some of our accomplishments.

Ryan White funds were used to establish a home health services program which provides much needed homemaker, health aide, personal care, and routine diagnostic testing services.

A drug therapy program has been established that offers AZT and other drugs to individuals infected with HIV.

Ryan White funds have been used to provide health and support services through an HIV Care Consortium, which offers vital services such as dental, mental health counseling, transportation, benefits advocacy, eye exams and glasses, legal advocacy, information and education, nutrition counseling, and substance abuse counseling.

These are programs which are in place and which are working. They should be continued.

I believe it is vital that we reauthorize the Ryan White Act.

Madam President, many have noted that AIDS brings out the best and worst in people. Let us hope that this debate reflects the best of the great American traditions of reaching out to those in our community.

I plead with my colleagues today, and I will tomorrow, let us not backslide on this. I wish to compliment the distinguished chairman of the Labor and Human Resources Committee, and the ranking member, Senators KASSEBAUM and KENNEDY, for the work that they have done and for the courageous way that they have gone about it and for the work they have done on the floor here this day. I personally respect both of them very much, and I appreciate what they are doing in this bill.

Our progress has been great, but we have so much more to do to wipe out this virus. Let us hope and pray that one day, like smallpox, the HIV virus will be eradicated as a public health problem, and that is what we are talking about, public health, for everybody. Until then, Ryan White programs offer the only glimmer of hope to thousands of Americans who are living with HIV.

So I wish to thank my esteemed colleagues, especially our floor managers today, Senators KASSEBAUM and KENNEDY and others who have worked so hard to move this important piece of legislation forward. I will work with them in any way I can to see that this legislation is sent to the President as quickly as possible, and I again hope that we can do this probably tomorrow morning.

I thank the Chair.

Mrs. KASSEBAUM. Madam President, I wish to express appreciation to the Senator from Utah. Senator HATCH, as he mentioned, was the original cosponsor along with Senator KENNEDY of the Ryan White CARE Act in 1990. If it had not been for the leadership he provided, I am not sure we would be here today debating renewal of that legislation. It was crucial at that time to help develop an understanding of what it was all about, and I think without Senator HATCH's strong and forthright and dedicated concern at that time, it would have been extremely difficult to have the public awareness and support that it has. I just wish to express that appreciation to the Senator from Utah.

Mr. HATCH. If the Senator will yield, I certainly thank her for her kind remarks, but I feel equally disposed to congratulate her and to thank her for the work she is doing this year and has done in the past. She and Senator KENNEDY have done a very good thing here. So I thank her very much.

Mrs. KASSEBAUM. I would just say Senator HATCH, of course, we miss on the Labor Committee, where he was at one time chairman and ranking member, and I have big shoes to follow in that leadership on the Labor and Human Resources Committee.

Mr. BYRD. Mr. President, earlier today during the debate on S. 641, the Ryan White CARE Reauthorization Act, the distinguished senior Senator from North Carolina [Mr. HELMS] raised questions concerning where the appropriations for the Ryan White Program have been going. He indicated that he had been unable to receive any detailed information from the Clinton administration. He further stated his hope that the Appropriations Committee would be able to provide such information in connection with the fiscal year 1996 appropriations bill. I have asked the staff to look into this matter and get such information as is available as quickly as possible. For now, I have a CRS Report dated March 31, 1995, entitled ''Health Care Fact Sheet: Ryan White CARE Act Reauthorization.'' This report sets forth the programs which are authorized for funding under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101–381). Under that act, this report states that:

> Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease.

It further states that for fiscal year 1995, $633 million has been appropriated for these purposes.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRS REPORT FOR CONGRESS—HEALTH CARE FACT SHEET: RYAN WHITE CARE ACT REAUTHORIZATION

The Ryan White Comprehensive AIDS (acquired immune deficiency syndrome) Resources Emergency (CARE) Act of 1990 (P.L. 101–381) authorized a set of Federal grant programs to provide emergency assistance to localities disproportionately affected by the human immunodeficiency virus (HIV) epidemic. Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease. Total FY 1995 appropriations were $633 million. CARE Act programs are currently authorized through FY 1995. On Mar. 29, 1995, this Senate Committee on Labor and Human Resources ordered reported S. 641, the Ryan White CARE Reauthorization Act of 1995. The bill would modify the CARE Act programs and extend authorizations through FY 2000.

CURRENT RYAN WHITE CARE ACT PROGRAMS

Title I of the Act provides emergency formula and supplemental grants to disproportionately affected, eligible metropolitan areas (EMAs). Eligible areas with more than 2,000 cases of AIDS, or where the cumulative per capita incidence exceeds one quarter of 1% may apply for title I funds. Half of each year's appropriation is distributed to EMAs under a formula based on cumulative caseload and incidence; the remainder is used for supplemental grants awarded on the basis of applications by EMAs. Forty-two EMAs received funds for FY 1995, up from 16 in FY 1991. Title I funds are directed to the chief elected official administering the public health agency providing outpatient and ambulatory services to the greatest number of persons with AIDS in the designated area. The official must establish an HIV Health Services Planning Council which further sets priorities for care delivery in accord with Federal guidelines.

Title II provides formula grants to States and Territories for comprehensive care services including home and community-based care, continuity of health insurance coverage, payment for pharmaceuticals and other treatments to prevent deterioration of health, and other services. Grants are allocated on the basis of recent AIDS caseload and State per capita income. States reporting 1% or more of the national AIDS caseload are required to match Federal funds ($1 State for every $2 Federal in FY 1995) and must use 50% or more of their grant toward establishing an HIV health and support services consortium. The Secretary withholds 10% of Title II appropriations to support special projects of national significance (SPNS), a grant program that promotes advancements in the delivery of health care and support services to the HIV population.

Title III(b) provides early intervention categorical grants to public and private nonprofit entities already providing primary care services to populations at risk of HIV. Services allowed under title III(b) include counseling and testing, case management, outreach, medical evaluation, transmission prevention, and risk reduction strategies. (Title III(a), authorizing early intervention grants to States, has never been funded.)

Title IV authorizes a number of different HIV-related programs, of which only one, pediatric demonstration grants, had been funded. These grants foster collaboration and coordination between clinical research and health care providers and target HIV infected children, pregnant women, and their families.

Appropriations for FY 1995 total $633 million as follows: $357 million for title I, $198 million for title II, $52 million for title III, and $26 million for title IV. (On March 2, the full House Committee on Appropriations rejected a subcommittee reported rescission of $13 million in FY 1995 funds.)

S. 641, THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

As reported, S. 641 authorizes appropriations of such sums as may be necessary for all titles for FY 1996 through FY2000. It makes numerous changes in CARE Act programs, including expansion of permissible services, stronger planning and coordination requirements, and a greater emphasis on services to minorities and to women and children. There are also important funding changes, as follows:

A single appropriation would be authorized for titles I and II. For FY1996, 64% of funds would go to title I; a method for distribution for later years would be developed by the Secretary.

Allocation formulas for titles I and II would be based on estimated persons living with AIDS (rather than cumulative cases) and would include a new factor reflecting area variation in the costs of services. These changes would redirect funds to the areas where the epidemic is growing most rapidly; temporary hold-harmless provisions would prevent sharp funding reductions for existing grantees. New EMAs would have to have populations of at least 500,000, and would be eligible on the basis of caseload alone (rather than caseload or incidence).

The special projects of national significance program would be funded through a 3% withhold from each title, rather than 10% from title II alone.

AIDS FUNDING HISTORY—SEPTEMBER 27, 1994

	Fiscal year 1986	Fiscal year 1987	Fiscal year 1988	Fiscal year 1989	Fiscal year 1990	Fiscal year 1991	Fiscal year 1992	Fiscal year 1993	Fiscal year 1994	Fiscal year 1995 req	House	Senate	Conference
HRSA													
Education and Training Centers	.....	$1,550	$11,106	$14,640	$14,549	$17,029	$16,984	$16,435	$16,435	$16,157	$16,287	$16,287	$16,287
Pediatric AIDS	.....	.....	4,787	7,806	14,803	19,518	19,747	20,897	.....	.....	.....	.....	.....
Facilities and Renovation	.....	.....	6,702	3,903	4,342	4,029	.....	.....	.....	.....	.....	.....	.....
Other	$15,311	10,350	14,361	29,692	74,023	.....	.....	.....	.....	.....	.....	.....	.....
Ryan White													
Emergencuy Assistance (Title I)	.....	.....	.....	.....	.....	87,831	121,663	184,757	325,500	364,500	352,500	356,500	356,500
Comprehensive care (Title II)	.....	.....	.....	.....	.....	87,831	107,704	115,288	183,897	213,897	195,897	198,897	198,147
Early Intervention (Title III)	.....	.....	.....	.....	.....	44,891	49,862	47,968	47,968	66,968	51,568	52,568	52,318
Pediatric Programs (Title IV)	.....	.....	.....	.....	.....	.....	.....	.....	22,000	27,000	26,000	26,000	26,000
Subtotal—Ryan White	.....	.....	.....	.....	.....	220,553	279,229	348,013	579,365	672,365	625,965	633,965	632,965
AIDS Dental Services	.....	.....	.....	.....	.....	.....	.....	.....	7,000	6,884	6,937	6,937	6,937
Subtotal—AIDS	15,311	11,900	36,956	26,349	33,694	261,129	315,960	385,345	602,800	695,406	649,189	657,189	656,189
CDC	62,155	136,077	304,942	377,592	442,826	496,960	480,132	498,253	543,253	532,693	606,000	558,253	590,243
Total NIH	146,656	293,977	500,399	742,428	904,455	1,004,825	1,047,294	1,072,453	1,297,115	1,379,052	1,337,606	1,337,606	1,337,606
SAMHSA													
Cntr Ment Hlth Serv	.....	.....	.....	.....	.....	.....	.....	2,987	6,943	5,343	6,881	5,394	6,943
Cntr Subs Abuse	.....	.....	.....	.....	.....	.....	.....	21,156	21,156	2,726	10,526	20,526	18,026
Subtotal—AIDS	.....	.....	.....	.....	.....	.....	.....	24,143	28,099	8,069	17,407	25,920	24,969
Agency for Health Care Policy and Research	.....	.....	1,000	6,831	8,474	10,252	10,135	9,624	10,624	11,917	10,557	10,624	10,591
Office of the Secretary													
Health Initiatives	.....	.....	.....	3,416	4,010	2,149	2,075	2,073	.....	.....	.....	.....	.....
National AIDS Program Office	.....	363	3,308	3,023	3,666	3,789	2,452	2,936	2,869	2,848	2,899	0	1,750
AIDS Contingency Fund	.....	30,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	224,122	472,317	846,505	1,159,639	1,397,125	1,779,104	1,858,048	1,994,827	2,484,760	2,629,985	2,623,658	2,589,592	2,621,348

Mr. KOHL. Mr. President, I rise as a cosponsor and enthusiastic supporter of S. 641, the Ryan White CARE Act reauthorization.

The AIDS epidemic is a continuing crisis in our Nation that shows no sign of abating. Once a problem for only a few big urban areas, the crisis has increasingly impacted people in smaller cities and rural areas. More and more Americans are seeing friends and relatives stricken with HIV disease and are struggling to find adequate services for their loved ones.

Mr. President, over 2,700 Wisconsinites have been diagnosed with HIV infection and AIDS since 1985. As of March 1995, the Centers for Disease Control and Prevention has reported 481,234 cases of AIDS nationwide. The Ryan White CARE Act has been critical for communities responding to the AIDS crisis by helping to establish coordinated health care systems. Over 300,000 people afflicted with the disease receive life-prolonging treatment through the act.

This bill continues programs that help hard-hit municipal areas, support coordinated State efforts to combat AIDS, and provide primary care to special populations, including pregnant women and children. The Ryan White CARE Act represents the most effective type of government initiative; it targets State and Federal Government resources to fund comprehensive plans under the guidance of community leaders, medical professionals, affected populations, and officials at municipal, State, and Federal levels.

Since the enactment of the Ryan White CARE Act, Wisconsin has utilized its limited allocations to reach underserved areas of the State while concentrating resources on hard-hit communities. Care is available to citizens in every part of the State, not just a few cities. All funding in Wisconsin is provided through a consortium of community-based groups. This community oriented approach has allowed delivery of services to AIDS patients in their home, avoiding costly long-term hospitalization until absolutely necessary. The result is compassionate care for the afflicted and considerably less Medicaid spending, which saves State and Federal resources.

The Ryan White CARE Act has proven invaluable in meeting the AIDS crisis, but like most government programs, has room for improvement. I am pleased to say that this bill does not simply continue the status quo of the original legislation. There are substantial changes that better target Federal resources while meeting the current threat of HIV and AIDS. These consensus changes were carefully worked out with input from those who fight the AIDS tragedy every day.

The bill resolves longstanding formula inequities that pitted groups against one another. The new formula responds to the evolving dynamics of the epidemic. Using General Accounting Office recommendations, funding would now be distributed based on those currently living with AIDS and the changing cost of care.

States where AIDS is widespread, but without cities designated as ''eligible metropolitan areas,'' have not qualified for title I funding. Such States, like Wisconsin, have relied on limited allocations of title II funding in order to reach the afflicted in both urban and rural areas. The revised bill changes title I and title II funding by including an estimation of the number of individuals currently living with AIDS and the costs of providing services. The new title II formula is adjusted so that cases are not double counted, which unfairly advantages some States that also have title I cities. Provisions are also included to prevent service disruptions due to the formula changes.

We must improve our response to AIDS given the alarming growth of the epidemic. Few would question that AIDS is one of the leading public health threats facing our Nation and the world. As such, a unified response must be maintained. This bill contains positive changes to equitably distribute funding and allows communities to continue working together to provide the most effective treatment for AIDS victims.

