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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Father Paul E. Lavin of St. Joseph's Catholic Church, Washington, DC.

PRAYER

Father Paul E. Lavin, St. Joseph's Catholic Church, Washington, DC, offered the following prayer:

Let us pray:
In Psalm 25, David sings:
I wait for you, O Lord;
I lift up my soul to my God.
In you I trust: do not let me be disgraced;
do not let my enemies gloat over me.
No one is disgraced who waits for you but only those who lightly break faith. Make known to me your ways, O Lord; teach me your paths.
Guide me in your truth and teach me, for you are my God and Savior.
For you I wait all the long day, because of your goodness, Lord.
Remember your compassion and love,
O Lord
for they are ages old.
Remember no more the sins of my youth,
remember me only in the light of your love.

We praise You O God and we bless You; You have called us to life and given us so many gifts. We have sought and accepted offices of public trust, and now put our trust in Your compassion and love.

Direct now all our actions by Your holy inspiration and carry them on by Your gracious assistance so that every prayer and work of ours may reflect Your will.

May our lives and voices give glory to Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Alaska is recognized.

ORDER TO PROCEED TO H.R. 1833 AT 2:15 P.M. TODAY

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that notwithstanding the previous order, the Senate begin consideration of H.R. 1833 at 2:15 today and that morning business be extended until 12:30.

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

SCHEDULE

Mr. MURKOWSKI. Mr. President, today there will be a period for the transaction of morning business until 12:30 p.m. The Senate will stand in recess between the hours of 12:30 and 2:15 today in order to accommodate the respective party luncheons.

At 2:15, the Senate will begin consideration of H.R. 1833, a bill to ban partial birth abortions. Rollcall votes can, therefore, be expected to occur on amendments to H.R. 1833 or on any other items cleared for action.

Mr. President, I believe I have 20 minutes reserved for morning business?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. With the permission of the Chair, I would like to proceed.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 20 minutes.

OPENING THE ARCTIC OIL RESERVE

Mr. MURKOWSKI. Mr. President, for a number of days I have been sharing

with my colleagues my observations on the opening of the Arctic oil reserve, or ANWR. Briefly, for those Members who are not familiar with this, let me just do a quick review. In the Congress and in the reconciliation package in both the House and the Senate is the authority to initiate a lease-sale in ANWR. There are many misconceptions relative to the proposal because a number of people believe that the entire area is at risk.

This area in green, including the yellow area, consists of about 19 million acres. That is an area the size of the State of South Carolina. In 1980, Congress withdrew and set in permanent status the green area, consisting of 8 million acres of wilderness, which is shown in green and black here, and another 9½ million acres of refuge, leaving the coastal plain for disposition by the Congress.

This area in red is the area retained by the Eskimo people of the village of Kaktovic. You will notice that they have no access out of that area other than into the coastal plain which is Federal land. The lease-sale we are talking about is a proposal to lease 300,000 acres out of this million and a half acres because the other 17 million acres has already been withdrawn. So we are talking about a very small area.

To suggest that the entire area is at risk clearly is a misinterpretation of the facts. We log our telephone calls in our office, as do most Members of the Senate, because it is important that we have public reaction. It is kind of interesting to note that, as calls come in relative to my speaking on this issue, there is a perception that we in Alaska are initiating an activity that somehow is irregular or a departure from what is happening in other States. I can only respond to that by suggesting that our State has only been a State for 36 years.

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



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As a consequence, we are today establishing our land patterns in this huge area of Alaska, which is one-fifth the size of the United States. It has 33,000 miles of coastline. Other States were established—such as the State of Virginia, nearly 200 years ago, and Washington, Oregon, California, 100 years ago. So as a “new kid on the block,” so to speak, as we attempt to develop resources, whether it be timber, fish, oil and gas, or mining, we are trying to take advantage of the science and technology that is available today and learn from the mistakes of others and balance and develop an economy.

I do not think many people have a total understanding or an appreciation of that. They think that the limited development in Alaska is somehow not in keeping with the times. The reality is that we have to have natural resources, develop those natural resources. We have a job base, and those jobs are high-paying jobs in construction, timber, mining, oil and gas. If we do not develop those resources, we simply get the materials from other countries, export our jobs overseas and export our dollars.

The significance of developing this area is that geologists tell us this is where a major discovery might be made. Because Prudhoe Bay is in decline—this area has been producing 25 percent of the total crude oil produced in the United States in the last 18 years. As this area declines, the question is: Can we, or should we, replace it by bringing on line this area, the small footprint here in the coastal plain known as ANWR?

Clearly, we can do it safely. We have been able to develop Prudhoe Bay. We have developed an 800-mile pipeline. We had a bad accident with the *Exxon Valdez* vessel, but that is something that had nothing to do with a pipeline. It was one of those human failures. The ship went aground in a 10½-mile channel.

The point I want to make here this morning, Mr. President, is that we developed a small field adjacent to Prudhoe Bay 10 years ago. That was the 10th largest producing field. History tells us that if the oil is here, they can develop it in about 2,000 acres. To get back to some of the comments which I think have prompted me to try and give a little more explanation as to why Alaska should be attempting to develop its energy resources, there are suggestions that somehow we are beholden to an oil lobby as a delegation, that we should be giving more concern to the environment, that they think we have financial ties to the oil companies.

One woman indicated she felt so strongly about it that she had worked to get a moratorium on elephants in Africa and she was going to go to work to make sure we got a moratorium not to develop oil in Alaska.

I would like to think that these people who are obviously very interested would have a full understanding of the

implications and an argument relative to the pros and cons of responsible development.

With that background, let me just proceed briefly, because I think that there is need for some reflection on what Congress intended in 1980. The name of Senator Scoop Jackson of Washington is familiar to all Members of the Congress. He was a beloved and long-time Member of this body. It was at his insistence that this area, the 1002 area, be left out of the wilderness area and the refuge withdrawals to be setup specifically for Congress to address the prospects of oil and gas. That was done in 1980, Mr. President.

As a consequence of that, now is the time for the decision to be made, and since it is in the reconciliation package, we look forward to discussing the merits.

One of the most significant considerations is the reality that this Nation is now 51 percent dependent on imported oil. That oil comes in from the Mideast, and of course we send the dollars and the jobs to the Mideast.

In the last few days we have seen a crisis in the Mideast, a very unfortunate situation, but, nevertheless, it proves the frailty of that part of the world, and our increased dependence on oil eventually will result in some kind of a crisis occurring as we look at Iran, Iraq, Libya and their moves toward nationalism.

It is kind of interesting to reflect on the attitude of some of the opinion-makers that have had a responsibility with regard to our increasing dependence on imported oil.

Former President Carter's Energy Secretary Schlesinger has testified in support of developing this area, stating that we can develop it safely, that we should reduce our dependence on imported oil.

Some of the Orthodox Jewish organizations in the United States are the biggest supporters. They see increased dependence on the Arab States as a threat to Israel's security interests. Union support—the significance of what this activity would generate for America unions; it would be the largest concentration of construction in North America. The Teamsters, the laborers, the IBEW, the maritime unions all support this. This is a significant job issue.

It is estimated that the lease sale would bring about \$2.6 billion in revenue. That revenue, half of which would go to the Federal Government, the other half to the State of Alaska, would be raised in the private sector of the United States without one cent of Government funding.

Now, there is a suggestion that some Alaskans do not support ANWR, some of the Native people in Alaska do not support opening.

Mr. President, I want to take that fiction and state it factually. The Alaska Federation of Natives, which is the native organization in our State, voted two to one in favor of opening the area.

I think it is unfortunate that the Secretary of the Interior, as he represents and has an obligation to represent all the Native people of our State, has chosen to represent a very small segment, the Gwich'ins, representing about 1 percent of the Native people in Alaska. The Gwich'ins are fearful that the Porcupine caribou will somehow be at stake. The justification for that is not supported by any evidence as I will show in the next chart.

This happens to be a picture taken of Prudhoe Bay which shows the oil pipeline, shows a well being drilled, and it shows a number of caribou, pointing out the reality that the caribou are very adaptable.

To suggest that the porcupine caribou cannot be managed by a joint management team of the Gwich'ins, the U.S. Fish and Wildlife Service and the State department of fish and game is not based on any factual evidence by any means.

That herd is about 165,000. Most of the animals, about 4,000, are taken by the Canadian Gwich'ins on the Canadian side and 400 by the Alaskan Gwich'ins.

The point is, as we look at the development of this area, there are huge areas of wilderness and refuge that will be protected forever, and that the Alaska delegation stands behind them. Again, the footprint is .1 of 1 percent of the area, about 2,000 to 3,000 acres at the maximum.

Let me just talk a little bit more about the caribou because it has a warm and cuddly aspect to it, as it should. The caribou range over vast areas and their range is dependent on basically three factors. One is predators. If there are a number of predators, or the predators are at an all-time high, like the wolf, obviously it will have an effect on the young caribou. The winter kill is a consequence of a tough winter, resulting in a decline of the herd. There is overgrazing, which will also cause a decline in the herd.

As a consequence, it is fair to say of the approximately 34 herds in Alaska, two-thirds of them are on an increase, about 10 percent are on a decline, and the rest of them are stagnant but cyclical, as many of the ranging land animals in the wild.

Now, we also have a presumption by the Secretary of the Interior that he is protecting our future by blocking access to opening up this area. I suggest the Secretary of Interior is actually gambling with our future.

We sent troops to the Persian Gulf. We recall the gas lines in the 1970's. We are exporting our dollars and jobs. We are making less environmentally conscious nations produce oil.

Another fiction is this is a battle between rich and greedy oil companies and poor and saintly environmental groups. I want to talk about some of the environmental groups tomorrow, Mr. President. Environmentalism in the United States is big business. There is nothing wrong with it. We

should recognize it simply for what it is.

Now, the oil industry is big business in the United States. It provides jobs. It provides our Nation with energy security, as well.

We should not kid ourselves. The battle here is in many aspects between the very rich national environmental lobbyists and some of our poor Alaska Native people who want alternative lifestyles. They want to have running water. They want to have sewage disposal rather than honey buckets. They want to have jobs. They want to relieve themselves of the dependence on welfare. They are being deprived of these opportunities by the suggestion that we cannot open up this area safely.

Sometimes we see a double standard, a standard that suggests that this idealistic election of not allowing responsible development—there is no consideration of the human element, there is no consideration of the people that live in the area of what they feel they should have is a right to a job, a right to a good education, a right to have a future for their children, other than welfare.

As a consequence, Mr. President, there is one overwhelming fact in this debate. All Americans stand to benefit from ANWR exploration. Those benefits are: Jobs, as I have already outlined; security, by eliminating the necessity of our increased dependence on imported oil, which is already 51 percent. We can do it without any significant harm to the environment, using our technology, our engineering skills, our can-do capability. And one other item that this body spends a lot of time and effort on, and that is the concern over the deficit, balance of payments. In other words, the fact we are buying more overseas than people are buying from us.

What is that deficit made up of? Nearly \$56 billion, half of it, is the price of imported oil. The other half is our trade imbalance with Japan. So, here we have, in this particular issue, responsibly opening up this area in our State with a very small footprint, utilizing our technological capability, an opportunity to address some concerns that we all have—jobs, national security, the ability to develop this in harmony with the environment, and an opportunity to balance the budget.

I was also considering the merits of two articles that appeared in the Wall Street Journal and New York Times on October 27. They both concern themselves with the increase in the price of oil, to show you how fragile the world of oil is relative to any crisis that exists throughout the world. We have seen crises in the Mideast in the last few days, but we are also seeing one in Russia. "Concerns About Yeltsin's Health Help To Push Oil Prices Higher." "Prices of Oil Futures Jump on Report of Yeltsin Having Health Problems." Clearly, the former Soviet Union has a tremendous capability to produce oil. On the other hand, their

infrastructure is such it is not a very attractive market.

Finally, let me just comment on one point relative to the people of the area, because the people of the area are so often left out of any equation that affects the environment or the ecology.

The people of Kaktovik, the people of Point Barrow, the Eskimo people, these are people working their way out of Federal dependency. Because of our success, we are now opposed, seemingly at every turn, by, among others, a Secretary for Indian Affairs, Ada Deer. She now has gone on record as opposing successful Native corporations and organizations that are developing the resources in our State. She wants us to go back, and our people to go back, and be dependent on the Bureau of Indian Affairs. But, as we have seen, dependency brings despondence, it brings a dependence, it kills self-initiative, it breeds a welfare society. Alaska's Native and Eskimo people want to follow the American way, the way of independence, the way of self-help, individual responsibility, family values, a sense of community. Yet we are seeing spokespersons, including the Secretary of the Interior and Ada Deer, Assistant Secretary for Indian Affairs, actively opposing this development in the area where these people live.

This is a tragic day, in a sense, for the nearly 8,000 Eskimo people, because this is the first time any Secretary of the Interior has rejected his trust responsibility to pursue the naked political objectives of those opposed to the interests of Native Americans. It seems like the Secretary is almost penalizing hard work and success. On one hand they champion dependency, welfare and allegiance to an incompetent Bureau of Indian Affairs. Then, on the other, they put commercial fundraising interests of environmental organization over those of the Eskimo people who need help, who need this opportunity.

So, we see an administration, now, that opposes opening the coastal plain. Yet they are actively selling OCS oil and gas leases in the Arctic Ocean adjacent to the coastal plain. They say that is OK, that is all right. Secretary Babbitt and the others have their priorities backwards. Oil development on the land is safe. Oil development in the isolated wind-driven reaches of the ocean is risky; it can be hazardous.

Mr. President, I see my time is up. I thank the Chair. I appreciate the indulgence of my colleagues. Tomorrow, or the first opportunity I can get time in morning business, I intend to comment at some length on the issue of environmentalism as big business in the United States, what it consists of, who it involves, what salaries are being paid, and a list of the assets of the various organizations so the public can understand the other side of the issue. On one side we have big business and oil. On the other side we have big business and the environmental community.

I thank the Chair and wish the Chair a good day.

The PRESIDING OFFICER. The Senator from Missouri.

YITZHAK RABIN

Mr. ASHCROFT. Mr. President, I rise to extend my deepest personal sympathies and condolences to Mrs. Rabin, Mr. Rabin's children and grandchildren, to the people of Israel, and to the Jewish community of Missouri and the United States.

Yitzhak Rabin was a warrior. As a young man, he left behind boyhood dreams and assumed the mantle of a soldier for a country that was still a dream to him and many others. He helped liberate 200 of his brothers in a heroic and legendary raid. He fought in the siege of Jerusalem and kept open the vital lines of supply. In 1967, it was General Rabin who was the architect of the determined fury of an Israeli Army that was victorious over three substantial enemies in what would become known as the Six Day War.

Nevertheless, his prowess as a warrior was exceeded only by his courage as a peacemaker. He was an Ambassador to the United States. He made the first visit ever by an Israeli Prime Minister to West Germany. He tried to open peace negotiations with King Hussein of Jordan in the late 1970's. And, in a move that would ultimately cost him his life, he made peace with some of Israel's most substantial enemies.

He need not have been a peacemaker. He could have gone quietly into the annals of history as a warrior, a Prime Minister, a father, and a grandfather. But Yitzhak Rabin was, from his earliest days, a Zionist. His goal, both in war and in peace, was the preservation of a land that God had promised. In the end, he saw in peace and through diplomacy what military victory might never bring—security for his home, for his land, for his nation.

Unfortunately, it was not a journey which he was able to see through to completion. In his life, Yitzhak Rabin defined courage—the courage to fight in war and the courage to fight for peace. His legacy will be judged finally not only by what he started, but also by what Israel and her neighbors will eventually accomplish and achieve.

That is a task which they must pursue and that they must complete. It is a task for which we will all be held accountable. So, when the mourning is completed—and mourn we must and should—may we resolve to do what he started and may the resolve linger in all of us to complete that which he began.

As a boy, Yitzhak Rabin wanted to learn how to make the fertile soil of his land produce crops more abundantly. As a man and as a leader, Prime Minister Rabin plowed and harrowed the rocky ground of peace. It was both his hope and his vision that out of that ground would grow a tree bearing the unknown fruit of peace in a

land and for a people that had seen so little of it.

In his finest hour, 2 years ago, at the White House, Prime Minister Rabin acknowledged this aspiration, as he said:

Let me say to you, the Palestinians, we are destined to live together on the same soil in the same land. . . . We have no desire for revenge. We harbor no hatred towards you. We, like you, are people—people who want to build a home. To plant a tree. To love—live side by side with you. In dignity. In empathy. As human beings. As free men.

It is all of our prayers that his dream will live on.

Mr. President, I thank you.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

PRESIDENT CLINTON AND THE FORGOTTEN MIDDLE CLASS

Mr. GRAMS. Mr. President, if you had been in New Hampshire on Thursday, January 9, 1992, and had been near a television, you might have seen the premiere of a new political advertisement—the first, early ad of the presidential campaign for a candidate who was not yet a familiar face.

The setting is an office. Piano music plays gently in the background, and the candidate speaks to the camera with an American flag as his backdrop.

"In the 80's," he begins, "the rich got richer, the middle class declined, poverty exploded, politicians in Washington raised their pay and pointed fingers, but no one took responsibility."

The candidate promises a tax cut for the middle class, even offers viewers a copy of his "Plan for America's Future" if they call the number on their television screen.

"I hope you'll join us in this crusade for change," he says earnestly.

Together we can put government back on the side of the forgotten middle class and restore the American dream.

I'm Bill Clinton, and I believe you deserve more than 30-second ads or vague promises.

Mr. President, Bill Clinton evoked the image of the forgotten middle class throughout his campaign for the White House, tantalizing the voters—while separating himself from the rest of his Democratic opponents—by promising he would cut taxes for working-class Americans.

"I am not in this thing to pander," he told Business Week in a June 1992 interview.

The way I came to the across-the-board, middle-class tax cut didn't have a relationship to the polls. . . . I came back to the middle-class tax cut as a down payment on fairness.

As that "down payment on fairness" took shape, Bill Clinton reached out to the overtaxed middle class by focusing his tax cut plan on families, advocating ideas that seemed more in line with the Republican vision than the Democrat policies of the past. "It is very much harder to raise a child for a middle-class family today than it was 40 years

ago," said candidate Clinton. "Our country used to take the position that the way to build strong families was to enable the working people to have enough money to raise their families."

"We're still getting a disproportionate amount of taxes from the middle class," he emphasized.

During the Presidential campaign, candidate Clinton promised to reduce the taxes paid by families and shield them from future tax increases.

"Virtually every industrialized nation recognizes the importance of strong families in its tax code; we should too," he wrote in "Putting People First," his campaign's economic outline for the country.

"We will lower the tax burden on middle-class Americans."

Mr. Clinton's plan began to take shape with a focus on tax relief for families with children. "The main portion of the middle-class tax cut for me in its present form is the children's tax credit," he said back in 1992.

He promised that he would cut taxes for average, middle-class families by 10 percent, giving them a choice between a phased-in, \$800 per-child tax credit or a "significant reduction in their income tax rate."

Those election-year promises helped turn candidate Bill Clinton into President Bill Clinton when frustrated Americans went to the polls that November.

But like so many promises made in the political heat of an election year, Mr. Clinton's tax-cut intentions of 1992 melted like summer snow in 1993.

By then, Republicans in Congress were rallying around the \$500 per-child tax credit I had authored as a Member of the House, making it the centerpiece of our budget alternatives in both the House and Senate.

But the Democrats, led by the President, pushed through a package of tax hikes on the middle class—a historic tax increase that affected every segment of American society.

Promises made, promises broken.

Mr. President, in 1995, this Congress has not forgotten our promise to the middle class.

We have passed a budget that recognizes, just as President Clinton did in 1992, that working-class Americans have paid more than their fair share of taxes over the last 40 years.

Families in 1950 sent just \$1 of every \$50 they earned to Washington, but families today are turning over \$1 out of every \$4.

That is money they could have spent for a child's education, health insurance, groceries for an elderly parent, or something as simple as birthday presents and Christmas gifts.

But instead, they are handing it over to the Washington bureaucrats, who spend it for them—often recklessly—in ways that often have no benefit at all to the folks who foot the Government's bills.

For more than 40 years, the only economic and fiscal discipline exercised by

Congress has come at the expense of the American taxpayers.

The budget plan we will soon be sending to the President is based on our deeply held belief that the weekly paycheck is not the Government's money—that families can spend their own money better than a Government that demands those dollars to spend on their behalf.

We are certain that 250 million Americans, empowered to make their own spending decisions, will make better choices than Congress and the President could ever make for them.

With our budget, Congress is dedicating \$245 billion to tax relief, the vast majority of which will go to working-class American families through the \$500-per-child tax credit.

The child tax credit means Minnesota families would get to keep \$477 million of their own dollars every year, to spend wherever they needed help the most.

The \$500-per-child tax credit would return \$150 million annually to families in President Clinton's own State of Arkansas. And it would completely erase the tax liability for 38,411 Arkansas residents.

Well, it has been nearly 4 years since that first campaign commercial in New Hampshire promised tax relief for the beleaguered middle class. An election is on the horizon, and once again, like the swallows returning to Capistrano, candidate Clinton is talking about cutting taxes.

He laid out the framework in his most recent State of the Union address. He said: "I have proposed the middle-class bill of rights * * * It will give needed tax relief and raise incomes in both the short run and the long run, in a way that benefits all of us."

We say "welcome back aboard" to the President. We need President Clinton with us as the budget process continues. He has a critical role as we move forward.

We cannot enact our groundbreaking legislation without his signature. We cannot carry out the people's agenda without the people's President behind us.

And President Clinton needs us, too. So we have prepared a budget that meets the objectives outlined at both ends of Pennsylvania Avenue. Yes, Congress and the President may disagree about some of the specifics, but not our goals.

The budget must balance. It must protect and preserve Medicare. It must restore hope to those who have been trapped in the welfare system. And it must cut taxes for the middle-class, with the same child tax credit President Clinton promised in 1992, and again this year.

President Clinton considered family tax relief such a fundamental concept that he outlined it as a priority in that very first television ad of his Presidential campaign. "Together we can put government back on the side of the

forgotten middle class and restore the American dream," he told New Hampshire television viewers.

The time for vague promises is long past. If he still believes in the words he delivered with such conviction in 1992—and in the child tax credit that will turn those words into action—then the President must sign the budget bill we send him in 1995.

Thank you, Mr. President.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, I want to take just 1 minute.

WE SHOULD TALK ABOUT THE ISSUES

Mr. FORD. Mr. President, I have never understood why the Senate should become a political arena. I have never heard so many speeches and so many names called and so many TV spots referred to. I can refer to the TV spots "read my lips," or I can refer to the vote on President Reagan's budget of 425 to 0 in the House.

I think we ought to get down to the issues. I voted for the tax bill in 1993, and 12,500 taxpayers in my State paid additional taxes and 315,000 paid less. Everybody else paid the same. We have less unemployment today in Kentucky than we had 3 years ago.

Let us talk about the issues, and let us not make this Chamber so political. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, if I could yield to the Senator from Minnesota who has a unanimous-consent request.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that following the Senator from Florida I have 10 minutes and the Senator from North Dakota have 10 minutes in succession.

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

Mr. WELLSTONE. I thank the Chair.

Mr. GRAHAM. Mr. President, I ask unanimous consent that my time, which is currently 20 minutes, be extended to 30 minutes as I wish to make a preliminary statement relative to Prime Minister Rabin.

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

Mr. GRAHAM. Thank you, Mr. President.

THE PEACEMAKER, YITZHAK RABIN

Mr. GRAHAM. Mr. President, it is with deep sadness and great respect

that I offer my profound tribute to the memory of Prime Minister Yitzhak Rabin of Israel. Mr. Rabin was a warrior, brave in battle. He was a visionary, with the courage to seek peace. This Nation and this institution will miss him and his leadership. We will mourn with Israel in its time of loss.

Citizens of my State of Florida are honored that Yitzhak Rabin visited our State on many occasions. We were proud to host a man of such dignity, purpose, and resolve. And we join the world in prayer for healing as this great man was buried yesterday near the place of his birth 73 years ago. We extend our deepest sympathy to his family, but we rejoice in the life of this special man, who has earned the biblical truth, "Blessed are the peacemakers."

AN AMERICAN SUCCESS STORY

Mr. GRAHAM. Mr. President, on Friday of last week, November 3, I began a series of remarks about America's Medicaid Program. I plan to continue that series throughout this week.

In my opening remarks on Friday, I debunked the myth that Medicaid has been a failure. In fact, Medicaid, the Federal-State partnership for health care for poor children and their mothers, for the disabled and for the elderly, has been an American success story. The Senate should be building upon that success story, not retreating from it.

Thanks to Medicaid, the Nation's infant mortality rate dropped 21 percent during the period 1984 to 1992. In 1985, the infant mortality rate in the United States was 10.6 per thousand live births. In 1992, that had dropped to 8.5. The number of babies who were alive in 1992 who would not have been alive had we continued at the 1985 rate of infant mortality—8,000. That is an American success story.

Thanks to Medicaid, 18 million children have access to hospital, physician care, and to prescriptions as well as immunization and other preventive programs.

Thanks to Medicaid, senior citizens can live in dignity in a nursing home when their own private resources are no longer there and there is no family member to care for them.

Thanks to Medicaid, nearly 5 million low-income Americans receive help through the qualified Medicare Beneficiary Program which pays things like their part B, physician's Medicare monthly premiums, copayments, and deductibles as well as paying for prescription medication for the Medicare population, which is also medically indigent. For these qualified Medicare beneficiaries, Medicaid means the difference between a visit to the doctor's office instead of the use of the emergency room.

Thanks to Medicaid, this Nation has decreased its population of severely handicapped residents living in large State institutions from 194,000 to to-

day's less than 70,000. Today, 6 million disabled Americans are covered under Medicaid.

Thanks to Medicaid, children with catastrophic health problems or other special needs get treatment and care. In Florida alone, \$284 million is spent a year through Children's Medical Service, a Medicaid public-private partnership of national renown which last year served 128,000 Florida children. This Federal-State partnership, serving 37 million Americans, has been an American success story.

I have strained my ears to hear the justification, the policy basis, the rationale for the \$176 billion that is being cut from the projected needs of the Medicaid Program which, until \$11 billion was added back at the last minute, had been a \$187 billion cut.

Today I wish to examine why Federal spending on Medicaid has increased. In addition, I wish to look at the basis for the projected needs of those served under Medicaid as America enters the 21st century. Why has Medicaid grown? Why is Medicaid expected to continue to grow? Such an examination will debunk yet another myth. That myth is that you can cut \$176 billion from Medicaid without risking the deaths of infants or the neglect of the elderly or the unnecessary institutionalization of the disabled.

Wednesday and Thursday I wish to discuss how the Senate proposes to reward bad, manipulative behavior in the Medicaid Program and how the inappropriate plan to raid Social Security will be used as a means of paying for the reward in the plan that we sent to Congress. And, finally, I wish to suggest a better alternative, an alternative of genuine reform.

The key argument against Medicaid is that they say Medicaid needs to rein in spending because it is growing out of control. That is the principal argument of the critics. Let us look at the overall figures.

In 1988, Medicaid cost \$51.3 billion in Federal and State funds. We know the Medicaid Program is a partnership between the Federal Government and the States, each contributing to the total cost. In 1993, Medicaid costs had grown to \$125.2 billion. That sounds alarming, and virtually everyone agrees we must restrain the rate of growth of Medicaid. But no one has done a very credible job of explaining the policy basis for cutting \$176 billion.

Today I wish to examine why Medicaid has grown. There are two main factors that drive the cost of the health care system. First, how many people are served, and, second, the cost of serving each one of those people. In the case of Medicaid, we should put the second factor, that is, the cost of providing services to individual Americans who are covered under Medicaid, in perspective.

In the private sector, the growth rate and the cost per person served is estimated to be 7.1 percent per year. That is projected from the years 1996

through the year 2002. The source of this projection is the Congressional Budget Office. This is higher than the projected growth rate for Medicaid, says the same Congressional Budget Office, which calculates that the Medicaid annual growth rate is 7 percent.

What is, therefore, causing this alarming growth in Medicaid? The rate of growth per person is commensurate with, even less than, the average of all Americans' health care cost increases, that in spite of the fact that Medicaid is serving one of the most vulnerable populations—the frail elderly, the disabled, poor children, and their mothers.

There are several key factors that explain why Medicaid has grown so rapidly. First, a fundamental reason why Medicaid has grown is because Americans are living longer. This is a positive trend for America. Greater longevity means that more people are not only living longer and more qualitative lives, but it also means that more people are relying on Medicaid for longer periods.

In 1970, life expectancy at birth in the United States was just over 70 years. By the year 2010, the projected life expectancy in the United States will be almost 80 years. In a period of 40 years, the average life expectancy of an American will grow from 70 to 80. The segment of our population 65 years and older is also living longer, much longer. If you had reached age 65 at the beginning of this century, you could have expected to have lived another 11 years.

Those who reached 65 in 1990 could expect to live an average of an additional 17.2 years, according to the U.S. census. Millions of Americans are living longer, and a higher proportion of our population is reaching senior status.

In 1900, about 40 percent of the population could expect to reach the age of 65. By 1990, 8 out of 10 Americans lived to be 65 years or older.

Why is this relevant? It is relevant because Medicaid pays for half of the total nursing home care in the United States. Nationally, Medicaid pays 35 percent of all long-term care services. In Florida, 70 percent of our Medicaid spending goes to benefits for seniors and disabled.

Mr. President, let me just insert one more set of statistics to underscore the fact that a principal reason why Medicaid is expanding in its expenditures is because Americans are extending their life expectancy.

In 1980, 15 years ago, there were 15,000 Americans over the age of 100. By 1990, that population had nearly doubled. Today, in 1995, there are 56,000 Americans of the age of 100 or older. No one can deny this longevity trend, not Democrats, not Republicans. So when we hear claims about the growth of Medicaid, let us remember one of the fundamental reasons for that growth, thankfully, is as a people we are enjoying the benefits of longer life.

In addition to the aging of our population, there is a second main reason for the growth in Medicaid spending, and that is we have asked the Medicaid system to do more. As an example, we have tackled the infant mortality rate, which was unacceptably high. In my State of Florida in 1991, at the urging of Gov. Lawton Chiles, the Florida Legislature enacted Healthy Start to improve access to prenatal and infant care. As I mentioned in my floor statement on Friday, Healthy Start is an example of a Medicaid success story. In 5 years, Florida went from being above the national average in infant mortality, with an infant mortality rate of 9.6 per thousand live births, to below the national average, at a rate of 8.1 per thousand live births, and the most recent Florida statistic shows that rate continues to fall and is now 7.6 infant deaths per thousand live births. Nationally, the infant mortality rate has declined from 10.6 per thousand live births in 1985 to 8.5 in 1992.

By providing prenatal and postnatal care, we are saving lives, and we are confident that costly medical services will be prevented in later years.

Mr. President, I would like to take just a moment to recall one of the giants of this institution who represented senior citizens across America, the late Hon. Claude Pepper, a Member of the U.S. Senate from 1937 to 1951 and later served a distinguished career in the U.S. House of Representatives.

When I was elected Governor of Florida in 1978, Senator Pepper, then serving in the U.S. House of Representatives, made one request of me. He asked me to expand the Medicaid program in Florida to cover an optional two services: eyeglasses and artificial limbs.

I am proud that one of my first acts as Governor was to sign legislation, inspired by Senator Pepper, to achieve these goals. Senator Pepper said there were too many poor seniors without vision and without limbs. So, yes, Senator Pepper, we have expanded Medicaid so frail seniors can read and walk.

I challenge those who would cut \$176 billion to tell us if they are ready to dismantle this legacy of Senator Claude Pepper, if they are ready to take away the eyeglasses of poor seniors, if they are ready to deny coverage of artificial limbs or return to the infant mortality rates of yesterday.

There is a third reason, in addition to the aging of the population and the additional demands that we have asked of the Medicaid program, and that is that there have been expansions that we have made legislatively. There are, in addition, more and more children who used to get health coverage through their parents' jobs who have now lost their private sector insurance.

Consider this trend line, Mr. President. In 1977, the Census Bureau says that the proportion of children with private health insurance coverage was 71 percent; 71 percent of American chil-

dren had health insurance coverage through private coverage primarily through their parents' place of employment. By 1987, that percentage had dropped to 63 percent; by 1993, to 57 percent; and the projection for the year 2002, which happens to be the seventh year of the budget plan upon which we are currently deliberating, is that it will be 47.6 percent. Less than half of the American children will be covered by insurance at the point of their parents' employment.

The cumulative result of these factors—the aging of the population, the increased expectations of Medicaid and the decline of the percentage of children covered by private insurance plans and, therefore, who are now eligible for and are being covered by Medicaid—has contributed to the expansion of the Medicaid program.

In my State of Florida, as an example, in 1970, shortly after Medicaid was available, 4.3 percent of Florida's population received Medicaid, those recipients who are eligible for Medicaid based on those who were eligible for aid to families with dependent children or supplemental security income. You had to be at one of those two classes in order to be eligible for Medicaid. The percentage of Floridians receiving Medicaid was fairly constant, in the range of 4 to 6 percent, from its inception in 1970 until the program began its expansion in the mid-1980's.

By the 1993 fiscal year, 11.6 percent of Floridians were eligible for Medicaid. Today, that has grown to 12 percent, compared to the national figure of 14 percent of Americans being covered by the Medicaid Program.

In sum, the percentage of Floridians eligible for Medicaid has nearly tripled since the program started a quarter of a century ago. It has tripled primarily because of the aging of the population, because of policy decisions, such as the decision to attack infant mortality, and by the dramatic decline in children covered by private insurance programs and, therefore, becoming eligible for Medicaid and receiving benefits through that program.

Before I move on to my next point, I want to underscore that there are also some adverse reasons why Medicaid is growing. First, we must do a better job of suppressing fraud. Our colleague from Maine, Senator COHEN, estimates that Medicare and Medicaid suffer a combined loss of \$33 billion a year due to fraud and abuse. At last week's hearing before the Senate Select Committee on Aging, the senior Senator from Maine said something that we all know is true. Senator COHEN said: "It is appallingly easy to commit health care fraud."

In Florida, the Florida Supreme Court has just impaneled a grand jury for a year as part of our attack on Medicaid fraud.

In addition to fraud and abuse, there is another adverse reason why Medicaid is expanding. There has been abuse

in the provision known as disproportionate share hospitals, sometimes referred to by the acronym DSH. Today, one out of seven Medicaid dollars is spent on disproportionate share hospitals. The proposal that this Senate adopted 11 days ago will make those payments virtually permanent within our Medicaid system. I will talk more about this phenomenon on Wednesday.

Mr. President, having discussed some of the principal reasons why the Medicaid Program has grown dramatically over the last few years, let us now talk about the basis of projections for Medicaid. We are being asked to cut \$176 billion from Medicaid's projection over the next 7 years. What is the medical rationale for the \$176 billion cut? What is the policy rationale?

Mr. President, I have been seeking a good answer to those questions, and until I get one, I will have to assume that there is no sound rationale for \$176 billion of cuts in Medicaid. I will have to assume that there are other reasons and that those reasons are to fund huge tax breaks, which will go, disproportionately, to the wealthiest Americans.

Mr. President, we are not at a loss because our experts, the Congressional Budget Office, has looked ahead. It has projected an annual rate of increase for Medicaid spending at 10.2 percent through the year 2002.

How did CBO arrive at that figure? The key factors driving the CBO projections were these:

About 45 percent of the CBO-projected increases over the 7-year period are due to additional caseload; 45 percent of the reason why Medicaid is supposed to grow is because it will serve an increasing number of Americans—basically, the same Americans that have led to its growth in the last 10 years, the increasingly elderly population in need of nursing home care, the number of poor children who no longer have health insurance at the point of their parent's employment, and through policy directions to attack the issue of infant mortality.

Do those who want to cut \$176 billion from the Medicaid dispute this projection? Do they claim that we will be serving fewer people? If so, who will we not be serving? Shall we say to that frail senior citizen with poor eyesight who needs glasses that their glasses should be taken away? Will their neighbor who needs an artificial limb be denied? Will the preschooler who needs to be immunized tell us who will not be covered so that we can pay for the tax breaks?

Medicaid serves multiple clienteles. One of the most costly groups served by Medicaid is the disabled. The chronically ill cost at least seven times what it costs to provide for nondisabled children per year. It costs the Medicaid Program seven times per person to serve a disabled person than it does the poor child.

CBO says the projected rate of growth in the number of disabled children to be served is expected to rise 4.1

percent a year, which is higher than the growth rate for all other Medicaid categories. The most expensive category of Medicaid service is the category that is growing the most rapidly. Do those who want to cut \$176 billion for Medicaid suggest that the needs of the numbers of the disabled will not grow at this rate? If they have some basis for that, we look forward to them presenting that to us.

A second reason for the projection of Medicaid increase is that some 30 percent of the projected increase in Medicaid outlays would be caused by increased costs, including national medical inflation—a factor that no individual State can control.

Mr. President, one of the independent expert groups that has explored these tough questions of the future of Medicaid is the Kaiser Commission on the future of Medicaid. The Kaiser Commission issued a report in May 1995 based on Congressional Budget Office data that indicates what Medicaid will look like in the year 2002. The report assumes that States would first do the following things in order to achieve savings: They would enroll individuals in managed care plans; they would reduce provider payment rates; they would cut optional services. The States would do all of those before they would take the next step, which is to reduce enrollment in the program.

Based on these assumptions—enrolling individuals in managed care, reducing provider payment rates, and cutting optional services—Kaiser has projected the changes in covered beneficiaries. Under the most optimistic scenario, States would somehow reduce growth in spending per beneficiary to the rate of overall inflation.

Under another slightly less optimistic scenario, States would reduce real spending to the rate of inflation plus 1.9 percent per year per beneficiary. That number happens to be half the historical rate of growth for Medicaid. Either way, cost control would be more successful than that achieved by the private sector or by any public program, Mr. President, including the program that we have adopted for Federal employees. We are asking Medicaid, under these two scenarios, to be significantly more efficient than either the private sector or the public sector, including the judgment that we have made about our own health insurance program.

Even with such a faith in State government's ability to cut health care costs, let us look at what we can expect in just one State—California. What will the Medicaid landscape look like in the year 2002 in the largest of America's States? California is currently projected to receive \$95.7 billion in Medicaid funds from the Federal Government between the years 1996 and the year 2002.

The Senate reconciliation bill would limit California to \$77.7 billion, which is an \$18 billion reduction over that 7-year period. In the year 2002 alone,

California would have been expected to have received \$18 billion. The Senate bill would limit California to \$13.1 billion, a \$4.9 billion reduction from current projections of need in the 1 year of 2002.

Now, let us make some assumptions. Assume that California holds expenditure growth to inflation—a remarkable achievement. Having done so, and having also met the other assumptions, including moving all of those potentially into managed care and reducing the rates to providers, California would have to remove 320,548 people from the expected 6½ million Medicaid beneficiaries; 320,000 people would be removed from the Medicaid rolls.

Suppose California was not quite as successful, and instead of being able to hold health care costs to the rate of inflation, California was able to hold health care costs to the rate of inflation plus 1.9 percent. In that event, California would have to remove 1,065,823 of its 6½ million Medicaid beneficiaries.

Are we saying that in the year 2002, assuming that California has done a better job of reducing costs than the private sector, the public sector, including the Federal Government, that we are willing to allow between a third of a million to over 1 million people to lose their health care coverage in the year 2002 in the State of California? What happens if California is not able to reduce its costs? Is the Governor of California ready to accept responsibility for allowing perhaps millions of our country's most needy people to go without health care coverage?

Mr. President, my comments this morning boil down to some simple mathematics. Take the projected need in the Medicaid Program to the year 2002, which is \$954 billion, and then subtract the amount of the proposed cuts, \$176 billion; that amount of money that is left, \$778 billion is now going to pay for \$954 billion in projected needs.

Mr. President, the simple math tells us that the block grants will come up short, that they do not add up, that States will not have a sufficient amount of resources in order to meet the projected needs of the frail elderly, the disabled, poor children, and their mothers.

This brings me, perhaps, to the most repugnant feature of the Medicaid block grant proposal—the unmitigated cowardice of Congress for failing to admit, on the record, that these cuts will mean real suffering in the lives of real Americans.

It is as if the U.S. Senate has adopted a policy of "Don't ask, don't care."

The fact is, Mr. President, that the designers of these massive Medicaid cuts do not want to know who is really going to have to pay for the tax breaks that this \$176 billion will, in part, fund. Leave those messy details to the States. Take the high road. Take the cake and ice cream of doling out \$245 billion in tax breaks.

The truth is that the price for these tax breaks for the wealthy will be paid

for in the currency of suffering, preventable illness, inadequate or unavailable care, and, yes, even the death of infants.

What we saw orchestrated on the Senate floor 11 days ago was an elaborate ritual of plausible deniability. No hearings or debate on how many infants could die because of slackened prenatal care efforts. No hearings or debate on how many elderly will languish in nursing home warehouses because of deregulation and lower provider payments.

Mr. President, that is precisely what happened when the 20 hours of debate ran out on a 1,500-page bill with no discussion, no accountability, no honest admission that cutting \$176 billion from the projected needs of human beings that millions of Americans would suffer.

In effect, the Senate sent to the States and county governments the dirty work, the painful decisions. That is what we do when we embrace the don't-ask, don't-care standard for the formulation of public policy.

Mr. President, I ask unanimous consent for an additional 2 minutes.

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

Mr. GRAHAM. Mr. President, the standard for formulation of public policy seems to be "let the States and counties figure out who gets care and who does not. Their fingerprints will be on those decisions, not ours."

Make no mistake about it, these Medicaid cuts will cost infants and frail elderly and the disabled. Congress cannot wash its hands so easily with the pathetic refrain that "We didn't know." Congress did not know because it did not ask. It did not ask because it did not want to know. That is cowardice.

I never cease to be amazed how quickly the hands of Congress reach out to give tax breaks and favors and how quickly the same hands hide when it comes time to assume responsibility.

The record, Mr. President, is clear. The majority of both Houses of Congress, with callous aforethought, siphoned \$176 billion in health and long-term care of needy Americans without even a cursory concern for the human consequences.

Mr. President, I am sure that no Member wants to leave that kind of mark on America. There is still time to reform Medicaid without hurting people. There is still time to deliberate the actual effects of cutting \$176 billion in health and long-term care services for millions of Americans.

Such a deliberation will bring us face to face with the families, with the children, with the frail elderly, and with the disabled who will pay the price of this tax break.

Up to this point, Mr. President, the Senate has denied accountability and responsibility. That denial is not plausible.

The PRESIDING OFFICER. The Senator from Minnesota, under the order, will have 10 minutes.

Mr. McCONNELL. Will the Senator yield for a unanimous-consent request?

Mr. WELLSTONE. Of course.

Mr. McCONNELL. I ask unanimous consent I be allowed to proceed after the Senator from Minnesota.

The PRESIDING OFFICER. Under the order the Senator from North Dakota follows the Senator from Minnesota.

Mr. McCONNELL. After the Senator from North Dakota, I ask unanimous consent that I may proceed.

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

DEDICATION TO THE PEACE PROCESS

Mr. WELLSTONE. Thank you, Mr. President.

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

Mr. President, words of Noa Ben-Artzi Philoosof, 17, granddaughter of Prime Minister Rabin, at yesterday's service in Israel.

I ask unanimous consent that her statement at the service be printed as part of the RECORD of the U.S. Senate and therefore the record of our country.

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

[From the New York Times, Nov. 7, 1995]

GOODBYE TO A GRANDFATHER: WE ARE SO
COLD AND SO SAD

(The granddaughter of Yitzhak Rabin, Noa Ben-Artzi Philoosof, 17, spoke at his funeral. Her remarks were translated and transcribed by the New York Times)

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

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Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I know that people talk in terms of a national tragedy, and of comforting an entire nation, but we feel the huge void that remains in your absence when grandmother doesn't stop crying.

Few people really knew you. Now they will talk about you for quite some time, but I feel that they really don't know just how great the pain is, how great the tragedy is; something has been destroyed.

Grandfather, you were and still are our hero. I wanted you to know that every time I did anything, I saw you in front of me.

Your appreciation and your love accompanied us every step down the road, and our lives were always shaped after your values. You, who never abandoned anything, are now abandoned. And here you are, my ever-present hero, cold, alone, and I cannot do anything to save you. You are missed so much.

Others greater than I have already eulogized you, but none of them ever had the pleasure I had to feel the caresses of your warm, soft hands, to merit your warm embrace that was reserved only for us, to see your half-smile that always told me so much, that same smile which is no longer, frozen in the grave with you.

I have no feelings of revenge because my pain and feelings of loss are so large, too large. The ground has been swept out from below us, and we are groping now, trying to wander about in this empty void, without any success so far.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

Mr. WELLSTONE. Mr. President, I said to my wife, Sheila, this morning that there is nowhere on Earth I would have rather been than in Jerusalem yesterday for this service to honor a very courageous man, Yitzhak Rabin.

Mr. President, I will never forget the long lines of the people in Jerusalem in Israel as we drove to the service, as I drove to the service with my colleagues—Democrats and Republicans—to look out of the window and to see the sadness of the people, to see the sadness of the people.

Mr. President, I will never forget the words at the service, the words of our President, President Clinton, the words of the Prime Minister's granddaughter. Her words were heard and felt by people all over the world. Nor will I forget the words of King Hussein of Jordan who said, "I remember my grandfather being assassinated"—the King as a little boy was next to his grandfather—"and now my brother"—my brother; he called Prime Minister Rabin his brother. He said, "I am not afraid. I am not afraid. If I have to meet that fate," the King said, "so be it, but I am committed to this peace process."

Mr. President, I just would like to say on the floor of the U.S. Senate that I owe a tremendous debt of gratitude to my State of Minnesota for giving me an opportunity to be a U.S. Senator and giving me an opportunity to be invited to be able to go and to be at that service.

I believe that the way that I can honor Prime Minister Rabin—I believe the way that all of us can honor Prime Minister Rabin—whether we are Democrats or Republicans, as leaders in the U.S. Congress, is to dedicate our services to this peace process.

Mr. President, the Prime Minister knew that the status quo was unacceptable. He knew that the status quo extended to the future would only mean that Israeli children and Palestinian children would be killing each other for generations to come.

He gave his life for peace. He was a general. He defended his country. He was a military hero. But in the last analysis, at the very end, he gave his life for security for his country and for peace for the peoples of the Middle East.

His loss is not only the loss of Israel, his loss is the loss of the peoples of the Middle East, and his loss is the loss to all of us—all of us—who live in this world.

So, colleagues, I think that the way that we honor this man, Prime Minister Rabin, is by dedicating ourselves to the peace process. Whenever our country can facilitate negotiations, we should do so. Whenever our country can continue the work of Dennis Roth and others who have been so skillful in helping to mediate and keep these negotiations going, we should do so.

When there are terms of the agreement that we are asked to follow through on such as financial aid, economic development, aid to Palestinian people, that the Prime Minister was so much for, we should support that.

Mr. President, I hope this does not lead to a period of darkness. Certainly, it feels that way now. This is a nightmare of the world. Let us dedicate ourselves to the peace process. Let us do as public servants what the Prime Minister was able to do. He took the moral position. He did not know how the elections would turn out, but he did what he thought was the right thing.

His example of leadership was an example of leadership not just for Israel but for all us that are in public service in all countries throughout the world.

As a Senator from Minnesota, as the son of a Jewish immigrant from the Ukraine and Russia, LEON WELLSTONE, as the son of a daughter of Ukrainian immigrants, Mincha Daneshevsky, as a father, grandfather, a Senator from Minnesota, and an American Jew, I was so proud to be there yesterday.

I hope I can live my life, with my family and in my community, and as a Senator, in such a way that I honor this man.

I yield the floor.

The PRESIDING OFFICER. Under the order, the Senator from North Dakota has 10 minutes.

YITZHAK RABIN

Mr. DORGAN. Mr. President, I did not hear the entire statement of the Senator from Minnesota, but I visited with him on the way to the Chamber today about his trip to Israel to the funeral. I commend him for what I did hear him say.

I think all of us join in offering our prayers and condolences to the people of Israel and the family of Yitzhak Rabin.

I have had on my desk for slightly over a year, a printed copy of the remarks Yitzhak Rabin gave to a joint meeting of Congress in 1994. The reason the remarks have been on my desk for a year is I was so moved when I heard him speak, in the House Chamber, in such eloquent terms about his search for peace in the Middle East, that I thought I had not in many, many years heard anything quite so beautiful or so profound or so powerful as those words. I have kept them near for some long while. All of us grieve for what has happened to Yitzhak Rabin and for the people of Israel in these days of tragedy.

A HOUSING PROGRAM FOR MIDDLE-AGED RICH MEN

Mr. DORGAN. Mr. President, in these days of government spending cutbacks there is one notable exception: public housing programs for middle-aged rich owners of professional sports teams.

Yesterday's announcement that the Cleveland Browns will move to Baltimore demonstrates once again that these rich folks who play monopoly games with their football, baseball, and basketball team franchises can play city off against city to hammerlock officials and fans to pay for expensive, new taxpayer financed sports stadiums in which they can house their privately owned teams.

There is insufficient money for public housing for poor people in America, but the sky is the limit for public housing for those rich folks who own professional sports teams and who insist the taxpayers build them a place to play.

No owner of a professional football, baseball, basketball, or hockey team will ever be homeless. Governments—local, State, and Federal—will see to it that there are enough public resources available to build stadiums worth hundreds of millions of dollars with sky boxes for the affluent. Governments will virtually guarantee that money from parking, concessions, and sky boxes will make rich owners richer and overpaid athletes financially fat and happy.

The thing about this that irritates me is that taxpayers in our part of the country: North Dakota, South Dakota, Montana, and Wyoming—help in both direct and indirect ways to pay for this housing program for rich sports owners.

But there will never be a press conference in which a major sports team owner announces he is moving his team to Bismarck or Cheyenne or Helena.

This little monopoly game that bestows enormous economic awards on certain regions of the country is a private domain played between the wealthy sports owners and the largest cities of America. The rest of us are required, through lost tax revenue, to help pay the bills.

Yesterday's announcement about the Cleveland Browns moving to Baltimore is apparently a result of a promise of a

new \$200 million stadium in Baltimore to be used rent-free for 7 years by the Browns' owner. Skybox, parking, and concession revenues go to the owner as well. In addition, the owner apparently received \$75 million as a bonus for moving the team.

I do not know the owner of the Cleveland Browns from a cord of wood so I am not judging him. And he is not alone in moving a sports team in search of more money. And team owners are no different than athletes: they are two peas in a pod. They jump ship and leave town in search of more money. It is all about money—money for the owners and money for the athletes.

Fans are the pawns who end up paying the bills through ticket prices and taxes. Fans are reduced to rooting for uniforms rather than people. The star athlete in one city one week may well end up playing against that city the next week as a result of trades or moves by athletes and owners in search of the highest dollar.

In circumstances where monopolies rule the day—and they do in professional sports—you cannot start an NBA team in Bismarck, or you cannot start an NFL team in Sioux Falls. Money and control replace the benefits of competition, and everyone pays except the owners and the athletes.

I would not take the time to comment on this issue, except that what is happening in professional sports is a perversion. This is about big guys and big money, and the little guy is damned. And guess who ends up paying for the sports stadiums and who ends up paying for those lucrative salaries for the athletes and handsome profits for the owners? The little guy. The fact is, professional sports is sticking its finger in the fan's eye.

A story last week pointed out the cost of taking a family of four to a National Basketball Association professional game this season has risen to \$192, up 10 percent from last year. It costs about \$130 for four tickets, an average of \$32 per ticket, and you have to add some hot dogs, a program and a cap so the cost for four people adds up to nearly \$200 to attend a game. Something is wrong; something is terribly wrong in professional sports when we have come to that. And ticket prices for hockey and football are even higher.

I think that Congress ought to hold some hearings on the subject of professional sports: where it has been; where it is going; who profits, by how much, and at whose expense.

Why is it in 1995 that the only healthy public housing program is one to build sports stadiums for rich, middle-aged sports owners? Why, when so many cities would like to host a professional sports team, do the leagues restrict expansion unreasonably, so that existing teams can extract outrageous ticket prices from citizens who have no alternatives?

I think it is reasonable for our country to ask whether these monopolies,

where a few rich owners can make judgments about where to bestow hundreds of millions of dollars of economic benefits to one region or another or one city or another, are in concert with the interests of our economy and our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will take a moment to bid farewell to my friend Yitzhak Rabin. I was unable to attend the funeral due to some family responsibilities, but had an opportunity to get to know the Prime Minister well in his visits to the United States. And to speak to him three or four times a year about the foreign aid program for Israel and other issues related to the Middle East.

Not only has Israel lost a great statesman but the world has lost one of the premier figures of this century.

CAMPAIGN FINANCE REFORM

Mr. McCONNELL. Mr. President, I noted with interest last week the testimony of the Speaker of the House before the House Oversight Committee on the subject of campaign finance reform and the reaction to the Speaker's speech here in the Senate last Friday by two of our colleagues.

Let me say, we are back into it again. The biennial assault on the first amendment has begun anew.

The Speaker of the House last week, in addressing this issue in some of the most skillful and brilliant testimony I have seen or been privileged to hear, pointed out that this debate is about the first amendment. We are talking about free speech and the doling out of the ability to communicate in a free society.

Some of my colleagues here on Friday ridiculed the Speaker for stating what is perfectly obvious—that we do not spend enough on campaigns in this country, not nearly enough.

As a matter of fact, it is interesting to note that in the 1993-94 cycle, the most recent 2-year cycle of congressional elections, congressional campaigns spent about what the American public spent in 1 year on bubble gum. I repeat, Mr. President, in the last congressional cycle, we spent on congressional campaigns what Americans spend in 1 year on bubble gum. And about half of what they spend on yogurt, and about half what they spend on potato chips.

So where did this notion get going that we were spending too much in campaigns? Compared to what? Compared to what? When you look at any sensible comparison, we are spending a pittance communicating with voters and expressing ourselves in the American political system.

Commercial advertising in 1992 was \$44 billion. The cost of democracy, if you will, in the 1993-94 cycle was \$724 million—as I said, roughly what Americans spent on bubble gum that year.

Another way of looking at it, Mr. President, per eligible voter spending was about \$3.74. That would get you an extra-value meal at McDonald's. The equivalent of a burger, fries, and a Coke is not too much to spend to communicate with the American voter.

Prof. Bradley Smith, in a work released by the Cato Institute, recently observed that Sony is spending more to promote Michael Jackson's latest album than the 1994 Republican Senate nominee in California spent. That is a race that a lot of people like to focus on, even though on a per capita basis there was less spending in California than in a number of other States.

Newsweek columnist Robert Samuelson noted in an August 1995 column that campaign spending is tiny—five or six one-hundredths of 1 percent of the gross domestic product. This is up from three one-hundredths of one percent in the 1960's. As Samuelson put it, it hardly seems a high price to pay for democracy.

David Broder in the Washington Post in June of 1993 said:

Communication is the heart of campaign politics, and candidates are competing, not just with each other, but with all the other messages being beamed at the American public. The added cost of the 1992 campaign was the direct byproduct of a very desirable change—a marked increase in competition. There were 1,200 more congressional candidates in 1992 than in 1990—a 63 percent increase.

So Broder pointed out that:

It is illogical to welcome the infusion of energy and ideas represented by the largest freshman class in 44 years and condemn the cost of their campaigns.

He is talking about the 1992 class.

Broder concluded in that article:

Few politicians in today's cynical climate want to tell the voters the truth. If you want competitive politics, make up your mind that it is going to be relatively expensive. Democracy, like other good things, is not cost-free.

But expensive compared to what? It is said time after time on the floor of the Senate that campaign spending is out of control. It is just not true. There is no basis for that. And it is repeated as if it were fact.

We spend a pittance on politics in this country. And, as the Speaker pointed out last week, we really ought to be spending more. To the extent that our speech is restrained by some artificial Government-imposed effort to restrict it, others will fill the void. As the Speaker pointed out, the void left by the limits—if we had limits on our speech—would be further filled by the media, in addition to other powerful entities.

A Member of this body on this floor last Friday blasted as "ludicrous" the Speaker's observation that over half the money he raises is to offset the Atlanta Journal and Constitution. The Senator further noted that his opponent is not the newspaper. Maybe this colleague of ours who was lambasting the Speaker enjoys a great relationship with his newspaper, but he ought to try

to be on this side of the aisle doing battle with the liberal newspapers across America. To conservatives, the undeniably and repeatedly proven liberal slant of the media is an opponent. Of course, all those newspapers would love to restrain our speech so their speech would be enhanced.

I have ruminated at some length on this over the years, including a 1994 piece for the New York Times entitled "The Press as Power Broker," and another for USA Today, also last year.

Mr. President, I ask unanimous consent that both of those articles be printed in the RECORD at this point.

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

[From the New York Times, June 18, 1994]

THE PRESS AS POWER BROKER

(By Mitch McConnell)

WASHINGTON.—In political campaigns, paid advertisements are speech amplifiers—the only practical way for candidates to speak directly to large numbers of voters. That is why the Supreme Court ruled, in *Buckley v. Valeo* (1976), that involuntary spending limits are an unconstitutional infringement of free speech.

Now, in the name of campaign reform, the Senate and House have both passed "voluntary" spending limits for Congressional campaigns. But while they aim to equalize spending between candidates, these limits would distort the political process, creating a whole new set of power brokers—including, perhaps not coincidentally, some of the loudest cheerleaders for the new spending limits: America's largest newspapers.

To get around the Supreme Court ruling, the bills would not explicitly require spending limits. Instead, candidates would be bludgeoned into compliance by a panoply of heavy penalties. These schemes, which have the enthusiastic support of the New York Times, among other papers, are voluntary in name only.

Under the Senate bill, candidates who refused to abide by the limits would have their campaign receipts taxed at the full corporate rate, currently 35 percent. They would be required to include self-incriminating disclaimers in their ads and their campaigns would be saddled with extra reporting requirements. That is just for starters.

When noncomplying candidates went even a penny over the "voluntary" limit, their opponents would receive a Government grant equal to one-third of the limit. The more that noncomplying candidates spent above the limit, the more tax dollars their complying opponents would get.

The Senate bill also provides for Government grants to counteract independent expenditures by private citizens or groups for or against any complying candidate. If David Duke decided to run for the Senate and the N.A.A.C.P. or B'nai B'rith decided to spend money in opposition to his candidacy, he would be eligible for dollar-for-dollar matching funds to fight back. And ask yourself this: if an independently financed ad urged people to "Support Senator X—she voted 50 times to raise your taxes," which candidate would get the money to counteract it?

The more a candidate's campaign was hamstrung by a limit on spending (and speech), the more powerful other players would become—labor unions, religious groups, anyone with an agenda to promote. In particular, newspapers would emerge unscathed from this "reform," perfectly situated to fill the communications void created by the spending limits. Their power to make or break

candidates would increase as the candidates' ability to communicate through paid advertisements was severely limited.

Most campaign spending goes toward getting an unfiltered message to voters. This requires expensive television, mail and newspaper advertisements. Simply speaking from the courthouse steps, as in days gone by, would be cheaper; but it is impossible to reach most voters that way.

The "reform" effort based on spending limits is obviously unconstitutional, yet the nation's largest newspapers proceed full steam ahead in their promotion of it. Perhaps they do not fully appreciate that newspapers could be but a loophole away from having their election-related editorials regarded as "independent expenditures" under Federal election law. Or perhaps their true campaign finance goal is to tilt the political playing field in their own favor.

[From the USA Today, Oct. 24, 1994]

DON'T LIMIT SPENDING

(By Mitch McConnell)

In 1992, congressional campaigns spent about \$3.63 per eligible voter—comparable to a McDonald's "extra value meal." The truth is campaign spending is paltry compared to expenditures for commercial advertising. Yet advertising is the only practical—and most cost-efficient—means of communicating to large electorates. That is why the Supreme Court has said that in political campaigns, spending is speech, and therefore involuntary spending limits are unconstitutional.

Had the Senate not mercifully killed it, this year's version of USA TODAY's beloved "reform" scheme would have self-destructed in the courts. It was a blatantly unconstitutional attack on citizens' freedom to participate in elections. And, its spending/speech limits were not "voluntary."

For example, if the NAACP had the audacity to oppose a Senate candidacy by David Duke, this "reform" would direct tax dollars to Duke to "counteract" the NAACP! Candidates who didn't "voluntarily" limit spending would have their campaign funds taxed, lose broadcast and mail discounts, be forced to run self-incriminating ad disclaimers, be choked with extra red tape and trigger matching funds for their opponents if they exceeded the speech/spending limits. That's why the American Civil Liberties Union opposed the bill.

The National Taxpayers Union opposed what amounted to an entitlement program for politicians, providing communication vouchers ("food stamps for politicians") to House candidates and a host of benefits to Senate candidates. Political scientists opposed the spending/speech limits because they advantage incumbents over challengers, celebrities over unknowns—the political have over the have-nots.

Republicans opposed the scheme for all these reasons and more. USA TODAY misdiagnoses the problem and prescribes a constitutionally toxic cure. Perhaps USA TODAY would consider a dose of its own medicine: tax dollars to candidates to "counteract" hostile newspaper editorials and an aggregate word limit for articles. This would help "level the playing field," alleviate the political "headline chase" and lessen the annoying din of media coverage.

The premier political reform is the First Amendment. If those freedoms were protected only for the press, newspapers would be omnipotent. Perhaps that is why USA TODAY so casually dismisses the First Amendment concerns of others.

Mr. McCONNELL. Mr. President, in the New York Times piece I referred to

the fact that the media factor is codified in law in which they are specifically exempted from the definition of campaign expenditure. The reason that they need to be exempted is because the assumption is that media activities would be a political expenditure. Right here in the Federal election campaign laws compiled by the Federal Election Commission on page 6, it is pointed out that the term "expenditure" does not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station, and so on.

The point this makes is that you could assume that is an expenditure in a campaign. So there is a need to specifically exempt it. The Speaker is absolutely correct. To the extent that the speech of an individual campaign is artificially restrained by some Government-imposed speech limit, the speech of others will be enhanced. Most particularly the liberal media of this country who love to limit anybody else's speech so their speech will be louder and more penetrating.

An objective observer unconcerned or unfamiliar with the Constitution might call that media exemption a loophole. But the point fundamentally, Mr. President, is that we are not, as the Speaker indicated, spending too much on politics in this country. We ought to be spending more. Any effort to restrain the speech of campaigns, to shut up the campaigns, will enhance the speech of others. To rearrange speech in this democracy is not a desirable goal.

So we begin again the seemingly endless debate that has certainly dominated the Senate during my period here about the desirability of clamping down on American campaigns and shutting up candidates so they will not speak too much and providing some kind of subsidy—a bribe, if you will—to get them to shut up.

The Supreme Court has said that spending is speech and cannot be limited. But it did say that you could offer a public subsidy to candidates if you wanted to sort of pay them to shut up. That is the Presidential system, and the reason even candidates like Ronald Reagan, who stated that he would take taxpayer funding and said, "I will take it. I cannot afford not to. The subsidy is so generous."

The various schemes we discussed here in the Congress do not have as generous a subsidy. It has been proposed that we have the broadcasters pay for our campaigns, or that we have the Post Office customers pay for our campaigns through broadcast discounts and postal subsidies, as if this somehow was not real money. Well, it is real money. And make no mistake about it, the goal of all of these schemes is to clamp down on political speech, which, of course, will in turn limit the participation of Americans in the political system. There is much more to be said, and I expect we will have an opportunity next year to say it.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Minnesota.

RELEASE OF PRISONERS FROM VIETNAM

Mr. GRAMS. Mr. President, I was very pleased to learn of the release today of two American prisoners in Vietnam. They are Mr. Nguyen Tan Tri and Mr. Tran Quang Liem. Both Mr. Tri and Mr. Liem will arrive in the United States today.

The American citizens were detained 2 years ago, along with Steven Young, a constituent of mine and a well-known promoter of democracy in Vietnam. The three Americans were in Vietnam organizing a conference on democracy with Vietnamese activists.