Mr. President, let us not get bogged down in extraneous issues that cloud the purpose of this legislation. The nature of this crisis demands targeted, compassionate treatment for those afflicted with a devastating disease. Women, children, and men of all ages and backgrounds are victims of HIV. Families and whole communities have been devastated by AIDS. They deserve our continued commitment.

The Ryan White CARE Act received strong bipartisan support when originally enacted. With 63 current cosponsors of S. 641, the Senate's resolve to advance this important measure is clear and should remain undeterred.

I urge my colleagues to support the Ryan White CARE Act and provide quick passage.

Mr. SMITH. Mr. President, I am going to vote against S. 641, the so-called Ryan White CARE Act.

This is not going to be a popular vote, and I am sure that many will say that I am being unfair to AIDS victims and their families. But, I believe that this it is this bill that is unfair.

Unfair to persons suffering from other diseases, and their families. Unfair to small States, like New Hampshire. Unfair to the taxpayers.

First of all, let me make it clear that I take a back seat to no Senator in my concern for those inflicted with HIV and AIDS. I have always supported Federal AIDS research. But, we are already funding AIDS research.

In fact, AIDS research is by far the most heavily funded area at the National Institutes of Health.

Earlier this year, I was sent a table from the American Heart Association regarding the distribution of research dollars at the Department of Health and Human Services. The table tracks HHS research funding dollars spent per death in fiscal year 1993.

It tracks five diseases—HIV–AIDS, diabetes, cancer, heart disease, and stroke. We are spending $36,763 per HIV–AIDS death, $5,421 per diabetes death, $3,708 per cancer death, $1,032 per heart death, and $731 per stroke death.

Clearly, relative to other diseases, the Federal Government has demonstrated a firm commitment to funding AIDS research. In fact, the American Heart Association materials go on to say that HHS—

> spends 36 times more research funding per death of an AIDS victim than was spent per death of a victim of heart disease. Similarly, with regard to dollars spent per death, AIDS funding exceeded stroke funding by 50 to 1.

It seems that, in an effort to demonstrate our commitment to AIDS, we have seriously shortchanged many other devastating illnesses.

As you can see, AIDS research is already being funded. The Congressional Budget Office estimates that this bill will cost $3.7 billion over the next 6 years. So, where is this $3.7 billion going to go? If it is not research, what exactly is the Ryan White CARE Act?

One of the architects of the Ryan White Program, the senior Senator from Massachusetts, summarized in his opening statement how Ryan White funds have assisted the city of Boston:

> 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements.

I am very pleased to hear that so many people are being assisted in this way, particularly in Boston—right across the border.

But, Mr. President, what makes someone with AIDS more entitled to federally funded mental health or dental services than someone with cancer or diabetes or Alzheimer's?

No other disease has its own program like this.

I am not saying that we should pit one disease against another, and say that they ought to all receive the same amount of funds.

What I am saying is that we are already spending huge amounts of money on AIDS, without this bill.

Would I like to see AIDS victims receive these services? Of course I would. I would like for everyone to receive these services.

But, we need to face the budgetary realities. Our national debt recently climbed over the $4.9 trillion mark. It is rapidly reaching $5 trillion. We can't just keep plowing full speed ahead with these sorts of spending programs without contemplating how we are going to pay for them.

But, Mr. President, what concerns this Senator in particular is how my State of New Hampshire gets shortchanged in the funding formula in S. 641.

The Senate Labor Committee provided me with a State-by-State breakdown of 1996 funds under this bill. According to the Labor Committee, when you combine titles I and II, my State of New Hampshire gets about $1,125,000.

It is difficult to look at this number and determine whether this is higher or lower than what we should be getting. So, my staff calculated, using Census Bureau population statistics, how much each State gets back for every dollar it contributed for this bill. This new breakdown clearly shows where most of the money is going.

New Hampshire gets only 20 cents on the dollar.

That is, for every dollar we put in, we only got 20 cents back, while the State of New York gets $3.18 for every dollar they put in.

Washington, DC, gets $7.26 for every dollar.

I ask unanimous consent that this State-by-State breakdown be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1996 FUNDING BREAKDOWN FOR S. 641, THE RYAN WHITE CARE ACT

[By total funds and cents on the dollar]

State	S. 641 Funds (in thousands) [1]	Population (in thousands) [2]	Cents on the dollar [3]
Alabama	$1,350	4,1872	$.24
Alaska	100	599	.12
Arizona	2,794	3,936	.52
Arkansas	753	2,424	.23
California	69,290	31,211	1.64
Colorado	3,581	3,566	.74
Connecticut	4,618	3,277	1.04
Delaware	586	700	.62
D.C.	5,578	578	7.26
Florida	35,585	13,679	1.92
Georgia	8,626	6,917	.92
Hawaii	499	1,172	.32
Idaho	138	1,099	.09
Illinois	10,415	11,697	.66
Indiana	1,537	5,713	.20
Iowa	333	2,814	.09
Kansas	812	2,531	.24
Kentucky	644	3,789	.13
Louisiana	4,530	4,295	.78
Maine	228	1,239	.14
Maryland	8,577	4,965	1.27
Massachusetts	6,956	6,012	.85
Michigan	4,310	9,478	.34
Minnesota	1,725	4,517	.28
Mississippi	954	2,643	.27
Missouri	4,310	5,234	.61
Montana	100	839	.09
Nebraska	267	1,607	.12
Nevada	964	1,389	.51
New Hampshire	302	1,125	.20
New Jersey	19,678	7,879	1.85
New Mexico	479	1,616	.22
New York	78,531	18,197	3.18
North Carolina	2,415	6,945	.26
North Dakota	100	635	.11
Ohio	3,291	11,091	.22
Oklahoma	1,051	3,231	.24
Oregon	2,241	3,032	.54
Pennsylvania	8,501	12,048	.52
Rhode Island	555	1,000	.41
South Carolina	2,680	3,643	.54
South Dakota	100	715	.10
Tennessee	1,847	5,099	.27
Texas	24,096	18,031	.99
Utah	428	1,860	.17
Vermont	104	576	.14
Virginia	3,668	6,491	.42
Washington	4,151	5,255	.58
West Virginia	211	1,820	.09
Wisconsin	1,068	5,038	.16
Wyoming	100	470	.16
Puerto Rico	13,690	.....	.....
Totals	349,451	257,908	1.00

[1] Source: Senate Labor and Human Resources Committee.

[2] Source: 1993 figures, U.S. Census Bureau.

[3] Figure obtained using the following formula: S/(P/U*T). S= FY96 funding (titles I & II) by state; P= state population; U= Total U.S. Population; T= total funding under S. 641 (titles I & II).

Mr. SMITH. Mr. President, as I look at this table, it seems to me that my State would be better off funding its AIDS programs on its own.

If we collected $10 in State taxes, we would have $10 to spend on AIDS services.

But, under this formula, we give the Federal Government $10, and Uncle Sam writes us a check for $2, and then tells us how to spend it.

I would urge my colleagues to take a look at this breakdown, and consider how their own State does, before supporting this bill.

Mr. President, I have to congratulate the proponents of this legislation. They have done a superb job at packaging it up with a glitzy title, lots of cosponsors, and a masterful press campaign.

Everyone knows the story of Ryan White, the courageous 13-year-old boy who fell prey to this devastating disease.

It is a very effective technique. You name your bill after a person with a heroic story who is deeply admired by millions of Americans, like Ryan White, and people are afraid to vote against it.

This makes for good politics, but, too often, bad policy.

Frankly, Mr. President, if Ryan White were alive today, because he was from Kokomo, IN, and not a big city, he would not qualify for assistance under the emergency relief program—which accounts for $368 million—nearly half of next year's funds.

The only funds that he might qualify for would be under the ''CARE grant program'' (title II) which are distributed by a formula using the numbers of AIDS cases, rather than the size of the cities. But, according to CBO, the formula in this bill only allocates $205 million for this section—just over half the amount allocated for the big cities.

So, the big cities get $368 million, the rest of the country—including those same big cities—get to divide up the $205 million that is left over.

If we are trying to help all AIDS victims, like Ryan White, why are most of the funds being funneled into large cities?

Some would argue that they get more funds because they have more AIDS cases. That is not why they do better under this bill.

That might be the reason that States with big cities get more money under title II, the $205 million CARE program. But the bulk of funds in this bill go to title I—$368 million.

That section says that big cities, cities with more than 500,000 residents, get all of the money, as long as they have more than 2,000 cases of AIDS.

If you have 499,000 residents, and a huge AIDS population, forget it. You get nothing. This has nothing to do with AIDS cases, or fairness, or need—only size.

Suffice it to say that my State does not have any cities that are that big.

Manchester has about 100,000 people.

Nashua has about 80,000.

Concord has about 36,000.

So, this bill says ''tough luck for the State of New Hampshire, and many other States.''

That is not to say that New Hampshire does no have an AIDS problem. We have the same problem that every other State has.

I would urge my colleagues to take a look at the state-by-state breakdown that I put in the RECORD earlier and see how your own State does.

But, we could have the highest incidence of AIDS in the Nation, and that would not matter. Under title I, it is cut and dry. Unless you have 500,000 residents, you don't get a nickel.

In conclusion, Mr. President, it would be very easy for me to look the other way and vote for this bill. I would probably save myself a lot of grief and controversy.

UNANIMOUS-CONSENT AGREEMENT

Mrs. KASSEBAUM. Madam President, I think we have now reached an agreement.

I ask unanimous consent that the following amendments be the only amendments in order to S. 641, and that no second-degree amendments be in order to the amendments: the pending amendment is No. 1854. Then following, Helms amendment 1855; Helms amendment 1857, regarding funding equity; Helms amendment 1856, regarding training; Kassebaum amendment 1860, regarding funding equity; a Kassebaum amendment regarding promotion, 1858; a Gregg amendment regarding FDA, and a Kennedy amendment regarding FDA.

Further, that all debate time be used on the above-listed amendments this evening with the exception of the amendment to be offered by Senator GREGG, and the amendment to be offered by Senator KENNEDY.

Further, that at the hour of 9:15 a.m. on Thursday, Senator REID be recognized for up to 15 minutes for general debate on the bill, to be followed at 9:30 by Senator GREGG, to be recognized to offer his amendment on which there would be 1 hour to be equally divided in the usual form.

I further ask that following the conclusion of the debate on the Gregg amendment, Senator KENNEDY be recognized to offer his amendment regarding FDA, on which there would be 30 minutes to be equally divided in the usual form, and that following that debate the Senate proceed to vote first on the Helms amendment 1854, followed in sequence with two back-to-back votes on other amendments in the order in which they were offered, and that there be 10 minutes for explanation between each of the remaining votes, to be equally divided in the usual form, and that following the disposition of the above-listed amendments, the Senate proceed to third reading and final passage, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. KASSEBAUM. Further, Madam President, I ask unanimous consent that any votes occurring after 12:30 p.m. as a result of this agreement be postponed to occur at a time to be determined by the two leaders.

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

Mrs. KASSEBAUM. I thank the Chair.

Madam President, there are no further votes for this evening.

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.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

MORNING BUSINESS

Mrs. KASSEBAUM. I also ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO THE LATE FRANCIS M. HIPP

Mr. THURMOND. Mr. President, over the past 40 years, South Carolina has enjoyed tremendous economic growth, and has emerged as one of the Nation's leading centers for commerce and industry. Many people have had a role in this success, and I rise today to pay tribute to one person who made many contributions to our State's prosperity, Mr. Francis Moffett Hipp, who passed away earlier this week at the age of 84.

Mr. Hipp was recognized throughout South Carolina as both a community and a business leader. His father founded the Liberty Life Insurance Co., which Francis eventually took over and ran as its chairman. Under his direction, the company grew and diversified, even acquiring a chain of television stations, including one in Columbia, SC. The Liberty Corp., as it is now known, is one of our State's largest insurance companies, employing literally thousands of people and contributing an inestimable benefit to South Carolina and its economy.

Because of his stature as a businessman, and his concern for the future of our State, Mr. Hipp also served as the chairman of both the South Carolina Development Board and the South Carolina Research Authority. Both these organizations have played important roles in expanding the Palmetto State business community, and during his tenure at those agencies, Mr. Hipp's dedication and vision helped greatly to develop industry in our State. Thanks to the concerted efforts of Francis Hipp, and those who worked with him, our State stands both financially stronger and better positioned to compete in the 21st century global marketplace.

Mr. President, Francis Hipp led a full and productive life, and through his work, he left a tremendous mark on South Carolina. He was a gifted businessman, a committed citizen of our State, and a dedicated and loyal family man. I was proud to count this man among my friends and regret that the Senate schedule prevented me from attending his memorial service today. My sympathies and condolences go out to all who knew Francis Moffett Hipp, especially his sons; Hayne and John; and daughter, Mary Jane Hipp Brock. We will all miss this man of integrity, ability, and vision.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I learned that I had been elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, July 25, stood at $4,940,346,340,499.40 or $18,753.63 for every man, woman and child in America on a per capita basis.

IRISH-AMERICANS IN MISSISSIPPI TO HONOR CHOCTAW NATION

Mr. KENNEDY. Mr. President, this year marks the 150th anniversary of the beginning of the Great Famine in Ireland. While large numbers of men, women, and children were dying of starvation in Ireland in those tragic years, a group of Native Americans in this country tried to help.

The Choctaw Nation of North America raised $170 in 1847—the equivalent of about $3,000 today—for the victims of the Irish famine. Their contribution may have been small in terms of its

ability to affect the massive human tragedy taking place in Ireland, but it was a generous symbol of the compassion of the Choctaw Nation for those in desperate need. Sixteen years before the famine began, the Choctaws themselves were the victims of a forced displacement following passage of the Indian Removal Act of 1830, which compelled most Native Americans to move west of the Mississippi River. Many died on the journey known as the Trail of Tears. Yet despite their own tragic circumstances, the Choctaw reached out to the Irish people, whom they saw as more in pain and in need than themselves.