Unfortunately, the right to free speech is not yet recognized in Vietnam, and the three Americans were detained without charge. Steve Young was released within a few days, but Tri and Liem languished in poor health in a Vietnamese prison for nearly 2 years before they were charged, tried, and convicted of treason in mid-August. Sentences of 7 years for Tri and 4 years for Liem were then issued.

As a member of the Foreign Relations Subcommittee on Eastern Asia and Pacific Affairs, I made this matter a top priority. On September 19, I passed Senate Resolution 174, which was cosponsored by my colleagues Mr. DOLE, Mr. HELMS, and Mr. THOMAS. The resolution called for U.S. Government intervention at the highest levels to secure freedom for these Americans. At the time it did not appear that Secretary-level contact had been made in this matter, something that I believed was essential after the normalization with Vietnam. Suitable contacts were subsequently made, allowing us to communicate how important the release of these two Americans was to our Government and to the relationship between our two countries.

On October 12, I met with family members of Mr. Tri and Mr. Liem, who had traveled to Washington from Texas and California to urge the Government to give this matter the same priority that it gave to the release of Harry Wu. The families were concerned about the health of the American prisoners, as well as the poor prison conditions to which they were subjected. They were informed by the State Department officials that release had become a top priority for the administration.

Mr. President, shortly after this meeting, it appeared that the Vietnamese were becoming more interested in resolving this matter. The rumors out of Vietnam were rampant. Several times we heard that there would be a retrial. We heard that there would be a release about the same time of President Le's visit to the United States to attend the U.N. anniversary celebration. We then heard the retrial would

occur the weekend of October 28, followed by conviction and expulsion from the country. Finally, a commitment was made that the release would occur this past weekend in Vietnam.

While all of this goes to show that freedom of speech and due process are still scarce in Vietnam, I am pleased that normalization has apparently given us more tools to pursue issues of dispute with the Vietnamese Government. The two Americans have now been released, but many political prisoners, whose only crime has been to address issues of religious and political freedom, remain locked away in Vietnamese prisons.

I am encouraged as well that the Vietnamese have been more forthcoming with the release of information about MIA's and POW's after normalization. We must continue our efforts with Vietnam to pursue a full accounting, as my resolution also has requested.

Again, I applaud the personal intervention of Secretary Warren Christopher and Secretary Lord on this important matter, and I also look forward to working with them to pursue our mutual goals now that we have normalized our relationships with Vietnam.

To Mr. Tri and to Mr. Liem I say, Welcome home.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

HOLD THE LINE—NO COMPROMISE

Mr. GORTON. Mr. President, recently I received a letter from a constituent named Sue Magruder, who lives in Snohomish, WA. This is what she wrote:

DEAR SENATOR GORTON: Hold the line. If the President decides to veto and the Government shuts down, so be it. We don't need all this Government, and compromise is out of the question.

Please pass this sentiment on to the rest of your colleagues. We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mrs. Magruder and her husband are small business people in the town of Snohomish, WA. They feel—and I think they feel justly—that they are overburdened with regulation and with taxes, with attempting to support themselves, with attempting to make both their own family and their community a better place in which to live. And they, together with millions of other Americans like them, want us to continue on the course that we set out at the beginning of this year—the course that will bring the budget into balance, a course that will remove at least some

of the duplicative and unnecessary regulations from their backs, a course which will lessen the burden of taxation, which governments at all levels impose on them.

They, unlike many Members of Congress, believe that the money that they earn is their own, and that they can be asked to give some of that to support common purposes. They disagree, however, that somehow or another everything they earn belongs to the Government, which, in its generosity, will allow them to keep some of it. That is a fundamental disagreement that they have with many Members of this body and many others who live and work in this Capital of the United States. They know that every penny the Government gets comes out of the pocket of some hard-working American citizen or some other person who lives and works at some point or another in this country.

Sue Magruder wrote that there is no more to give. In that line, she was concentrating on herself and her family and her community. But at least an equally undesirable—no, immoral element in the way in which this Government has been run during the course of the last 20, 30, or 40 years is that we spend money by the hundreds of billions of dollars that we are not taking directly from our citizens in the form of taxes, but are borrowing, at interest, and sending the bill not to the citizens who live and work in the United States now, but to their children and our children and grandchildren. That, Mr. President, is a greater imposition, a greater wrong done to them than can possibly be done by any control over the increase in spending policies, by the cancellation of any marginal Government spending program.

We simply do not have the right to spend the money on consumption today and ask our children and their children and their children to pay the bill. That is the central issue; that is the central question which separates us from a White House that believes in the status quo and believes that there really is nothing wrong with the continuation of multibillion-dollar deficits year after year, as far as the eye can see. And it is on that proposition, Mr. President, that I do not believe that constructive compromise is possible. Once the White House, once the administration realizes the depth of our feeling on this issue, once it comes to its senses and is willing to join us in the goal of balancing the budget in 7 long years, on the basis of realistic projections, then, Mr. President, I think many things are said to be compromised. Many elements of the spending program can go up while others go down. I do not believe that there is any absolute bottom line after we have reached that conclusion. Under those circumstances, compromise will be a constructive activity. But to compromise away the proposition that we must stop spending more than we take in would be essentially wrong, would be

a repudiation of the commitments that those in the majority made to our voters last year. Mr. President, I am convinced it cannot and will not be done.

So, if I may, I will end these comments by repeating one part of Sue Magruder's letter:

We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mr. President, that is correct and that is the line that we are going to continue to hold.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF CONFEREES— H.R. 2546

The PRESIDING OFFICER. Under the order of November 2, 1995, the Chair is authorized to appoint conferees on the bill, H.R. 2546.

The Presiding Officer appointed Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUE conferees on the part of the Senate.

THE DEATH OF ISRAEL PRIME MINISTER YITZHAK RABIN

Mr. ROBB. Mr. President, it is with a sad heart that I offer a few final words today on behalf of Yitzhak Rabin—statesman, military war hero, peacemaker, and friend.

His burial in Jerusalem on Monday casts a pall over Israel and the Middle East. The resilient people of Israel will overcome this tragedy, but his assassination reminds us of the extremist poisons that continue to threaten Yitzhak Rabin's dream—peace between Israel and the Arab world.

I first met Yitzhak Rabin when he served as Ambassador to the United States beginning in 1968. It was one of many leadership posts he held in a long and distinguished career. From brigade commander in the 1948 war of independence to Army Chief of Staff during the historic 6-day success in the 1967 war to Ambassador and then Prime Minister on two different occasions, Yitzhak Rabin embodied the fighting, and now peacemaking, Jewish spirit.

I had the good fortune of visiting with him many times over a period of three decades. Following the raid on Entebbe, he honored my mother-in-law, my wife, and me with a state dinner in Jerusalem in 1973. During visits to Israel since then, and on his trips to Washington, I continued to learn from Yitzhak Rabin's political wisdom and insights, as well as appreciate the difficulty of living in a world surrounded by declared adversaries. His was a

voice of reason, forged by the fires of war and tempered these last few years by yearnings for peace.

Because of my own military background, Yitzhak Rabin shared additional insights with me on the strength and force of Israeli defense forces and difficult combat environment they faced. I respected him enormously for the military prowess he demonstrated during his years of service and afterwards. His fighting skills in 1948 and 1967 earned him accolades as an authentic war hero. Most would agree that his military leadership was invaluable in securing the birth, and continuing security, of the Jewish State.

But Yitzhak Rabin left the battlefield for the political trenches in the 1970's, initially implementing iron fist policies during his first term as Prime Minister that brooked no dissent from the enemies of Israel. Hostile states, terrorist organizations committed to the destruction of the Jewish State, and other inimical forces would not push Israel into the sea.

After a stint as Defense Minister in the 1980's and then a Labor-Likud powersharing arrangement, Yitzhak Rabin returned to the Prime Minister's Office and began to lay the groundwork for comprehensive peace with the Palestinians and Arab Nations. It was not an easy decision to make, trading land for peace, but no one was more respected or qualified to lead Israel away from the bloodshed of its past to a more secure future.

The 1993 Declaration of Principles has started us down that road. I will not forget the Prime Minister's words that sunny September morning 2 years ago on the White House lawn when the accord was signed. "The time for peace has come," he said. "We, the soldiers who have returned from battles stained with blood * * * say in a loud and clear voice: Enough of blood and tears. Enough."

King Hussein appropriately eulogized Yitzhak Rabin as one who "died as a soldier of peace." We can only hope that his assassination imbues the peace process, pushing implementation of the Oslo II agreement forward. In earlier times Shimon Peres and Yitzhak Rabin espoused different views and styles within the same Labor Party tent, but in an ironic twist the two forged a personal alliance these last few years in the name of peace. I have high hopes for the Acting Prime Minister carrying forward with Rabin's good work.

For if he were with us today, I think Yitzhak Rabin would urge us to finish the job he has begun. It only saddens me that this courageous leader did not live to enjoy the fruits of his own labor to create a better future for Israel.

THE DEATH OF YITZHAK RABIN

Mr. ROTH. Mr. President I, rise today to express my profound grief over the death of Israeli Prime Minister Yitzhak Rabin—a man who was brave in the conduct of war and courageous in the pursuit of peace.

Yitzhak Rabin's life embodied the very concept of leadership. He was a warrior of great skill, an accomplished diplomat, and, in the fullest sense of the term, a statesman. His leadership was a catalyst of reconciliation and peace in a region long torn by animosity and war. The dramatic progress we have witnessed over the last 2 years in the Middle East peace process would not have occurred without the leadership of Yitzhak Rabin.

One of his key strengths as a leader was his ability to bond realism with optimism. It is a trait that is all too rare and all too necessary in regions beset by conflict.

Rabin combined his acute understanding of the obstacles to peace in the Middle East with his recognition that peace was essential to security of his nation. The product is the historic roadmap in the Middle East we must now follow. It has not, nor will not, be an easy path. It will be all the more difficult in his absence.

In such endeavors, leaders matter. Rabin's tenure as Prime Minister demonstrated this clearly. Despite setbacks and ever present dangers, Rabin never allowed himself to become disillusioned with prospects for peace. He forged ahead. He marshalled support for what were initially unpopular, but nonetheless necessary, steps toward Arab-Israeli reconciliation. Rabin kept the process on track.

The death of Yitzhak Rabin is clearly a blow to the peace process. However, Mr. President, his assassination is not a reflection of the fragility of peace he has helped bring to the Middle East. It is a reflection of the urgency with which we must work to consolidate that peace.

We must remember that while leaders matter, it is their visions that are enduring. Yitzhak Rabin left to Israel and the Middle East, indeed to the world, a vision of reconciliation that will be his lasting legacy. Our greatest contribution to the memory of Yitzhak Rabin must not be our grief over his departure, but determination to ensure that his vision of peace and reconciliation becomes an enduring reality in the Middle East.

REMEMBERING YITZHAK RABIN: WARRIOR FOR PEACE

Mr. HOLLINGS. Mr. President, I rise today with a heavy heart to remember one of America's greatest friends—my friend Yitzhak Rabin—who was tragically murdered Saturday in Israel. His sudden death is even more shocking because he was assassinated just after making an impassioned speech for peace in the Mideast.

Mr. President, Yitzhak Rabin was the strongest leader in today's world. Period. As he guided the ship of Israel through a sea of hostility, he forcefully led the troubled Mideast toward peace. We can only hope that we continue to seek the Prime Minister's goal—peace among Moslem, Christian, and Jew—

and continue to turn away from the violence that always bubbles just under the surface in that part of the world.

Yitzhak Rabin trained to be a farmer. Like one of our greatest Presidents, Harry S. Truman, Prime Minister Rabin had the plain-speaking, straightforward, blunt common sense of farmers. But also like Truman, Rabin's destiny led him to the army and to becoming a world leader whose strategic intellect was respected all over.

Just 6 years ago, Senators DANIEL INOUE, Jake Garn, and I spent several hours with Rabin when he was Israel's Defense Minister. To this day, I will not forget the time that Mr. Rabin spent showing us the intricate desert defense preparations made by Israel. His courtesy, combined with his intense attention to detail, made our mission a learning success.

Mr. President, if there is one thing that I have realized in recent years, it is that Yitzhak Rabin was a warrior for peace in the Mideast. When Israel's security was in grave danger, he fought and led military battles, notably the Six-Day War in 1967. But over time, he came to embrace peace as the only way for Mideast stability.

Just 90 minutes before he was gunned down in Tel Aviv, Prime Minister Rabin stood before more than 100,000 people at a rally to implore them to harvest the fruits of peace. He said, "I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those standing here, and for those who are not here." A few moments later, he added, "The people truly want peace and oppose violence. Violence erodes the basis of Israeli democracy."

Mr. President, today, in our grief, as we remember our friend Yitzhak Rabin, let us all look to his last words for the guidance to achieve the greatest legacy we can give our friend—a lasting peace.

Mr. President, an editorial in today's edition of the State of Columbia is a fitting tribute to Prime Minister Rabin. I ask unanimous consent that it be printed in the RECORD.

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

RABIN: "BEST IN WAR, BUT * * * GREATEST IN PEACE"

Among the thousands who will experience the funeral of Yitzhak Rabin in front of an international audience today, the thoughts should be on the peace process the Israeli prime minister was setting up when an assassin struck him.

As Foreign Minister Shimon Peres said, Mr. Rabin was "at his best in war, but at his greatest in peace."

There was more truth than hyperbole in this. The man was a warrior who served as chief of staff of the Israel Defense Forces, overseeing the dramatic victory over Arab armies in the Six-Day War of 1967. He had risen to this position after more than 20 years as a soldier, a career that began in the Jewish underground before independence, as a commando in Haganah.

That victory gave Israel territory in the Sinai that was released when Egypt's Anwar Sadat made peace with the Jewish state. And it also brought Israel captured land that his country is giving back now in negotiations with the once-hated Palestinians.

Mr. Rabin's superb marks as a warrior helped position him as a man of steel, one who could be depended upon to hold the security of Israel foremost as he slipped into his role as statesman.

He became ambassador to the United States after the Six-Day War. By 1973 he was back in Israel as a Labor Party member, becoming prime minister in 1974 in the wake of the difficult Yom Kippur War. He became the first sabra—native-born Israeli—to serve as prime minister.

A minor scandal helped send Mr. Rabin packing in 1977 when the Likud conservative party took over for some years. Then in 1984, he returned to government as defense minister in a coalition regime headed by Likud leaders. His political rehabilitation was kindled by the Palestinian intifada (uprising) that began in 1987 and caused the defense minister to order the breaking of limbs instead of shooting. Ultimately, he lost faith in that policy, and came to believe that territorial concessions to the Palestinians were a requirement for peace.

The election of 1992 restored Labor and made Mr. Rabin prime minister again. An old Labor rival, Mr. Peres, became foreign minister and soon started the Oslo talks that set up the first meeting between the PLO's Yasser Arafat and the Rabin-Peres team at the White House. That was the beginning of the current West Bank talks.

Those discussions enraged the Israeli right. Right-wing Israelis paraded effigies of Mr. Rabin as a Nazi officer or portrayed him wearing a kaffiyeh (Arab head dress). And so it was that on Saturday, after a peace rally with 100,000 Israelis, a Jew broke a commandant never to shoot a Jew. Like Egypt's Anwar Sadat, Yitzhak Rabin was killed by one of his own people. In the assassin-filled Mideast, he is the first Israeli prime minister to die at a terrorist's hand.

Despite a seven-day period of mourning, the Labor Party has already reestablished itself under Mr. Peres. Likud leader Benjamin Netanyahu has lamented, "We debate, we shout, we don't shoot." But it does not appear that Netanyahu will seek another election soon, although about half the populace seems to be on his side. Among them are the zealots who must be restrained.

As the architect of peace, Mr. Peres knows the process and the principal players. He can lead if he's not considered too dovish. Maybe a Rabin is necessary to act firmly. Let's hope not.

Let peace, not war, be Yitzhak Rabin's legacy. His own countrymen, more so than the 40 heads of state at his funeral today, hold the key to this.

GORDON ELDREDGE

Mr. BAUCUS. Mr. President, I rise today to honor a man who has made a substantial investment in the future of my State of Montana. Gordon Eldredge is retiring as executive director of the Boys and Girls Club of Billings after 25 years.

I believe it is important for people to know about someone like Gordon. Many children already do. They know and trust him as a man who understands them, their families, their problems, their hopes and dreams. He gives them a safe haven and a sense of be-

longing. We should all take heed of his example.

Gordon will give credit for his success to his father, his family, his board and the families he serves before taking any for himself. His background is steeped in the Boys and Girls Club tradition, with his father and two brothers serving as executive directors for clubs and his own career encompassing 37 years.

Gordon has established the club's reputation for being one of the best-equipped clubs in the Nation. The club, which has about 1,000 members, has built its soccer program into one of the premier youth sports activities in Billings. The inviting new building serves not only club members, but any child who cares to participate.

This is all due to the vision and compassion of one man, the man I am so proud to recognize today. To quote from the play, "The Fantasticks," "a man who plants a garden is a very happy man." Gordon, enjoy your retirement. You have tended your garden well.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the skyrocketing Federal debt, now slightly in excess of \$15 billion shy of \$5 trillion, has been fueled for a generation by bureaucratic hot air—sort of like a hot air balloon whirling out of control—which everybody has talked about, but almost nobody even tried to fix. That attitude began to change, however, immediately after the November 1994 elections.

The 104th Congress promised to hold true to the Founding Fathers' decree that the executive branch of the U.S. Government should never be able to spend a dime unless and until it had been authorized and appropriated by the U.S. Congress.

So, when the new 104th Congress convened this past January, the House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. On the Senate side, all but 1 of the 54 Republican Senators supported the balanced budget amendment.

That was the good news. The bad news was that only 13 Democrat Senators supported it, and that killed the balanced budget amendment for the time being. Since a two-thirds vote—67 Senators, if all Senators are present—is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote during the 104th Congress.

Here's today's bad debt boxscore:

As of the close of business Monday, November 7, the Federal debt—down to the penny—stood at exactly \$4,984,737,460,958.92.

That amounts to \$18,922.15—on a per capita basis—for every man, woman, and child in America.

A TRAGEDY FOR ISRAEL AND THE WORLD

Mr. MACK. Mr. President, the death of Yitzhak Rabin was many things—the loss of a hero, a blow to the momentum of the peace process, a vile act of political terror. Israel, whose people are accustomed to tragedy and unspeakable inhumanity, has been confronted with something unexpectedly sinister. An attack from within. While Israel has taught the rest of the free world to bear the burden of terrorism and fight back, it has never had to cope with the assassination of a leader by a fellow citizen. Something has changed forever with the death of Yitzhak Rabin. But much more remains the same.

In the aftermath of the tragedy, Israelis poured out into the streets, lighting candles and keeping an all night vigil of prayer. The next day, as Yitzhak Rabin lay in state at the Knesset, a million mourners—a quarter of Israel's population—paid their respects. Israelis of all political viewpoints united to mourn their prime minister. In a unique and historic tribute, leaders of Arab countries, including King Hussein of Jordan and President Mubarak of Egypt, and a Palestinian delegation, attended the funeral alongside mourners from all over the world. Finally, Israel's leader in war and peace was laid to rest at Mount Herzl, Jerusalem's military cemetery, near graves of other soldiers who died defending Israel.

Just before the funeral began, a siren sounded across Israel, signaling Israelis everywhere to observe a moment of silence. Every year, on Israel's Memorial Day, this siren signals Israelis to stop whatever they are doing to honor the nation's fallen soldiers. On Monday, heads of state and royalty from all over the world paid tribute to Yitzhak Rabin. Yet it is the image of Israel's people, making pilgrimages to his home in Jerusalem, lining the route of the funeral procession, and standing silently during the siren that epitomizes for me the death of a hero.

Time and time again, Israel has endured crises and tragedies. Time and time again the Israeli people have grown stronger and more committed to their Zionist mission. The people of Israel have, in a short time, accomplished many dramatic successes. They have farmed the desert. They have welcomed hundreds of thousands of Jewish immigrants from diverse backgrounds, not to mention refugees from Vietnam, and Bosnia. They have fought wars, and repelled terrorist attacks, while establishing a democratic Jewish state, based on the rule of law. I have been to Israel and met with its leaders and ordinary citizens. Now, as Israel faces yet another difficult challenge, I have faith that the Israeli people will come together in their grief to carry on Israel's role as the strongest democracy and United States ally in the Middle East.

It is very difficult to imagine Israel without Yitzhak Rabin. His life and career tracked the dramatic events of Israel's founding. He oversaw the development of its army, commanding it at one of its most perilous moments, the 1967 Six-Day War, and overseeing Israel's defense during the difficult period of the Intifada. He worked to strengthen the United States-Israel alliance as Israel's Ambassador to Washington. As Prime Minister, he worked for peace while safeguarding Israel's security. Finally, let no one forget, he gave his life for peace. There is a Hebrew saying invoked in times of mourning, "May his memory be a blessing." Yitzhak Rabin's life was a blessing to Israel, and to the world. His memory will serve as an inspiration to all of us in the difficult days ahead.

OSCAR DYSON, A FRIEND OF FISHERIES

Mr. MURKOWSKI. Mr. President, I rise today to note with great regret the passing of one of Alaska's most prominent citizens, Oscar Dyson, on Saturday, October 28.

Oscar Dyson was a true pioneer and an authentic Alaskan sourdough who epitomized the can-do spirit of the Last Frontier.

Born in Rhode Island, he first came to Alaska in 1940, after working his way across the country. When World War II began, he went to work building airstrips for the Army Corps of Engineers. When Japanese airplanes attacked Dutch Harbor and invaded the Aleutian Islands, Oscar Dyson was there.

After the war, Oscar truly came into his own. He started commercial fishing in 1946, beginning a career that would span generations and would make him one of the most well-known and admired figures in the U.S. fishing industry.

Over the years, Oscar pioneered fishery after fishery. Starting as a salmon and halibut fisherman after the war, he branched out into shrimp, king crab, and ultimately, in groundfish. In 1971, he made the first-ever delivery of Alaska pollock to a shore-based U.S. processor, starting an industry that now has an annual harvest of over 3 billion pounds—the largest single fishery in the United States and the fourth in value—which now represents a full 30 percent of the United States commercial harvest.

In the 1970's, while remaining an active fisherman, Oscar also diversified, joining with several other fishermen to purchase what became a highly successful and innovative seafood processing company.

Oscar thought of himself—first, last, and always—as a fisherman. But to those of us who knew him, he was far more. He knew that good citizens must be ready to give something back to this great Republic, and he was as good as his word. He served 13 years on Alaska's Board of Fisheries, and three

terms on the Federal North Pacific Fishery Management Council. He also served his country as an advisory and representative in international fishery negotiations with Japan and Russia.

He did not stop there. He was a founding member of the United Fishermen's Marketing Association and the Alaska Draggers Association. He gave his time to the Kodiak City Council, the Kodiak Community College, the Alaska Seafood Marketing Institute, and the Alaska Governor's Fishery Task Force, to name a few of many. And he worked tirelessly toward the goals of the Alaska Fisheries Development Foundation, and Kodiak's Fishery Industrial Technology Center. Always, he helped lead his fellow fishermen toward a stronger, sustainable future.

In 1985, Oscar was chosen by National Fisherman magazine to receive its prestigious Highliner of the Year awards. And this year, just days before the fatal accident that took his life, he was made the National Fisheries Institute's Person of the Year, the institute's highest honor.

Finally, Oscar believed strongly in our Nation's youth. Both by example and by application, his kindness, humor, understanding, and sage advice guided generations of young people. He helped them "learn the ropes," and they gained the confidence to go out into the world and—like Oscar himself—to make it better. There can be no greater memorial.

ISRAELI PRIME MINISTER YITZHAK RABIN

Mr. D'AMATO. Mr. President, I rise today to pay tribute to the late Yitzhak Rabin who served his people in war and in peace and did both with great bravery. The Government of Israel and the people of Israel have suffered a deep wound that will take a great deal of time to heal.

Just 2 weeks ago, I along with many of my colleagues, stood with him in the rotunda of the Capitol to present to him, a copy of the bill which would move the American Embassy in Israel from Tel Aviv to Jerusalem, the Holy City. I was most proud then and most proud now to have been there. One could not, of course, guess that only 2 weeks later, this horrible, cowardly act would occur.

The Prime Minister's goal of peace for Israel, after so very many years of blood and tears, is one that cannot be abandoned. I am sure that Israel will find the strength to move forward. Peace, like Israel's security, is of vital importance to Israel and the United States alike. Yet, one cannot argue the point that Israel will not be the same without him. He was a hero and a towering figure of his time.

My heart goes out to the Rabin family at this most unfortunate time. They can take solace in the fact that Yitzhak Rabin will forever be remembered as a peacemaker for his people—a peacemaker for Israel.

FAREWELL TO PRIME MINISTER YITZHAK RABIN

Mr. PELL. Mr. President, today I wish to pay my respects to a man who will be remembered as one of history's giants.

I know that all of us in the Senate—indeed, throughout the Nation—were shocked and saddened by the news of the assassination of Israeli Prime Minister Yitzhak Rabin. Having just returned from accompanying President Clinton to the Prime Minister's funeral, I can also bear witness to the devastating, emotional impact of the assassination on the fabric—indeed, on every fiber—of Israel's society.

Yesterday, the Senate passed a resolution paying tribute to Prime Minister Rabin's legacy and expressing support for the people of Israel and the government of acting-Prime Minister Shimon Peres. Those are fine and appropriate sentiments, and I was pleased to cosponsor the resolution. It is indeed proper for the Senate to act quickly to reaffirm its unique and unwavering commitment to the State of Israel.

Yet in a certain sense, the words in the resolution we passed yesterday could never do justice to the rich, complicated, and ultimately heroic life of Yitzhak Rabin.

Prime Minister Rabin did not inspire love as much as confidence. Even if they disagreed with him, his countrymen could be assured of his commitment to their safety and security. To me, the grieving Israelis, whose pictures we have seen on television and in the papers, are probably not moved entirely by sentiments and emotions—although that is surely part of it. But I think the real reason they seem so fragile is because they have lost their anchor, and as a result are uncertain of their world. It is a measure of Rabin's greatness that his passing could have so profound an impact.

Prime Minister Rabin was the quintessential soldier—his thinking strategic, his analysis solid and calculating, his style terse, and his authority unquestioned. These qualities, which served him so well on the battlefield, were also the distinguishing characteristics of his political career. Although the ends he pursued seemed contradictory—decisive military victory on the one hand, peaceful coexistence on the other—the means by which he pursued them never changed. He brought to the peace table the same dogged determination, the same self-confidence that he possessed in the war room.

One of the quirks of world politics is that revolutionary change often springs from the most unexpected sources. The political pundits of the 1970's, for instance, would never have guessed that President Nixon would be the first to visit China. A decade later,

no one could have predicted that President Reagan would be the one to sign far-reaching arms control agreements with the Evil Empire, the Soviet Union. By the same token, it was equally improbable that Rabin, who arguably was more concerned with the security of Israel than many of his compatriots, would take such unprecedented risks for peace. It defies expectation even more that this gruff soldier-turned-statesman could speak so ardently and passionately in defense of his decisions.

I think that many amongst us will always associate Prime Minister Rabin with his historic appearance on the White House lawn in September 1993, when he shook Yasir Arafat's hand in full view of the world. I well remember that sun-spilled morning, a day full of hope and promise. Some moments in history are so dramatic, so full of vitality, that they will never fade. Such was that day. For me, the defining moment came when Prime Minister Rabin uttered the unforgettable words I now shall quote:

We are destined to live together on the same soil in the same land. We, the soldiers who have returned from battles stained with blood; we who have seen our relatives and friends killed before our eyes; we who have attended their funerals and cannot look into the eyes of their parents; we who have come from a land where parents bury their children; we who have fought against you, the Palestinians, we say to you today in a loud and a clear voice: Enough of blood and tears. Enough!

Those, Mr. President, are not the words of a warrior, but of a poet. I do not know if there is more unlikely an author for such stirring prose than Prime Minister Rabin, but it serves to remind us of the depth of his character, the multifaceted nature of his personality.

The complexities that so were evident in Rabin go to the very heart of leadership. In every democracy, there often emerges a struggle between the will of the people and the best instincts of their representatives. Prime Minister Rabin's decisions on the peace process were not always popular or well-received, but he was able to move his country in a new direction because of the strength and courage of his convictions. He came to believe as relentlessly in peace as he did in military strength, and brought a reluctant nation along with him. That, Mr. President, is the essence of leadership.

The United States has lost a trusted and valued friend, and Israel has lost one of its fiercest, and most noble lions. While nothing has changed that is fundamental between us, our two countries will never look at each other quite the same. That will be the result of having lost, in such a sudden and unthinkable way, one such as Prime Minister Rabin. Our Nation mourns his loss, and grieves with his family and friends.

Soldier, diplomat, leader, a peacemaker, Nobel laureate—to be successful at any one of these is more than

enough for a rich and fulfilling life. Prime Minister Rabin excelled at all of them, and for that, history will forever remember and revere him.

THE DEATH OF MARTHA MOLONEY

Mr. FORD. Mr. President, I rise to speak today on a matter that brings me great personal sadness. A loyal and trusted member of my staff, Martha Moloney, passed away over the weekend, after a long battle with cancer.

I know that many of my colleagues will understand when I say that my staff is like a second family to me. And perhaps, it is even more pronounced for me, because of the length of time my staff has continued to serve me with such loyalty and dedication. Martha was one of those staffers, working with me for 18 years, nearly my entire service in the Senate.

Over the years, I had the privilege to see her develop her legislative acumen, having a hand in numerous historic legislative achievements and working on airport projects all across my State.

I depended immensely on her political sense and her knowledge of aviation and telecommunications issues. Her work certainly did not go unnoticed in Kentucky. Because of her commitment of time and energy, officials at one of our largest airports named a street after her. I will be forever grateful for the countless times that her advice and counsel helped me make the best decisions for Kentucky and the Nation. I know that many Kentuckians will share my belief that she will be impossible to replace.

I also saw her confront a terrible illness and turn it into a series of personal triumphs. Because of her bravery and commitment, last year's National Race for the Cure on behalf of breast cancer, had over 200 participants who ran, walked, and said, "Doing it for Martha." As a result of the personal outpouring of support on her behalf, the entire race will be dedicated in Martha's honor next year. It is the largest 5 kilometer race in the world.

If you look simply at her 25 years of public service, first in her native Kentucky and then in Washington, you cannot help but be impressed by her commitment to a State and its people. But, that really does not begin to define a woman whose gifts and talents were many.

I know my fellow Kentuckians will agree when I say she was a true southern woman in the best of that tradition. She was intelligent and articulate, not a bit afraid to speak her mind, a gracious hostess and talented artist creating beautiful quilts and needlework, and to the end, compassionate and giving.

She was the accomplished cook who was as proud of the meal she cooked at Christ House or Carpenter's homeless shelter as she was of the gourmet spread you were guaranteed when invited to dinner.

She was the woman who faced death much too early, yet was determined in

the last months of needlepoint the Christmas ornaments her friends and colleagues had come to expect each year, before it was too late.

Not long ago, I read the words of a pastor who said that "If you look hard enough, you can see God's image even in someone whose life is foreign to yours, and you can have compassion for him." In the end, I believe that is the life Martha had come to live, turning the skills that led to an accomplished career, into the large and small acts of kindness and generosity that touched all those who knew her and many who did not. My thoughts and prayers go out to her friends and family.

PRIME MINISTER YITZHAK RABIN

Mr. SANTORUM. Mr. President, the hills of Jerusalem were quiet yesterday as world leaders gathered to pay tribute to Prime Minister Yitzhak Rabin, a man who served and led Israel for more than 50 years both in war and in peace. Yitzhak Rabin was a true leader in every sense of the word. A man who, after having led his nation in war battling for freedom, turned to his own countrymen to seek peace for the long-term security of Israel.

In the days since his tragic death, much has been said of Yitzhak Rabin's unique role in brokering peace in the Middle East. Friends and former foes agree Mr. Rabin achieved progress where perhaps no other Israeli leader was capable. Because of his strong military record, Yitzhak Rabin brought legitimacy to his quest to stop the bloodshed of Israelis. Only a man who led his country to great victories in war could argue effectively against concerns that Israel was giving up its security in negotiating peace with her neighbors.

From Yitzhak Rabin's early days as a young soldier in the Palmach, to his meteoric rise to Chief of Staff of the Israeli Army, he was credited worldwide as having one of the most insightful military minds of his time. He was primarily responsible for creating the army which led Israel to victory over Egypt, Jordan, and Syria and included the capture of the Old City of Jerusalem in the Six-Day war. Yet it may have been his close contact with war that led him to eventually realize that the only true prospect to ending the Palestinian question was negotiation, and not a military solution.

One of the most tangible examples of what his efforts for peace have garnered was the presence of King Hussein and President Hosni Mubarak at the funeral services at Mount Herzl Cemetery. These men, once enemies, joined over 30 other world leaders to honor a man they had faced on the battlefield and then again at the equally difficult peace table.

Yitzhak Rabin inspired in most Israeli citizens a sense of confidence that in these troubled times he was acting in the interest of Israel's long-term

prosperity. He viewed peace negotiation as a necessity to secure Israel's future in the Middle East, putting aside whatever personal remembrances he may have carried from his days as a soldier. The pinnacle of his career was witnessed by millions of people on September 13, 1993, when he and Yasir Arafat shook hands on the White House lawn after the signing of the Declaration of Principles. On that day, he spoke words meant for Israel's Arab enemies but now tragically apply to fellow Israelis, "We are today giving peace a chance—and saying to you and saying again to you: enough. Let us pray that a day will come when we all will say farewell to the arms."

TRIBUTE TO PRIME MINISTER YITZHAK RABIN

Mrs. MURRAY. Mr. President, like so many of my colleagues, I want to rise today and pay tribute to the late Israeli Prime Minister Yitzhak Rabin, who lost his life in the name of peace this past Saturday in Tel Aviv.

Many of us have spent the last several days mourning the loss of a great man—not only for Israel but also for the world. On Monday, Kings, Presidents and Princes gathered in Jerusalem to pay tribute to this finest of leaders—the late Israeli Prime Minister Yitzhak Rabin. But as I listened to the statements of praise and honor, I was struck most by the words of his granddaughter, who spoke of his place in Heaven more than his place in history. "Grandfather," she said, "may the God of Israel that keeps over all of us keep you in Heaven, as you merit."

Heaven now cradles the man who spent his life fighting wars and waging peace on behalf of the great nation of Israel. And so it is left to those of us still living to carry his torch—that "pillar of fire" described by his granddaughter, that lit a path toward peace few thought possible. Yitzhak Rabin, we will miss your vision and courage. But we will not let the message of your life be lost. Today it falls to each of us, citizens and leaders of all nations, to guarantee that your legacy of peace is fully realized.

Yitzhak Rabin was trusted by Israelis first for his military knowledge, and later for his political leadership. He has been a central actor in his nation's history since its founding in 1948, leading his country through times of war and peace. His was truly a remarkable life, held together by a singular, unwavering commitment to the security of Israel.

Yitzhak Rabin once said that he worked to end the hostilities in the region so that his children and his children's children would no longer "experience the painful cost of war." Today, on behalf of Yitzhak Rabin's granddaughter and all the children of Israel, we must not ask if the Middle East peace process can survive, but rather, how. We must devote ourselves to that goal with unity and courage.

For my part, my commitment to ensuring a strong and secure Israel remains steadfast. As always, Israel has a true and lasting friend in the United States. Since its founding, the American people have stood by Israel in the search for peace and stability. Today, as Israeli citizens mourn, we stand by our friend. In the months ahead, we will stand by Israel's side as that nation heals, and as it finds the courage to take the next step toward peace.

Shalom, Yitzhak Rabin. We praise your life and the gifts you gave to Israel and the world community.

CONDOLENCES TO ISRAEL

Mrs. HUTCHISON. Mr. President, I take this opportunity to add my voice to those that have been raised all over the world to say how sad we are today to have lost a great leader in the peace process in the Middle East. I, as a member of the Armed Services Committee, have met with Prime Minister Rabin, and I, like so many others who have spoken for the last few days, had great respect for him.

I want to say at a time like this, you look to your friendships for support and comfort. Clearly, America is there for the support and comfort of our friend, our ally, and our strong, strong compatriot, the State of Israel. We are there to make sure that we get through this testing period strong in body together.

Mr. President, I think as I look back on the events of the last few days, what struck me the most is how far the leadership of Prime Minister Rabin, along with his predecessors, brought us. The funeral itself would never have happened in our dreams. We would never have seen the President of Egypt, the King of Jordan, and even the good wishes of the PLO chief, coming together to say we are able to speak in one voice that this should not have happened, that we want to seek peace. I think now everyone believes that peace is achievable in the Middle East. That could not have happened 10 years ago.

Just seeing what we saw at the funeral yesterday makes us realize how far we have come. It makes us miss all the more the leadership that Prime Minister Rabin has given in this country for so long, first as a military spokesman, a military strategist, a hard-liner, if you will.

The Prime Minister saw how the strength of Israel was one and how the strength of Israel could be made to continue and endure into the future generations. I think he saw that peace was the answer that they had come to where they were by sheer grit and sheer determination. But he saw that it took more to have a lasting place in the Middle East, and he was coming around to bringing the people of Israel with him.

So I add my voice and say that my condolences go to the people of Israel, to Prime Minister Rabin's widow, and

just say that the comfort that is there in seeing the funeral for the fallen leader of Israel and the diversity of people from around the world, leaders of country, who came to pay their respects, said more than anything else, that we are at the cusp of a time when we will see peace in the Middle East.

I just want to reiterate this Senator's strong position, that America will be there, hand-in-hand with our friends, to make sure that Prime Minister Rabin's dreams will not die. They will be carried on by his successors in office and by the future generations of leaders of Israel.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Chair will inform the Senator we are scheduled, under previous consent, to be in recess at 12:30.

Mr. EXON. Mr. President, I ask unanimous consent I be yielded 5 minutes or a short period of time thereafter, and under that unanimous-consent request the 12:30 hour for recess be set aside temporarily, so that I might finish my remarks.

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

The Senator from Nebraska.

THE ASSASSINATION OF PRIME MINISTER RABIN

Mr. EXON. Mr. President, I would like to briefly address the shocking loss to the world caused by the assassination of Prime Minister Rabin, the beloved Prime Minister of our friend, the State of Israel. I have heard several of my colleagues' remarks on the sadness of this moment, the terrible loss that we feel here in the United States and the terrible situation that is going on inside the State of Israel today; people obviously in dismay and disbelief. This is a very, very sad event.

I have listened with great interest this morning to my friend and colleague, the Senator from Minnesota. I simply say he said everything so well, I think it will suffice to say that I wish to associate myself with the remarks by Senator WELLSTONE on the floor of the Senate earlier today. He summed it up so very, very well that I cannot add to it.

Those of us who had our lives touched by Prime Minister Rabin, those of us who knew him, those of us who were with him, those of us who listened to his sound advice with regard to world leadership for peace over the years, feel a terrible loss. Our hearts go out to his family, to his constituents in the State of Israel, where he led so courageously and so bravely.

A true warrior of peace has been struck down. We all should recognize

and realize this is a time, possibly, to have this terrible loss solidify the drive for peace in the Middle East.

THE BALANCED BUDGET

Mr. EXON. Mr. President, there is a great deal of rhetoric going on today about where the Nation is going with regard to the balanced budget that this Senator supported for a long, long time. I remind the Senate it was this Senator who voted with the near majority to reach the required number of votes for setting a constitutional amendment for a balanced budget. I have been known as a conservative Democrat for a long, long time, who has been against the wild-eyed spending that has engulfed our Nation for far too long. I stand ready with Senators on both sides of the aisle to march forward if we can, in a bipartisan fashion, not dictated by the budget resolution that was passed in the Senate.

The first thing I would like to do is address some of the talk that is going on today, talk I am very fearful is impinging upon the basic tenets of our Government. It seems to me the majority of Republicans in the Senate and the majority of Republicans in the House, at least their leadership, are now, unfortunately, working their way to try and thwart the rightful duties guaranteed under the Constitution to the President with regard to the veto process.

This is all centered now around the extension of the debt ceiling. I think it is time, now, we strip aside the facade that the Republicans have fashioned about their objections to raising the debt limit.

If you examine the Republican bill and reasonably add up the numbers, you discover the necessity by the Republicans to raise the debt ceiling by \$1.8 trillion, from its present \$4.9 trillion to \$6.7 trillion by the year 2002. This is the best kept secret in Washington.

It is necessary for them to raise the debt ceiling to help accommodate their \$245 billion tax break for the wealthy and cover the ever-increasing interest costs resulting therefrom. It is significant to note that in the Republican bill, they are increasing in the short term the National debt by \$600 billion in the years 1996 to 1997.

Since this is the Republican's clearly needed goal, why do they refuse to do it now—to avert the threat of a train wreck? Such action, if it were taken by the Republicans, would avert playing Russian roulette with the economy and would avert the cloud on the economy that would be caused. Clearly, if we do not raise the debt ceiling, it would result possibly in closing down Government and defaulting on Uncle Sam's obligations for the first time in its history in not issuing Social Security checks.

Mr. President, this is wrong. The process that the Republican leadership in the House and Senate are on right

now in this regard is wrong from every standpoint, as I see it.

I am sure that the Republican majorities in both the House and the Senate will pass the conference report. I am just as sure that President Clinton will veto that bill, and he would be right to do so.

The Republicans do not have the votes to override a Presidential veto. And I am glad they do not. We will eventually have to sit down and start crafting a workable budget together.

I pledge cooperation, but not capitulation. To that end, all should know where this Senator stands and where many other Senators stand who want a balanced budget. Playing games with the debt ceiling is not a yearly casino night at the local men's club. The Republicans should not be gambling with the full faith and credit of the United States.

These budget negotiations are delicate, and they will take time. At the very least, we should extend the debt ceiling into early next year.

The same is true with the next continuing resolution. We should not be taking hostages in these negotiations.

Second, we cannot, and will not, accept the Republican's current level of reductions in projected Medicare and Medicaid requirements. These are extreme, and they are excessive. They must be pared back if there is any hope of winning Democratic approval.

The same is true with tax breaks for the rich and the tax increases for working families eligible for the earned-income tax credit. Deny it as much as you want, but there is a relationship between the size of the tax breaks for the wealthy and the Medicare expenditures. The tax breaks have to be scaled back and targeted more toward middle-income Americans.

There are, of course, many others areas that will be on my list, particularly with regard to rural America which has been mauled in this budget. But I wanted to give you at least what I believe is the starting point for a balanced budget that will win bipartisan congressional support and the signature of the President of the United States.

I say to my colleagues on the other side, instead of trying to see who will blink first, why do not we try to see eye to eye on a few of these issues? That is what the American people want. That is what they deserve.

I stand ready to be of assistance to anyone on either side of the aisle in coming together where both sides are going to have to give, and give on issues that they feel very strongly about. It is in the interest of the United States of America, though, to get away from this Russian roulette that we are now headed toward, obviously with regard to the debt ceiling extension.

Mr. President, I say again, come, let us reason together.

Mr. President, I thank the Chair. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Helms).

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT

Mr. DOLE. Madam President, we have agreed to take this bill up at 2 o'clock to accommodate a lot of our colleagues who were on a plane all night. I thank the Senator from New Hampshire for not objecting to that process.

We are going to take up H.R. 1833, which is a bill to ban partial-birth abortions, and I think it is worth noting this bill passed by an overwhelming majority in the House. I know there will be efforts to amend the House bill and refer the bill to committee. I urge my colleagues to reject those efforts, because it is a straightforward bill. This isolates one procedure, one used up to the ninth month of pregnancy, and one procedure alone. It is not calling into question some of the larger abortion issues that so often divide us.

The American Medical Association's Council on Legislation voted unanimously to enforce H.R. 1833. A member of that council described it as not "a recognized medical technique."

The overwhelming majority vote in the House—including both those who consider themselves pro-choice and pro-life—underscores that this bill deserves immediate passage. After hearings and committee work in the House, nothing will be served by further delay. Those who seek to amend it are in effect trying to deprive this bill of any real meaning or significance.

The only people in America trying to defeat this bill are abortion extremists who believe that no compassion, no common sense, should ever get in the way of an anything-goes approach. I do not think reasonable people, whatever their views on abortion, agree with that position.

Opponents of this bill know that. As a result, we will instead hear soothing claims that opponents only want to amend the bill. There are those, for example, who argue that this bill needs to be amended to provide for an exception in cases where the life of the mother is at stake.

However, the bill already provides an affirmative defense in such cases. More to the point is the fact that arguments about life or health of the mother are designed to scare people and ignore the facts. The facts are these: This procedure is a 3-day procedure—that is right, 3 days. This is not something where a quick medical decision is called for in a life-and-death situation and opponents know it.

Doctor Pamela Smith, director of medical education in the department of obstetrics and gynecology at Mount Sinai Hospital in Chicago, IL, put it best:

Doctor Smith states unequivocally:

There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

This is a straightforward and balanced bill that allows the Congress to do something it rarely has a chance to do: Step past divisive abortion arguments of the past, stand up for those who cannot defend themselves and do it in a bipartisan way.

I urge my colleagues not to allow those who have a very different agenda to defeat or delay this bill's passage.

I hope as we get into the debate that we can debate this bill and not get into unrelated matters that have no possible reference to this bill. This is an important issue.

So, hopefully, we can complete action on it or do whatever the opponents wish to do, if they are going to send it back to committee. I think there are a couple Members absent who support that approach and a couple absent who support another approach. Perhaps we can have that vote tomorrow. This is worthy of debate, and I thank my colleagues for letting us proceed to it.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortion.

The Senate proceeded to consider the bill.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I rise today to support very strongly H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. I might also point out that this is identical legislation to legislation I introduced on the Senate side. It was originally cosponsored by Senator GRAMM of Texas and had some dozen or so cosponsors, including the distinguished majority leader. But I decided that it would be just as easy to take the bill from the House side rather than to encumber the process with another piece of legislation.

So I am delighted to be here, frankly, on behalf of small children who really do not have the opportunity to be here to speak for themselves.

Last Wednesday, Madam President, was an extraordinary day in the his-

tory of the Nation's ongoing debate about abortion. There was a coalition of Members of the House from both political parties, from all across the philosophical spectrum. They were pro-choice. They were pro-life. They had different degrees of what their pro-choice or pro-life positions were—Democrats, Republicans, liberals, conservatives, pro-choice, pro-life. But they came together to form a supermajority, a two-thirds majority to pass this bill in the House, H.R. 1833.

Two of the highest ranking Members of the House minority leadership, Congressman GEPHARDT and Congressman BONIOR, joined together with the two highest ranking leaders of the majority leadership, NEWT GINGRICH and DICK ARMEY, in voting to pass this bill. I point this out, Madam President, because this is quite different from the debates that we have had here in the past on the issue of abortion. I think it goes right to the heart of how different this particular bill is to some of the other debates. Perhaps even more significant, the House's two-thirds majority for this bill, again, transcended the usual voting patterns of abortion-related issues.

It is interesting some of the names that came out of this debate: Pro-choice Democrats PATRICK KENNEDY of Rhode Island and JIM MORAN of Virginia joined with pro-choice Republicans like Susan Molinari of New York and CHARLIE BASS and BILL ZELIFF of my own State of New Hampshire to pass this bill to ban partial-birth abortions.

This does not mean that anybody compromises their views to do that. What it means is people looked at this issue very carefully with an open mind and realized what a bad, disgusting process this really is and decided that America, in no way, should be a participant or in any way add the weight of this great country in this issue to this horrible, horrible process and procedure.

So, Madam President, this great coalition, this supermajority—Democrats, Republicans, pro-choice, pro-life, liberal, conservative—came together. That does not very often happen around this place, and I think that says something about this issue and the seriousness of it.

They came together because they came to see this bill as presenting a fundamental question, a very fundamental question, and that question is a question of human rights.

The question of whether the very youngest, tiniest, most innocent of Americans, those babies whose living, moving bodies have been brought into the birth canal—into the birth canal—who, indeed are in the very process—the very process—of being born are deserving of the protection of the law of the United States of America, because that is the fundamental question we are going to face today when we vote on this issue: Is this baby, moving 90 percent through the birth canal, except

for the head, is this little baby in the birth canal 3 inches from full birth—3 inches from full birth—is this baby deserving of the protection of the law as depicted in the Constitution of the United States? That is the issue we face today. No other issue. No other issue. No other issue do we face today other than that one.

The House of Representatives, to their great credit, Madam President, answered that fundamental question, and they answered it with a very resounding yes, by a supermajority of 288 to 139. When you look at the numbers, you know that was not all Democrats on one side or all Republicans on one side or all pro-life people on one side or all pro-choice people on one side, it was a mix. They answered emphatically yes, yes, yes. These little children deserve the protection of the Constitution of the United States.

I was never prouder, in the 11 years I have spent here in Congress between the House and the Senate, than I was that day when people on both sides of that issue came together. It was a magnificent day for the House and a great day for this Nation. It was a great victory for the cause of human rights, a great victory for the protection of an innocent child in the birth canal, three inches away from birth.

It is hard for me to believe that it is necessary for me, or anyone else, to stand here on the floor of the Senate today and have to fight for that protection. It is hard for me to believe that. It has always been hard for me to believe that, but it is difficult for me to accept the fact that is necessary, that there are those who would deny that protection, as if somehow this was some generic process that did not impact young children.

But beginning today, Madam President, the U.S. Senate, too, is going to face that same question. They are going to face the same question that the House faced: Will we vote to extend the protection of the law to the youngest of our fellow Americans, those whose little bodies have emerged from womb into the birth canal and are in the process of being born? That is the question we have to ask ourselves, and that is the question we are going to have to answer today.

As we start this debate, I just want to say a word to my pro-choice colleagues. I do not agree with their positions on some matters of abortion, but I respect their right to have that position. This is America. This is not a pro-choice/pro-life debate as we know it under the other circumstances of the debate. It is certainly a life or death debate.

As you listen to this debate, I say to my pro-choice colleagues, ask yourselves, why did DICK GEPHARDT, PATRICK KENNEDY, SUSAN MOLINARI, or any others, vote for this bill? You all know them. You are their pro-choice colleagues. You know them and respect them, and you understand their views. Why did they do this? Why did 73 House

Democrats vote for this bill? I believe that if my pro-choice friends will keep an open mind and try to listen to this debate, as I try to honestly lay that debate out before you today, they will come to understand how and why that magnificent supermajority in the House came together to pass this bill.

Madam President, the one and only purpose of H.R. 1833 is to ban a single method of abortion that is first performed—not last, but first—at 19 to 20 weeks of gestation. That is a 5-month-old baby in the womb. That is the beginning. It then goes beyond that. It goes to the 21st, 22d, 23d, 24th, right on up to birth, right on up to 9 months—any particular time in this period. It is often later than 19 or 20 weeks that this process can be performed. These are late-term babies, the youngest of whom may have a fighting chance to live on their own outside of the womb, and the older of whom unquestionably could live outside womb.

Those of you who are parents, or have been parents, have gone through the process of feeling the heartbeat of your child—if you are a woman, inside your womb, and if you are a man, feeling that heartbeat inside womb of your wife.

Mr. HELMS. Madam President, will the distinguished Senator yield for just a moment?

Mr. SMITH. I am happy to yield to the Senator from North Carolina.

Mr. HELMS. First of all, this is not a question; it is a statement of fact for the RECORD. I admire my friend from New Hampshire for taking this responsibility on the Senate floor. I have been here many times on the abortion issue along with others, and I am very, very proud of BOB SMITH. I hope the people of New Hampshire understand that he is making a gallant fight.

Now, my question: Has the distinguished Senator from New Hampshire seen the Chicago Tribune editorial of November 5?

Mr. SMITH. I answer that yes, and I have it right here.

Mr. HELMS. I wonder if he would read the first paragraph for me.

Mr. SMITH. Yes, this is the Chicago Tribune editorial of November 5 of this year, entitled "Method and Madness on Abortion." It starts:

In the national debate on abortion, the activists on both sides invariably stake out absolutist positions. In so doing, they often harm their respective causes by distancing themselves from the people who make up the vast, ambivalent middle ground of America.

Those who champion the pro-choice position fell into that trap last week.

Mr. HELMS. If the Senator will hesitate a moment, now we get to the meat of the coconut. When the subject of abortion comes up and questions are asked of me, I have a ready question of my own to ask before we begin the discussion. I have asked it of young people, individuals who border on militancy on the abortion issue, and many others. It is a rather compelling question and it is this: What is an abortion?

Now, I hope the people of America understand the question, and I hope they understand the answer. I ask the Senator from New Hampshire to answer that question.

Mr. SMITH. Well, the answer to that question, from the perspective of the Senator from New Hampshire, is, I say to the Senator from North Carolina, that it is the process which interrupts the life of an unborn child.

Mr. HELMS. I ask the Senator, it does not just interrupt the life, it concludes the life, does it not?

Mr. SMITH. That is correct.

Mr. HELMS. Would it be fair to say that an abortion is a deliberate intent to destroy the most innocent, most helpless of human life? Is that reasonably correct?

Mr. SMITH. That is certainly my position. I think that if there were not to be any life there, there would not be any need to perform the action of abortion because there would not be anything to abort. So I draw from that conclusion that it is a life and, therefore, somebody had to take action to terminate that life.

Mr. HELMS. I wonder if the Senator is familiar with the quotation so often attributed to the late Douglas MacArthur. General MacArthur said: "In all of recorded history, there is no nation that survived in prosperity that lost its moral and spiritual motivation."

Is the Senator familiar with that statement by Douglas MacArthur?

Mr. SMITH. I have heard that statement, yes, sir.

Mr. HELMS. The point is—and I ask the Senator further—Douglas MacArthur was talking about a whole range of things, was he not?

Mr. SMITH. Yes.

Mr. HELMS. MacArthur was speaking in terms of how a nation can self-destruct by losing its sense of personal responsibility, its diligence, its willingness to work and to be constructive. I think the Senator is doing a great job on this issue, and I am not going to take up much more of his time.

Again I ask the Senator to please read the fourth paragraph of the Chicago Tribune editorial, if he will.

Mr. SMITH. "One can support abortion rights and still be horrified at such a procedure. The argument that this particular method could be essential to save the woman's life was unconvincing."

Mr. HELMS. Now move back to the immediately preceding paragraph.

Mr. SMITH. "The House, by more than a 2-1 ratio, voted to outlaw a gruesome form of late-term abortion. It involves the pulling the fetus, feet first, through the birth canal and suctioning out the brains so the skull collapses and the entire fetus is more easily removed."

Mr. HELMS. Will the Senator read the sentence again beginning with "It involves"? Read it slowly so that everybody watching on television or sitting in this Chamber can understand

exactly what is being discussed here today.

Mr. SMITH. It involves the pulling of the fetus feet first through the birth canal and suctioning out the brain so the skull collapses and the entire fetus is more easily removed.

Mr. HELMS. Now, let me clarify one more point with the Senator, and then I will conclude this particular line of questioning.

One person said this procedure, in addition to being gruesome and cruel, is just 3 inches away from being totally unlawful.

Mr. SMITH. That is correct.

Mr. HELMS. What does the Senator think he meant by that?

Mr. SMITH. I think that my interpretation, were it 3 inches further, if it were 3 inches further, the head would be delivered through the birth canal and it would be a living child under the full protection of the law.

Mr. HELMS. And the law, until fairly recently, took one position with respect to the deliberate, intentional destruction of innocent human life.

What did the law say the penalty was to a doctor who did that?

Mr. SMITH. Well—

Mr. HELMS. It was murder. And why murder? Because it was intentional?

Mr. SMITH. If it was intentional, that is correct.

Mr. HELMS. I will be back with some more questions but I want to compliment the Senator, and I thank him for yielding.

Mr. SMITH. I thank the Senator from North Carolina for his comments and remarks. He has been a long-time supporter of the right to life.

Since the Senator from North Carolina brought up the Chicago Tribune editorial, I will read a couple of other lines from it because I think it makes the point very, very well. "While the majority in the Nation may support a woman's right to choose an abortion, most of the people who make up that majority do not take an absolutist view. Reasonable restrictions, such as parental notification requirements in the case of teen pregnancy, have significant national support. Public support for abortion also becomes much more tenuous in the case of fetuses that are near the point of viability outside of the womb."

These are not my positions, but I believe a life is a life. I also believe that there are many in America who do not go to the extreme that this particular procedure does.

In conclusion, the editorial writer says, "Indeed this may cause moderates who generally support abortion rights to rethink their comfort level with other forms of late-term abortion, particularly when they see in this last week's debate there was a method to the madness."

Madam President, a few weeks ago I took to the floor of the Senate and I used a series of medical drawings and a photograph of a child that was prematurely delivered. That is all I showed in terms of charts or graphs.

From that particular presentation that I made I was amazed at the irresponsibility of the press in terms of how they reported that. Now, I assume that the media that reported on it either watched the tape from C-SPAN, saw the debate from the galleries, or took somebody else's word for it.

Unfortunately, those who took somebody else's word for it did not get the truth. It was reported that I had shown graphic photographs of aborted fetuses—wrong. It was reported that I had somehow violated a woman's right to privacy by showing photographs of a woman with a child in the birth canal—wrong. Also photographs of an aborted child. It went on and on and on to the point of the ridiculous.

Today I am going to try again to see if the press can get it right. I hope they can.

These are medical drawings, medical drawings accepted by the American Medical Association. They are not photographs of women. They are medical drawings. They are straightforward depictions of the procedure as described in an 8-page paper written in 1992 by Dr. Martin Haskell who has performed over 1,000 of these abortions. In a tape recorded interview with the American Medical News on July 5, 1993, Haskell himself said "The drawings were accurate from a technical point of view."

During a June 15, 1995, public hearing before the House Judiciary Constitution subcommittee, Prof. J. Courtland Robinson, M.D., testifying on behalf of the National Abortion Federation, was questioned by Congressman KENNEDY about the same line drawings displayed in poster size next to the witness table. Dr. Robinson agreed they were technologically accurate, and also added "This is exactly probably what is occurring at the hands of the two physicians involved," just as we see this.

Also Prof. Watson Bowes of the University of North Carolina at Chapel Hill, who is an internationally recognized authority on fetal and maternal medicine, coeditor of the obstetrical and gynecological survey wrote a letter to Senator KENNEDY: "Having read Dr. Haskell's paper, I can assure you these drawings accurately represent the procedure described therein."

I hope the media this time would get it right so I do not have to read editorials about me showing photographs of aborted fetuses and photographs of women in the birth position and all this other nonsense that people have been reporting. Get it right this time, please, those of you in the media.

I will show my colleague with these charts what is done to these late-term babies in the partial birth abortion procedure, because you need to know. You are going to be voting on whether or not to stop this practice, so therefore you should know what you are voting on.

Many, if not most of you, have already seen the illustrations. They have appeared in advertisements in Roll Call, Congressional Quarterly, the Hill,

and other publications as well as medical journals all over the country.

Now, some have tried to say that they are inaccurate and you will probably hear that, but they have been published in the American Medical Association's own publication, which did not question their medical accuracy.

Moreover, medical witnesses before the House Judiciary Committee hearing on this bill, even those who opposed the bill, conceded the illustrations are accurate from a technical point of view. So remember that.

Now, in this first chart, with the aid of ultrasound, the abortion doctor or the abortionist, the aid of ultrasound, finds out what the position of the baby is. Then using forceps—remember now, these children, these babies, this is 20-week minimum, 19 to 20 week, 5-month fetus and beyond; it could be 6 months, 7 months, 8 months; that is the beginning—reaches into the womb with the forceps, takes the child by the foot, as you can see in this picture here and pulls the leg around.

Why do they do that? To turn the baby around so that the baby is delivered by the feet first. Why? Because if the child comes through the birth canal feet first, the child is not breathing. If it is head first, that is a birth—a live birth, my colleagues, and we have a living baby under the protection of the law.

So we have to turn it around and do it feet first. That is what the abortionist does. Put the forceps on the tiny leg of this little child, turn it around in the womb so that it can be delivered feet first.

In the third chart, Madam President, we see that the abortionist here is pulling the child all the way out of the womb and into the birth canal with the exception of the child's head. That is what is happening in this particular chart.

Now, I want to pause for a moment. I hope that everyone will think very seriously. I want everyone to think very seriously about what is happening here.

I have witnessed the birth of my three children. It was the most beautiful thing I have ever witnessed in my life, and I am proud to say I was there. I am glad I was and I will never forget it; three children born into the world. It happens every day. Many will be born while I am speaking. Many will be aborted while I am speaking.

But here we have the hand of what could be a doctor but it is not a doctor. It is a doctor, but his goal or her goal is not to save a life; it is to take one. Picture, if you can, those of you who have witnessed a birth or can imagine what it might be like, these hands taking this child—little feet, little legs, little torso, little behind—the arms, the fingers moving as they do move. Oh, yes, there are fingers and toes at 5 months and beyond. You bet. And there is a heartbeat. It is a living, breathing child. That little body 90 percent through the birth canal, everything

but the head, is 3 inches from the protection of the Constitution of the United States, in the hands of this doctor or abortionist; totally at their mercy.

Were it to be a doctor who was trying to deliver this child, it would be a beautiful thing. If it were a premature baby, we would rush that baby to what is called the preemie ward, hook it up to whatever tubes and essentials were necessary for life support to try to bring that child to where they can come home with their mother.

But that is not the case here. That is not the case here. You see there is a different objective. The next part is the worst part. It is very difficult for me, frankly, to talk about it. That I have to stand here on the floor of the Senate and talk about it is necessary because by standing here on the floor of the Senate and talking about it, I might save one or more of these children from this horrible procedure. Let us look at what happens, my fellow Americans. Let us look at what happens.

In the hands of the abortionist, the feet, the legs, the torso, the arms right to the neck—in the hands of the abortionist—moving feet, moving hands, beating heart—you can feel it. The abortionist takes a pair of scissors, no anesthetic—takes a pair of scissors, inserts the scissors into the back of the skull, pulls the scissors apart, opens up a hole in the back of the skull, inserts a catheter and sucks out the brains of the child so that the skull compresses and then he removes this dangling lifeless form from the womb. Think about it.

Yes, I have to stand here and defend this life, and I am proud to do it. I am proud to do it, because this child cannot do it. We can get off into the generic concept of abortion and talk about the generalities of abortion, a woman's right to choose and all that. That is not the issue here, folks. That is not the issue here. This is not the way to do it—a lifeless form.

I had occasion, a couple of occasions, frankly—many of you have—to take a pet that was old—it was very difficult. I had a dog one time, most recently, that I had to do this to, named Muffin; 12 years old. You know how close you get to pets. They are like—only they are not—children. But they are like children. I took that dog, who was so old that she could not get around anymore, to the vet and I said, "I have to do this. I don't know if I can handle it."

He said, "You know, you ought to come in and watch me do it rather than leave her here, because you will feel better when you see it because it is peaceful. It is not painful. We give this dog a needle and she goes to sleep. No pain."

So I did. I am glad I did, really, because I feel better about it.

Can you imagine—could you possibly imagine the pain of this child, without any anesthetic, having scissors put in the back of its neck and having its brains sucked out? Can you imagine

the pain? This is the United States of America. Why are we doing this to our children? Could somebody please tell me why we are doing this? Why are we doing this? Give me a reason. I cannot wait until I hear the other side. For what? Why are we doing this?

At the beginning of this process we had an unborn child, an unborn child safe in her mother's womb. And yes, it could be a her, I say to my colleagues, pro-choice women of the Senate, it could be a her. We tend to use the word "him" but it could be her. We had an unborn child safe in her mother's womb.

Mrs. BOXER. Will the Senator yield? I just want to ask a parliamentary question.

Mr. SMITH. I am not going to yield.

Mrs. BOXER. I would inquire if the Senator is going to finish his statement or answer in debate?

Mr. SMITH. I am not going to yield. I want to finish my remarks.

Mrs. BOXER. If he will answer, could the Senator give me a sense of how long that will be? I need to know so I can plan my response.

Mr. SMITH. I do not know. I honestly do not know.

Mrs. BOXER. Could be an hour?

Mr. SMITH. I do not know.

Mrs. BOXER. The Senator can expect me to take an equal time.

Mr. SMITH. We had an unborn child safe in the womb of her mother, in that little protected area. A watery mass, if you will—safe. Safe.