Earlier this year, President Mary Robinson of Ireland visited the tribal headquarters of the Choctaw Nation in Durant, OK, to thank the Choctaws personally for their ancestors' extraordinary generosity to the Irish people. President Robinson often evokes the story of the Choctaw Nation when talking about the Famine and about how the echoes of Ireland's tragic past continue to reverberate in Ireland today, giving the Irish a special affinity for those around the world who face hunger and oppression.

Everyone familiar with global humanitarian efforts knows that Irish aid workers are often the first to arrive to help at places of devastation around the world. President Robinson herself was one of the first to visit Somalia, and to call the world's attention to the starvation there.

His Eminence Bernard Cardinal Law, the Archbishop of Boston, recently informed me that Irish-Americans in Mississippi will honor the Choctaw Nation on September 9 and 10 with a picnic at the Jim Buck Ross Agricultural Museum in Jackson, MS. The sponsors are hopeful that Irish-Americans in other parts of the country will enhance the success of this tribute. Anyone interested in learning more about this auspicious occasion should contact Mr. Sean McGuinness at the Celtic-American Heritage Society, Post Office Box 5166, Jackson, MS 39296–5166.

I commend the Hibernian Society for this well-deserved honor for the Choctaw Nation.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. HOLLINGS. Mr. President, earlier today the Senate held three rollcall votes relating to United States policy in Bosnia. Regrettably, I was necessarily absent during these votes due to my attendance at a funeral in South Carolina. Had I been present at the time, I would have voted for the Cohen amendment, for the Nunn-Graham amendment, and for final passage of the Dole-Lieberman bill (S. 21). I thank my colleagues for the opportunity to state my position and I thank the Chair.

TRIBUTE TO MARLA GARBER

Mr. CAMPBELL. Mr. President, I rise today to share with you the story of Marla Garber, a free spirit who rode the length and breadth of the United States on her motorcycle accompanied only by her dog Skooter.

She was a remarkable young woman; one of those ''rugged individualists,'' constantly seeking adventure in her life and traveling into the depths of the country in her pursuit of it. She shared the stories of the fascinating people she met on her journey's and the memories of the places she had seen with much of the American public, writing for several motorcycle magazines. In this way, she was able to leave her mark on society and the people of the country.

Marla Garber was a woman of vision and strength, a pioneer in her time. A friend of hers described her as one of those who ''followed their callings to and beyond the ends of the known world and came back overflowing with stories of strange places * * * and wondrous things they'd seen.'' Marla Garber was unique for this day and age, and I admire her spirit.

We all suffer from her loss, as surely as we all benefitted from having her among us.

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

H.R. 1943. An act of amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of House amendment numbered 1: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. BLILEY, Mr. MILLER of California, and Mr. DINGELL.

For consideration of House amendment numbered 2: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. THOMAS of California, Mr. ROTH, Mr. BLILEY, Mr. COBLE, Mr. MILLER of California, Mr. HAMILTON, Mr. DINGELL, and Mr. MINETA.

For consideration of House amendment numbered 3: Mr. SPENCE, Mr. KASICH, and Mr. DELLUMS.

For consideration of House amendment numbered 4: Mr. COBLE, Mrs. FOWLER, and Mr. MINETA.

For consideration of House amendment numbered 5: Mr. YOUNG of Alaska, Mr. CALVERT, and Mr. MILLER of California.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1943. An act to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities; to the Committee on Environment and Public Works.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUYE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. 1075. A bill to reauthorize and improve the Individuals with Disabilities Education Act; to the Committee on Labor and Human Resources.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the ''Francis J. Hagel Building'', and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUYE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 156. A resolution recognizing the contributions of the United States Army Air Forces to the United States victory in World War II; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

THE NATIONAL VOTER OPPORTUNITY TO INFORM CONGRESS EFFECTIVELY (VOICE) ON TERM LIMITS ACT OF 1995

● Mrs. HUTCHISON. Mr. President, I offer a bill similar to one I introduced in the last Congress. My bill, the National Voter Opportunity To Inform Congress Effectively on Term Limits—or VOICE—Act, would authorize a national advisory referendum on term limits for Members of Congress. It is a companion bill to legislation being introduced today in the House by Congressman PETE HOEKSTRA of Michigan.

In recent years, the American people have come to realize that the seniority system, coupled with the overwhelming electoral advantages of incumbency, has created a class of career politicians—a class not envisioned by our Founding Fathers.

Our Founding Fathers envisioned the Congress as a body of citizen-legislators. People who had trades, professions, or businesses would serve for a period of time, bringing with them experience and fresh ideas to shape the laws that would govern commerce and quality of life.

There has been a vigorous grassroots effort mounting in this country to return us to this vision. Especially over the past few years, the movement to limit congressional terms has gained significant ground. Despite the Congress' reluctance to impose term limits on itself, the people have chosen to press forward without us by passing ballot initiatives to limit the terms of their own Federal representatives. In 23 States—nearly half the country—the people have spoken overwhelmingly and unequivocally that they want the terms of their Congressmen and Senators to be limited.

Last May, the term limits movement suffered a major blow with the Supreme Court's ruling in U.S. Term Limits, Inc. versus Thornton. In a 5-to-4 decision, the Court said the State-imposed term limits violate the Constitution and that any effort to limit congressional terms must be done through a constitutional amendment. This ruling effectively overturned all 23 States term-limits laws that had been passed up to now.

The House's failure to pass an amendment last March proves that there is virtually no chance for term limits in this Congress. Even in this Chamber, a recent rollcall survey found that we are still 24 votes shy of having enough support to approve a term-limits amendment. Congress is truly out of touch with America on this issue.

That is why, Mr. President, I feel it is so important that we give every American, in all 50 States, an opportunity to speak directly to their Federal representatives on the term-limits matter. My bill would do just that by conducting a nonbinding, national referendum. It would place a simple and straightforward question on every ballot in the 1996 election, ''Should Congress approve a constitutional amendment to limit the number of terms that a Member of the United States House of Representatives and United States Senate can serve in office? Yes or No.''

Let me hasten to add that this legislation would not create an unfunded Federal mandate. This bill provides that States would be reimbursed at a rate of 4 cents per voter for the cost of putting the question on the ballot. This Federal reimbursement would be offset by corresponding reduction in the franking budget for Members of the House and Senate.

Mr. President, I want to urge my colleagues to join me in giving the American people a voice in the next election on whether the terms of their representatives in the U.S. Congress should be limited. Rather than debating about what we think the American people want and need, let's give them the opportunity to tell us themselves, clearly and directly. It is time we invoke the communicative power of democracy and ask the people what they think.●

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUYE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

THE LUPUS RESEARCH AMENDMENTS OF 1995

● Ms. MOSELEY-BRAUN. Mr. President, today, I am introducing with Senators SIMON and INOUYE the Lupus Research Amendments of 1995. This bill would provide the funding so desperately needed by NIH to increase current education, prevention, and treatment efforts.

Systemic lupus erythematosus [lupus] is a painful, potentially devastating chronic autoimmune disease that occurs mostly in young women of childbearing age. Lupus causes the body's defense system to malfunction and attack its own healthy organs. Every element of the victim's musculoskeletal system is susceptible, ranging from the skin and joints to the blood, heart, lungs, and kidneys.

Health officials estimate that between 1.4 million and 2 million Americans, 90 percent of whom are female, are afflicted with lupus. Both the cause and a cure for lupus are currently unknown. Treatments can be effective but can lead to adverse side effects which cause severe and sometimes incapacitating pain, making it impossible for victims to maintain jobs and live normal lives. Increased and intensive research, thus, offers the best hope for prevention and better treatment of lupus and its related disabilities.

The Lupus Research Amendments of 1995 would expend clinical research for the discovery and evaluation of new treatments; encourage the coordination of improved screening techniques; and improve information and education programs for health care professionals and the public. In addition, researching the cause of lupus may reveal other abnormalities of the immune system, and this knowledge could help experts better understand related illnesses. It is to this end that I reintroduce this legislation, which authorizes funding of $20 million for fiscal year 1996 and such sums as may be necessary for both fiscal years 1997 and 1998.

This legislation can make a real difference to the millions of Americans, particularly women, who are afflicted with lupus. I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lupus Research Amendment of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more than men;

(3) there are 3 main types of lupus; systemic lupus, a serious form of the disease that affect many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that over 500,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatment of the disease can be effective, but may lead to damaging side effects; and

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING LUPUS.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following new section:

''LUPUS

''SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

''(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

''(2) Basic research concerning the etiology and causes of the disease.

''(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

''(4) The development of improved screening techniques.

''(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

''(6) Information and education programs for health care professionals and the public.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for such purpose.''.●

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. 1075. A bill to reauthorize and improve the Individuals With Disabilities Education Act; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1995

Mr. HARKIN. Mr. President, 20 years ago this November, Congress enacted Public Law 94–142, the Education for All Handicapped Children Act, now known as part B of the Individuals With Disabilities Education Act [IDEA]. The purpose of this law is simple—to assist States and local communities meet their obligation to provide equal educational opportunity to children with disabilities in accordance with the equal protection clause of the 14th amendment of the U.S. Constitution.

I believe that IDEA is an excellent law. Prior to the enactment of Public Law 94–142, 1 million children with disabilities were excluded entirely from receiving a public education and more than half of the children with disabilities in the United States did not receive appropriate educational services that would enable them to enjoy full equality of opportunity.

Because of IDEA, millions of children with disabilities are now receiving a free and appropriate public education. Educational outcomes for children with disabilities have improved dramatically over this 20-year period.

For many parents who have disabled children, IDEA is a lifeline of hope. As one parent recently told me:

> Thank God for IDEA. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as ''one of the guys.'' I am now confident that he will graduate high school prepared to hold down a job and lead an independent life.
>
> The rewards of IDEA go beyond the classroom and into the very being of our family. IDEA gives us the strength to face the challenges of bringing up a child with a disability. We know that our son is entitled to an appropriate education just like his nondisabled peers. We also know that IDEA provides us with the tools to ensure that the promise of equal educational opportunity is realized.

In May, Danette Crawford, a junior at Urbandale High School in Des Moines, IA, testified before the Subcommittee on Disability Policy. Danette explained that she has cerebral palsy which greatly limits her ability to carry out any personal care tasks and fine motor activities such as writing. She uses a wheelchair for mobility. Danette testified that:

> My grade point average stands at 3.8 and I am enrolled in advanced placement courses. The education I am receiving is preparing me for a real future. Without IDEA I am convinced I would not be receiving the quality education that Urbandale High School and the Talented and Gifted Program provide me. After graduating high school I hope to attend Carleton College in Northfield, Minnesota, focusing on a double major in political science or history and Spanish. Carlton is sometimes referred to as the ''Harvard of the midwest.'' I hope to pursue a law degree.

However, despite the great progress that has been made over the past 20 years, significant challenges remain. As Secretary Riley points out, too many students with disabilities are still failing courses and dropping out of school; enrollment in postsecondary education is still too low; and too many students are leaving school ill-prepared for employment and independent living.

As ranking member of the Subcommittee on Disability Policy, I am pleased to introduce, along with Senator KENNEDY, the ranking member of the Labor and Human Resources Committee, the Clinton administration's bill reauthorizing the Individuals with Disabilities Education Act.

With this reauthorization we have the opportunity to take what we have learned over the past 20 years and use it to update and improve this critical law.

I commend Secretary Riley, Judy Heumann, Assistant Secretary for Special Education and Rehabilitative Services, Tom Hehir, Director of the Office of Special Education Programs, and their staffs for developing a carefully crafted bill that will enhance educational opportunities for over 5 million children with disabilities.

The administration has developed their bill based on numerous meetings and discussions with all interested parties, including parents, educators, and administrators across the country. The administration has reviewed over 2,000 recommendations sent in response to a call for comment last fall on suggestions for improving the IDEA.

I do not believe that everyone will be in complete agreement about each of the provisions in the bill. But, I do believe that the administration has achieved a necessary balance that is so important in this law.

I fully support the six key principles on which the administration's proposal are based:

Aligning IDEA with State and local education reform efforts so students with disabilities will benefit from them;

Improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent possible;

Addressing individual needs in the least restrictive environment for students;

Providing families and teachers with the knowledge and training to effectively support students' learning;

Focusing on teaching and learning; and

Strengthening early intervention to ensure that every child starts school ready to learn.

I look forward to working with Senator FRIST, the chair of the Subcommittee on Disability Policy, Senator KASSEBAUM the chair of the Labor Committee, and other colleagues to craft a consensus bill in the tradition of this committee. It is my hope that the administration's bill will be used as the vehicle for achieving this consensus.

Mr. President, I ask unanimous consent that the letter of transmittal of the administration's bill from Secretary Riley to AL GORE, in his capacity as President of the Senate, be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF EDUCATION,
June 30, 1995.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is the ''Individuals with Disabilities Education Act Amendments of 1995,'' the Administration's proposal for improving and restructuring Federal education programs for children with

disabilities under the Individuals with Disabilities Education Act (IDEA). Also enclosed is a section-by-section analysis summarizing the contents of the bill. I am sending an identical letter to the Speaker of the House.

Since enactment of P.L. 94–142, the Education for All Handicapped Children Act of 1975, results for children with disabilities have improved dramatically. Before the enactment of that ground-breaking law, one million children with disabilities were excluded from school altogether, and many were housed in dehumanizing institutions. Today, one of the basic goals of the IDEA has been largely met—children with disabilities have access to education. As we undertake a review of this legislation, we reaffirm our commitment to the basic purposes of the IDEA and the recognition of the Federal role in ensuring that all children with disabilities are provided the equal educational opportunity that the Constitution guarantees. With this reauthorization, we have the opportunity to take what we have learned over the past twenty years and use it to update and improve this important law.