You know, late-term babies have sleep cycles and wake cycles. They hear their parents. They hear their mother. You can feel them kick when they are excited, when they are awake. Any expectant mother knows that. They are moving. They are kicking. They are happy. They suck their thumb. Their little hearts are beating. Their little brains are working. It is a living thing.

Many experts will testify that newborn babies hear their mother's voice. Not only do they hear it, they recognize it. It soothes them. It calms them down.

Suddenly, however, Madam President—suddenly the baby's safe, warm, watery world is invaded by the forceps of an abortionist.

The journey from the womb through the birth canal to birth, the miraculous journey, the so beautiful journey which so many of us have witnessed—especially women who give birth to those children, and those of us husbands who have been lucky enough to witness it—this miraculous journey that every one of us, every single one of us, we have all taken this journey on our birthday.

(Mr. COATS assumed the chair.)

Mr. SMITH. The Senator from Indiana, in the chair, took that journey. The Senator from California took that journey. We all took that journey down that birth canal. And in most cases we needed a little help, we needed a little help.

But, when I look at that fourth picture—I am 54 years old. Maybe I do not look it but I am. I have seen a lot of rough things. I served in the Vietnam war. I have seen people die. I have seen people in agony, in near-death situations, with horrible diseases. I have seen quite a lot.

But I cannot imagine a country as great as this one is where a people would sanction—I do not care what you call yourselves, pro-choice or pro-life. I do not care. How could you sanction this? How could you sanction that? Did those of us who are veterans fight to defend that? I did not.

Mr. President, if this baby, if the head of this little baby, comes through the uterus, the child would slide right out of the mother's body and straight into the protection of law, just so easy—not so easy for the woman. But that little child comes out and is born kicking, hands and fingers and feet moving—you can picture that little baby—straight into the protection of law.

But, you know, that is a problem in this procedure for the abortionist. Do you know what they call it when the baby manages to come out? The dreaded complication. That is what they call it. That is the term that the abortionists use, the "dreaded complication." That is a live birth, a live birth—the dreaded complication. That is the last thing an abortionist wants. So what do they have to do? They stop the child's head from coming through the birth canal. They have to. Otherwise it is a live birth and then they have a problem—the dreaded complication.

I just want to remind my colleagues that when this procedure is taking place with the scissors and with the catheter, this child is alive. This is a child that moments before was happily kicking, moving its fingers and hands, listening to the sounds in the womb.

In the final illustration, Mr. President, the scissors are then removed from the baby's head, and the abortionist inserts the suction catheter, completing the partial-birth abortion procedure—sucks the child's brains out, the skull compresses, collapses, and the baby's small lifeless body is then removed from the birth canal, and it is over. The work is done. Is it not interesting—the contrast? Is it not interesting?

What could have been, but for somebody's decision? God knows it was not the baby's decision. It could have been a beautiful birth. We could have had nurses scrambling running to get the baby into the incubator, into the premie ward. No. That was not to be. What we have seen that could have been a beautiful birth is now an unspeakable, brutal, ugly death, more brutal and more ugly than the way you would put any pet. Even livestock today that we eat are killed more humanely than that.

A doctor who took the Hippocratic oath to do no harm—to do no harm—has done the worst possible harm to

the most innocent and defenseless little person, little patient, that he could possibly have. Here in America—700, 400, 500 times a year. Who knows? It happens.

Mr. President, we know all about the partial-birth abortion procedure in all of its sickening and grotesque detail because two doctors who have performed it hundreds of times, Dr. Martin Haskell and Dr. James McMahon, have spoken and written frankly about it in the past several months. But the most moving testimony of all comes from a registered nurse, a beautiful lady. Her name is Brenda Pratt Shafer. This is her picture. She is here today for this debate, and I had the privilege of meeting her just an hour or so ago. She assisted Dr. Haskell in performing a partial-birth abortion. She was a nurse, pro-choice, and assisted Haskell in performing a partial-birth abortion.

Brenda Shafer described what she saw in a letter to her Congressman, Representative TONY HALL, Democrat of Ohio. This is what she said. I hope the cameras can pick this up. Listen. These are not my words. These are the words of a nurse who took basically the same pledge to save lives as doctors to. But this is what she said:

The doctor kept the baby's head just inside the uterus. The baby's little fingers were clapping and unclapping, and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall.

If you can think of your child in that situation.

That is what she described the procedure as. She further states that:

I am a registered nurse with 13 years of experience. But one day in September 1993 my nursing agency assigned me to work at a Dayton, Ohio, abortion clinic, and I had often expressed strong pro-choice views to my two teenage daughters. So I thought this assignment would be no problem for me.

But I was wrong. I stood at a doctor's side as he performed the partial-birth abortion procedure—and what I saw is branded forever in my mind. The mother was 6 months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor went in with the forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head just inside the uterus.

The baby's little fingers were clapping and unclapping. And his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall.

The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby was completely limp. I never went back to that clinic. But I am still haunted by the face of that little boy—it was the most perfect, angelic face I have ever seen.

America, Mr. President, America this is happening in—6 month child.

God bless Brenda Pratt Shafer for having the courage to come forward

with her testimony and her story because, without people like her, we would not know it happened.

I have been in the Congress for 11 years, Mr. President, and until just a few months ago—I must confess my ignorance—I did not know that this procedure was performed in America.

A registered nurse, very moving testimony, self-described pro-choice, who witnessed this procedure at the hands of Dr. Haskell. Thankfully, Nurse Shafer did tell Congressman HALL what she saw.

I might just say to my colleagues, Nurse Shafer is here today. If you would like to talk with her, she is off the floor. You can talk with her. I think my colleagues now may have some understanding as to why the House voted to ban this barbaric, brutal, gruesome, inhumane procedure.

By the 19th or 20th week of gestation, the point at which this unspeakably brutal method of abortion is used, the child is clearly capable of feeling what is happening to her. This is a living human being, one who, as I said before, if it had been born alive, would be called a preemie. If you read the commentary from neurologists, they would tell you that premature babies born at this stage of pregnancy actually may be more sensitive to pain stimulation than others.

Earlier this year, I attended a press conference at which a neurologist spoke to that effect. He later so testified before the House Judiciary Committee's hearings on this bill. He does surgery on babies all the time, and he indicated there is really no doubt—no doubt, he said—that the unborn child who is attacked and killed in the partial-birth procedure suffers not just pain but horrible, intense, excruciating pain.

I would ask you, all of us, as human beings, a few seconds, a few inches, and you are a living being, human being protected not only from pain but protected by the Constitution of the United States, and yet for a few inches, a few moments, you are the victim of the abortionist procedure, how could you not be appalled at this procedure? How could you possibly justify this procedure?

As I said, I did not even know this took place 6 months ago, but I know it now. And if it takes the last breath in my body, I am going to stop it. I am going to stop it.

Do you know why I am going to stop it, Mr. President? Because I believe in my heart that the American people will no longer tolerate this. I believe in my heart that people of good faith who differ on this issue, who listen to this debate, listen to this procedure, are going to make a decision. They are going to take the heat from the militant pro-choice people, and they are going to vote with us. We are going to stop this horrible procedure, as the House did. We are going to put it on the President's desk.

President Clinton, I hope that you will pick up that pen and put your signature on that bill to stop it.

It is very interesting; President Clinton was at one time an unborn child, like the rest of us, and his mother was in a very difficult situation, and his mother chose life. It is very interesting.

I just say to my colleagues, this is the greatest country in the world, founded with a Declaration of Independence that speaks of a God-given and "unalienable" right to life, liberty, and the pursuit of happiness. What happened to the right to life of this child? What happened to it? Why cannot she be given the opportunity to enjoy the blessings of liberty? Why cannot she be given the chance to laugh, to cry, to get married, to have children, to go to college, to be in a high school play? Why? Why does she not have that right?

The tragedy of accidents in life are bad enough. You lose a child to an accident because of alcohol; some alcoholic runs over a child. Those kinds of things happen every day in America, and they are terrible. But this is a deliberate act that stops this child from ever having the opportunity to do these things.

This is the land of the free and the home of the brave. If freedom has come to this, if freedom has come to meaning the freedom of abortionists to execute children—because that is exactly what they are doing. Let us call it exactly what it is. That is exactly what they are doing in this case. They are executing little children just as they emerge in the birth canal, inches away from birth. If that is what freedom means, then we ought to be brave enough to do what the House of Representatives did last Wednesday and pass this bill and stop this horrible, horrible procedure.

Defenders of this partial-birth abortion, whom you will hear from shortly, have a big job to do. They really do. It is almost an impossible job in trying to rationalize how you can be in favor of this process, because you will hear it all: We are getting in the way between a woman and a doctor. They will do everything they can to talk about something else other than this. They are not going to talk about this because they cannot talk about it. So they have to go use some other issue. They try to get you on to something else. As you listen to the debate, they will be off on something else because they cannot be on this.

One of the ways is to say partial-birth abortions are rare; they are obscure; they are almost never used. Well, Dr. Martin Haskell, the abortionist whose brutal handiwork Nurse Shafer witnessed, had claimed personally that he did 700 of them as of 1993. So I do not know what "rare" means—700 babies by one doctor.

As I look at that depiction of that little baby in the womb, hanging there limp, you know what I say to myself? How many U.S. Senators are in that

700? How many doctors, lawyers, Nobel Peace Prize winners, teachers? How many? I do not know. We will never know. We will never know. The first black President, is he or she in there? We will never know. First Hispanic President? We will never know. First woman President? We will never know. Cure for cancer? It may be 1 of those 700. We will never know. They will never have had a chance to be that little human being, to develop from that little human being to the ultimate that they are allowed under the Constitution of the United States. We will never know that that little life could have been a life like this. We all grow up to be our own personal beings. We are all different—a lot of life but very different little personalities. We will never know. We will never know.

They are gone. Gone. Not by accident, not in an automobile accident, not in war. No. Stabbed in the back of the neck with a pair of scissors with their brains sucked out by a catheter.

There was another abortionist by the name of James McMahon who died a few days ago. He made late-term abortions his specialty. He was profiled in a 1990 article in the Los Angeles Times. In that article, McMahon coldly claimed credit for having developed the partial-birth method, and this is very interesting. He did not call it partial-birth abortion. He called it "intrauterine cranial decompression." In English, that means crushing the skull while it is inside of the womb. That is a nice clinical description, is it not? But you see, we have to use terms like that because we cannot talk about this, because this is so obnoxious and so sickening and so disgusting and so outrageous that we have to talk about something else. So we use terms like "intrauterine cranial decompression." I like plain English. Killing a child in the womb that is 90 percent born, that is what it is.

Dr. McMahon continued, saying "I want to deal with the head last because that's the biggest problem."

That is what he said. Those are the feelings he had. When I read that, I thought to myself, "That little baby in the womb who happens to have Dr. McMahon, if it had been Dr. FRIST or Dr. anybody else, they would have been allowed to be born, they would have been allowed to grow, to become a President, to become a lawyer, to become a father, a mother, but through no choice of their own, it was Dr. McMahon who was there, not with gentle loving caring hands but with the hands of destruction," this physician who took the Hippocratic oath to do no harm.

Sadly and perversely, he came to see it as his role as a doctor to deal with the problem of the head of a little baby in the manner that I described here today—a problem. According to the American Medical News, Dr. McMahon performed abortions through all 40 weeks of pregnancy. Think about that. It made no difference to him—8½

months, 9 months, a couple days overdue, call Dr. McMahon, he will take care of it. He said he would only do elective abortions through the first 26 weeks. How thoughtful of him.

Mr. President, you see, when you hear this discussion, and my colleagues, about how rare this is, it is not rare. It is not rare. It is rare if you want to compare it to the number of births in America. A few hundred versus several million who are born in America. That I suppose you could call rare, but it is not rare to the 700 or so babies who have had that procedure, is it?

After last week's House vote, an article in the New York Times, relying on data from the pro-choice National Abortion Federation, among others, estimated that the partial-birth abortion procedure is performed more than 400 times a year. In other words, on the average, more than once a day, and that is a conservative number. Those are the ones we know about. That is 400, more than 1 a day. I do not think that is rare. That is 400 babies. It is certainly not insignificant.

Yesterday, the New York Times ran another article that indicates that the number of partial-birth abortions performed each year may, in fact, be much higher. The New York Times quotes a physician who identifies as a gynecologist at a New York teaching hospital who spoke on the condition of anonymity.

Mr. President, I ask unanimous consent to have printed in the RECORD this article from the New York Times.

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

[From the New York Times, Nov. 6, 1995]

WIDER IMPACT IS FORESEEN FOR BILL TO BAN
TYPE OF ABORTION
(By Tamar Lewin)

Public health officials and doctors who perform abortions say the bill passed by the House of Representatives last week that would ban a type of later-term abortion is so broadly written and ill defined that it could affect many more doctors than originally thought.

Indeed, they say, it could criminalize almost any doctor who performs abortions in the second trimester, or after 12 weeks of gestation, and might force doctors to turn to less-safe methods to avoid the possibility of prosecution. Some also say that it would shrink the pool of doctors who perform second-trimester abortions.

The sponsors of the bill, and the anti-abortion groups they worked with, said their goal was to ban what they call "partial-birth abortions," in which a fetus at 20 weeks of gestation or more is partly delivered, feet first, and then to make it easier for the fetus to pass through the birth canal, the skull is collapsed.

But the House bill approved on Wednesday, the Partial-Birth Abortion Ban Act, provides a far looser definition, with no reference to fetal age or to the specifics of inserting scissors into the neck to create a hole through which the brains can be suctioned out to collapse the skull.

The legislation, which will be considered in the Senate this week, says only that "the term 'partial-birth abortion' means an abor-

tion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

That language is so broad—and the term "partial-birth abortion" so unfamiliar in the medical community—that many doctors who perform only earlier abortions, by the most common methods, say they have done procedures that would probably be prosecutable under the law.

"I'm sure I've had a situation, with a 14- or 16-week pregnancy, when the fetus presented feet first, where I did something that a Federal prosecutor might take to court under this language," said Dr. Lewis Koplik, who performs abortions up to 20 weeks in Albuquerque, N.M., and El Paso. "The decision about what method to use is made in an individual setting based on an individual woman's situation. It's not one-size-fits-all, and it shouldn't be. I don't want to make medical decisions based on Congressional language. I don't want to be that vulnerable. And it's not what I want for my patients."

Those who drafted the legislation said they did not believe it would interfere with second-trimester abortions performed by the standard method of dilation and evacuation, or D&E.

"An element of the crime is that the prosecution has to prove beyond a reasonable doubt that the baby was living," said an assistant counsel to the Constitution subcommittee of the House Judiciary Committee, Keri Harrison, who helped draft the bill. "In a D&E, there's not a living fetus being delivered. They're in there suctioning and cutting, and what they deliver is body parts. This would not cover that."

Ms. Harrison said that in drafting the legislation, she and others had rejected specifying the gestational age or abortion technique it would cover. "This isn't about a viable baby or a nonviable one," she said. "And we did not want anything about inserting scissors into the base of the skull, because we didn't want them to come up with a slightly different technique and avoid the statute. What we want to make a crime is the abortionist starting to deliver a baby and then killing it."

About 13,000 of the nation's 1.5 million abortions a year are performed after 20 weeks' gestation. And only two doctors, who perform a total of about 450 of these abortions a year, have said publicly that this method is the safest and best. So most discussion of the proposed ban has been based on the assumption that the method is rarely used, and only by a small number of doctors.

But the National Abortion Federation, which represents several hundred abortion providers, says that more doctors have recently reported that they sometimes use the method, which they call "intact D&E." And since the House vote, some gynecologists at prominent hospitals have acknowledged that they often use the method in late-term abortions.

"Of course I use it, and I've taught it for the last 10 years," said a gynecologist at a New York teaching hospital, who spoke on the condition of anonymity. "So do doctors in other cities. At around 20 weeks, the fetus is usually in a breech position. If you don't have to insert sharp instruments blindly into the uterus, that's better and safer."

"Even in earlier abortions," the doctor continued, "it can happen that after you prepare the patient by dilating the cervix, the feet move down, and the procedure might be covered by this law."

"This legislation would be a disaster for women's health," the doctor said.

Most of the doctors interviewed said they saw no moral difference between dismembering the fetus within the uterus or

partially delivering it, intact, before killing it.

Several said they saw the bill as an opening wedge to outlawing all second-trimester abortions—and conceded that anti-abortion groups had won an important public-relations victory by focusing so much attention on late-term abortions, which are the least common but most emotionally fraught procedures.

According to the Alan Guttmacher Institute, a private group that studies reproductive health issues, almost nine out of 10 abortions are performed in the first trimester, when the procedure is relatively simple. About 164,000 abortions a year are performed during the second trimester, that is, at 13 to 26 weeks of gestation, but more than 9 out of 10 of these are before the 20th week.

Although second-trimester abortions are legal throughout the nation for any reason, few doctors perform abortions after 20 weeks, and while third-trimester abortions are legal in some states only a few hundred take place each year. Third-trimester abortions are performed almost exclusively by a handful of doctors who get referrals from obstetricians whose patients have serious health problems or are carrying fetuses with profound abnormalities.

Dr. Allan Rosenfield, dean of the Columbia University School of Public Health and a professor of obstetrics, said that he and a group of other doctors discussing the legislation had been unable to agree on what the law would cover—but did agree that it posed a threat to anyone who did second-trimester abortions.

"In a standard D&E, the fetus generally doesn't come out intact," Dr. Rosenfield said. "But you might very well bring down a leg at the start of the procedure, and if the definition is a beating heart, potentially any second-trimester abortion could fit this bill. My big worry is that if this becomes law, doctors will feel they have to go back to the less-safe second-trimester abortion methods we did until the 1980's, the installation procedures, in which the uterus is flooded with saline or urea."

Many of the doctors interviewed expressed concern that the legislation would shrink the pool of doctors willing to perform later-term abortions, especially since many of these doctors already face demonstrations and threats, and may not be willing to take on an additional worry about criminal prosecution.

"It really is such nonspecific and bizarre legislation that it's hard to tell what exactly they're trying to ban," and Dr. Mary Campbell, medical director of Planned Parenthood of Metro Washington. "Clearly they're anxious to prosecute anybody who's doing second- or third-trimester abortions. I know people who have said that this would be the end of their third-trimester practice, and probably their second."

Mr. SMITH. Mr. President, here is what this doctor said on the condition of anonymity: "Of course I use it"—partial-birth abortion procedure—"and I've taught it for the last 10 years."

"I've taught it," said a gynecologist at a New York teaching hospital who spoke on the condition of anonymity.

"So do doctors in other cities. At around 20 weeks, the fetus is usually in a breech position. If you don't have to insert sharp instruments blindly into the uterus, that's better and safer."

"Even in earlier abortions," the doctor continued, "it can happen that after you prepare the patient by dilating the cervix, the feet move down, and the procedure might be covered by this law. This legislation would be a disaster for women's health. . . ."

Not a word about the baby. And by the way, we cannot find much evidence of any concern at all about women's health in this particular issue.

It is clear that the doctors that we referred to, McMahon and Haskell, respectively, are not the only abortionists who employ the partial-birth abortion procedure. You see, we do not know. People are not going to come out and admit this. So we do not know how prevalent it really is. In fact, given that Times story yesterday, we may be sitting on the tip of an iceberg we do not even know about.

Besides trying to rationalize the opposition to this bill by claiming that partial-birth abortions are rare and insignificant, although I find it difficult to understand how insignificant that would be for the child, you are also going to hear on the floor of this Senate opponents that are going to try to rationalize their position by saying that the bill interferes with the doctor's professional discretion and invades the doctor-patient relationship. You are going to hear that because, again, we have to talk about things like that because we cannot talk about this. That is why I am talking about it.

Mr. President, the American Medical Association's council on legislation did not see it that way. They voted not once but twice to endorse this bill, to stop this practice. Twelve doctors on that board, practicing physicians, AMA members all, leaders of their profession voted unanimously to endorse H.R. 1833—unanimously.

A member of the AMA council later publicly commented that the partial-birth abortion procedure used by Drs. Haskell and McMahon is simply not even recognized as a medical procedure. Think about that, it is not recognized as a medical procedure. They got it right. You know why? Do you know why it is right? Because medicine is supposed to heal people, that is why they got it right. Thank God they had the courage to vote the way they did. Even though they could not get the rest of the AMA to do it, the council did. They got it right. A doctor is supposed to heal. A doctor who does a partial-birth abortion is not practicing medicine. Can any reasonable person take the floor of the Senate and tell me this doctor who does this is practicing medicine, healing? He is playing executioner, that is what he is doing.

I ask my colleagues to keep the AMA legislative council's action in mind as the opponents of this bill try to argue, and they will, that this bill interferes with the practice of medicine. You are going to hear it. The American Medical Association council on legislation carefully and thoughtfully considered it and they said it does not. They endorse this bill, because they recognize that partial-birth abortions simply do not constitute the practice of medicine. It is not a medical procedure that they do not agree with, they do not even think it is medicine at all. And yet you are going to hear all about it, how this

interferes with the doctor and his patient and this is a medical process. They will tell you it is not even necessary.

Mr. President, the opponents of this legislation try to rationalize their opposition by claiming that the grotesque and inhumane partial-birth abortion procedure is only used in the most extreme circumstances. This is where we get right down to the nitty-gritty and hear a lot about this, such as when the mother's life is in danger or her health is at serious risk or when the unborn child has what they call "severe congenital abnormalities incompatible with life." I do not know what that means. We will talk about that in a few minutes.

Once again, the facts belie their claims. McMahon and Haskell, doctors—I hesitate to use that term—are the only two abortionists with the brazen temerity to go public. They went public because they were proud of it. That is why they went public. They had no problem with it. They were not trying to hide it. They went public about their use of this procedure and to identify themselves personally with it. They advocate this partial-birth abortion method as the "preferred method for elected late-term abortions."

Haskell advocates the partial-birth abortion method for 20 to 26 weeks of pregnancy and Haskell told the American Medical News that most of the partial-birth abortions he performs are, in fact, elective. Speaking with what I would call chilling candor, Haskell told the AMA News, "I'll be quite frank, most of my abortions are elective in that 20- to 24-week range and probably 20 percent are for genetic reasons and the other 80 percent are purely elective."

For genetic, 20 percent and the other 80 percent are purely elective.

So there you have it, I say to my colleagues. You will hear it all. You will hear some of our colleagues claim this hideous and cruel procedure is only reserved for the hard cases, the tough cases.

Now we know the truth. Now we know that is not true. So when you hear it, I just gave you the facts. You have it straight from the horses mouth, from the people who do it. We heard from Martin Haskell—the proud practitioner of partial-birth abortions, the one Nurse Shafer witnessed in his grisly work—who told the American Medical Association's own newspaper that 80 percent of the partial-birth abortions that he performs are "purely elective." He does them. It would be interesting to see where the other facts come from when we hear the other side of the argument.

The National Abortion Federation—the official national organization of the Nation's abortion industry—has publicly acknowledged that partial-birth abortions are routinely done for purely elective reasons. Here is what they say. They told their members this in this memorandum. In anticipation

of this debate, this was sent out to their members:

Don't apologize. There are many reasons why women have late abortions . . . lack of money or health insurance, social [or] psychological crisis, lack of knowledge of human reproduction . . ."

That does not sound like dire emergency to me, Mr. President. Maybe I am missing something. What is the emergency about that? I told you what a partial-birth abortion is. I have read you Nurse Shafer's haunting eyewitness account. I have told you what the abortionists who have done partial-birth abortions have said about them. I have given you all that.

Let me tell you what H.R. 1833—the bill in question—actually does because you are going to hear that distorted, too. They are going to have all kinds of lines on what this bill does and does not do. What it does do: The barbaric and brutal partial-birth abortion procedure that I have described and illustrated on the floor of the Senate today can, should, must and will be outlawed. It will be because I am not going to leave this Senate until it is outlawed. If we lose the vote today, it is going to come back. I am going to bring it back until we win it.

Simply stated, H.R. 1833 does that. It outlaws that procedure. If you did not like what you saw on those charts, that is your vote. There is nothing else. Do not be swayed by the other arguments because they are not relevant. If you think what we saw in the charts is appropriate, then you should vote against me and this bill. If you think that process is OK, vote against me. I would not want you to vote otherwise. If you agree with me that this is wrong, then vote with me for H.R. 1833.

It amends title VIII of the United States Code and provides that "whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both." The abortionist, not the woman. The abortionist is fined. That is the punishment for killing the child in this manner.

You will probably hear that the woman is going to be punished. Not true. Read the law.

H.R. 1833 defines a "partial-birth abortion" as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

That is what they do. Can anybody who sat here and listened to this debate honestly tell me that inserting scissors in the back of the head and sucking the brains out of a living, breathing child is not killing it? Beats me. But you will probably hear that it is not.

H.R. 1833 would ban not only the brain suction, partial-birth abortion that I have described, but any other abortion that involves the partial delivery of the child into the birth canal

before he or she is killed. So the abortionist who commits this horrible act will not be able to escape culpability under the law by pulling the baby into the birth canal and stabbing her through the heart rather than sucking her brains out through a hole. There are any number of ways. Would that be any more barbaric? They could have stabbed her in the heart with the scissors.

Let me say it again. H.R. 1833 authorizes the prosecution only of the abortionist. When you hear otherwise, not true. Not the mother of the child upon whom the partial-birth abortion is performed. That woman is the innocent victim because she was advised to do something that was barbaric or to agree to do something that was barbaric. This bill is aimed at the abortionists; it is aimed at the brutality of this act; it is aimed at the gross violation of just basic human rights that are protected under the Constitution of the United States of America, for everybody, including a baby who comes out of that birth canal.

Finally, Mr. President, even though you are going to hear otherwise, H.R. 1833 provides a life of the mother exception. Absolutely, it provides a life of the mother exception.

Frankly, my jaw has dropped every time I heard one of the opponents of this bill try to say with a straight face that there is no life of the mother exception in this bill. They are going to say there is no life of the mother exception, and they will say it with a straight face, and they will give you all kinds of documentary evidence. There has always been such an exception since the day the bill was first introduced. I introduced it on this side. I know what it says, and it is in there.

The life of the mother exception is in the form of what we would call an "affirmative defense." You will find it in section "e" of H.R. 1833. Look at it. You will see it. So when you are told it is not in there, read it, and it is there. Look it up. The next time somebody says it is not there, read it. It is right there.

That is the way this situation is dealt with in the United States Code. There are 31 affirmative defenses in the United States Code. Under H.R. 1833, if a doctor reasonably believes a mother's life is in danger and that a partial-birth abortion is the only procedure he can employ to save her life, he has an affirmative defense—written right into the statute. In other words, if what the doctor faced truly was a life-of-the-mother circumstance, he cannot be convicted of violating the law.

I might also say there are very few, if any, opportunities where the life of the mother would be threatened here. Let me say it again. No doctor who reasonably believes that a mother's life is in danger and a partial-birth procedure is the only way to save it can be convicted of a crime, period.

The key word in subsection "e," Mr. President, is "reasonably." No doctor

who reasonably believes that the mother's life is in danger and that no other procedure could have saved her life can be successfully prosecuted under this bill. The word "reasonably" provides protection against an abortionists like Dr. Haskell or Dr. McMahon, who may otherwise try to abuse the life of the mother exception by claiming that every partial-birth abortion they do involves a threat to the life of the mother. We are not going to let them get away with that.

Doctors have a way of projecting themselves as absolute. The doctor says it, so it must be true. The doctor says you have to have an abortion this way; it must be true. No. Doctors are human like everybody else. They are not God, and they are wrong sometimes. They are wrong when they say this is necessary procedure to save the life of the mother in all cases. A doctor against whom charges were brought under the new law would be required to demonstrate that his judgments were "reasonable." He can have other medical doctors who are in the area, who are there, who can testify to that effect, that it was an emergency that had to be done.

A doctor who abused the life of the mother exception in this bill obviously could not meet that burden. By the same token, a doctor acting in good faith to save the life of the mother obviously could and would meet that burden.

To those who try to argue that this specific, carefully drafted life of the mother exception—in the form of an affirmative defense—somehow does not adequately protect doctors who act to save the life of the mother, I say that the American Medical Association's Council on Legislation formally voted on whether to endorse this bill twice. They endorsed it, flat out, with the affirmative defense as it is written in the bill before us, H.R. 1833. They did not qualify their endorsement by saying that the life of the mother provision should be changed or modified. They endorsed it. The life of the mother affirmative defense was fine with them.

Again, all 12 doctors, the AMA legislative panel, voted unanimously, voted twice to endorse H.R. 1833—every last word. Every last provision. No exceptions.

Why would they endorse the bill if they thought the life of the mother—affirmative defense does not adequately protect doctors who try to save the life of the mother? Why would they do it? They are in the business of protecting doctors. They did not do it. They said the bill was OK.

This is a historic piece of legislation Mr. President, that originated, was voted on in the people's House, from Representative CANADY. It is the most representative body of our Nation's democracy, and as the House considered this bill as I indicated in my earlier remarks, a magnificent majority, a supermajority, a two-thirds supermajority came together—liberals, con-

servatives, Democrats, Republicans, pro-choice, pro-life—many voted for this bill. SUSAN MOLINARI to PATRICK KENNEDY to DICK ARMEY and NEWT GINGRICH.

We can do the same here in the Senate, Mr. President. We can look at this for the brutal act that it is and end it—never mind getting off into the generic discussion of abortion.

Look at the facts—a baby about to enter from the birth canal into the world, denied that opportunity. Put aside the other differences; put aside where a life begins. I happen to believe it begins at conception. Others of my colleagues do not agree with me. That is not the issue today. Or whether there are fetal brain waves at such-and-such a month. That is not the issue today.

Some say abortion should be legal for sex selection. That is not the issue today. They may think a couple who have a girl unborn child and prefer a boy can go ahead and abort the girl. That is not the issue today.

The partial birth ban will protect girl and boy babies alike. That is the issue today. We can all agree that a 19- or 20-week fetus in gestation at the onset of viability outside the womb is a human being. I would be interested to hear why it is not. I would like to know what it is if it is not a human being.

We should put aside the other differences. I had debates here with the Senator from California and others on the abortion issue. That is not the issue here today. The issue is this process. The bill is about abortion in the late second and into the third trimester of pregnancy—a brutal, horrible way.

Poll after poll consistently shows that the divisions among Americans over a abortion narrow and narrow as the pregnancy progresses into the second and third trimester. Even the most pro-choice Americans become pro-life at some point in the process. That is not the issue today.

This bill is about basic human rights, fundamental human rights, Mr. President. The right of a little baby to be born, grow up, to have a life. They do not depend on the polls. Do we really have to take a poll to find out whether a little baby should have the right to proceed and develop his little personality? They do not depend on politics. What do they know about politics? What do they know about polls?

Do you know what they know? They know that they hear sounds outside their mother's womb and they have sensed that protection. They are in that little fluid sac where they have protection, but they invade that. The abortionist invades that—pulls them feet first to their death.

Even the Supreme Court in the Roe versus Wade decision recognized that a born child—a born child—is a person entitled to the equal protection of the laws under our Constitution.

Now we are starting to talk a little bit differently. Now we have a problem

with the semantics. What is a partially-born child? Feet out? Nothing else? Feet-knees? Feet-knees-behind? Torso? All the way to the neck? What is a partially born child? What is it?

What makes it a nonchild while it is inside, while its inside is inside the womb or its shoulders or its torso? A few inches? A few moments. Does that make it something else?

Is not a partially born child one whose entire body, except for her little head, is already in the birth canal, just as much a human being? Is she no less a human being? Is the line of a baby a nonentity who can be brutally slaughtered really just a matter of a few inches? A few moments?

This is the world's greatest deliberative body, Mr. President. I am proud to be a Member. I hope and I believe that because we are the world's greatest deliberative body that we will rise to the challenge that the House has given us.

That is the reason why I did not touch that bill. I did not use my own. I wanted that bill to come right over here and bring it right up without amendment. I want to pass it today if I can, tomorrow if necessary, whatever it takes, whatever time it takes, I want to pass it and I want to put it on the President's desk.

Once it gets there, I hope that President Clinton will sign it into law. I hope that he will look at this brutal act and put an end to it because after all, his pen, William Jefferson Clinton—will stop the process. One signature, done. No more partial-birth abortions. Hundreds of innocent children saved.

President Clinton, you were an unborn child once. The President's father died, you know, while his mother was pregnant. Is that not interesting? She faced a very tough decision. Do I raise a child alone without a father? Bill Clinton's mother chose life.

Regardless of party, regardless of ideology, I think we could say we are thankful. He became a President of the United States. He could have been a victim. Bill Clinton could have been a partial-birth abortion. We never would have known. We never would have known.

Think about it, my colleagues, because this is a very personal matter. Each and every one of us—each and every one of us—started out in life as an unborn child. Just like the one depicted in the first illustration that I showed earlier today.

When you were born as you came through that birth canal your little fingers moved, your little feet moved, you kicked your legs, you moved your arms, and when you finally came into the world with a little slap on the behind, you started to cry.

Every one of us came down that birth canal the same way—little bit differently sometimes but we came down the birth canal. We slept, we woke, we felt pain, we were happy, we were sad, our quarters were close, but we always heard our mother's voice. Our mother's voice was always there to soothe us.

As I close, I am reminded of a great maxim. Do unto others as you would have them do unto you. Do unto others as you would have them do unto you.

You and I deserved to be protected by law from a partial-birth abortion when you and I lived in our mother's womb.

There are two reasons why we are here today. Either/or: one, because our mothers chose life and had no concern about aborting us; second, because there was no abortionist there to end our lives. We had value. We had worth. We had rights. We became U.S. Senators. And those little babies have the same rights that we have under the Constitution.

As the Old Testament tells us, Almighty God knew us even then, and He loved us. Our fellow human beings, these youngest of Americans, deserve no less.

My colleagues, I implore you for the sake of God, for the sake of life, for the sake of innocent children, pass this bill.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, first I thank my colleague from New Hampshire for agreeing to begin this debate at a little later hour than originally scheduled. Many of us, who are on both sides of this debate, went to the Middle East with the President and a bipartisan delegation, and we literally have not had any rest for many hours. So, it really gave us a chance this morning to get that first bit of rest. This is a difficult debate and I think we all needed to have that rest. I thank my colleague from New Hampshire and I thank the majority leader and minority leader for agreeing to bring this up at 2 o'clock rather than 11 a.m.

I stand here in favor of committing H.R. 1833 to the Judiciary Committee for at least one hearing on this bill, and to report back with any amendments, if they so deem, within a 45-day period.

There are many reasons that I believe are quite rational for doing this, which I will get into in the course of the debate. But I want to say the motion that will be made to send this bill to committee will be a Republican motion offered by Senator SPECTER and supported by six other Republicans.

This is a bipartisan issue. This is the first time, in my knowledge, that a particular procedure has been criminalized. And I agree with my colleague from New Hampshire when he says—and he has said it many times—the Senate is the greatest deliberative body. Therefore, let us make sure before we do this for the first time in history that we have held a hearing that brings all sides to the table where there can be a discussion with medical experts.

We have one physician in the U.S. Senate. He was never an OB/GYN. We do not have anyone in the U.S. Senate

who truly can understand the ramifications of criminalizing what has been a life-saving procedure. So I think the course of sending this bill to Judiciary is the proper course.

I will cover a lot of ground. My colleague took almost a couple of hours. I do not think I will take as much time, but my presentations are usually quite brief. This will not be as brief because I think we have heard my colleague without possibility to, if you will, correct the RECORD or insert differing opinions. We have not had that chance. I would like to take this time to cover a good deal of ground.

I think it is important to debate this bill, every word of this bill, the ramifications of this bill, the justifications for this bill and the tragedy that is addressed by this bill. But the one thing I hope I do not have to be lectured about is the joys of childbirth. Unlike my colleague from New Hampshire, I have had it. I have had it. I have had the joy of childbirth. I have had the joy of bringing two of the most wonderful people into this world, and now I have the joy of grandparenting. So I really do not need to be lectured about the joys of the travel down the birth canal because I have experienced it in my own body.

I had two premature babies who were not safe in my womb. They were not safe in my womb toward the end of the pregnancy, and they had to struggle for their lives, and we won that struggle. They were difficult births, and very unpredictable as to what would happen.

Now I am a grandmother, and we had complications in that one. This baby is our joy—my joy, his other grandmother's joy, his grandpa's joy, his uncle's and aunt's. So I know about the joy of children very personally, the joy of grandparenting.

But do talk to me about the bill. Do talk to me about, for the first time that we can find in history, why we at the national level should outlaw a particular procedure that is sometimes the only way to save a woman's life or to avoid the most serious, long-lasting consequences to her health. Talk to me about that. Talk to me about that.

Do not tell me that you speak for all the little children who cannot speak for themselves when you talk about this bill, because I want to talk to you about little children. Let us take a little child that is happy and alive, living in a wonderful family environment, and his mom gets pregnant and everything is wonderful and everything is joyful and they have a name picked out for the baby—if it a girl or a boy—and they think everything is right, and suddenly they learn that it is not right. I would tell you if that little child could talk—let us say he is just 2 or 3—he would say, "Don't let my mommy die." So don't tell me you are talking for all children. We cannot speak for all children.

I am going to give you a few cases. Viki Wilson, a registered nurse, a practicing Catholic, and her husband Bill, a

physician, they were the parents of two children and planning for a third. In the 8th month of pregnancy, an ultrasound showed the baby's brain was growing outside of the baby's skull. The brain was twice the size of her actual head and lodged in Viki's pelvis, causing pressure on what little brain the baby had.

This was a wanted baby. They picked out a name for the baby. If Viki had carried the baby to term, Viki's cervix could not have expelled the baby. Viki's cervix would likely have torn or ruptured, causing massive hemorrhage and infection.

I do not have a chart that shows what it looks like when there is a massive hemorrhage. I do not have a chart to show you what it looks like when the cervix is torn and ruptured. I do not have a chart that shows you what your wife would look like if she had to go through this circumstance, or your daughter. I do not have a chart that shows what the baby's skull would have looked like as it was crushed by passage through the birth canal. I do not have a chart that shows that. But we do know this. If the baby had survived somehow, at most she would have lived a few short agonizing moments gasping for air. Most likely she would have suffocated the moment the umbilical cord was cut, unable to breathe through her mouth.

I do not have a chart. Viki Wilson is a practicing Catholic. If you want to meet her, you can meet her. If you want to talk to her, you can talk to her. She came forward in her grief because she could not stand to see what was happening here. She said, "My daughter's death was with dignity instead of subjecting her to a process that would have taken away all her dignity."

I have other stories. I am going to share them with my colleagues. But let me tell you of a little child who thought his mother was going through that. He would say, "Save my mother and do not allow my sister to go through this agonizing procedure."

The Senator from New Hampshire said, "Do not listen to what opponents say. They will distort this bill."

I have a copy of the bill. I have read this bill over and over again. In every case when we have voted to restrict a woman's right to choose, there have been exceptions in the bill for the life of the mother, at least in every single case. Not here, not here. Oh, yes. When the doctor is thrown in jail, he can say in his defense, "I had to do it." That is not the same as making exceptions to the life and the health of the mother.

My colleague said, Look at the numbers of votes in the House. Well, the far-right forces in the House will not allow a vote on a moderating amendment for the life of the mother, for the health of the mother. They will not allow a vote on any of this. So there was no choice for people.

I am so pleased that in the Senate we have the ability to get a vote, to stop

the extremism, to stop the danger. We have a chance to do that. No. The House did not allow an amendment. That is why you had the vote that you had. I know because I did speak to some of the people over there. They said, "Barbara, we did not have a chance to vote on any moderating language we wanted so desperately. We tried to, and the Rules Committee shut us down."

So we know what this is about. It is about politics. It is about politics because if it was about substance they would have allowed a vote.

I have to say that I am not a doctor—and I am not God—and there are none in the Senate, except for one doctor who is not an OB-GYN, nor is anyone else. And no one is God.

And people invoke the name of God. And I am glad that they do that because they feel it deeply, and I feel it deeply. And if one believes in God, one believes that God has made sure that there are medical procedures in place to help save lives.

There were so many misstatements made on this Senate floor regarding this issue, and I am not going to take them on here because I am not a doctor. But I know about giving birth, and when babies are born, except in rare cases, the head comes first. The way this is described is it is described as if the woman is having a baby, and suddenly people say, "We do not want this baby." The mother is given anesthetic, large doses of it—this is a serious, complicated situation—large doses that go right to the fetus.

That is just one example of the misstatement here. That is why we need hearings on this—to find out the facts.

Even the name of this, "partial-birth abortion"—there is no such terminology. That is not a medical term. And, yet, it is outlawing "partial-birth abortion" when there is no such medical term. It is a term being used for political reasons, in my view. There is not a birth here. This is a late-term abortion, and it is tragic. It is tragic. And that is what we are talking about.

There is talk here on the floor by men who never had the experience about what it is like for the baby to flow in the water, as it was said. That is the amniotic fluid. Sometimes something happens in a woman, and the baby is not safe in the womb. And the amniotic fluid is not there. We hope everything goes just right. We want everything to be just right. When we get to that stage of our pregnancy—I never got to those stages; I had two preemie babies. By then we were so excited about this event.

And to make it sound like women are brutal, that doctors who take a Hippocratic oath are brutal, and that is their goal in life—is to be brutal. And they wake up every day saying, "I am going to wait until the end of my pregnancy, and I am not going to have it, and I am going to be brutal." If you listen to this, calling doctors abortionists—

abortion is a legal procedure in this country. They are not without laws. They try to change it on the floor of the Senate all the time. They do not have the votes to do that. Do not call a doctor an abortionist. And do not try to be a doctor. You cannot be a doctor. You are not a doctor. You do not know the truth.

We need a hearing in the Judiciary Committee. We have people on both sides of this issue on the Judiciary Committee. And, therefore, it will have a hearing in the Judiciary Committee, and both sides will be brought out. And they will have panels on one side and another.

And when the word "elective" is used, let us straighten that out right here and now. Elective means anything but for the life. It can be the health. It can be the most severe health consequence which is given the term "elective."

Let me talk about the organizations that are cited. The AMA my colleague from New Hampshire cited. The council he talked about—12 or 13 people are on the council—voted to endorse the bill. There was not one OB-GYN on the council. The only testimony heard in the AMA was of the staff of the person who wrote the bill, and the AMA Board of Trustees unanimously rejected the recommendation of the committee. And they did not take it. So let us get that straight.

The AMA does not support this bill. There are some organizations that oppose it—that oppose it: the American Medical Women's Association, the California Medical Association, which is the largest State organization in the country, the American College of Obstetricians and Gynecologists. They oppose this legislation.

Now, we believe, those of us who believe we should commit this to the Judiciary Committee for a report back in 45 days on the bill, that before Senators are asked to cast a vote on a measure that would criminalize a legal medical procedure, which is used under rare and tragic circumstances, the Judiciary Committee should have an opportunity to review it.

I have raised some of the questions here today, and I am going to raise them again. This is what I think the committee ought to look at, whatever your view on this issue. They ought to look at the fact that there is no such term as partial-birth abortion, in any medical text, and that it was invented by the authors. And let us get down to what we are talking about here. They should also look at the fact that a doctor is threatened with criminal prosecution for trying to save a woman's life. They should look at that.

What kind of chilling effect would it have on a physician? Oh, sure, there is an affirmative defense. That is like saying, "I will arrest you if you disagree with me, but once you are in court you can have your chance to explain why you disagree with me." It is an affirmative defense. You put it in

the bill. You have a right to go to court and affirmatively say, "Save the life of a mother." Let us look at what that means: Doctors threatened with criminal prosecution for trying to save the life of a woman. Let us look at that.

Let us look at the fact that there are medical problems that compel women to seek late-term abortions that range from the extremely serious to the potentially fatal, including severe heart disease, kidney failure, and cancer in need of immediate treatment. Let us have those women who have had this tragedy befall them and their husbands and their families and their children, who some here said they speak for, come forward and say how they felt when they heard unless their mother could go through an emergency medical procedure, they would lose that mother forever. Let us hear from those people. The greatest deliberative body in the world, my colleague from New Hampshire says—and I agree—let us deliberate.

The procedure that this bill would outlaw is often considered considerably safer than other alternatives. Let us look at that from a doctor's perspective. I think it is inappropriate that the Senate vote on this bill without fully exploring these questions and others.

I also have to address another issue, the issue of late-term abortion. The author of this bill—and there is a similar bill in the Senate—now the proponent of this House bill, in many ways by implication says that horrific things are going on in the country; let us stop it now; it is immediate; it is a crisis; does not tell you that under Roe versus Wade, which is the law of the land, the landmark decision in 1973, which has not been overturned by this Court, which has not been overturned by this Congress, says that in the late term of a pregnancy the States have the full and absolute right to make the rules governing these abortions. Now we have for colleagues to see the rules and regulations in every single State, and I urge my colleagues to look at that.

What you will see is that in all States of the Union there are controls. In many States of the Union, there are stringent controls which require not only the attending physician but other physicians to sign on, and this is not considered likely in the States.

What really interests me is that the party that controls this Congress—and, in particular, the people offering this legislation—always are on this floor saying let the States decide. They are closer to the problem. They are closer to the people. Let them decide. And yet they would overstep all the States, outlaw a specific procedure which we believe is the first time in the history of the country it has ever been done, and trample on all the States that have very serious regulations on this. And we will go into what some of those regulations are.

I ask unanimous consent to place in the RECORD a number of editorials.

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

OUTLAWING AN ABORTION METHOD

The House of Representatives succumbed to emotional blackmail this week when it approved a bill that would ban a specific abortion procedure and impose criminal penalties on doctors who use it. The House action would undermine a woman's constitutionally protected right to choose to terminate a pregnancy and a doctor's right to determine what is best for his patient. The Senate would be wise to exercise more restraint.

The procedure to be banned, known as intact dilation and evacuation, is used only in late-term abortions, after 20 weeks of gestation, and even then its use appears modest. About 13,000 of the nation's 1.5 million abortions each year take place after 20 weeks, usually because of special circumstances, such as a threat to the mother's health or severe fetal abnormalities.

While there are no reliable statistics, most late-term abortions involve a procedure that breaks the fetus apart before it is suctioned out of the uterus. But some doctors, those who would be affected by the House bill, use a procedure that involves partially extracting the fetus into the birth canal and collapsing the skull in order to let it be extracted. Anti-abortion groups call this a "partial birth" abortion. They circulated graphic drawings in their inflammatory campaign to impose a ban.

The House majority allowed its distaste for the particular procedure to start it down a course that could undermine the constitutional right to abortion as outlined in Roe v. Wade. Roe recognized a woman's right to end a pregnancy, in consultation with her doctor, during the first trimester. I also recognized the state's interest in imposing some restrictions on abortions as a pregnancy progresses through the second and third trimesters. But it did not try to dictate the methods that could be used.

The House bill would erode the judgment in Roe and subsequent cases that while abortion's after fetal viability can be forbidden, exceptions must be allowed to preserve the mother's life or health. True, the bill would allow a doctor, if criminally charged, to argue that the procedure was needed to save the life of the mother and that no other procedure would suffice. But that leaves scant room for a doctor to exercise sound medical judgment as to the safest procedure in a particular abortion.

The House bill is harsh and intrusive. The Senate should have more respect for women, and responsible doctors and for Roe.

[From the Los Angeles Times, Nov. 3, 1995]

A GRUESOME PIECE OF LEGISLATION

THE HOUSE—SHOWN BLOODY PHOTOS—VOTES TO OUTLAW A FORM OF ABORTION

There is no question that the "partial-birth abortion" procedure that the House voted Wednesday to outlaw is gruesome. No woman undergoes this late-in pregnancy procedure without great psychological and physical pain. Few physicians perform it, and those who do may experience deeply conflicting emotions.

The procedure is done typically only to avert an outcome as gruesome as the operation itself—the death of the woman—or to remove a severely deformed fetus that would not survive after birth.

One measure of the pain and conflict surrounding the partial-birth abortion is its extreme rarity. It accounts for only about 200 of the 1.5 million abortions done annually in this country.

The nature of the procedure should have been beside the point; many medical procedures are bloody and hard to witness. Nevertheless, supporters of the bill displayed photographs of partial-birth abortions in the House chamber to manipulate the emotions of Congress members.

In banning this form of abortion, the House has set a precedent with dangerous ramifications.

Wednesday's vote is the first time a house of Congress has asserted federal authority to ban a specific, established medical procedure. As such, the action represents an important legal and political step for anti-abortion forces.

Under the House bill, doctors who perform this abortion could face up to two years in prison or monetary fines or both. A doctor must prove that no other procedure would have sufficed. In effect, Congress is telling physicians that the government will now supersede the medical judgment of a woman's physician.

Will Congress members, few of whom are physicians, now outlaw other lifesaving procedures because they are difficult to watch? Will this Congress, despite its promise to reduce the intrusion of government into private life, increasingly assert its authority at the medical bedside?

The Senate should stop this perilous slide when the legislation comes its way. And the President should be prepared to veto.

[From the Des Moines Register]

MEAN AND MEANINGLESS

PHYSICIANS, NOT MEMBERS OF CONGRESS, SHOULD DECIDE ON ABORTION METHODS

The House vote Wednesday to ban one method of late-term abortion and send doctors who perform it to prison is mean and meaningless.

It is mean because late-term abortions often are done to preserve the health of the mother or because the fetus is terribly deformed and not expected to live. About 13,000 of 1.5 million abortions performed in the United States are at 20 weeks or later. The bill puts an absurd burden on the doctor being prosecuted to prove that this particular method was necessary to save the life of the woman and that "no other procedure would suffice for that purpose."

It is meaningless because the legislation does not address alternative ways of terminating a pregnancy at late stages, among them Caesarean section and induced labor.

The method the House would criminalize is intact dilation and evacuation. The doctor pulls the fetus from the womb feet first, through the birth canal, leaving only its head inside. Surgical scissors pierce the skull, and the brain is suctioned out, the skull collapses, and the fetus is taken out.

It is hideous. It may also be the best procedure under certain circumstances. The New York Times reported that Colorado physician Warren Hern, author of the standard textbook on abortion practice, said: "The medical community has not determined the very best way to do late-term abortions, which are uncommon anyway. This method is a minor variation on what I've done for 20 years and could be absolutely necessary under some medical circumstances. But what's important is that the decision be left to the doctor."

Certainly, it should not be left to Congress, with medical issues so complex and personal issues so wrenching, when a mother's health is in danger or the fetus is severely damaged.

Of course, when the mother is well and the fetus is potentially viable but merely unwanted, a late-term abortion is unacceptable by any method.

"Yet this Congress is determined to interfere unthinkingly in any way it can, regardless of circumstances. This is the first time since *Roe vs. Wade* that it has acted to ban a specific abortion method, but numerous other efforts to stop abortion are under way, such as keeping funding from international groups involved in abortion overseas. The Supreme Court's landmark 1973 decision said states could not limit the right to abortion in the first trimester of pregnancy, but could regulate it in the second trimester to protect a woman's health, and could limit or prohibit it in the third trimester when the fetus is potentially viable. Today, 41 states, including Iowa, have laws prohibiting late abortions under most circumstances.

The House vote Wednesday to ban one method of late-term abortion, and a similar bill introduced in the Senate, mark the determination of politicians to pander to anti-abortion forces.

[From USA Today, Nov. 3, 1995]

ATTACK ON RARE ABORTION PROCEDURE
INVITES MISERY

OUR VIEW: THESE CASES ARE TRAGIC, THESE CASES ARE PERSONAL, LEGISLATION IS A CLUMSY AND PAINFUL RESPONSE

Abortion is a wrenching decision under any circumstance. In the later stages of a pregnancy, it's a nightmare.

So it doubly painful to find the House of Representatives voting to make the nightmare worse. It did so Wednesday, voting to outlaw a last-report procedure to terminate some late-term pregnancies.

The procedure is one that would make anyone cringe. The fetus dies from an overdose of anesthesia given to its mother. Sometimes, its skull is then drained so the fetus can be aborted intact without risk to the mother (not to cause death as critics of the procedure often claim).

It's a process undertaken in desperate circumstances. Just ask Viki Wilson, a 39-year-old registered nurse, doctor's wife, and mother of two in Fresno, Calif. She was eagerly awaiting the birth of her baby when the bad news arrived. Just four weeks before her delivery date, she learned what previous tests had failed to detect: two-thirds of her unborn daughter's brain was in a sac outside the skull. The fetus was suffering seizures and Viki Wilson's life was in danger. The baby was doomed to die outside the womb no matter what was done.

After consulting with specialists, the Wilsons opted for "intact dilation and evacuation," the procedure banned by the House. The anesthesia was administered and a needle used to draw fluid from the baby's enlarged head so it could pass through the birth canal without damaging her mother.

"This wasn't about choice, this was about medical necessity," Wilson says.

That's the case for most late-term abortions. A mother's pregnancy is complicated by health problems such as cancer or heart disease, so that continuing the pregnancy endangers her life. Or an unborn baby is found to have unthinkable deformities.

If the Senate agrees with the House, other families won't get the option available to the Wilsons. Or other choices. The House language is so vague it can be read as outlawing all late-term abortions. It bans "partial-birth abortions," a term not found in medical dictionaries. Doctors, facing jail terms, may refuse to perform any late-term pregnancy terminations.

And that is the real story of this legislation. Its backers say it is a wedge to challenge abortion rights broadly.

The idea of aborting a healthy, late-term fetus for mere convenience is reprehensible to all sides. And rare is the doctor who would

participate in such an abortion. Only a handful will even perform late-term abortions for the more compelling reasons.

The legislation just isn't needed. And the broader assault will do nothing to alter the national division on abortion.

After 20-plus years of debate, there's no sign of national consensus to ban abortion. And absent such social agreement, the choice must be a personal one.

Abortion's dilemmas are indeed painful. But they are best resolved by appeals to hearts and minds, not dictates of law like this one.

Mrs. BOXER. I thank the Chair. One is from the Los Angeles Times. It says in part:

In banning this form of an abortion, the House has set a precedent with dangerous ramifications. Wednesday's vote is the first time a House of Congress has asserted Federal authority to ban a specific established medical procedure. Under the House bill, doctors who perform this abortion could face up to 2 years in prison or monetary fines, or both. A doctor must prove that no other procedure would have sufficed. In effect, Congress is telling physicians that the Government will now supersede the medical judgment of a woman's physician.

"Government will supersede the medical judgment of a woman's physician."

Wonderful, just what we were elected to do, decide what medical procedures should be used under what circumstances. We have never done that in history as far as I can tell. And this is a procedure that is used in most tragic, rare circumstances involving a woman's very life, and we are going to decide, without a hearing, unless we support the Specter amendment for a hearing—and I hope we do—this should be banned.

I think this editorial raises another interesting point.

Will Congress Members, few of whom are physicians, now outlaw other lifesaving procedures because they are difficult to watch? Will this Congress, despite its promise to reduce the intrusion of Government into private life, increasingly assert its authority at the medical bedside?

What is next, I ask? Then the editorial concludes.

The Senate should stop this perilous slide. When the legislation comes its way, the President should be prepared to veto it.

And the President has clearly stated that abortion should be legal and rare, and his standard is life and health of the mother. This bill makes no such exception.

Then the New York Times says:

The House bill is harsh and intrusive. The Senate should have more respect for women and for doctors and for *Roe*—

Meaning *Roe* versus *Wade*,

the Supreme Court decision that gives the right to the States in the last trimester to set the rules and the standards.

USA Today: "Attack on rare abortion procedure invites misery."

They say:

These cases are tragic. These cases are personal. Legislation is a clumsy and painful response.

And then the Baltimore Sun, and I see my colleague from Maryland is here, I think gets right to the heart of it:

When a late-term abortion is necessary, usually to protect the health or life of the mother, a physician should not have to base his decision on how to proceed on the politics of the issue.

So under the House bill, we are not only putting physicians in peril for doing what they think is right, according to their medical training and their experience, to save a woman's life, we are putting them in peril, putting them in jail but we are bringing politics into the operating room as well, because make no mistake about it, this is about the agenda of the far right in this country, who put together a contract. They want to do away with the woman's right to choose, and even though late-term abortions are regulated by the States, this is high on their agenda.

I know the phones are ringing off the hook. That is OK, that is fine, because they are ringing off the hook on both sides. Then we see the Des Moines Register, and they talk about this legislation as mean and meaningless. They say:

Physicians, not Members of Congress, should decide on abortion methods.

Look, what procedure are we going to get into next? What are we going to ban next? What are we going to outlaw next? I mean, the sky's the limit if we go down this slippery slope, and that is why having a hearing is so important.

I got a call today, they just sent it over to me: "Please, Senator BOXER, tell these people that the women they are talking about are someone's baby."

And they talk about babies. The woman who is in peril was somebody's baby and now she is somebody's daughter and somebody's granddaughter. Let us talk about that baby, because, yes, my baby may be 27 years old and have her own baby, but she is still my baby, and she will be my baby until the day that I am not here.

So this woman puts it into perspective. She wants me to put her name out. I do not know this woman. Dorothy Fox, from Santa Barbara, thank you for calling my office. "Please, Senator BOXER, tell these people that the women they are talking about are someone's baby. My daughter had this procedure, and I would have done anything to save my baby, my 36-year-old daughter who had to endure this horrible procedure to save her life and her reproductive health so that she could have healthy children in the future. Please tell them"—meaning the supporters of this bill—"that the fetus isn't the only baby involved. Those women were once somebody's baby."

I want to talk about the nurse that the Senator from New Hampshire points out, her emotional testimony about being in the room and seeing this procedure. And she is here to take questions, and that is good. I am glad

she is here, because I have a lot of people here, too, whose stories you are going to hear.

Here is a letter from the Women's MedPlus Center in Cincinnati, OH, where this nurse worked.

I want to point out that the nurse worked at the clinic for 3 days; she worked at the clinic for 3 days. This is the woman who now comes here as an expert on this procedure. So you should ask her about that experience.

The letter we have here is from Cristy Galvin, RN, and here is what she says:

I am a registered nurse and have worked since July 1993 in the Dayton office of Dr. Martin Haskell. In this capacity, I was the nurse that supervised the training of Brenda Pratt during her brief temporary employment at the Women's Medical Center of Dayton.

As you know, we initially conducted a search of our employment records under the name "Brenda Shafer," as this was the name she signed to the letter which was given to us.

When provided with the correct last name, we did, in fact, find the record of her 3-day employment at our Dayton facility.

The information provided by Ms. Pratt as to our practices at the Women's Medical Center at Dayton is largely inaccurate. First, she describes Dr. Haskell performing one 25-week and one 26-week abortion. Dr. Haskell does not perform abortions past 24 weeks of pregnancy. This is a self-imposed limit to which he has scrupulously adhered to throughout the time I have worked for him.

So let us not be fast and loose with a doctor's lifetime commitment to health.

Second, Dr. Haskell does not use the ultrasound in the performance of second-trimester procedures. We use ultrasound only to determine the pregnancy's gestation. Therefore, her entire description of her experience when viewing the second-trimester abortion, which includes Dr. Haskell's using the ultrasound while doing the procedure, is clearly questionable.

Finally, at no point during a D&E is there any fetal movement or response that would indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second trimester dilation and extraction since it is a highly technical procedure and would not be performed by someone in a temporary capacity. If, indeed, Ms. Pratt entered the room at any point during a D&E procedure, she clearly either is misrepresenting what she saw or remembers it incorrectly.

I ask unanimous consent to have this letter printed in the RECORD.

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

THE WOMEN'S MEDICAL CENTER,
Dayton, July 17, 1995.

DEAR CONGRESSWOMAN SCHROEDER: I am a registered nurse and have worked since July, 1993, in the Dayton office of Dr. Martin Haskell. In this capacity, I was the nurse that supervised the training of Brenda Pratt during her brief temporary employment at the Women's Medical Center of Dayton. As you know, we initially conducted a search of our employment records under the name "Brenda Shafer," as this was the name she signed to the letter which was given to us. When provided with the correct last name, we did

in fact find the record of her three-day employment at our Dayton facility.

The information provided by Ms. Pratt as to our practices at the Women's Medical Center of Dayton is largely inaccurate. First, she describes Dr. Haskell performing one 25-week and one 26-week abortion procedure. Dr. Haskell does not perform abortions past 24 weeks of pregnancy. This is a self-imposed limit to which he has scrupulously adhered throughout the time I have worked for him.

Second, Dr. Haskell does not use ultrasound in the performance of second-trimester procedures. We use ultrasound only to determine the pregnancy's gestation. Therefore, her entire description of her experience when viewing a second-trimester abortion, which includes Dr. Haskell's using the ultrasound while doing the procedure, is clearly questionable.

Finally, at no point during a dilatation and extraction or intact D&E is there any fetal movement or response that would indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second trimester dilatation and extraction, since it is a highly technical procedure and would not be performed by someone in a temporary capacity. If, indeed, Ms. Pratt entered the operating room at any point during D&X procedure, she clearly either is misrepresenting what she saw or remembers it incorrectly.

If you have any further questions, please feel free to contact our office.

Sincerely,

CHRISTIE GALLIVAN, RN.

Mrs. BOXER. Mr. President, I need just about another 10 minutes to finish my response, and I know that my colleagues here will participate.

We are talking about pain and suffering. We are talking about tragedy, and I am going to read a couple of other stories of women who have had to face this. If you notice on the chart, when the chart is shown, there is no face of a woman shown. There is no face of a woman shown. There is no talk of the woman and the peril to her health and the horrible consequences of what could happen to her if she carried the fetus to term.

I want you to hear about Coreen Costello. Coreen was 7 months pregnant with her third child when she discovered through ultrasound there was something seriously wrong with her baby. The baby, named Katherine Grace, had a severe neurological disorder. The movements Coreen had been feeling were not the healthy kicking of a baby. They were nothing more than bubbles and amniotic fluid which puddled in Coreen's uterus rather than flowing through the baby.

The baby had not been able to move for months. Not move her eyelids, not move her tongue, nothing. The baby's chest cavity was unable to rise and fall to stretch her lungs to prepare them for air. Her lungs and chest were left severely underdeveloped, almost to the point of nonexistence.

The doctors told Coreen and her husband the baby was not going to survive. They considered all the options, but all brought severe risks to the mother. If Coreen waited to go into labor naturally, there was concern her uterus

would rupture. I am not going to go into all the detail of what that looks like. I am not going to show a chart. They considered inducing labor, but were told it would be impossible due to the transverse position of the baby, and the fact that the baby's head was so swollen with fluid, while the baby's body was stiff.

Coreen and her husband faced a tragedy that most people never even have to face, thank God. In the end, they made a decision to save the mother's life, to save Coreen's life. She underwent a late-term abortion, and because of this procedure, she is alive today caring for her husband and her remaining two children.

Michele Brydon was 23 weeks pregnant with her third child when she went for a routine ultrasound to ensure that her baby was doing OK. The result of this ultrasound turned Michele's family life upside down. The doctors informed them that the baby—a girl—was suffering from a diaphragmatic hernia. The diaphragm protects and separates the heart and lungs from the stomach and intestines. A diaphragmatic hernia is a hole in the diaphragm, which leaves the baby's heart unprotected and pushes abdominal organs, such as her stomach and intestines, into the chest. Because of the intrusion of the abdominal organs, there was no lung growth. Michelle sought answers from specialists and a pediatric surgeon, who might try to fix the hernia. She was told the baby would not live; the baby was not compatible with life. She chose, in this particular case, to have this procedure.

In October 1992, Claudia Crown Ades was 6 months pregnant with her first child. Everything was perfect. At age 33, she was told there was no need for an amniocentesis. But, for some reason, she began to get anxious, and her doctor sent her to an ultrasound specialist to ease her mind. Three days and four doctors later, Claudia and her husband Richard were informed their baby was plagued with severe anomalies, including brain damage, heart complications, extra digits, and more. The abnormality is known as trisomy-13.

Claudia and Richard were told their baby would likely not survive the pregnancy, and would have little or no chance of living through the first year. They were devastated. They were devastated. I do not have a chart to show you that they were devastated. They wanted this pregnancy, and they were faced with the most agonizing of decisions.

After Tammy Watts and her husband found out she was pregnant in October 1994, they did everything prospective parents do—they discussed names, what kind of baby's room they wanted, whether it would be a boy or a girl. Everything looked fine.