Despite the great progress that has been made, significant challenges remain. Too many students with disabilities are failing courses and dropping out of school. When appropriate interventions are not provided, these students often get in trouble with the law and spend significant time in jail. Enrollment in postsecondary education is still low, and students are leaving school ill prepared for employment and independent living. Children from minority backgrounds and children with limited English proficiency are often inappropriately identified as disabled and placed in special education classrooms with low expectations. In addition, school officials and others complain that the current law is unnecessarily prescriptive, that it focuses too much on paperwork and process, that it imposes unnecessary costs, that it creates barriers to effective discipline, and that it spawns too much litigation.

Our reauthorization proposal addresses these issues and makes improvements to ensure that the fundamental objectives of the law are achieved, while preserving and maintaining existing rights and protections for children and their families. We based our reauthorization proposal on six key principles that clearly define our mission to improve results for students with disabilities, beginning as early as possible in the child's life.

(1) Align the IDEA with State and local education reform efforts so students with disabilities can benefit from them.

(2) Improve results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

(3) Address individual needs in the least restrictive environment for the student.

(4) Provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

(5) Focus on teaching and learning.

(6) Strengthen early intervention to ensure that every child starts school ready to learn.

Aligning the IDEA with State and local education reform efforts so students with disabilities can benefit from them underlies our entire proposal.

We need to stop thinking about ''special education'' as a separate program and separate place to put students and start thinking about the supports and services children need in whatever setting is the least restrictive—whether it be the regular classroom, a resource room, a separate classroom, or a separate school. We must promote the transformation of our current categorical education system into a system for all children that meets the individual needs of each child.

We envision an education system that sets higher expectations for all students, gives all students the opportunity to learn to challenging standards, and takes responsibility and is accountable for the success of all children. The strategies we describe below are critical to the development of a system that meets this vision.

Our second principle is that the IDEA must focus on improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

We know that most children work harder and do better when more is expected of them. Disabled students are no different. When we have high expectations for students with disabilities, most can achieve to the challenging standards established for all students, and all can achieve more than society has historically expected.

One strategy for increasing expectations and access to the general curriculum is improving the individualized education program (IEP). Our proposal would refocus the IEP process on educational results and include requirements that make more sense. The new IEP would include meaningful annual objectives for the student and focus on enabling the child to participate and achieve in the general curriculum. Parents would be informed of their children's progress, by means such as report cards, with the same frequency used to inform parents of nondisabled children. The IEP procedures would be revised to require the participation of at least one regular education teacher in the IEP meeting, and provide for earlier transition planning to help ensure that each student completes secondary school prepared for employment or postsecondary education and independent living.

A related strategy for promoting high expectations and access to the general curriculum is the inclusion of students with disabilities in State and district-wide assessments. While civil rights laws already prohibit the discriminatory exclusion of students with disabilities from participation in assessments, some States exclude over 90 percent of all students with disabilities from those assessments. Of course, a small number of students with significant cognitive disabilities cannot appropriately be included in general State and district-wide assessments. States and districts would conduct alternate assessments for these few students.

Our long-range strategy is that each State would use assessment results and other data it collects on students, such as drop-out rates, to assess and report on its progress toward meeting goals the State would establish for the performance of children with disabilities. We believe that when States assess students with disabilities and report to the public on the results, they will focus more on ensuring that students with disabilities receive the help they need to participate and achieve in the general curriculum and meet the challenging standards established for all students.

The third principle underlying our proposal is addressing individual needs in the least restrictive environment appropriate for the student.

A central purpose of the IDEA is to ensure that each child receives an effective and individualized education that addresses the child's particular needs in the least restrictive environment. Today, children are often identified and served according to the disability category within which they are labeled rather than according to what they need to achieve their full potential. Several critical changes will help defeat this unfortunate categorization.

Our first strategy is to ensure that Federal and State requirements and funding systems do not create disincentives for appropriate placements and services. We propose that the Federal funding formula be changed to allocate to States all new funding above their fiscal year 1995 grants on the basis of the total number of children in the State, not just children with disabilities. This change in the formula would remove disincentives for States to undertake improvements such as the increased provision of early intervention services, and would remove incentives for States to over-identify students as disabled. We are also proposing that any State that bases State aid on the type of settings in which children are served demonstrate that its funding formula does not result in placements that violate the IDEA's least-restrictive-environment requirement or agree to change its formula.

Our second strategy is to promote better ways of identifying and serving students. Under the current IDEA, students must be identified as being in one of 13 specific disability categories to be served. This fosters an undesirable categorical approach to evaluating, labeling, placing, and serving children. We propose to use a new eligibility definition which, together with changes in reporting requirements, would encourage States to move toward less categorical approaches, while permitting States to retain their current eligibility criteria if they choose to do so. Evaluation procedures would also be streamlined so that what is educationally relevant is not lost and resources can be better devoted to helping students. Currently, States are required to conduct extensive evaluations and reevaluations that are costly and of limited utility in making decisions regarding a student's particular educational needs. Under our proposal, agencies would be required to convene an evaluation team every three years to consider the need for additional data, but they would no longer have to conduct tests to re-determine whether the child has a disability unless the agency or parent believes it is necessary. Our proposal would increase the focus of evaluations and reevaluations on instructionally relevant information and whether modifications are necessary to achieve the IEP objectives for the child.

Our fourth principle is that families and teachers must have the knowledge and training to effectively support student learning.

We must provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

There are 14 categorical programs in the IDEA, and over the past two decades there has been much good work done in each of them. However, despite some real successes, we believe that these programs need significant reform. Having developed separately over the years to address specific issues, the 14 programs are fragmented and too narrowly focused. We envisioned a streamlined, comprehensive, and coordinated approach for the discretionary programs that will be more effective in improving results for children with disabilities, while also making more effective use of resources. To achieve this, our proposal would replace the 14 current programs with five flexible authorities. This action would reduce duplication and fragmentation, while fostering collaborative, coordinated efforts across disciplines. The programs would concentrate on developing meaningful and timely information on improving results for students with disabilities and then putting that information into the hands of those who need it: States, school districts, educators, and parents. To ensure that issues concerning the special needs of children with low-incidence disabilities, such

as deaf-blindness, continue to be adequately addressed, there would be a minimum ''floor'' for discretionary spending across the new discretionary authorities to meet the needs of these children.

Family involvement is at the heart of the IDEA. Our proposal will more fully involve parents in decisions about where and how their child is educated. For example, our proposal would require parents to be involved in the decision regarding the child's educational placement. Currently, parents are entitled to participate in the IEP meeting in which decisions are made about the services to be provided, but they are not entitled to participate in placement decisions, and are, therefore, often excluded. Detailed notice to families of their rights is another critical safeguard, yet families currently receive duplicative notices with excessive and confusing information. Our proposal would streamline the notice requirements while ensuring that families would receive all the necessary information whenever they need it.

We also want to reduce unnecessary lawsuits that create emotional and financial burdens for parents and school districts. While the right of parents to ''due process'' hearings to resolve disputes is central to the implementation of the law, recourse to these hearings should be a last resort when less adversarial methods have failed. In States that have mediation in place, parents and school districts report that mediation not only helped them to clarify and resolve their particular disagreement, but that it also helped them to work together better and avoid future conflicts. Our proposal would require that mediation be offered to all parents as an option to resolve disputes.

Many children with disabilities have significant health and other needs that cannot and should not be met by schools alone. Our proposal would give States and districts the flexibility to use some of their IDEA funds to help support the development of State or district-wide systems for coordinating education, health, mental health, and social services.

OUR FIFTH PRINCIPLE IS TO INCREASE THE FOCUS ON TEACHING AND LEARNING

Over the past 20 years, the IDEA has focused on process without sufficient attention to educational results for children with disabilities. Too often, the fundamental purpose of the law is lost. To achieve the improvements we are seeking, we must maximize the extent to which resources are used for teaching and learning. The proposals I have described above for improving IEPs, eligibility determinations, and evaluations of children will help to redirect considerable resources toward more instructionally relevant activities that support higher achievement for children with disabilities. We also propose to reduce unnecessary paperwork for schools, while improving services for students, by allowing schools to use their IDEA funds to pay for special education services in the regular classroom for the purpose of benefiting students with disabilities without having to track whether nondisabled students also benefit.

Requirements imposed on State and local educational agencies also drain resources that could be better used to improve teaching and learning. For example, current application requirements direct States to document their compliance with various procedures. To establish their eligibility for funding, States routinely submit to the Department boxes of documents containing copies of all State policies and procedures for special education. Yet, States are not required to plan for improving educational results. To reduce unnecessary burden, our proposal would eliminate State plans. States would merely be required to update documentation kept on file at the Department. Similarly, we would give States the discretion to eliminate applications from LEAs as long as appropriate documentation is on file.

A new State improvement authority would recognize the key role that the States play in implementing the law and enhance the ability of State agencies to carry out their own plans for program improvement by providing flexible resources based on an IDEA State Improvement Plan. Recognizing that the essential element of school improvement is well-prepared teachers and administrators, the authority would focus substantial attention and funding on teacher preparation. This authority would distribute funds to States on a formula basis and would be an impetus for improving the entire IDEA program by giving States additional resources to undertake the strategies they have identified for meeting their performance goals for children with disabilities. To assist States in these efforts, States would also be given flexibility to consolidate funds available for administration of Part B programs.

Maintaining a safe and orderly environment is essential for learning. Our proposal addresses the issue of school discipline related to students with disabilities. We believe the changes we are proposing to improve the educational opportunities of students with disabilities and to promote effective practices will help curb potential discipline problems. However, prevention is not always sufficient, and there are times when schools must take steps to address misconduct. Our proposal would extend the Improving America's Schools Act amendment to IDEA, which permits schools to immediately remove a child from the classroom for up to 45 days for bringing a gun to school, to cover other dangerous weapons such as knives. We are also proposing that schools be permitted to go to hearing officers to obtain quick decisions about whether a child is dangerous and may be removed from the classroom. Hearing officers already exist in every State to address special education issues. This provision would help schools to expedite decisions related to dangerous conduct that does not involve weapons.

Our sixth principle is to strengthen early intervention to help ensure that every child starts school ready to learn.

Support for families also means working with them to address the early intervention needs of their infants and toddlers. While States and communities have made tremendous progress in implementing their early intervention systems for children from birth through age two under Part H of the IDEA, there remain two major challenges: ensuring that all eligible infants and toddlers receive services, and supporting the prevention of developmental delays by expanding the inclusion of at-risk infants and toddlers within the Part H comprehensive system of services. To address these challenges, our proposal would give States greater flexibility in their efforts to serve infants and toddlers at risk of developmental delay. We also propose to draw on the best expertise in the nation to evaluate the need for and develop an appropriate definition of developmental delay in infants and toddlers in order to help States ensure that all children in need are identified and served.

I urge Congress to act favorably and quickly on these proposals. Their enactment will help local communities in their efforts to create safe, disciplined schools that have high expectations for all their students, and well prepared teachers, and will strengthen the involvement of families in their children's education. I look forward to working with you as we all strive to improve the IDEA in order to improve results for children with disabilities.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,

RICHARD W. RILEY,
Secretary.

Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HARKIN, the ranking member of the Subcommittee on Disability Policy of the Labor and Human Resources Committee, in introducing the Clinton administration's bill reauthorizing the Individuals With Disabilities Education Act.

In its 20 years of existence, IDEA has greatly improved public education for students with disabilities in the United States. It has given them the opportunity for a public education and the necessary services to improve the quality of their lives and futures.

However, despite the significant advances made through IDEA over the past 20 years, we still have a long way to go. Educational outcomes for students with disabilities remain less than satisfactory. Enrollment in post-secondary education is low, and students with disabilities too often emerge from public education poorly prepared to find employment and live independently.

Moreover, children from minority backgrounds are often mislabeled and placed in special education classrooms, subject to low expectations for achievement. In the majority of States, African-American students are overrepresented in special education programs, compared with their percentage of the overall student population. In fact, studies have shown that young African-American males are often inappropriately placed in special education programs, or placed in overly restrictive settings. Once there, they generally remain trapped there, often with very little opportunity to move into regular classrooms, even when such transitions are obviously warranted.

Currently, Federal and State funding contributes to this problem by creating disincentives for appropriate placements and services. Some funding systems base allocations on the number of disabled students that each State educates. As a result, special education programs often operate in ways specifically designed to attract State and Federal dollars to local school districts—not to serve students best.

The administration's bill takes a significant step in addressing this problem by changing the formula so that all new funding to States above their grants for the 1995 fiscal year is allocated on the basis of the total number of children in the States, rather than just the number of children with disabilities.

We have learned much over the past 20 years, and have gained an understanding about what does and does not work. We now have the opportunity to

make significant improvements in the implementation and enforcement of this important law. The Department of Education has worked diligently and carefully to develop legislation that makes substantial improvements in areas that need revision, and to expand upon provisions that have worked in the past.

Specifically, the legislation focuses on aligning IDEA with State and local education reforms, giving students with disabilities the same opportunity to benefit from those reform efforts as other students. The legislation focuses on ensuring that each child receives an individualized education that addresses the child's particular needs in the least restrictive environment possible. It increases the focus on teaching and learning, and works to strengthen early intervention to help ensure that every child starts school ready to learn. It promotes training and education for parents and teachers to help them serve their students better.