Then in a routine 7-month ultrasound, after a few minutes, the doctor said, "There is something I did

not expect to see." A mass appeared outside the fetus' stomach.

Tammy was sent to several specialists for more tests to determine if something was indeed wrong with the fetus, or whether the ultrasound machine was wrong. The doctors and the genetic counselor gave Tammy the worst possible news—the fetus, which was a girl, had no eyes, six fingers, six toes, and enlarged kidneys which were already failing. The mass on the outside of the stomach involved her bowel and bladder, and her heart and other major organs were affected.

This condition is known as trisomy-13, where on the 13th gene there is an extra chromosome. The trisomy-13 was causing the slow death of their daughter in utero. If Tammy's baby had died in utero, it would have begun to breakdown, releasing fatal toxins into the woman's bloodstream.

Tammy and her family made the hardest decision of their lives, but one that saved Tammy's life. These people are here to talk to you. Listen to them, look in their eyes, and look at how they love their families and their children.

Women in their late-term pregnancies do not desire, do not anticipate, want, or even think about abortion. Women in the late term of their pregnancies are anticipating the joy of child birth, the fulfillment of motherhood and family.

Doctors know late-term abortions are dangerous and difficult. They are emergency medical procedures done in the most tragic and painful circumstances. Yet, this bill would outlaw an emergency medical procedure. It will put a doctor in jail because he tried to save a woman's life. It is going to happen without a hearing in the Judiciary Committee, unless the Republican motion to commit, which will be offered by Senator SPECTER, passes. We were not elected to be doctors, and we were not elected to be God. And the States control late-term abortions. We have the list.

I ask unanimous consent to have printed in the RECORD this list of the States with the postviability restrictions. Every single State has restrictions.

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

STATES WITH POST-VIABILITY RESTRICTIONS

ALABAMA

No abortion may be performed after viability at an abortion or reproductive health center unless immediately necessary to preserve the woman's life or physical health. Admin. Code r. 420-5-1-.03(2)(c) (Supp. 1990).

ARIZONA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §36-2301.01 (1993).

ARKANSAS

No abortion may be performed after viability unless necessary to preserve the woman's

life or health or the pregnancy is the result of rape or incest perpetrated on a minor. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§20-16-705, -707 (Michie 1991).

CALIFORNIA

No abortion may be performed after the 20th week of pregnancy. Health & Safety §25953 (West 1984). The Attorney General has issued an opinion stating that this provision is unconstitutional as applied to pre-viability abortions and abortions necessary to preserve the woman's life or health. 65 Op. Att'y Gen. 261 (1982).

CONNECTICUT

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §19a-602(b) (West Supp. 1993).

DELAWARE

No abortion may be performed after the 20th week of gestation unless continuation of the pregnancy is likely to result in the woman's death. Tit. 24, §1790 (1987 & Supp. 1992). The Attorney General has issued an opinion stating that this provision is invalid and inconsistent with *Roe v. Wade*, 410 U.S. 113 (1973).

FLORIDA

No abortion may be performed in the last trimester of pregnancy unless two physicians certify in writing that the abortion is necessary to preserve the woman's life or health. §390.001(2) (West 1993). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point which varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979).

GEORGIA

No abortion may be performed after the second trimester unless three physicians certify that an abortion is necessary to preserve the woman's life or health. §16-12-141(c) (Michie 1992). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979).

IDAHO

No abortion may be performed after viability unless necessary to preserve the woman's life or unless the fetus, if born, would be unable to survive. §§18-608(3), 18-604(6) (1987). This law unconstitutionally prohibits post-viability abortions in cases in which an abortion is necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

ILLINOIS

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Ch. 720, act 510 §§5.6 (Michie 1993).

INDIANA

No abortion may be performed after viability unless necessary to prevent a substantial permanent impairment of the life or physical health of the woman. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§16-34-2-1(3), 16-34-2-3(b) (West Supp. 1993). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 164-165 (1973).

IOWA

No abortion may be performed after the end of the second trimester unless necessary

to preserve the woman's life or health. §707.7 (West 1979). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point which varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979).

KANSAS

No abortion may be performed after viability unless the attending physician and another, financially independent physician determine that an abortion is necessary to preserve the woman's life or the fetus is affected by a severe or life-threatening deformity or abnormality. §65-6703 (1992 & Supp. 1993). The Attorney General has issued an opinion stating that abortion cannot be prohibited at any time when a woman's health is at risk, and has filed a lawsuit requesting a court order stating that this law is unconstitutional and enjoining its enforcement. Op. Att'y Gen. No. 91-130 (Oct. 15, 1991); *Stephan v. Finney*, No. 93-CV-912 (Kan. D. Ct. filed Aug. 4, 1993).

KENTUCKY

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §311.780 (Michie/Bobbs-Merrill 1990).

LOUISIANA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §40:1299.35.4 (West 1992).

MAINE

No abortion may be performed after viability unless necessary to preserve the woman's life or health. Tit. 22, §1598 (West 1992 & Supp. 1993).

MARYLAND

Abortion may be prohibited after viability unless necessary to preserve the woman's life or health or unless the fetus is affected by genetic defect or serious deformity or abnormality. Health-Gen. §20-209 (Supp. 1993).

MASSACHUSETTS

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life or to prevent a substantial risk of grave impairment to her physical or mental health. Ch. 112, §12M (West 1983). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

MICHIGAN

Any person who intentionally causes an abortion that is not necessary to preserve the woman's life is guilty of manslaughter if the abortion occurs after quickening. §750.323 (West 1991) (enacted 1931). A court has ruled that this law is not unconstitutional as applied to viable fetuses. *Larkin v. Cahalan*, 208 N.W.2d 176 (Mich. 1973). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortions prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *See Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law is also unconstitutional as applied to post-viability abortions necessary to preserve the woman's health. *See Rose v. Wade*, 410 U.S. 113, 165 (1973).

MINNESOTA

No abortion may be performed after the second half of the gestation period (20 weeks) unless necessary to preserve the woman's life or health. A second physician must be immediately accessible at a post-viability abortion to take all reasonable measures to preserve the life and health of the fetus. §§145.412(sub. 3), 145.411(sub. 2), 145.423(sub. 2) (West 1989). A court has ruled that the provision restricting abortion after 20 weeks is unconstitutional.

MISSOURI

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §188.030 (Vernon 1983).

MONTANA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §50-20-109(1)(c) (1993).

NEBRASKA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §28-329 (1989).

NEVADA

No abortion may be performed after the 24th week of pregnancy unless that is a substantial risk that continuance of the pregnancy would endanger the woman's life or gravely impair her physical or mental health. §442.250 (1991). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortions prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. See *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law is also unconstitutional as applied to some post-viability abortions necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

NEW HAMPSHIRE

No abortion may be performed after quickening, unless necessary to preserve the woman's life. §585:13 (1986). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and which may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law also unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

NEW YORK

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life. When an abortion is performed after the 20th week of pregnancy, a second physician must be in attendance to provide medical attention to the fetus. Penal Law §125.05(3) (McKinney 1987); Pub. Health §4164 (McKinney 1985). These provisions are unconstitutional to the extent that they prohibit pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and which may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law also unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

NORTH CAROLINA

No abortion may be performed after 20 weeks of pregnancy unless there is a substantial risk that continuance of the pregnancy would threaten the woman's life or gravely impair her health. §14-45.1(b) (1986).

These provisions are unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve a woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

NORTH DAKOTA

No abortion may be performed after viability unless the attending physician and two other licensed physicians who have examined the woman concur that the procedure is necessary to preserve the woman's life or continuation of the pregnancy would impose on her a substantial risk of grave impairment to her physical or mental health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§14-02.1-04, 14-02.1-05 (1991). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

OHIO

No abortion may be performed after viability unless two physicians certify in writing that it is necessary to preserve a woman's life or to prevent a serious risk or substantial and irreversible impairment of a major bodily function. The physician must use the abortion method most likely to result in fetal survival, a second physician must be in attendance to provide medical attention to the fetus, and the abortion must be performed in a health care facility with access to neonatal services for premature infants. This law is scheduled to become effective on November 15, 1995. A lawsuit has been filed challenging the constitutionality of these provisions. *Women's Medical Professional Corp. v. Voinovich*, (S.D. Ohio filed Oct. 27, 1995).

OKLAHOMA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Tit. 63, §1-732 (West 1984).

PENNSYLVANIA

No abortion may be performed after the 24th week of pregnancy unless the attending physician and another physician who has examined the woman concur that the procedure is necessary to preserve the woman's life or to prevent a substantial and irreversible impairment of a major bodily function. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Tit. 18, §3211 (Supp. 1994). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

RHODE ISLAND

No abortion may be performed after viability unless necessary to preserve the woman's life. §11-23-5 (1981). This law unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

SOUTH CAROLINA

No abortion may be performed after the 24th week unless the attending physician and

another independent physician certify that the abortion is necessary to preserve the woman's life or health. §§44-41-20(c), -10(k), (l) (Law. Co-op. 1985 & Supp. 1990). A court has ruled that this provision is unconstitutional as applied to pre-viability abortions. *Floyd v. Anders*, 440 F. Supp. 535 (D.S.C. 1977), *vacated without opinion on other grounds*, 440 U.S. 445 (1979).

SOUTH DAKOTA

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life or health. §34-23A-5 (1986). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979).

TENNESSEE

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §39-15-201(c)(3) (1991).

TEXAS

No abortion may be performed after viability unless necessary to prevent the death or a substantial risk of serious impairment to the physical or mental health of the woman or if the fetus has a severe and irreversible abnormality. Art. 4495b, §4.011(b), (d) (West Supp. 1994). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

UTAH

No abortion may be performed after 20 weeks unless necessary to preserve the woman's life, to prevent grave damage to the woman's medical health, or to prevent the birth of a child that would be born with grave defects. §§76-7-302(3) (1990 & Supp. 1993). A court has ruled that this provision is unconstitutional. *Jane L. v. Bangerter*, 61 F. 3d 1493 (10th Cir. 1995).

VIRGINIA

No abortion may be performed subsequent to the second trimester unless the attending physician and two other physicians certify that continuation of the pregnancy is likely to result in the woman's death or substantially and irremediably impair the woman's physical or mental health. §18.2-74 (Michie 1988). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388-89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the pregnant woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

WASHINGTON

No abortion may be performed after viability unless necessary to protect the woman's life or health. §§9.02.110, 9.02.120 (Supp. 1994).

WISCONSIN

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §940.15 (West Supp. 1993).

WYOMING

No abortion may be performed after viability unless necessary to protect the woman from imminent peril that substantially endangers her life or health. §35-6-102 (1988). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade*, 410 U.S. 113, 165 (1973).

Mrs. BOXER. So this is about politics. I can only conclude that it is

about a zeal to outlaw all abortion. We had that. I lived through that. Others lived through that. Women died because they could not get access. That is what this is about.

I can only conclude that it is about a commitment to the extreme right, who has made this a litmus test issue. I can only conclude that their commitment to State rights which, by the way, when they repealed nursing home standards, they said let the States set those standards. We said, wait a minute, we need to have Federal nursing home standards because our seniors will go back to the days when they were scalded in the bathtubs, sexually abused, and worse. They said, no, no, no, we believe in States rights. Well, here they are overstepping the States. The States control this in the late term of a pregnancy.

It is their desire to take the most painful and difficult and tragic circumstances and turn them into a political win. Without any hesitation, I can state that if it passes—and I know the President will not sign it because he already said he will not because it makes no exception to preserving the life and health of the mother—but if something happened that and President was not there and it was another President and that President signed the bill, women will die, and they will be our babies that we raised. Those are the babies that will die.

What kind of country do we want to be? I say to my friend, we have to look at that. Is this going to be a country which outlaws a medical procedure that is used to save a woman's life? Are we going to put women to their death? What is next, the Government deciding when people should die? Maybe we will withhold life procedures that Senators do not think are nice, and they will have charts and say withhold that procedure from your grandmother. Well, not on my watch, not on my watch.

I want to close by asking every male Senator to picture this: Your 32-year-old daughter or your 28-year-old daughter comes home to you—or, more likely, you get a call from the emergency room at the hospital, and the doctor says, "I do not know how to tell you this, but if I am going to save your child's life, your baby's life, I have to act now because she is in danger and in jeopardy"—I beg my colleagues to put themselves in that position and be honest about this issue because you know what you would say. You would ask questions; you would find out if there is any way to save this pregnancy, if there is any way to save her life or the baby's. But if it came down to that, after you checked and double checked and found out that this one emergency procedure, and only that, could save her life, you would say, "Doctor, with the help of God, do what you were trained to do and save my baby's life." I think if Senators are really honest, they will vote to send this bill to the Judiciary Committee, where it will be in front of the committee that is sharp-

ly divided on the issue of abortion, where doctors can come forward, where nurses can come forward, where women can come forward, where they can be questioned, where a nurse who said she saw this can be questioned, where a doctor who performs this can be questioned, so that we can have all the information that we need.

I ask my colleague from Maryland if she would like me to yield to her because I know she has been waiting here for hours.

Ms. MIKULSKI. I appreciate that, but I also note there is another Senator here. I have a very short statement. But I know the Senator has been waiting for some time, as well.

Mr. DEWINE. Either way. It does not matter.

Ms. MIKULSKI. Is the Senator's statement long?

Mr. DEWINE. Mine is probably about 10 minutes.

Ms. MIKULSKI. Why do we not stick to the tradition of alternating. If I might respond to the Senator from California, I think the most important thing in a debate like this is for us to maintain civility and the traditions of the Senate. I will be happy to wait my turn. I thank the Senator for her concern.

Mrs. BOXER. I say to my friends, I really appreciate the spirit with which we entered this debate. I hope it will be the spirit that we have throughout this debate. It surely is difficult.

I think I have made the case for why I think it is important to send this bill to the committee. I think I have made the point that when we talk about babies we have to talk about all of the life involved in this: My daughter and your daughter, your baby, the fetus in a late term which is so desperately wanted by the family, and why this is such a tragic decision for families.

And why for the first time in history, for Congress to ban a medical procedure that sometimes is the only way to save the woman's life is getting us down a slippery slope, and why it is very important to have a closer look at this, to be the greatest deliberative body in the world.

I thank my colleagues. I yield the floor.

Mr. DEWINE. Let me thank my colleague from Maryland for her graciousness in regard to alternating back and forth on the two sides of the aisle regarding this bill.

I rise today in strong support for the partial-birth abortion bill. I think everyone knows, in this Chamber at least, that I am pro-life. But the comments I make today are not really directed directly at those in the Chamber who are pro-life, but at those who would consider themselves to be pro-choice.

I will address some of the concerns that might be raised in regard to this bill by people who do consider themselves pro-choice.

As my colleague has so eloquently pointed out, when the House of Rep-

resentatives took this bill up and ultimately voted on it, there were a number of people who I am sure still today describe themselves as pro-choice, who voted for this bill: Representative BONIOR, Representative GEPHARDT, Representative SUSAN MOLINARI, Representative PATRICK KENNEDY. So I think it is clear that people who consider themselves pro-choice can, in fact, vote for this piece of legislation.

I think it is important as we debate today, Mr. President, that we narrow the focus of the debate to the specific bill in front of us, to the language contained in that bill. I believe that, if Members of this Chamber will do that, they will find that the legislation does deserve the support, not just of those of us who consider ourselves pro-life, but also of those who consider themselves pro-choice.

I have seen it quoted in the paper that there are those who argue that this particular piece of legislation will rollback Roe versus Wade. I do not think that is true. In fact, I know it is not true.

It is perfectly possible, Mr. President, and intellectually coherent and intellectually consistent, to endorse this legislation and at the same time support the decision in Roe versus Wade. I do not happen to support Roe versus Wade, but I do believe that by narrowly focusing on this piece of legislation—what it will do, what it will prevent—a person would come to the conclusion that it is not inconsistent with Roe versus Wade.

This bill, Mr. President, is not a ban on abortions. It is not even a restriction on when an abortion may be performed. Let me repeat that. It is not a restriction on when an abortion may be performed.

Restrictions of that kind were actually envisioned by Roe versus Wade. If you carefully read Roe versus Wade, it is clear that was envisioned by the Court. Roe versus Wade did make the distinction between the different trimesters.

Even though Roe versus Wade allowed for that kind of restriction, this bill does not restrict the timeframe for a woman contemplating an abortion. All this bill does is abolish one particular procedure. All this bill does is abolish one particular procedure.

My friend and colleague from New Hampshire has described this procedure in great detail. It was unpleasant to listen. At one point I literally walked off the floor. But I compliment him for having the courage to come to this floor and to talk about the facts and to lay out before this Senate and before the American people what, exactly, we are talking about.

Stripping away the pleasant rhetoric that is usually used in describing in great detail exactly what this single procedure and what this bill is about, and what it actually does. I think we all can agree that this procedure is especially cruel, unusual and inhumane.

Prof. Robert White is the director of the Division of Neurosurgery and Brain

Research Laboratory at Case Western Reserve University. He testified before the House Judiciary Subcommittee on the Constitution.

Let me just stop at this point in response to my colleague from California, her comment that this bill should be sent back, sent back to the Judiciary Committee of the Senate for hearings. There were significant hearings held in the Judiciary Committee in the House of Representatives that covered both sides of this particular issue.

I think in this case, at least, any additional hearings would be redundant. The facts are basically here in front of us.

Let me go back to the quote from Professor White when he testified before the House Judiciary subcommittee on the discussion. He said that fetuses that are subjected to this procedure are "fully capable of experiencing pain;" "fully capable of experiencing pain."

Mr. President, they endure that terrible procedure that we have heard described, and they are fully capable during that time of experiencing this pain.

We should, Mr. President, take some comfort in the fact that the procedure is not performed very frequently. It is rare. The fact is it should not be performed at all. It is an unnecessary procedure. Even from the perspective of the pro-choice community.

Mr. President, some Senators have expressed concern about whether the mother will be adequately protected without the availability of this procedure. If you talk to the medical community about this they will tell you that if a mother's life is in danger they certainly have more humane ways of terminating the pregnancy to save her.

Let me turn, if I could, Mr. President, to a matter that has been raised already on this floor and that I know will be raised again. That is, the exception for the life of the mother. In this bill, there is such an exception. It is called an affirmative defense.

Let me read from the statute of the proposed bill.

It is an affirmative defense to a prosecution or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was before a physician who reasonably believed, one, the partial-birth abortion was necessary to save the life of the mother and, two, no other procedure would suffice for that purpose.

This is the only way, I submit, that as a practical matter such an exception can be included in this type of legislation.

Affirmative defenses are not new. Affirmative defenses, as the occupant of the chair, the Presiding Officer knows very well, go back throughout history. They include things that we all know about: insanity, for example, or self-defense. In fact, they are contained in the Federal Code in 30 or 31 different statutes.

For those who have prosecuted at the State level, we all know about affirmative defenses, as well. Affirmative de-

fenses are usually written into the statute when the knowledge about the fact is uniquely in the hands or control of the defendant.

I submit that is true in this particular case. To not have it included as an affirmative defense, but rather to write it directly into the statute, would pose a situation that would be virtually impossible to deal with in court, as the prosecutor would have to basically prove a negative in every single case and then would, in fact, have to get inside the mind of the defendant. This is the type of situation where affirmative defenses are historically used. In the Federal Code, 30 or 35 times affirmative defenses are mentioned and are, in fact, built into the statute.

The legal test, guilt beyond a reasonable doubt, never changes. Every element has to be proven. It has to be proven beyond a reasonable doubt. The question of the affirmative defense comes in as raised by the defendant and there, when it is raised by the defendant, the legal standard is a very, very low standard; that standard is preponderance of the evidence, evidence which is of greater weight, more convincing than the evidence which is offered in opposition to it. It is a balancing test. That is all the defendant has to do.

To summarize, to those who are especially concerned about the life of the mother in this regard, as we all should be, this bill does contain an affirmative defense for doctors who act with a reasonable belief that this procedure is necessary to save the mother's life. As a former prosecutor, I can state it is relatively common in criminal law, both at the Federal level and State level, to provide this exception, to provide exceptions to general rules. Among the most common examples are self-defense and the insanity defense. There are more than 30 of these affirmative defenses in the current Federal law.

For example, to a charge of witness tampering, there is an affirmative defense that the intent of the defendant was to encourage truthful testimony. In cases of failure to appear, there is an affirmative defense of uncontrollable circumstances. In cases of knowing endangerment, there is an affirmative defense that the endangered person consented to a professionally approved medical treatment.

These protections for defendants are relatively common, and the Federal courts know how to deal with them. The affirmative defense in this bill is a sensible and rational provision to protect doctors and patients.

We should not lose sight of the real health issue involved here. According to Dr. Pamela Smith of the department of ob-gyn at Mount Sinai Hospital in Chicago, the procedure of partial abortion itself poses risks to the health of the mother. She cites several examples, and then she concludes:

There are absolutely no obstetrical situations encountered in this country which re-

quire a partially delivered human fetus to be destroyed to preserve the health of the mother.

This is a pretty clear medical conclusion. Frankly, as I examine the facts, I see no reason why this Senate—those who consider themselves pro-life and those who consider themselves pro-choice—should not approve overwhelmingly this bill. This debate will continue, I am sure, into the night tonight and into tomorrow.

I ask, again, that my colleagues listen to the narrow focus of the debate. Look at the language in the bill. Recall the basic facts that we have in front of us in regard to what this medical—medical procedure—actually entails.

I think, after Members do this, there is only one logical conclusion that they can come to, and that is, whether pro-life or pro-choice, they have to vote to ban this horrible, brutal operation.

I thank my colleague from Maryland, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in opposition to the pending business before the U.S. Senate. Let me say at the outset, I believe that good people can differ on the matter of abortion. I believe this is an issue so profound that it requires the utmost thoughtfulness and the utmost dignity, even as we debate this.

I would also like to state what pro-choice means. We often use the phrase pro-choice or pro-life. We pro-choice people happen to think we, too, are pro-life. We are not anti-life. For us, the question is not what is decided; the question is who decides. For the pro-choice community, we believe that decisions related to abortion should not be made on the floor of the U.S. Congress but should be left in the doctor's consultation room.

So our position, when we say pro-choice, is that we believe it is a decision not to be made by Congress, not to be made by a conference committee, not to be determined through a Presidential veto, but should be determined between a physician and the patient. That is why we say we are pro-choice.

There are any number of circumstances why an abortion is either medically necessary or medically appropriate. There is no way the U.S. Congress can look at these issues or even anticipate what a variety of these medical circumstances are. Within this great institution, there is only one physician, and I know there are no nurses. Some have strong scientific background, but we are not capable of that. These are decisions that need to be made on a case-by-case basis, based on the medical circumstances and the religious convictions of the individual families that are involved, not the collective wisdom or lack of it by the U.S. Congress.

This is why, when we say we are pro-choice, I say we are not anti-life. We are for appropriate decisions to be made based on what is medically appropriate and what is the individual

family circumstances and their own religious convictions. So that is a general statement. But on this bill, I would like to say, too, that this bill requires very careful study. It is far reaching. It strikes, too, at that very core of the doctor-patient relationship that I have just commented upon.

I bring to everyone's attention, there have been no hearings on this bill in the U.S. Senate. Yes, there was a hearing in the House. But this is the U.S. Senate. If a House hearing counted, we would not hold hearings on anything. We would have not held hearings on the tax bill, we would not hold hearings on the budget, we would not hold hearings on welfare reform. We, the U.S. Senate, must act as our own body, and I believe it is up to the Senate to conduct its own hearing on this most sensitive, most difficult issue.

The ban that is being proposed would have an effect far beyond the issue of abortion. For the first time, the Congress would be directly regulating what medical procedures a doctor can and cannot provide. It is a tremendous intrusion into medical practices.

I know tomorrow morning, the Senator from Pennsylvania, Senator SPECTER, will be offering a motion to send the bill back to the committee for a hearing, with a time certain for reporting it back. I will support the motion, and I want everyone to understand that the motion to recommit for a hearing is not dodge ball, where we, by referring it back, we avoid the vote. It is to be sure that when we do vote, we will have heard from all who have an interest in this legislation.

Under this legislation, I want to bring out that Congress could make criminals out of doctors who perform a procedure which, in their expert opinion, is medically necessary to save a woman's life or to prevent serious adverse risk to her health. Supporters of the legislation like to point out that the bill contains a so-called affirmative defense which allows for procedures performed to save a woman's life. But what does that mean? If you read the bill carefully, you see that this is not a life exception. It means that after a doctor has suffered the humiliation of arrest, being handcuffed, forced to hire an attorney, and posted bond and a trial is underway, the doctor can testify that he or she believed the procedure was the only method that would have saved the woman's life. This completely shifts the burden of proof to the doctor after an arrest has been made. We criminalize this. The doctor has to prove that the procedure was the only procedure that could have saved the woman's life.

What is more, there is no such affirmative defense for cases where the woman and her doctor have decided the procedure is necessary to preserve the woman's health and future fertility.

The bill before us is a tremendous assault on Roe versus Wade. Under Roe, the Supreme Court has consistently upheld the constitutional right of

women to seek an abortion, and has rejected as unconstitutional those laws that do not allow for late-term abortions necessary to preserve the life or health of the mother. The Court has repeatedly affirmed the right of the physician to make that decision, along with the woman, as to what is in the best interest. The Court has rejected laws that would require the physician to put the health of the fetus before the health of the woman. In decision after decision, the Court has affirmed that the woman's health must remain the doctor's paramount concern. This bill would overturn that premise.

So this bill is carefully crafted to directly attack the underpinnings of Roe versus Wade, and the bill's sponsors, particularly in the House, have already served notice that their intention is to completely outlaw abortion, one procedure at a time.

Mr. President, I believe this bill is radical and far reaching. This bill has not been the subject of a single day of hearings in the Senate. We have not heard from one witness, especially the medical community. No committee has deliberated on the language of the bill and understands the full consequences of this. This is simply unacceptable.

The abortion issue is a sensitive and controversial one. Emotions run high whenever we debate this issue. That is why it is so crucial that, before we vote on this bill, it should be subject to the careful study that committee hearings and deliberation would provide. I would support a limit on the time being referred to the committee, a 30- to 40-day limit. We could vote before this Congress adjourns for the holiday recess.

For myself, I would like to hear the testimony from the proponents of the bill about why they believe Members of Congress are better able than physicians to decide what medical procedures are appropriate for women facing the tragedy of a late-term abortion. I think the Senate should hear from women who face the painful decision of terminating a wanted pregnancy, and whose doctors have selected this method.

I think the Senate should hear from the physicians who perform this procedure so that we can understand why it is sometimes necessary, and what would happen to these women if this procedure were banned. I want to hear from the American College of ob-gyn's. They are the experts in this field. The Senate should hear their testimony about what they think about this bill. I have been informed that they think it is misguided. Let them present the testimony. Let us have a discussion with that.

There are 13,000 physicians of the American Medical Woman's Association who oppose this bill. We should hear why. Is it the procedure, or is it the Federal intrusion? We hear so much about the Federal intrusion into people's lives. This is the most profound of Federal intrusions. But again, let us hear from the doctors. Let us hear from the doctors about this issue.

This issue is too complex, and its implications too profound to let it come to the floor for debate without due consideration through the committee process. Regardless of any Senator's views on abortion, I believe that every Senator should support the motion that will be offered by the Senator from Pennsylvania to send the bill to the committee. This is not an undue delay. It is a responsible thing to do. The Senate is known as the world's greatest deliberative body. On something so sensitive, and so complex, I do believe that we should hear from the American medical community who can give us guiding advice on this, and also for those women who face this issue, many of whom will tell us their story, and others who have faced this issue and chose another path.

I believe the Senate should be open-minded, listen to advice, and then in a rational and deliberative way which is characteristic of both this body and I believe those in the House who even differ on the abortion—that our decisions be based on a rational set of information going through the traditional committee process in which there can be the questioning back and forth of the witnesses.

So, Mr. President, I urge my colleagues to support the motion that will be offered by the Senator from Pennsylvania tomorrow and urge, if that does not pass, the defeat of this amendment.

Mr. President, I thank you for your attention. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Hampshire.

Mr. SMITH. Mr. President, I believe Senator ASHCROFT will speak momentarily, and I will be happy to yield to the Senator when he gets here.

Mrs. BOXER. Will the Senator yield?

Mr. SMITH. Certainly.

Mrs. BOXER. I understand Senator KENNEDY will be here momentarily.

Mr. SMITH. If Senator KENNEDY gets down, or Senator ASHCROFT, I would be happy to yield.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the motion that will be offered by several of our Republican colleagues to refer this bill to the Judiciary Committee.

Many of us oppose this legislation and believe it should not pass in any form. This measure is the latest attack by some of our colleagues in their continuing all-out assault against a woman's constitutional right to choose whether to continue her pregnancy. The proponents of this misguided legislation make no secret that their goal is to ban all abortions.

The procedure involved in this case is extremely rare. It involves tragic and

traumatic circumstances late in pregnancy in cases where the mother's life or health is in danger. These cases should not be dealt with by the criminal law, and our colleagues are wrong to try to criminalize them.

Who in this Chamber would second-guess the medical judgment of a physician if such a case arose affecting a member of a Senator's own family?

Who in this Chamber would sacrifice a wife or daughter by rejecting the medical procedure needed to save her life?

Surely, the debate by the Senate on the serious issues raised by this bill should take place after, not before, the Senate Judiciary Committee has had a reasonable opportunity to consider it fairly and hear testimony on both sides.

It is sad to see the leadership of the Senate so bent on meeting the right-wing's antiabortion litmus tests that they are willing to trample the integrity of the Senate legislative process.

Clearly, this legislation is not ready for final action by the full Senate at this time. It is a travesty of responsible deliberation for some Senators to pretend that it is. It is irresponsible for supporters of this measure to insist on such action without benefit of regular committee consideration.

Extremely important issues are at stake, and the Senate should not be stampeded by the shock tactics of the shock troops of the extremists who oppose all abortions at any stage of pregnancy.

The Senate has a duty to act responsibly, and to hear from both sides in this controversy, especially the views of the medical profession. Let us reject this Alice in Wonderland approach to serious legislation—sentence first, verdict afterward.

Clearly, in light of the far-reaching questions raised by the purpose of this bill and the confusing details of its provisions, it would be premature for the Senate to act.

Enactment of this legislation would represent the first time in American history that Congress has outlawed a specific medical procedure.

It would represent the first time in American history that Congress has threatened doctors with prison terms for practicing their profession.

It would threaten the life or health of hundreds of American women each year.

It would undermine the Supreme Court's landmark 1973 decision in *Roe versus Wade*, which guarantees a woman's right to choose whether or not to continue a pregnancy. In fact, the legislation is so poorly drafted that it is likely to be ruled unconstitutional by the Supreme Court under *Roe* and subsequent decisions.

This issue raises fundamental questions about the Federal Government's proper role, if any, in the doctor-patient relationship. Few aspects of the lives of ordinary citizens are as sensitive and as deserving of privacy as

the relationship between patients and their physician. Yet this bill puts the Federal Government directly into the doctor's office in the most intrusive way, by attempting to substitute Congress' political judgment for a doctor's medical judgment.

Despite the importance and complexity of these issues, this bill has received no consideration whatever by any Senate committee. The bill was passed by the House of Representatives last week. It had only 1 day of hearings in the House, and that day could hardly be called fair or balanced or objective.

A Senate bill similar to the House bill was introduced earlier this year by Senator SMITH.

But it was placed directly on the Senate Calendar—in an obvious effort to avoid the kind of committee consideration it clearly needs.

This bill is not a resolution to establish National Ice Cream Week, or to honor a sports championship team. This is a bill that would criminalize a particular medical procedure and send doctors who use it to prison.

The bill purports to ban a procedure that the bill's proponents refer to as "partial-birth abortion." The term was invented by politicians, not doctors. It appears in no medical textbook and has no well-understood meaning in the medical or scientific community.

Medical experts should have an opportunity to testify about any bill that presumes to rewrite medical procedures and ban them, especially when Congress is defining and naming a medical procedure that the medical profession does not recognize. If Congress wants to play doctor, it should hear from doctors first.

The Judiciary Committee should also hear from constitutional scholars about the constitutionality of this bill under *Roe versus Wade* and subsequent Supreme Court decisions.