The bill also promotes involvement by families of every economic level. Family involvement is a critical component of success in education, and should be at the heart of education reform. Parents in all communities must be able to take a more active role in decisionmaking concerning the education and placement of their children. The administration's bill takes effective steps to make this possible, and contains provisions to ensure that families, teachers and school administrators have the knowledge and training they need to work effectively with students and with each other. It also provides mechanisms to encourage mediation as an available option for parents seeking to resolve disputes.

One of the most significant reforms of public education is to reduce categorizing and labeling, and to focus instead on raising expectations and increasing access to the general curriculum for all students.

All children have the right and deserve the opportunity to receive the proper education for their individual needs, whether or not they have a disability. Each parent has a right to be involved in that process.

I am proud to cosponsor this vital legislation, and I commend Secretary Richard Riley and his staff for their efforts to make the act more effective for all children with disabilities. I look forward to working with my colleagues on the committee to reauthorize and improve IDEA and to achieve its great goals.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the ''Francis J. Hagel Building,'' and for other purposes; to the Committee on Finance.

THE FRANCIS J. HAGEL BUILDING ACT OF 1995

● Mrs. BOXER. Mr. President, I am honored to rise today to introduce this legislation to honor a true hero among civil servants—Frank Hagel—a Federal employee who rose through the ranks to become a top manager and whose leadership was sorely tested during a crisis at the center a few years ago.

His death at an early age last January was mourned throughout the San Francisco Bay area.

Frank Hagel was the seventh director of the Social Security Western Program Service Center in Richmond, CA. Built in 1975, the center stands in the heart of Richmond, and has had as many as 2,000 employees, but now down to 1,200 largely because of automation. In addition to updating the benefit payment rolls, center employees answer the Social Security Administration's national toll-free number during peak times.

Hagel, a native of Missouri, began his Federal career as a file clerk in 1965 at what was then called the Kansas City Payment Center. His hard work and talent enabled him to work his way up through technical and managerial positions in the organization. His special abilities were recognized at the highest levels in SSA. He was called upon frequently to lead management review teams, to serve on strategic planning task forces, and to lead national work groups on critical organizational issues. For his effort, he was recognized with the agency's highest honor award, the Commissioner's Citation.

In March 1986, he moved to California from Missouri to undertake the challenge of providing Federal oversight and liaison to the State of California's disability determination process. He helped the State achieve consistency in timeliness and accuracy.

His continued success led to his promotion in December 1990, when he became Assistant Regional Commissioner, processing center operations. This was a crowning achievement for a man who had started 25 years earlier as a file clerk. Before the year was out, Hagel's skills and abilities would be tested again.

The Western Program Service Center suffered an outbreak of Legionnaire's disease in September 1991. This outbreak included two deaths and serious illness to a dozen more employees from the disease. Fear and panic were rampant but Hagel led his employees through this terrifying period. His first steps were to reassure employees by providing information, health screening, and blood tests to all who wanted it. Hagel then began to put the center back in operation. Because the building had to be closed, the entire 1,200-person work force had to be relocated, and within 2 weeks the operation serving Social Security beneficiaries was back on its feet.

Hagel's calm and steady hand at the head of the center during this crisis earned him a second Commissioner's Citation in 1992.

In 1994, Hagel became Assistant Regional Commissioner, management and budget, region IX. In this position, he had a broader set of responsibilities to provide support to the entire regional operation, including 180 field facilities. Again, his leadership and his example proved invaluable to the region.

Hagel died on January 1, 1995, leaving a reputation for his willingness to listen closely to everyone, unerring respect for each and every individual, broad lines of communication from labor to the business community and most important, an intense caring for the American people for whom he served.

That caring carried into his personal life. He counseled at-risk youth at the high school level and encouraged other adults to participate.

Mr. President, hundreds of Social Security employees have petitioned me—from mail clerks to top managers—asking that we honor Frank Hagel by naming the building in which they work after their late leader. I am honored to present legislation carrying out their wishes.

I ask unanimous consent to include in the RECORD a copy of the bill and a resolution from the city of Richmond, CA, in support of this naming bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FRANCIS J. HAGEL BUILDING.

The Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, shall be known and designated as the ''Francis J. Hagel Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Francis J. Hagel Building.''

''RESOLUTION

''Whereas, The City of Richmond is proud to recognize significant contributions provided by Francis J. Hagel, to improve the quality of life of those Americans who qualify for Social Security benefits, and to provide critical assistance to Richmond residents, while Assistant Regional Commissioner for Processing Center Operations for the Social Security Administration's Western Program Service center in Richmond, and,

''Whereas, Francis J. Hagel, as a Richmond resident, was committed to rendering the highest caliber of community service to its inhabitants, and,

''Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations of the Social Security Administration's Western Program Service Center, directed the activities of employees processing the benefit payment records for over 4.5 million people in 14 western states and the Pacific Islands, and,

''Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations, with its 1200 employees, led it as an integral part of the local economy and one of its major employers: Now, therefore, be it

''*Resolved,* That I, Rosemary M. Corbin, Mayor of the City of Richmond, on behalf of

the City Council, in recognition of the valuable contributions made by Francis J. Hagel to the City of Richmond as a resident and also as Assistant Regional Commissioner for Processing Center Operations, do hereby support the request that the name of the Social Security Administration's Western Program Service Center be changed to the Francis J. Hagel Building.●

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUYE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

THE HYDROGEN FUTURE ACT OF 1995

Mr. HARKIN. Mr. President, on behalf of myself, Senators AKAKA, KYL, INOUYE, BINGAMAN, and REID, I am introducing today a very important piece of bipartisan legislation, the Hydrogen Future Act of 1995. I want to especially commend my colleague from Hawaii, Senator AKAKA, for his leadership in this area and for the good work he has done in putting together this bill. He continues a great tradition begun by the late Spark Matsunaga as a national leader in the field of hydrogen energy research and development.

Hydrogen is plentiful, efficient, and clean burning source of energy. It is ideal in that it combusts to pure water, and leaves no pollutants—no ozone depleting chemicals, no acid rain, no radioactive waste. All you get is pure, clean when you burn hydrogen.

Hydrogen also efficiently powers fuel cells, the latest breakthrough in power. Unlike electricity, which it complements, hydrogen can be stored and it can be piped long distances with no energy loss. And hydrogen energy is not simply a pipe dream. It is already on the road, powering some buses in Vancouver. But much more work needs to be done to bring hydrogen energy to the point where it can be used on a widescale basis.

With a modest investment in research and development, we can save billions through improved efficiencies and better protect our fragile environment. If we don't act now to develop this alternative energy source, our global competitors will clearly have an advantage. They are already investing more than we are in developing hydrogen. For example, as of several years ago, Germany was spending about $50 million a year on renewable hydrogen, five times our meager investment.

Our bill says that the United States is committed to hydrogen. We recognize its great potential. And we are willing to make a very modest and cost effective investment to back up that commitment. As does the bill passed by the House, our legislation authorizes $25 million in fiscal year 1996, $35 million in fiscal year 1997, and $40 million in fiscal year 1998 for research on hydrogen energy. This bill is clearly not everything I would want. It is a good faith attempt at a bipartisan compromise to move us forward.

As you may know, the House has already passed H.R. 655, the companion to our bill. H.R. 655 was sponsored by Representative BOB WALKER, chair of the House Science and Technology Committee, and it was passed by voice vote on May 2, 1995. Representative WALKER has been a real leader in this area and has done it not for political reasons, but out of a true commitment to science and a careful study of the great potential of hydrogen. So the Hydrogen Future Act has broad bipartisan support in Congress and I am hopeful that the Senate will follow the House in quickly and decisively passing this bill.

It is up to us to provide vision to the energy policy of this country by authorizing funds for hydrogen research. Then it is up to our scientists to provide focus to the hydrogen program, through the Hydrogen Technical Advisory Panel, which our bill continues, and through peer reviewed research, which our bill emphasizes.

During the first energy crisis back in the seventies, I served on the House Science and Technology Committee shaping programs for renewable energy and alternative energy production during the Carter administration.

And we held dozens of hearings regarding energy and particularly the role of technology in providing new sources of energy.

If one thing emerged from my 10 years on that committee, it was the understanding—the realization—that hydrogen is truly our best hope for an environmentally safe sustainable energy future.

I carried that understanding with me to the Senate where I learned even more from giants like Spark Matsunaga. And I am proud to have sponsored the Renewable Hydrogen Energy Research and Development Act which built on Senator Matsunaga's work and is reflected in the legislation we are introducing today.

I know hydrogen can be the answer to many of the energy and environmental challenges we face today. It can lead us down the road to a better future. But it is up to us to pave that road. It is up to us to build it. We should fund hydrogen research until every American knows what the promise of hydrogen is, through his or her use of hydrogen in everyday life.

And I know we have begun. When I first became interested in solar hydrogen several years ago, the DOE program consisted of three or four basic university research programs, exploring alternative methods to produce hydrogen. The program has grown—much more slowly than I would have liked—but it has grown.

In addition to the basic research into alternative hydrogen production techniques, DOE now funds programs in advanced hydrogen storage, systems analysis, as well as the fuel cell for transportation program that has grown a lot faster than the hydrogen program itself.

Do we want a set of fuel cell automobile fleets and hydrogen dispensing stations? Or do we want a dozen photovolatic and wind hydrogen generating stations? Do we want to set a long-term goal of supplying 1 or 5 or 10 quads of energy by 2105 from renewable hydrogen?

I would vote for all of the above.

But even if Congressman WALKER, Senator AKAKA, Senator KYL, I and the other supporters of this legislation succeed in doubling or tripling what I consider to be a totally inadequate hydrogen budget, we could not meet all of these goals.

So we have to be selective. We have to make choices. This bill does that. We have compromised on the level of funding authorized and the activities to be undertaken.

As I have indicated to you, there are many promising avenues of research for hydrogen. But I want to give one specific example so you can understand the potential of hydrogen. Well, let me tell you about a major hydrogen project that I think is quite important for America. It's called electro-farming.

As Joan Ogden of Princeton and other scientists have shown, hydrogen from biomass is probably the least costly source of renewable hydrogen we have today. DOE does have a biomass energy program, and it has grown very rapidly over the last few years. But the DOE biomass program is focussed on either methanol production or direct electricity production via steam generators—or on biomass gasification to drive gas turbines.

But, as far as I know, there is no program to maximize the hydrogen production in a biomass gasifier for use in a fuel cell. Electro-farming would take advantage of one of our Nation's greatest underutilized assets: the American agriculture production system.

What would that mean on the ground in a State like Iowa? Well right now, the Federal Government pays farmers not to grow crops on 34 million acres of erodible land—the Conservation Reserve Program or CRP.

Just a couple of years ago, the Iowa legislature passed legislation mandating utilities to buy renewable electricity at 6 cents per kilowatt/hour. Well, I worked out a proposal which I presented to the Hydrogen Technical Advisory Panel last year using present day input costs What we found was that if farmers grew an energy crop like switchgrass, the Government could save on CRP payments and the farmer could earn a profit for growing biomass for energy.

In fact, based on preliminary numbers we found that an Iowa corn farmer could earn 3–10 times more per acre growing switchgrass on an electro-farm than growing corn on a conventional farm. The fact is electro-farming is a win-win-win proposal. The Federal Government wins—cutting conservation reserve program payments, improving our environment, and reducing

dependence on foreign oil. The farmer wins—diversifying his earning base, improving his income, and possibly even becoming energy independent. And utilities win—adding capacity relative to demand and reducing transmission costs.

I think the electro-farm could form one foundation for what I believe to be a good midterm goal for the hydrogen program: sustainable energy centers.

As I suggested to the hydrogen scientists last year, the Department of Energy should initiate one or more sustainable energy centers to demonstrate the production, storage, and use of hydrogen as an energy carrier.

The main purpose of these centers would be to prove to the public and the business community the technical and economic potential of renewable hydrogen. This would show to everybody that hydrogen can provide a zero emission fuel for the future in a cost effective manner.

But unfortunately most people don't know about hydrogen. For most citizens, hydrogen reminds them of the hydrogen bomb or, if you're older, the Hindenburg. If we are to create a sustainable energy option for the future based on renewable hydrogen, we have to educate people on the merits of hydrogen. So the main purpose of the sustainable energy centers would be to show people how hydrogen can be used safely and effectively to heat their homes, power their cars, and drive their factories.

The sustainable energy centers would also serve as a training center for hydrogen scientists and technicians. It would permit the testing of new hydrogen components, and it would permit the integration of various production, storage, and utilization devices into a complete working energy system. In addition, it would permit the evaluation of many costs, to reassure private industry and interest them in developing hydrogen products on a commercially viable basis.

I believe that sustainable energy centers will take hydrogen the next step—moving it from a university-based R&D program to a publicly accepted energy carrier to complement electricity.

And substantially increasing the hydrogen budget is critical to move hydrogen from a basic R&D program to a major sustainable energy option for the 21st century.

In short, we all know what the vision is: hydrogen produced by renewable energy with absolutely no pollution of any type, and no resource depletion of any kind—a truly sustainable energy option.

Now we need to put flesh and bones on that vision.

We need to make it real so people can feel the heat from a hydrogen furnace, or drive a hydrogen powered car and see that there are no emissions from the tailpipe—or, in the case of a hydrogen fuel cell car, see that there is no tailpipe at all.

By passing and implementing this legislation, we can pass on to our children and grandchildren a better future, a brighter future—without the pollution, without the smog, and without the resource depletion that is a fact of life today, but that can be a relic of the past tomorrow.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydrogen Future Act of 1995''.

SEC. 2. FINDINGS.

Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited;

(2) additional research, development, and demonstration are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from one of the great energy carriers of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should be maintained; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to direct the Secretary of Energy to conduct a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide advice from academia and the private sector in the implementation of the Department of Energy's hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.), and section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436), and in accordance with the purposes of this Act, the Secretary shall conduct a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

(2) PRIORITIES.—In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of the United States industry.

(b) SCHEDULE.—

(1) SOLICITATION.—Not later than 180 days after the date of the enactment of an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals from all interested parties for research and development activities authorized under this section.

(2) DEPARTMENT FACILITY.—The Secretary may consider, on a competitive basis, a proposal from a contractor that manages and operates a department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility.

(3) AWARD.—Not later than 180 days after proposals are submitted, if the Secretary identifies one or more proposals that are worthy of Federal assistance, the Secretary shall award financial assistance under this section competitively, using peer review of proposals with appropriate protection of proprietary information.

(c) COST SHARING.—

(1) RESEARCH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a research proposal, the Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the research.

(B) BASIC OR FUNDAMENTAL NATURE.—The Secretary may reduce or eliminate the non-Federal requirement under subparagraph (A) if the Secretary determines that the research is purely basic or fundamental.

(2) DEVELOPMENT AND DEMONSTRATION.—In the case of a development or demonstration proposal, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of development or demonstration.

(d) CONSULTATION.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.)—

(1) the Secretary shall determine, in consultation with the United States Trade Representative and the Secretary of Commerce, that the terms and conditions under which financial assistance is provided are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)); and

(2) an industry participant shall be required to certify that—

(A) the participant has made reasonable efforts to obtain non-Federal funding for the entire cost of the project; and

(B) full non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activity under this section that unnecessarily duplicates an activity carried out by another government agency or the private sector.

SEC. 6. TECHNOLOGY TRANSFER.

(a) EXCHANGE.—The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 5 among industry, academia, and government agencies.

(b) ECONOMIC BENEFITS.—The Secretary shall ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 7. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department's hydrogen research and development program.

(b) CONTENTS.—A report under subsection (a) shall include—

(1) an analysis of the effectiveness of the program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407); and

(2) recommendations of the Panel for any improvements in the program that are if needed, including recommendations for additional legislation.

(3) REPEAL OF UNNECESSARY PROVISION.—The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 1401 et seq.) is amended—

(A) by striking section 103;

(B) by redesignating sections 104, 105, 106, 107, 108, and 109 as sections 103, 104, 105, 106, 107, and 108, respectively;

(C) in section 103 (as redesignated)—

(i) in subsection (a) by striking '', consistent with the 5-year comprehensive program management plan under section 103,''; and

(ii) in subsection (e) by striking ''106'' and inserting ''105'';

(D) in section 104(b) (as redesignated) by striking ''104'' and inserting ''103'';

(E) in section 105(a) (as redesignated) by striking ''108'' and inserting ''107'';

(F) in section 106(c) (as redesignated) by striking ''108'' and inserting ''107''; and

(G) in section 107(d) (as redesignated)—

(i) by adding ''and'' at the end of paragraph (1);

(ii) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

SEC. 8. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department with the activities of other Federal agencies, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration, that are engaged in similar research and development; and

(2) pursue opportunities for cooperation with those Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, development, and Demonstration Act of 1990 (42 U.S.C. 12407) as necessary in carrying out this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $25,000,000 for fiscal year 1996;

(2) $35,000,000 for fiscal year 1997; and

(3) $40,000,000 for fiscal year 1998.

(b) LIMITATION ON AUTHORITY TO OBLIGATE FUNDS.—

(1) LIMITATION.—In each of fiscal years 1996, 1997, and 1998, the total amount that may be obligated for energy supply research and development activities shall not exceed the total amount obligated for such activities in fiscal year 1995.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as authorizing the appropriation of any Federal funds.

Mr. KYL. Mr. President, it is difficult to believe that the solution to U.S. air pollution and dependence on foreign oil could be solved by the most abundant element in the universe—hydrogen. Yet we know that hydrogen can fuel our cars and cool our homes while producing water as its only byproduct.

We know that this is possible through research conducted by the U.S. Department of Energy. Unfortunately, we do not yet know how to extract hydrogen from water in large enough quantities or at a low enough cost to make it a viable fuel alternative in the United States.

While the Department of Energy has researched hydrogen as an alternative fuel for the last 5 years, the Governments of Japan, Germany, and Canada, where hydrogen-powered buses already run in Vancouver, have out-spent and out-researched us. The United States is already purchasing hydrogen fuel cells from Canada because they are not produced here.

By implementing the Hydrogen Future Act and increasing our funding for hydrogen research, we will remain competitive with other countries and will increase the likelihood that we will develop a nonpolluting alternative fuel which will reduce our dependence on foreign oil and energy products.

This bill would make hydrogen research a priority without increasing spending for research and development within the Department of Energy. It would also require non-Federal sources to pay for at least 25 percent of the research program costs and 50 percent of the costs directly related to any research development or demonstration project.

As I said before, we already know hydrogen can act as a power carrier. We already know our major international competitors are seriously researching its possibilities. We need to know how to produce it in larger quantities and at a reasonable cost, and that is why the Senate needs to pass the Hydrogen Future Act.

Mr. AKAKA. Mr. President, today I join my distinguished colleague, Senator HARKIN, in introducing legislation to encourage the development of a fuel for the future—hydrogen.

Hydrogen is an efficient and environmentally friendly energy carrier that can be obtained using conventional or renewable resources. There is growing evidence that hydrogen can be a solution for America's long-term energy needs.

Our Nation's economy is heavily dependent on fossil fuels. Eighty-nine percent of our primary energy base consists of oil, natural gas, and coal. These fossil fuels are nonrenewable and eventually will be exhausted.

U.S. energy consumption has risen steadily for more than a decade and will continue to rise over the next 20 years. From 1983 to 1992, our Nation's consumption of energy from primary sources rose 17 percent. Recent projections by the Energy Information Administration suggest that the United States' consumption of oil, natural gas, and coal will increase by more than 1.0 percent each year through the year 2010.

I want to point out that last year, for the first time ever, more than half of the oil used in our country came from foreign sources. Steadily rising demand for these finite energy resources dictates the need for research on alternatives such as hydrogen.

Now is the time to increase research efforts to develop a new source of energy if we are to make a smooth transition to the next generation energy source. Growing evidence points to hydrogen as the fuel to resolve our energy problems and satisfy a wide variety of the world's energy needs.

One advantage of hydrogen is that it can be produced from renewable resources through biomass conversion. Biomass conversion uses crops and forest product residues to produce hydrogen. Ultimately, the direct generation of hydrogen from water will provide us with a continuous supply of the fuel.

Hydrogen as a fuel is not a new concept, but technical progress towards this goal has been slow. For more than two decades there has been continuing worldwide interest in hydrogen as a renewable fuel.

The Library of Congress reported in ''Hydrogen: Technology and Policy'' that large quantities of hydrogen are being produced each year for nonenergy uses, however, it would be difficult or impossible to meet future energy demands with today's hydrogen technology.

Some of the problems facing the development of hydrogen as a fuel are the high cost of production, storage, and distribution. More economical methods of producing hydrogen are urgently needed. Currently, the cost of producing pure hydrogen from water by electrolysis is prohibitive, unless cheap electricity is available.

The vast majority of the hydrogen produced today is transported only a short distance before use. An integrated production, storage, and distribution system will also be required. These are only a few of the barriers to making hydrogen fuel commercially viable.

Our Nation needs an active and systematic research, development, and demonstration program to make the breakthroughs necessary so that hydrogen can become a viable alternative to fossil fuels. ''The Green Hydrogen Report'' to be published by the Secretary of Energy's Hydrogen Technical Advisory Panel this summer will detail a research agenda for the fuel.

My predecessor, Senator Spark Matsunaga, was one of the first to focus attention on hydrogen by sponsoring hydrogen research legislation. The Matsunaga Hydrogen Act, as this legislation came to be known, was designed to accelerate development of a domestic capability to produce economically renewable hydrogen in sufficient quantities to reduce the Nation's dependence upon conventional fuels. As a result of Spark Matsunaga's vision, the Department of Energy is conducting research that will decrease the costs of producing, storing, and using hydrogen. But Congress's continued support for this program is needed.

The bill introduced today expands the current research program efforts under the Matsunaga Hydrogen Act. This new initiative acknowledges the

potential of hydrogen; the need for a strong partnership between the Federal Government, industry, and academia; and the importance of continued support for hydrogen research. It fosters collaboration among Federal agencies, State and local governments, universities, and industry. It encourages private sector investment and cost-sharing in the development of hydrogen as an energy source and associated technologies.

Hydrogen holds tremendous promise as the long-term solution to our Nation's energy problems. We urge our colleagues to support the Hydrogen Future Act of 1995.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 514, a bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi.

S. 515

At the request of Mr. BRADLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 515, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through the reduction of harmful substances in meat and poultry that present a threat to public health, and for other purposes.

S. 647

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 647, a bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 1055

At the request of Mr. HOLLINGS, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1055, a bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

SENATE RESOLUTION 156—RELATIVE TO THE U.S. ARMY AIR FORCE

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 156

Whereas in World War II, the United States Army Air Forces played a decisive role in turning the tide of war both in Europe and the Pacific.

Whereas the price for this role in victory was high, with more than 50,000 Army Air Forces personnel killed in combat.

Whereas the strategic air campaign of the Army Air Forces in Europe during World War II successfully crippled the industrial and economic infrastructure and communications and transportation networks of Germany.

Whereas the Army Air Forces supported ground forces and gained air supremacy in the skies over the beaches of the D-Day invasion of Europe, an operation that set the stage for the downfall of the Third Reich.

Whereas in August 1942, the Army Air Forces commenced air operations that established air supremacy in the Southwest Pacific, thereby contributing significantly to victory in the battles for New Guinea and the Philippines.

Whereas the Army Air Forces supported the strategic and tactical thrusts of the Armed Forces across the central Pacific, the Aleutians, and the China-Burma-India Theater: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the courage, sacrifice, and devotion to duty of the personnel of the United States Army Air Forces in World War II; and

(2) recognizes the outstanding and critical contribution of the Army Air Forces to the worldwide victory of the United States in World War II.

AMENDMENTS SUBMITTED

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

NUNN (AND OTHERS) AMENDMENT NO. 1848

Mr. NUNN (for himself, Mr. GRAHAM, and Mr. ROBB) proposed an amendment to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

On page 2, after line 18, insert the following:

''(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable.''

On page 5, after line 12, insert the following and reletter subsections (e) and (f) as subsections (f) and (g) respectively:

''(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina.''

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

D'AMATO AMENDMENTS NOS. 1849–1850

(Ordered to lie on the table.)

Mr. D'AMATO submitted two amendments intended to be proposed by him to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the U.S. Information Agency, the U.S. Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

AMENDMENT NO. 1849

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Foreign Sanctions Act of 1995''.

SEC. 2. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite

knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) SUPERSEDES EXISTING LAW.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102–484) as such section applies to Iran.

SEC. 3. WAIVER AUTHORITY.

The provisions of section 2 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 4. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term ''nuclear explosive device'' means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term ''requisite knowledge'' means situations in which a person ''knows'', as ''knowing'' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(7) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

AMENDMENT NO. 1850

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Iran Sanctions Act of 1995''.

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made ''no appreciable progress towards improved compliance with human rights in accordance with the current international instruments''.

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP–GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning

with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hezballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(3) the term ''Iran'' includes any agency or instrumentality of Iran;

(4) the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

COHEN AMENDMENT NO. 1851

Mr. COHEN proposed an amendment to amendment No. 1848 proposed by Mr. NUNN to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

Strike the period at the end and insert in lieu thereof the following: ''In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.''

THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

KASSEBAUM (AND KENNEDY) AMENDMENT NO. 1852

Mrs. KASSEBAUM (for herself and Mr. KENNEDY) proposed an amendment to the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the

Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

HELMS AMENDMENTS NOS. 1853–1857

Mr. HELMS proposed five amendments to the bill S. 641, supra; as follows:

AMENDMENT NO. 1853

At the end, add the following new section:

SEC. . SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, not shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term ''AIDS-infected patient'' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term ''State'' means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term ''spouse'' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

AMENDMENT NO. 1854

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.

AMENDMENT NO. 1855

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.

AMENDEMENT NO. 1856

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 provision 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.

AMENDMENT NO. 1857

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

KASSEBAUM (AND DOMENICI) AMENDMENT NO. 1858

Mrs. KASSEBAUM (for herself and Mr. DOMENICI) proposed an amendment to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71) as amended by section 6, is further amended by adding at the end thereof the following new section:

''SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

GRAHAM AMENDMENT NO. 1859

Mrs. KASSEBAUM (for Mr. GRAHAM) proposed an amendment to the bill S. 641, supra; as follows:

On page 41, line 7, strike ''the product of—'' and all that follows through line 15, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).''.

On page 43, strike lines 1 through 13.

On page 43, line 14, strike ''(E)'' and insert (D)''.

On page 43, line 24, strike ''(F)'' and insert (E)''.

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike ''the product'' and all that follows through line 14, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).''.

Beginning on page 46, line 17, strike ''means the'' and all that follows through line 8 on page 47, and insert the following: ''means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).''.

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike ''(F)'' and insert (E)''.

On page 49, line 19, strike ''(G)'' and insert (F)''.

On page 50, line 4, strike ''(H)'' and insert (G)''.

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the ''Secretary'') shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike ''7'' and insert ''8''.

KASSEBAUM AMENDMENT NO. 1860

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to discuss leasing of the Arctic oil reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the Budget Reconciliation.

The hearing will take place on Wednesday, August 2, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 26, 1995, at 9:30 a.m. in executive session, to discuss certain pending military nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, July 26, 1995, session of the Senate for the purpose of conducting a hearing on the authorization of the Maritime Security Program.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, July 26, 1995, beginning at 2:30 p.m. in room SD–215, to conduct a hearing on new directions in Medicare.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 9:30 a.m. to hold a hearing on Punitive Damages: FDA Defense.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a forum for the ADA anniversary, during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, to receive the annual report of the Postmaster General of the United States.

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

ADDITIONAL STATEMENTS

ADDRESS BY SENATOR KENNEDY TO THE UNITED NATIONS INTERNATIONAL SYMPOSIUM ON INTELLECTUAL DISABILITY

● Mr. HARKIN. Mr. President, it is a privilege for me to bring to the attention of Members of Congress and the country the address made last month by our friend and colleague, Senator KENNEDY, to the International Symposium on Intellectual Disability held at the United Nations in New York City. Once again, Senator KENNEDY has made a valuable contribution to international cooperation and progress on the wide range of issues relating to mental retardation. His words give us hope and move us forward.

Senator KENNEDY has served the people of Massachusetts and the United States for more than 30 years in the Senate. During this time, he has been a champion of social justice for all Americans and for citizens of many other lands, especially for people with disabilities. He is committed to the fundamental principle that all individuals deserve support in achieving their true potential and living with dignity. Senator KENNEDY does not just talk about these issues—he acts. And when others are tired and demoralized, he perseveres. He is a courageous advocate and an effective leader, and I commend him for the impressive difference he has made on these vital issues.

I hope that Members of Congress and many others will take the time to read Senator KENNEDY's address about the remarkable progress that is being made in the world community to improve the lives of people with mental retardation, and the even more remarkable progress that is likely to be achieved in the years ahead if all of us persevere. We have made great strides in recent years, but there is still much more to be done. Senator KENNEDY's address helps to light the way, and I ask that the full text of his address may be printed at this point in the RECORD.

The text follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY: ''FROM DISABILITY TO CAPABILITY''

It is an honor and privilege to be invited here today to speak at this hallowed place that holds the hope of the world for peace, and to participate in this auspicious international symposium on an issue that has been a central focus of my life and my family's life.

For almost as long as I can remember, my family has had a commitment to people with mental retardation and all people with disabilities. So, I am especially inspired by the many leaders from many nations who have come together here to pool their knowledge and strengthen their dedication to this great cause we share. And I welcome the contribution that this Symposium will make to helping people with mental retardation throughout the world.

I thank a great friend and great statesman, Lowell Weicker, for his generous introduction. I never know whether to call him Senator or Governor.

In his Senate years, he was a brilliant colleague in the trenches and on the mountaintops for our cause, and a stalwart champion of equal opportunity and civil rights for all citizens, especially people with disabilities. As a Senator, as the Governor of Connecticut, and most of all as a loving parent, he has been a powerful and compassionate leader on issues of mental retardation. I commend him for his years of tireless achievement, including his remarkable leadership

this year in chairing the 1995 Special Olympics World Games.

I also thank the several sponsors of the Symposium for making this dream of international cooperation a reality—the National Institute of Child Health and Human Development at the National Institutes of Health, the Joseph P. Kennedy, Jr. Foundation, the 1995 Special Olympics World Games, and most of all, the United Nations and its Secretary General, Boutros Boutros-Ghali. These organizations and the leaders associated with them have made extraordinary contributions to the field of mental retardation and have helped improve the lives of millions of individuals and families in many different lands.

I would like to talk for just a moment about one of those organizations which is particularly close to me. My sister Eunice and her husband Sargent Shriver have guided the Special Olympics since its founding in 1968, when they began these very special games in their own backyard for the benefit of 10 children with mental retardation.

From that modest start, a worldwide enterprise has grown. The 1995 Special Olympics World Games that began this week in New Haven has drawn 7,200 athletes and 2,500 coaches from 140 countries. In the United States, 400,000 children and young adults with mental retardation, 100,000 volunteers, and half a million spectators participated in the various local and state games that were held this year leading up to the current world games.

The Special Olympics stand as a vivid example of the achievements that are possible when we focus not on disability, but on capability. As the games have demonstrated, people with mental retardation can reach their potential, if only they have the chance and the appropriate encouragement and support.

The remarkable growth of the Special Olympics is a tribute to the vision and dedication of two very special people and the love they have for those with mental retardation everywhere. Eunice and Sarge, we thank you.

For centuries, the institutions of our societies—governments, schools, places of worship, professional organizations, social gathering places, and the world of commerce—all these institutions shut their doors to people with mental retardation. Most of society felt that non-disabled people had little to learn from people with disabilities, and vice versa.

Even when the closed doors finally began to open, people with mental retardation were often seen as objects of pity. The new approach of so-called ''enlightened'' society was to protect people with retardation from themselves, protect them from society, protect them from even the most ordinary challenges of daily living. As we know now, that approach may have been somewhat less unenlightened than before, but no one should have called it enlightened.

Just 30 years ago, over half of the 250,000 public school districts in the United States denied a place for children with severe mental retardation. State-operated institutions, with over 200,000 residents, were the primary housing option—but it was warehousing, not housing.

Concepts such as employment and self-sufficiency were called ''revolutionary.'' The few laws then in effect to protect citizens with mental retardation, while well-meaning, also ''protected'' them from having a job, from living at home, from choosing their friends, and from sharing in the opportunities and challenges of life.

We created systems of separate living, separate transportation, separate communication, separate recreation, and separate education—separate and out of sight. Rarely was it even dreamed that less protection and more assistance could enable people with mental retardation to become valued members of society.

Beginning with President Kennedy's New Frontier in the United States, a peaceful revolution toward independent living and community-based support was launched and continues to this day. Gradually, we moved away from the paternalism and protectionism that characterized public attitudes and government policies toward people with mental retardation. Old approaches such as institutionalization came to be seen as outdated policies that fail to adequately recognize the true value of human potential. People with mental retardation began to be thought of for what they are—real people with real talents capable of meeting and mastering real challenges.

As a result of this peaceful revolution, more and more citizens with mental retardation moved out of the back wards of institutions and into group homes and supported living. They moved from sheltered workshops to supported employment. They moved from being treated as perpetual children to becoming citizens who vote. They moved from classrooms in the basement to full inclusion in regular schools. They moved from tax dependency to tax payers. Through participation in education, employment, and may other aspects of community life, people with mental retardation moved into the mainstream—and we are all benefiting.

Empowerment is one of those words in common use today that means different things to different people. When we talk of empowerment for our fellow citizens with disabilities, including mental retardation, we mean movement toward independence, productivity, and integration. Independence means a level of control and choice over their life. Productivity means active participation in the workforce and genuine contribution to a family or community. Integration means developing real relationships with members of the community, utilizing the same community resources available to everyone else, and living in homes located in the community.

That sense of empowerment has been the theoretical goal of the world community since the passage of the U.N. Declaration on the Rights of Mentally Retarded Persons in 1971. That high purpose was re-stated in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the United Nations in 1993. It is time—time now—to issue a new call to action, so that in re-affirming that goal and these vital principles, we also re-commit ourselves to moving faster from theory to practice.

This International Symposium is an essential and rare opportunity not only to share what we know, but also to shape what we do. It is a unique chance for nations, non-governmental organizations and public and private leaders throughout the world to come together to discuss the ways and means of imbuing families, schools, workplaces, communities, and whole nations with the energies and talents of people with mental retardation.

This Symposium is a forum to enable government officials, policy makers, and advocates to compare recent successes, to discuss the role of government and every other institution of society in the empowerment of people with mental retardation, and to develop sensible plans for moving forward.

By committing ourselves to action, by sharing state-of-the-art knowledge about which laws are effective and which program models can be implemented across national borders or even worldwide, we can bring renewed spirit and deeper understanding to the drive for progress in our own countries.

It is my hope that this Symposium will strive to make empowerment not just a slogan but a reality in the daily lives of people with mental retardation everywhere. Planning takes vision, and action takes courage—may we have both as we participate in this Symposium.

The kind of real social progress we seek is inspired, initiated, and implemented by three sources: governments, the advocacy community, and individuals. Each of these sources is essential, and their efforts are often linked. The successes of one are made possible by the support and actions of the others.

In some societies, government leads the way and community-based organizations and individuals work to implement the policies it enacts. In other societies, the people lead, and the government struggles to catch up. In all cases, as real partnership emerges, real progress occurs.

The important point is that governments at all levels, organizations of all kinds, and individuals of all abilities must be actively engaged in bringing about the changes necessary to empower people with mental retardation. As an African proverb holds, ''It takes a village to raise a child.'' A village can be a small town, a large city, a nation, or the entire world. It takes a community to make the promise of empowerment a reality in the daily lives of people with disabilities.

THE ROLE OF GOVERNMENT

I would like to talk now especially about the role of governments, not because it is the most important, but because it is the most familiar to me. As President Kennedy said of government on America's Independence Day, 33 years ago:

''The greatest works of our nation's founders lay not in the documents and declarations, but in creative, determined action. Others may confine themselves to debate, discussion and that ultimate luxury, free advice. Our responsibility is one of decision, for to govern is to choose.''

Government has two basic functions to perform in meeting the needs of people with mental retardation. First, it must protect fundamental rights and freedoms. This means assuring people with mental retardation the right to participate in all aspects of life, free from injustice and invidious discrimination. Ensuring these fundamental rights of citizenship is the unique function of government.

The second basic role of government is the development and support of programs and services to enable people with mental retardation to become more productive and fulfilled citizens, especially when other avenues fail.

No society can afford to waste the energy and talent of any of its citizens, whether the waste results from irrational fear, ignorance, or a misguided sense of paternalism.

The United States and many other countries have passed specific laws in recent decades to advance that goal. Our country passed a landmark Civil Rights Act in 1964, to assure the rights of African Americans and other minorities to participate equally in all aspects of American life. This law, and the rights it guaranteed, were not easily enacted. But they have stood the test of time and have made the United States a stronger and better nation. In a similar way, South Africa is currently building a multi-ethnic state by tearing down the walls of apartheid.

In 1973, the United States passed a further law to prohibit discrimination against people with disabilities in any activity that receives federal financial assistance. Other U.S. laws were enacted to protect children with disabilities, to protect the rights of the institutionalized, and to protect the right of

people with disabilities to fair treatment in housing. But despite these advances, many people with disabilities remained unprotected from unjust treatment in the workplace, in public accommodations, in transportation, and in many state and local activities and services.

In 1990, all of that changed with the enactment of the Americans With Disabilities Act, which was truly an emancipation proclamation for our 49 million citizens with disabilities. Through its broad prohibitions on discrimination, that law is already making it possible for people with disabilities, including mental retardation, to lead more fulfilling and productive lives. It is our first nationwide law protecting the fundamental rights of all people with disabilities in all aspects of life.

Its passage was intended to clearly and unequivocally eliminate the major barriers to their full participation in society, and it has become a catalyst for action in other lands. Australia and New Zealand have already enacted similar legislation. Great Britain and Israel are considering such laws, and Germany, Sweden, Japan, Ireland and the Czech Republic have come to the United States to gather information for action. It is just this kind of international cooperation we hoped would occur, and is what motivated us to write to world leaders to encourage them to build on this breakthrough.

In addition to guarantees of basic civil rights, access to education is a hallmark of a free society. It also is one of the most basic services that government can provide to advance the integration and independence of people with disabilities. In 1975, we in Congress passed legislation called the Education for All Handicapped Children Act, now known as the Individuals with Disabilities Education Act, to guarantee a free, appropriate public education to every child with a disability. Children with mental retardation were the principal beneficiaries of this law, because they constituted the largest group of children with disabilities who had previously been shut out of public schools.

In the United States, this law made it increasingly possible for children with and without disabilities to interact with one another and learn from one another on a daily basis. Our work has only just begun. Even today, only seven in every hundred students with mental retardation in the United States spend their entire school day in classrooms with other children from their neighborhoods. Eleven out of every hundred have no access at all to their community schools, and attend special schools instead. Nevertheless, educating all children, regardless of disability, in the least restrictive environment is now an accepted standard throughout the United States.

Enabling children and young adults with mental retardation to participate in regular, public education is not just a priority in the United States. Italy was the first country to work toward mainstreaming students with special needs. Over the past decade, Alvaro Marchasi, the Minister of State for Education in Spain, has led an effort to make all schools in Spain accessible to all children, including those with disabilities and mental retardation.

This effort inspired last year's UNESCO conference on inclusive education, which provided a framework for integrating children with special needs into education systems worldwide.

These examples are not limited to large wealthy nations. The small country of Lesotho has launched a pilot project to integrate every child with a disability into regular schools in all towns and villages.

I hope that we can agree here that every country has an obligation to do all it can to educate all its children, including those with mental retardation and other disabilities, in a manner that enables them to learn and grow from each other, regardless of ability or disability. It is possible. It is practical. It is essential. And it is also cost-effective.

Governments everywhere must take concerted action to ensure access to education, employment, and housing opportunities, and to provide the supportive services that enable people with mental retardation to reach their full potential.

We know, for example, that assuring basic necessities can reduce the incidence of mental retardation by 50 percent. We know that fetal malnutrition causes brain damage. Yet millions of pregnant women go hungry every day. How long will the world community pay the price?

We know that immunization works. Yet vast numbers of children around the world are at high risk for diseases that cause mental retardation. How long will the world community pay the price?

We know that environmental toxins—from industry, from pesticides, from lead, from lack of sanitation—are all creating birth defects and learning disabilities. How long will the world community pay the price? Governments can make the difference. Governments must act.

THE ROLE OF ORGANIZATIONS, FAMILIES AND INDIVIDUALS

But even if government action establishes the legal foundation for such progress—for independence and integration—government action alone will never be enough. The passage of wise laws does not guarantee effective implementation or vigorous enforcement. To achieve real and lasting progress, myths must be fought and attitudes must be changed. It is the role of committed, persistent and unwavering advocacy organizations, families, and individuals with and without disabilities to keep the pressure on, and ensure that the words of the law become a reality in people's lives.

With the worldwide revolution of community-based services and community-based support for people with developmental disabilities, communication between service organizations has never been easier or more important. The same can be said for organizations which represent researchers, families, and people with mental retardation.

Non-governmental organizations are increasingly working together to improve service, support and research. We must continue to involve all of these organizations to develop better worldwide strategies. The United Nations is the logical place to come together, and I hope that our coming together here and now will lead to more and better collaboration in the future.

We know the valuable contribution made by professionals, from biomedical researchers discovering new miracles of science, to teachers developing new methods of educating and training, to community leaders providing new generations of services.

The International Association for the Scientific Study of Mental Deficiency has brought together professionals from a wide range of disciplines to examine the most promising research to improve the lives of persons with mental retardation and their families.

We know the brilliant achievement that the past generation made possible through mass screening and an alternative diet for those with PKU. It is one of the great stories of medical history, and it was achieved through international research and cooperation. Today, a simple three-cent test can prevent PKU retardation at birth, and save hundreds of thousands of dollars in later costs for care and treatment.

Through international cooperation, a research team has demonstrated a simple and cost effective way to prevent another well-known cause of mental retardation, spina bifida. By discovering the protective role of folic acid in early stages of pregnancy, a joint team from the United States and Ireland worked together to bring this amazing research to fruition.

In most of the world, parents of people with mental retardation are the driving force for supporting such research, creating beneficial programs, and moving government policies ahead for the benefit of their affected sons and daughters. Through Inclusion International, parent organizations around the world have come together to learn from one another, and learn how governments can provide the services and supports they need. They have shared ideas and information and made strong cases for basic rights and effective services.

These efforts will lead to improved lives for people with mental retardation—but only if we, as public policy makers, hear what they are saying, and turn their ideas and information into meaningful action and assistance. Too often, we fail by default or inaction. Our challenge is to take their powerful and persistent words and ideas and turn them into a reality for those with mental retardation.

Among the newest type of organizations addressing disability issues are the international self-advocacy organizations. They have many different names, but they are generally known as ''People First'' in much of the world, and as ''Self-Advocates Becoming Empowered'' in the United States.

Like so many others before them, persons with mental retardation have begun to join together in these organizations to speak out for their rights and needs. For the first time, these formerly left-out citizens are taking their place at the conference tables of organizations planning their future. International bodies and national and local governments need to listen and communicate with these self-advocate organizations in ways which recognize their need for direct, clear discussion and involvement in the issues.

Today, as never before, people with mental retardation are redefining and reshaping their own interests. Who better can articulate what it feels like to be senselessly defined only by a disability, and not as a total human being? Who better can condemn the effects of misguided private attitudes and public policies? Who better can demonstrate the remarkable potential of programs that empower, rather than entrap?

Sweden is the country which has advanced the concept of self-advocacy the most in recent years. It has over 1,200 associations of people with disabilities, and approximately 400,000 members. The Swedish movement consists to a high degree of organizations of, and not for, people with disabilities. They are led to a large extent by people with disabilities themselves. In the last few years they have come to function as successful pressure groups in many communities. Self-advocates have much to teach us about effective legislation, policy and programs. We must do more to listen and learn from them.

People with mental retardation should be included in all decisions that affect them—no ifs, ands, or buts. The board of every organization should have substantial representatives of the people to be served. Every government commission, whether advisory or executive, should include people who are directly affected by policy decisions.

The work of these organizations has brought a surge of progress throughout the world in the movement from isolation and exclusion to integration and inclusion. In

the Czech Republic, there is growing use of community residences for people with mental retardation, and equally growing use of supported employment. The supports which exist there to help all workers in acquiring and keeping a job are now also being used to help people with intellectual disabilities enter the workforce. There are now more than eight community residential programs in the greater Prague area, thanks to the growing parent movement there.

In Poland, a pilot project in Lublin is testing a decentralized system for supporting people with mental retardation, relying on local government and individual citizens to develop needed services and support.

As in so many other movements for social change, individuals are often the most effective catalysts for change. As Margaret Mead said, ''Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever does.'' We all benefit when everyone can contribute to their communities. In this effort, we all have a vital individual role to play.

We must work more closely with other institutions—especially schools, places of worship, and neighborhood associations—to welcome persons with disabilities as partners, including people with mental retardation. They have much to give. As we move from seeing them as objects of charity to people with gifts and talents to share, we will open our hearts and minds as well to the extraordinary diversity they bring to our common humanity.

Over the past two decades, there has also been an increasing trend toward the use of less specialized and less technical people in the networks of support for people with disabilities. The real strength of these less specialized people lies not in their expertise, but in their ability to relate to, communicate with, and motivate people with mental retardation and other disabilities.

Kindergarten students can be ideal companions. Elderly volunteers can be mentors and friends. Religious leaders, social service providers, employers, co-workers, teachers, neighbors, friends—all can find effective roles, if only they have the will to try.

In the United States, a government-funded program supports people with disabilities in finding jobs. The Vocational Rehabilitation Act provides hands-on support directly on the job. Usually, this support is provided by outside personnel, but it can also be performed by a co-worker. The idea that a worker in a factory or an office can provide the necessary support for a person with a disability was once dismissed as impossible. It reminds me of a familiar saying a century ago—''It is as impossible as flying.''

But it is happening today. The true visionaries—the parents and families of people with disabilities—knew that it was possible. The result is that tens of thousands of people with disabilities are now gainfully employed, earning pay checks and paying taxes. ''The difficult we do immediately; the impossible takes a little longer.''

More and more communities are coming to accept and include people with mental retardation as a result of all these inspiring efforts. The late Rosemary Dybwad often told a story from the International Congress in 1983 in Kenya. A group of people with mental retardation, some of whom had been confined to state institutions for thirty years, had told the participants in that Congress about their own ideas and recommendations for the future. In a challenge to all of us, Rosemary asked eloquently:

''If that can be done in a multi-national, multi-language, multi-racial international meeting, why is it not done in your community? And if it isn't, what can you, your friends, your organization, do to help persons with severe disabilities to represent themselves adequately, and to participate in community affairs? What will we do to translate this into action? Faith and works, I believe, are the words to remember.''

In closing, I would leave you with five thoughts as a call to action. First and most important, the essence of reform in the field of mental retardation is an abiding respect for the person. We are talking about citizens rather than recipients. Let us never lose sight of the person in the policy.

Second, we must seize the moment and learn to move ideas more rapidly into practice. We live in an information age, and the information revolution can be a powerful source of positive social change. No one has to reinvent the wheel in any nation. At the speed of light and the click of a mouse, a practical idea being implemented in the morning in New York can be tested in the afternoon in New Delhi.

Third, governments should pledge to play more of a leadership role by moving at all levels to commit themselves to the three empowerment principles—independence, productivity, and inclusion. No longer can people with mental retardation be treated as second class citizens. The global community can no longer afford the cost of such prejudice and exclusion.

Fourth, individuals everywhere must play a part in ensuring that people with mental retardation have a fair chance to participate in all aspects of life. I ask all of you at this symposium—legislators, government officials, experts in research, practitioners, teachers, family members, persons with mental retardation, friends and media—to join in a new commitment to action.

Finally, above all, individuals with mental retardation and their families must be intimately involved as active participants in designing policies and implementing programs to meet their needs.

To open the White House Conference on Mental Retardation in 1963, President Kennedy spoke words that are equally applicable today:

''We have left behind prejudice, superstition and ignorance which since the dawn of time distorted our thinking. We have entered a new era of understanding, hope, and enlightenment. We are on the threshold of an exciting and great achievement which is a tribute to the skills and devotions of thousands of dedicated scientists, professional persons, and public and private citizens.''

My brother made an enormous difference on these issues in the United States when, as head of state, he personally gave voice and leadership to this cause. May each of your own heads of state be encouraged by this symposium to make that kind of difference too.

Achieving true and lasting social change is never easy. It requires strength and persistence, courage and vision. We have come far in our journey to empower people with disabilities in our own countries and around the world. My wish is this—may this Symposium be a bright milestone on that journey. May what is imparted here accelerate all our efforts, so that years from now, when we look back, we can truly say, this is where it all began anew.

A story from India that I came across not long ago makes my concluding point most vividly. An old man walking along the beach at dawn saw a young woman picking up starfish and throwing them out to sea. ''Why are you doing that,'' the old man inquired. The young woman explained that the starfish had been stranded by the tide on the beach, and would soon die in the morning sun. ''But the beach goes on for miles,'' the old man said, ''and there are so many starfish. How can your effort make any difference?'' The young woman looked at the starfish in her hand, and then threw it to safety into the sea. ''It makes a difference to this one,'' she said.

Thank you for inviting me here, and thank you for the difference that all of you are making.●

TRIBUTE TO GEORGE F. COURTOVICH

● Mr. SMITH. Mr. President, I rise today to pay tribute to George F. Courtovich of Stratham, NH. George passed away suddenly on May 21, 1995, at the age of 33.

George was a great American. Although his was not a name that would be nationally recognized, George Courtovich was great because of the way in which he lived and influenced the lives of so many. He lived his life to the fullest and gave of himself to the community in numerous ways. Most notable was his volunteer work for the Stratham Fire Department where he was a member of the EMT rescue squad.

George left his parents, Dorothy and George, his brother, Jim, and his wife, Debra, and daughter, Colleen, much too early. He will be missed by his family, his friends, his colleagues, those whose lives he saved through his EMT work, the elderly in the community to whom he delivered meals on weekends, and those he taught to enjoy the sport of skiing while an instructor at Loon Mountain. George touched many lives and embodied what is best about the American spirit. He has left this world for a new one, and though he is no longer with us, we are all enriched for having known him.

The celebration of George's life was poignantly related by his brother Jim at the funeral service on May 24, 1995 at St. Michael's Church in Exeter, NH. Mr. President, I ask that the text of the eulogy be reprinted in the RECORD.

The eulogy follows:

EULOGY GIVEN BY JAMES C. COURTOVICH

Today we come to celebrate the life of George Courtovich, my brother, my best friend. George had many qualities, but none stronger than the love he had for his family, friends, and even strangers. George enjoyed life to the fullest, and more importantly, he wanted everyone to enjoy it with him. He made it easier for us to do so.

George answered the call—whether as a volunteer fire fighter, friend, neighbor, brother, son, father or husband—he was there to help. He believed that we were here to leave this place better than we found it. George did.

On Thanksgivings, before joining my parents and other family members, George prepared and delivered dinners for people for whom the day would have been nothing special otherwise. His reward was, as in many instances, knowing he helped make someone's day a little better.

It is hard to quantify all of the good George did, as he was able to bring people together, help a neighbor, be a supportive family member in a way that would leave people grateful but not obligated—sometimes not knowing until later what George had done for them. I wish I could talk to all the people

whom George helped as a volunteer E.M.T., but I know there were many. I wish I could go back and find all of his friends he helped along the way, but I know there were many. I just know, however, that no matter where George was, he helped.

I remember running into George the day I was leaving for a ski weekend. George spotted my attire and shabby skis. For all of you who were close to George, you know this was unacceptable to him and off we went to a ski store—and we shopped like only George could—he was standing at the fore, directing three salesmen in eight directions ensuring that I arrived at the mountain outfitted for an Olympic tryout. As he paid, George looked at me and said he could not let me go skiing looking like I would have because it might have hurt his image on the slopes. He didn't fool me, I knew he was helping me, like he had so many times before. That was classic George.

To understand George's love of family, you need look only at the walls of his and Debbie's home, where Norman Rockwell's four Freedoms hang. Freedom from Want hangs over the dining room table, Freedom of Speech and Freedom to Worship are in the living room, and Freedom from Fear watches over Colleen's crib. This is how George wanted life to be, for all of us. This is what George strived for. He helped us all get one step closer to Rockwell's world.

George brought Debbie, and they together, Colleen into our lives. They have made us stronger and richer. Deb, you are the sister I never had. You brought George so much happiness and joy. We take great comfort in knowing you have been part of George's life and have made it better—as you have done for all of us.

Mom and Dad, you stood by George and helped him along the way. You were always there for him, as you are for me. Just by moving no further than a few miles from you shows the love he had for the both of you. Your commitment to him was clear, your love, unquestioned.

My Grandmother, of course, has been here for all of us. We know this is especially hard on you, but we can all rest easier knowing George is with our grandfather now. Together, with our many other beloved relatives, they are watching over us.

And to all of you who have come to express your support and sympathy, our family appreciates everything you have done for us. We know that this is a tragedy we all share in and will need each other to get through it. Just knowing that there are so many of you there, comforts us greatly.

Today we have come to say good-bye to my brother, my best friend. Today we will leave here with George in all of us; he will live on in our memories and our hearts forever. George, we love you.●

ORDERS FOR THURSDAY, JULY 27, 1995

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m., on Thursday, July 27, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 641, the Ryan White bill, with Senator REID to be recognized, as under the previous order.

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

PROGRAM

Mrs. KASSEBAUM. For the information of all Senators, the Senate will resume consideration of the Ryan White bill tomorrow at 9:15. Under the consent agreement, if both amendments regarding FDA are offered and all debate time is consumed, Senators can anticipate a series of consecutive rollcall votes beginning at approximately 11 a.m, Thursday.

Members should also be aware if the FDA issue is resolved earlier, then a series of stacked rollcall votes may occur as early as 9:30 a.m., on Thursday.

RECESS UNTIL 9:15 A.M. TOMORROW

Mrs. KASSEBAUM. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:01 p.m., recessed until Thursday, July 27, 1995, at 9:15 a.m.