In addition, the committee should hear from constitutional scholars about its constitutionality under the void-for-vagueness doctrine. As recent press reports make clear, this bill's terminology is so vague that doctors will not know what it means or which medical procedures are actually being criminalized.

Obviously, the proponents of this legislation are making a political statement with this bill.

One purpose of their vague language is to intimidate as many physicians as possible by threatening them with possible prosecution if they perform medical procedures that could be covered by the vague nonmedical language of this bill in its present form. Those who want to ban all abortions do not mind this kind of vagueness in a criminal statute—but the Constitution does.

The Supreme Court is likely, therefore, to rule that this bill is unconstitutional twice—once under *Roe versus Wade*, and once under the void-for-vagueness doctrine.

When this bill was debated in the House, its proponents actually boasted

that it was the first step in an effort to reverse *Roe versus Wade* and deny women the constitutional right to choose whether or not to bear a child.

I believe that a solid bipartisan majority of the Senate supports *Roe versus Wade* and a woman's right to choose, and that this legislation will ultimately be defeated.

But that is not the issue here. The motion to send this bill to the Judiciary Committee protects all sides in this controversy. It directs the Judiciary Committee to hold hearings on the bill and report it back to the full Senate with amendments, if any, in 45 days.

Surely, legislation so far-reaching and unprecedented deserves at least that degree of responsible consideration. What are its proponents trying to hide?

I urge the Senate to refer the bill to the Judiciary Committee.

Mr. SHELBY. Mr. President, I rise in strong support H.R. 1833, the Partial-Birth Abortion Ban Act. When the Founding Fathers drafted the Constitution of the United States, they made it abundantly clear that one of the most crucial roles of government is to "secure the Blessings of Liberty to ourselves and our Posterity."

Yet, over the past few decades, the value of life in America has been substantially cheapened, and the opportunity for liberty diminished. The rise in drive-by shootings, gang warfare, and abandoned babies, all point to the fact that life in America is not considered as precious as it used to be.

One of the most gruesome indicators of the decline in the value of life is the practice of partial-birth abortions. A partial-birth abortion is an abortion in which the person performing the abortion partially delivers a living baby before killing the baby and completing the delivery.

H.R. 1833 will bring an end to this grisly procedure. Opponents of this bill try to disguise partial-birth abortions as reproductive health services, but a close examination of the procedure shows it is no such thing. When performing a partial-birth abortion, the individual first grabs the live baby's leg with forceps and pulls the baby's legs into the birth canal. He then delivers the baby's entire body, except for the head; jams scissors into the baby's skull and opens them to enlarge the hole. Finally, the scissors are removed and a suction catheter is inserted to suck the baby's brains out. This causes the skull to collapse, at which point the dead baby is delivered and discarded.

Mr. President, this procedure is cruel and indefensible, and it is an assault to the common values of the American people. Listen to what nurse Brenda Pratt Shafer, who witnessed one of these abortions, had to say in her letter to Congressman TONY HALL:

The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while his little head was still

stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out. I almost threw up as I watched him do these things.

Mr. President, several medical experts have recently stated that this is not a medically necessary procedure. The American Medical Association's Council on Legislation—which unanimously supports banning this procedure—also stated that partial-birth abortions are “not a recognized medical technique” and concurred that the “procedure is basically repulsive.”

I agree this procedure is repulsive; it is the grotesque killing of a new-born baby. Its feet are out, its hands are out, its legs are kicking, its arms are reaching. It is a new-born baby. Think of what kind of society we live in when we fine and arrest people for affecting the habitat of an endangered kangaroo rat but explicitly allow the abhorrent practice of sucking out the brains of a new-born baby.

Moreover, most partial-birth abortions are performed for purely elective reasons. Martin Haskell, who is one of the chief advocates of this procedure, stated to AMA News in a July 1993 interview that, “I'll be quite frank: most of my abortions are elective in that 20–24 week range. In my particular case, probably 20 percent are performed for genetic reasons. And the other 80 percent are purely elective. * * *”

Despite the consensus in the medical community that these procedures are not used to save the life of the mother, H.R. 1833 contains a safeguard for any practitioner who reasonably believes this procedure is necessary to save the life of the mother. This legislation is balanced and well-reasoned, and it merits our support.

Mr. President, we need to return to the premise that life in America is precious and sacred. Our Nation's children are our hope and our future, and government at all levels has an incumbent responsibility to protect these children who cannot protect themselves. I support this legislation and urge my colleagues to support it as well.

Mr. SMITH. 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. SMITH. 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. SMITH. Mr. President, I ask unanimous consent that there be debate only during the remainder of today's consideration of H.R. 1833, and at 9:30 a.m. tomorrow Senator SPECTER be recognized to make a motion to commit the bill to the Judiciary Committee, and that a vote occur on the motion at a time to be determined by the majority leader after consultation with the Democratic leader, with no

amendments in order during the pendency of the motion to commit; and further, that the time between 9:30 and 12:30 tomorrow morning be equally divided between Senator SMITH and Senator SPECTER.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, and I shall not object—as a matter of fact, I think this is an excellent request—I just want to clarify with my friend that we are looking at a vote around the 12:30 hour. In other words, it is our intention certainly by 1:30 to have disposed of the motion. Is that his understanding of it?

Mr. SMITH. That is correct. We anticipate a vote sometime in the vicinity of 12:30, not before 12:30. It could be 12:45 or 1:30. But there is no intention to delay matters beyond that. It is our intention to have any speakers who may wish to speak this evening or tomorrow morning on the bill on either side, and we would divide that time equally.

Mrs. BOXER. Clearly, I say to my friend, if we do decide to go over another 45 minutes, we could equally divide it in the same fashion. I know that is not in the request, but I am sure that is the way we would work together.

Mr. SMITH. I have no objection to that.

Mrs. BOXER. I have no objection. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, in light of this agreement, on behalf of the majority leader, I will announce that there will be no more votes during the remainder of today's session.

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. ASHCROFT. 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. ASHCROFT. Mr. President, I want to begin by thanking the senior Senator from New Hampshire for his work on this legislation. Few have done more for the unborn than has Senator SMITH, I am pleased to join him as an original cosponsor of the bill before us today.

In just the past several months our work has been witness to acts of terror in Oklahoma City and again over the weekend in Israel. Each of these cases has been surrounded by voices of concern for the harsh rhetoric many feel provoked the atrocities. While I do not know how thoroughly I agree with that analysis, it does point out the need for our national debate on even the most divisive issues to be civil, to be reasoned—to win, arguments must not merely move the heart, they must persuade the mind.

And so today, that is what I want to accomplish—to speak with civility and

reason about the horror of partial-birth abortions which literally rip a child from its mother's womb.

As I mentioned earlier, abortion is the divisive moral issue of our day. It hits at our deepest notions of liberty and questions our most fundamental assumptions about life.

For more than 20 years now, abortion-on-demand has been the law of the land. I think it a poor law and I think it an immoral one. But for now it is the law and it must be observed.

The bitter fruits of this law have been the death of over 30 million human beings who will never know what it means to learn and live and laugh among us. The inhumanity of this loss can never be gauged, never be measured, never fully be felt. We saw yesterday humanity's grief at the funeral of Yitzhak Rabin. A great man was mourned by a grateful world. How much greater the grief of 30 million lives that will never know peace, never know love, never know the warmth of a father's embrace or the strength of a mother's love?

Mr. SMITH. Mr. President, I want to thank the Senator from Missouri for his comments on the bill and on the procedure and for his comments with regard to my involvement in this issue. I appreciate it. No one in the Senate is more committed to this issue and a more honorable man. I appreciate very much his friendship and support on this bill.

Mr. President, I would like to make a couple of comments on this motion to refer back to the Judiciary Committee. As a recap here, bear in mind that the House Judiciary Committee held a number of hearings. The Judiciary Committee held a hearing. They had a subcommittee markup, a committee markup, they had a committee report. The House had a full debate. It passed after that full debate by a vote of 288–139. And so to say that somehow we need to refer this bill back to committee, back to the Judiciary Committee, is nothing more than a dilatory process. And really the reason for it is quite simple. It is an effort not to have to make this vote. It is a reason to avoid the tough question. It is a reason for those who basically want abortion on demand to not have an opportunity to vote on this procedure, which we have all heard is the most outrageous procedure.

In addition, the AMA Legislative Council voted twice to endorse it. They did not need further study. They are the experts. We are having a full debate here on the Senate floor.

I just want to point out to my colleagues, if you do not approve of this process, this motion to refer is a hostile motion to that issue. If you refer this matter to the Judiciary Committee, you are saying that you want this process to continue. That is really what you are saying. Some will say that is not true, we want to study it more and have more hearings. How much more study do you have to have

than what we have already had with the process that we see? Why do we have to study something as obvious as this is? We have all the medical experts, we have all the testimony from people who worked in abortion clinics, who have observed Dr. Haskell and others. We have the nurse's testimony. We have the testimony of the abortion doctors. We have the testimony of other medical doctors. It is an effort to make sure that the full Senate does not have to face this matter.

This is one of the things about politics and politicians that just turns the American people off. Whatever your position is, if you feel that taking the life of a child with only its head in the womb is right, then vote that way. Go ahead and vote that way. That is your right. You have the right. That is your vote and I respect that.

But to delay it further and send it back to the Judiciary Committee—the chairman of the Judiciary Committee does not want the bill sent back. Yet, apparently, Senator SPECTER is going to try to send it back there against the wishes of the chairman. I hope that we will respect the wishes of the chairman of the Judiciary Committee, not some member of the committee, who simply supports this process, who wants this bill to be delayed. This is the reason for it. It is not to have hearings. We can have hearings until hell freezes over. It is not going to change anything. How many more hearings do you have to have? How many more people do you have to have testifying saying that we are killing babies this way? How many more times do you have to hear it? How many more times do you have to see these charts? How many more times?

So I want my colleagues to understand when you come in here tomorrow and we deal with this issue between the hours of 9:30 and 12:30, that there will be an effort here to send this bill back to Judiciary Committee—not to have hearings. That is just a facade. It is to delay the bill and eventually kill it so that we do not have to vote on it.

You are killing more than a bill if you do this, you are killing hundreds of children. On average, remember, there is at least one partial-birth abortion per day. So every day we delay it, there is one more child. We are not talking about the debate. I happen to believe that, after conception, it is a living child. That is not what we are talking about. We have been through this before. I will not repeat it all. But we are talking about a child in the birth canal, and one a day is killed.

So I just say to my colleagues, is there really anything that you are going to hear or see in the Judiciary Committee hearings that is going to change your mind? You either support this procedure or you do not. If you do not support it, do not delay it by sending the thing back to the Judiciary Committee.

So I encourage my colleagues, if you have something to say on this, to be

here tomorrow and be prepared to express yourself. Please bear in mind that delaying this accomplishes nothing except delay. That is what the American people get so upset with us about—that we do not make decisions. We just debate and talk.

Let me tell you, if debate and words could solve the world's problems and America's problems, we would sure do it here on the floor of the Senate because we are all good at debating. But that does not get the job done. Do you support this process of taking the life of an unborn child—partially-born child—or do you not? If you do not, then do not vote to delay further the vote to stop it. That is the issue, pure and simple.

The American people, I think, are up to here, Mr. President, with everybody dodging issues. I really think they are up to here with it. Why do we not just face up to it? I would respect that. Let us face up to it and just say that we are going to have an up-or-down vote, we are not going to have these phony issues of sending it to the Judiciary Committee or maintaining that there is not a life of the mother exception when there is one, or that there is deformity, or that somehow it is right to take a child that is deformed from the womb. Let us deal with the issue at hand, which is this process, this procedure. Let us have an honest up-or-down vote on it, tomorrow hopefully, and get it to the President's desk. That is what the issue is about.

Mr. President, at this time, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I think we are winding down debate this evening and we will have an opportunity tomorrow to cast a very important vote on a motion by Senator SPECTER, a Republican Member of the Senate, cosponsored by six other Republican Members of the Senate, to take an issue that is precedent-setting, precedent-breaking, and refer it to a committee that needs to look at it. Why do I say that? I say that because if this House bill passes the Senate as it is, this would be the first time, that anyone around here can verify, that a medical procedure has been banned by the Congress of the United States of America—a medical procedure that is used in the most tragic, most difficult circumstances, where a life is at stake, a life of the mother, with serious health implications for the mother.

As one of my constituents who called during the debate said, there is more than one baby involved here, because the mother was somebody's baby at one time.

As I said, I ask Senators not to dodge this at all, but before they vote, close their eyes and think it was their daughter—their daughter—who they adore, where there was an emergency call and the doctor they respected and admired who had brought other chil-

dren into the world said, "Your daughter is facing a tragic situation. If I do not perform a particular medical procedure, she could be dead. I cannot guarantee that she would live if I use any other procedure."

You would say, I believe—believe me, I am not putting words in your mouth, this is what I think you would have said—"Have you double checked? Have you triple checked? Have you tried another idea? Have you tried another approach? How do you know? Have you done all the tests?"

If the doctor answered those questions to your satisfaction, you would say, "With the help of God, save my child."

I think that is what we are coming down to here—not somebody's contract, not somebody's ideology, but with a human decision that must be made, tragically, by too many American families.

So we have never before banned a medical procedure as far as we can verify. This is one where it is used in these tragic circumstances—and I went through some of those circumstances—we have people here willing and ready to talk to colleagues, people who have gone through this procedure, who have made gone through this tragic choice, who are happy to talk about it.

They are not political. I do not know what party they are in. I can just tell you they are human beings, they suffered, they struggled, and they want to spare other people, frankly, not only the pain, but the loss of life that will ensue if a lifesaving procedure is, in fact, outlawed by this Congress.

It is not about ducking issues; it is about making informed choices here for us.

How can we make an informed choice, I say to my friends and colleagues, if the committee that writes the laws about criminalization does not even have a look at this, and this would criminalize a procedure that is used by a doctor in tragic and terrible circumstances. We are going to put that doctor in jail. This greatest deliberative body in the world is not even going to hold a hearing.

I am very pleased to see seven Republican colleagues put this motion forward. It is common sense. It is highly appropriate.

I happen to believe if we did this willy-nilly and President Clinton was not there and there was another President who did not believe that it is important to save the life of the mother or protect her health and another President signed this, women would die.

Why do I say that? Not to be sensationalist. I do not have charts. I do not have pictures. But we know this is used in tragic circumstances. I think we should come together as a Senate, regardless of our view on this issue, and send this to the Judiciary Committee.

There is a time certain. It is 45 days. It could be sooner. It could be sooner. That is an outside date.

I just hope colleagues will consider this, recognize the precedent-setting nature of this House bill, and vote to send it to the Judiciary Committee, which is a very, very fair committee to send it to in terms of its membership. We get a fair hearing. Hear from the doctors.

Do not have Senators come on the floor who never spent a day in medical school describe a procedure, tell you how it feels when a baby comes down the birth canal. I know how that feels. I can talk about that. But I am not a doctor. We are not doctors. We are certainly not God.

I believe that we need to do the prudent thing here: Send this to the Judiciary Committee. They will look at some amendments. Yes, there is an affirmative defense for a physician. If he uses this procedure because he thinks under the Hippocratic oath, this is the only way he can save the life of this mother, he has committed a criminal act—he or she, as the case may be. That physician—in the bill—yes, can go to the court and defend himself or herself and explain why he did this.

What kind of society is this where we will haul a doctor into a courtroom for saving a woman's life? That is not a society that is a good society. That is not a society that looks after its people.

We are not doctors here. We are not God. We have to do the best we can to make wise and sound decisions.

It always strikes me as being very strange when we hear States' rights advocated on this floor of the Senate day in and day out. We even voted in this Senate, the Republicans did, with a couple of exceptions—not many—to completely abolish nursing home standards, and when we won a vote to restore them, that was overturned by the Roth amendment, which says there is a waiver in the process so States could have no Federal standards for nursing homes. Why? They said, "Oh, we trust the States."

Well, my friends, under Roe versus Wade the States control abortion after the first trimester. That is clear. I have printed in the RECORD a list of every State and all the restrictions in those States. This would wipe out all those restrictions.

I find it amazing that some of my Republican friends, and certainly not all—some—would argue States rights in repealing Federal standards for nursing homes, but then come right around and say, "We do not trust the States when it comes to late-term abortion."

This is about a whole other agenda. That is why I hope we can rise above a political agenda—this is a political agenda—and do what is right for the American people.

Let me say this. We do not put people in jail for political crimes in this country. This is what is so great and unique in America. We do not put people in jail for political crimes.

But I honest to God believe this, that if we outlaw a procedure which might

be the only procedure to save a woman's life, and a doctor uses it and the doctor does wind up in jail because there is no exception for the life of the mother in this radical legislation, he would be serving time for a political crime. He would be in there for a political reason—somebody's agenda. I just hope that we can come together.

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

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

THE MINERALS ISSUE

Mr. REID. Mr. President, I have been here many times discussing a very important issue for the State of Nevada, and that is mining. This statement today is a follow up of the conference which was completed with the House in recent days. It was during that conference that I was reminded of the old "Dragnet" program where Jack Webb, who was Joe Friday on the program, when interviewing the witnesses, would say, "Just the facts ma'am," or "Just the facts, sir." Many times we need this as we debate mining.

As the Chair knows, the debate on this issue has centered in recent years between the Senator from Nevada and my good friend, the senior Senator from the State of Arkansas. And during the course of that debate, and the conversations and the discussion we had during the conference, my friend from Arkansas on a number of occasions referred to one of the big employers in Nevada, the Newmont Mining Co., as a foreign corporation. I wanted to make sure that I was right. I on a number of occasions questioned my friend from Arkansas.

I think it is important that we understand the motives for raising this issue are clear—the desire of some to arouse fear that somehow the minerals industry has been taken over by people from outside the United States. The fact of the matter is that the vast, vast majority of investors in the mineral industry are American citizens.

Mr. President, Newmont Mining Co., as I have indicated in recent weeks, in recent years, recent months, has been the target of some very negative statements and rhetoric by the Secretary of the Interior, Bruce Babbitt, and the senior Senator from Arkansas.

The latest tirade that was offered against this company was the fact that they had been issued a patent by the Interior Department of some 118 acres in the State of Nevada.

Now, in the State of Nevada, keep in mind, we are a State of approximately 72 million acres, and this was a patent of a little over 100 acres.

Both the Secretary and my friend from Arkansas continue, as I have indicated, to refer to Newmont as a foreign company taking title to U.S. land and resources. First of all, understand, Newmont Mining Co., was formed in the United States, in the State of Delaware, in 1921. The name Newmont comes from the two areas where the company at that time was operating—New York and Montana. Therefore, the name Newmont.

Putting aside, Mr. President, the larger debate that foreign ownership should not, I believe should not even be an issue, when you understand that Newmont Mining Co. has invested over \$1.5 billion, now approaching \$2 billion in its Nevada operations, and has paid about \$700 million in wages and about \$600 million in payroll, property, sales and net proceeds taxes, including Federal income taxes since they have been there—not bad—Newmont Mining Co. is not now and never has been a foreign company.

Newmont Mining Co. stock has been publicly traded on the New York Stock Exchange since 1925. If anyone in this room decided they wanted to go buy some Newmont stock, they could walk into any stock dealer in the United States and purchase shares of Newmont stock. No one is asked for proof of U.S. citizenship or should they be, when purchasing stock in U.S. companies.

At the present time, records show that about 95 percent of Newmont's stockholders are U.S. citizens or institutions or U.S. residents. The largest single stockholder in Newmont Mining Co., owning some 13 percent of the stock, is a man by the name of Mr. George Soros, who has a very interesting background—a man who escaped from Communist Hungary in 1956, came to America, settled in New York where he made a fortune.

Mr. Soros owns not only 13 percent of Newmont Mining Co. but various pieces and sometimes the whole of various U.S. companies. No shareholder owns more than 13 percent of the stock that Mr. Soros owns in Newmont Mining Co.

The next largest shareholders are very important institutions in the United States: the Ohio Public Employees Retirement System; the State of Wisconsin Investment Board, which manages pensions for Wisconsin State government retirees, is a large holder of Newmont stock; the State of New York Employees Retirement Fund holds a very large block of Newmont stock; Fidelity Investment Management of Boston, the largest mutual fund organization in the United States, owns a large block of Newmont stock; Ark Assessment Management, a New York City pension management firm, owns a large block of Newmont stock.

Mr. President, this information is readily available to be obtained either by the Secretary of Interior or my good friend from the State of Arkansas. I think the time has come that we should stop attempting to degrade, in

any way belittle this fine mining company that has invested almost \$2 billion in the State of Nevada.

I think it is time, as I stated at the start of this discussion, we deal just with the facts. Let us deal just with the facts. As Jack Webb, I repeat, the Joe Friday of the "Dagnet" series, said, we need to deal with the facts, have this discussion on the facts, not rhetoric that has no bearing on the issues.

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

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

MORNING BUSINESS

Mr. CRAIG. Mr. President, I unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 457. An act to authorize the Secretary of the Army to provide technical assistance to local interests for planning the establishment of a regional water authority in north-eastern Ohio.

H.R. 1715. An act respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1577. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95-03; to the Committee on Appropriations.

EC-1578. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-17; to the Committee on Appropriations.

EC-1579. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation and the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting jointly, pursuant to law, the report of unaudited financial statements for the six-month period ending September 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-1580. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation security; to the Committee on Commerce, Science, and Transportation.

EC-1581. A communication from the Administrator of the Energy Information Administration, the Department of Energy, transmitting, pursuant to law, the report entitled, "Emissions of Greenhouse Gases in the United States, 1987-1994"; to the Committee on Energy and Natural Resources.

EC-1582. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-1583. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the report for fiscal years 1994-1995; to the Committee on Energy and Natural Resources.

EC-1584. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the report for fiscal years 1994 and 1995; to the Committee on Energy and Natural Resources.

EC-1585. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on reasonably identifiable Federal and State expenditures for endangered species in fiscal year 1993; to the Committee on the Environment and Public Works.

EC-1586. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, notice of a Presidential determination relative to disaster relief assistance to Ecuador; to the Committee on Foreign Relations.

EC-1587. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on oil pollution prevention training; to the Committee on the Environment and Public Works.

EC-1588. A communication from the Chief Financial Officer of the National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, the report on mixed waste activities; to the Committee on the Environment and Public Works.

EC-1589. A communication from the Chairperson of the Department of the Navy Retirement Trust, transmitting, pursuant to

law, reports relative to the 1993 annual pension report; to the Committee on Governmental Affairs.

EC-1590. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-114 adopted by the Council on October 10, 1995; to the Committee on Governmental Affairs.

EC-1591. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a revised report entitled "Audit of the District of Columbia's Recycling Program"; to the Committee on Governmental Affairs.

EC-1592. A communication from the Special Counsel of the United States, transmitting, pursuant to law, a report relative to the fiscal year 1995 audit and investigative activities of the Office of Special Counsel; to the Committee on Governmental Affairs.

EC-1593. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the annual audit for fiscal year 1995; to the Committee on Governmental Affairs.

EC-1594. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report on audits and investigations during fiscal year 1995; to the Committee on Governmental Affairs.

EC-1595. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC-1596. A communication from the President and Chief Executive Officer of the United States Enrichment Corporation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1316. A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes (Rept. No. 104-169).

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 Mr. KYL (for himself and Mr. FAIRCLOTH):

S. 1397. A bill to provide for State control over fair housing matters, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself and Mr. BROWN):

S. 1398. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. EXON, Mr. ROCKEFELLER, Mr. KERREY, and Mr. CONRAD):

S. 1399. A bill to amend title 49, United States Code, to ensure funding for essential

air service program and rural air safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself, Mr. DODD, and Mr. JEFFORDS):

S. 1400. A bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. FAIRCLOTH):

S. 1397. A bill to provide for State control over fair housing matters, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE KYL-FAIRCLOTH STATE FAIR HOUSING LAWS RECOGNITION ACT OF 1995

Mr. KYL. Mr. President, I rise to introduce the Kyl-Faircloth State Fair Housing Laws Recognition Act of 1995. I thank Senator FAIRCLOTH for his cosponsorship of this bill, and his leadership in States rights issues. I am pleased to introduce this amendment which will prohibit the Department of Housing and Urban Development [HUD] from enforcing a complaint of discrimination on the basis of a housing provider's occupancy standard, and thereby transferring from HUD to the States and localities the authority to set occupancy standards.

Mr. President, an occupancy standard specifies the number of people who may live in a residential rental unit. In July of this year, HUD general counsel Nelson Diaz issued a memorandum which, in effect, supplants the traditional two-per-bedroom occupancy standard, and may force housing owners to accept six, seven, eight, or even nine people in a two-bedroom apartment. HUD should not be establishing national occupancy standards.

HUD was created in 1965 with the best of intentions: To build and fund housing for the poor. But the agency's regulations have gone far beyond the scope of that intent. Housing is first and foremost a local issue. The Federal Government should play a limited role in it. State officials are closer to the situation and can tailor standards to meet the needs of their communities.

HUD has accepted a two-per-bedroom standard as reasonable in enforcing fair housing discrimination laws under the Fair Housing Act. Most public housing units subscribe to that standard. That is, until Henry Cisneros became Secretary of HUD. Secretary Cisneros and his then Deputy, Roberta Achtenberg, disagreed with the traditional occupancy standard, arguing that it discriminates against larger families.

The new HUD standard is without factual foundation. Mr. Diaz has used the Building Officials and Code Administrators [BOCA] Property Maintenance Code as a foundation for his occupancy standard. The BOCA code,

however, is a health and safety code specifically drafted by engineers and architects to provide guidance to municipalities on the maximum number of individuals who may safely occupy any building. It was never intended to alter the minimum number of family members HUD could require owners to accept under fair housing law.

The code was adopted without any consultation, public hearings, or analysis of its impact on the Nation's rental housing industries. That is wrong. Secretary Cisneros, through HUD's general counsel, has circumvented the Federal Government's rulemaking process by imposing this standard through an advisory without public hearings.

Mr. President, the Manufactured Housing Institute, Arizona Association of Homes and Housing for the Aging, and the Arizona Multihousing Association endorse the bill. Arizona Gov. Fife Symington, speaker of the Arizona House of Representatives Mark Killian, and president of the Arizona Senate John Greene have sent me a letter in support of this bill. I ask unanimous consent that their letter be printed in the RECORD.

States and localities should establish occupancy standards, not a Federal bureaucracy. Several States have an occupancy standard including my own home State, Arizona. And it has worked well. It is time we begin returning a certain amount of authority back to the States. Public housing laws are a good place to start. That is why I introduce this bill which blocks HUD's attempt to set a national occupancy standard, and transfers that authority to the States and cities. I urge my colleagues to cosponsor this bill. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION OF STATE FAIR HOUSING LAWS.

(a) AMENDMENT OF FAIR HOUSING ACT.—Section 807(b)(1) of the Fair Housing Act (42 U.S.C. 3607(b)(1)) is amended—

(1) by striking “(b)(1) Nothing” and inserting “(b)(1)(A) Nothing”; and

(2) by adding at the end the following:

“(B) A State law regarding the number of occupants permitted to occupy a dwelling—

“(i) shall be presumptively reasonable for the purposes of determining familial status discrimination in residential rental housing; and

“(ii) shall not form the basis of any action by the Secretary to withdraw equivalency status from any State, locality, or agency.

“(C) The Secretary shall not establish a de jure or de facto national occupancy code.

“(D) Each State, locality, or agency with HUD equivalency status shall have complete and final control over fair housing cases involving occupancy standards within its jurisdiction without the intervention of the Secretary.”

(b) ENFORCEMENT.—Notwithstanding any other provision of this Act, no funds shall be

available to the Department of Housing and Urban Development under this Act to carry out the Fair Housing Act unless the Department complies with the amendment made by subsection (a).

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to cases filed on or after December 31, 1995.

ARIZONA STATE LEGISLATURE,
Phoenix, AZ, October 16, 1995.

Hon. JOHN KYL,
U.S. Senate,
Russell Building,
Washington, DC.

DEAR SENATOR KYL: Thank you for your prompt and decisive action regarding the issue of federal intervention in the area of occupancy standards as outlined in our joint letter of August 15, 1995. As you know, the issue has been a very divisive one in Arizona, and has now spread to other states nationwide.

We believe that your proposed legislation will resolve the issue by reaffirming the right of each state to set standards that it deems most appropriate. We especially applaud your requirement that HUD shall not establish a national occupancy standard, but defer to authorized state agencies in the administration of cases involving occupancy standards.

We fully support your legislation and by this letter have notified other Members of the Arizona delegation of our support. We appreciate your leadership on this issue and compliment your excellent staff for their work on the bill. If we may assist you in any way to promote the passage of this legislation, please let us know.

Sincerely,

FIFE SYMINGTON,
Governor, State of Arizona.

JOHN GREENE,
President, Arizona Senate.

MARK W. KILLIAN,
Speaker, Arizona House of Representatives.

By Mr. BREAUX (for himself and Mr. BROWN):

S. 1398. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

FEDERAL CRIME PENALTIES LEGISLATION

● Mr. BREAUX. Mr. President, I was honestly shocked to learn of the huge difference that exists between the Federal penalties for trafficking powder cocaine and for trafficking the exact same amount of crack cocaine.

Right now, selling 5 grams of crack cocaine results in the same 5-year mandatory minimum prison term as selling 500 grams of powder cocaine. Selling 50 grams of crack cocaine gets you a 10-year minimum sentence, while you'd have to sell 5,000 grams of powder cocaine to get the same 10 years in prison.

While these penalties are vastly different—100 times greater if you sell crack cocaine—the damage caused by these criminal acts are the same. Lives are lost, families are destroyed, careers are ruined, and our Nation itself is seriously threatened.

Tough penalties are necessary to send a clear signal that the United States will not tolerate selling illegal drugs. The answer to the problem presented by this wide difference in penalties is not to lower penalties for selling crack cocaine but to increase the penalties for selling powder cocaine.

Therefore, my legislation is very simple and very clear. Trafficking—that is the manufacture, distribution or sale—of 50 grams of powder cocaine will result in a 10-year minimum sentence—the same as dealing in crack cocaine.

Manufacture, distribution or sale of 5 grams of powder cocaine will result in a 5-year minimum sentence—the same as dealing in crack cocaine.

I'm pleased that Senator HANK BROWN of Colorado has joined me as a principle cosponsor of this important legislation.●

By Mr. DORGAN (for himself, Mr. EXON, Mr. ROCKEFELLER, Mr. KERREY, and Mr. CONRAD):

S. 1399. A bill to amend title 49, United States Code, to ensure funding for essential air service program and rural air safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RURAL AIR SERVICE SURVIVAL ACT

● Mr. DORGAN. Mr. President, today I am introducing legislation that will help preserve air service in rural areas and save the Essential Air Service [EAS] Program for the future. I am pleased that my colleagues Senator EXON and Senator ROCKEFELLER are joining me as original cosponsors of the Rural Air Service Survival Act.

Last week, the Senate passed the conference report for the Transportation appropriations bill which cut the EAS Program by one-third, reducing appropriations from \$33 million in fiscal year 1995 to \$22 million in fiscal year 1996. Under these reductions, dozens of communities will experience reductions in air service. As my colleagues understand, the EAS Program provides support to maintain air service in remote rural communities that would have no air service at all. EAS is a critical program that plays an essential role in the economic viability for many rural communities. It is also an indispensable component to our national transportation system, connecting remote rural areas with hub airports. If the EAS Program is terminated—as some in the Congress and in the administration have proposed—then dozens of rural communities will lose the only air service available to them. In the grand scheme of things, the EAS Program does not amount to a lot of money, but to the over 60 rural communities dependent upon EAS, it determines the very survival of air service.

When the airline industry was deregulated, the EAS Program was established as a means to ensure rural areas continue to have air service. In several rural communities in North Dakota,

EAS support is the only means to maintaining some kind of air service. These communities are at least 100 miles from the nearest airport which offers jet service.

Over the past few years, the only constant in the EAS Program has been funding cuts. Each year, the administration proposes to eliminate EAS and those of us who understand the critical importance of this program are forced to fight for funding. The dramatic cuts for fiscal year 1996 should be a sign that the current budget process is not working for EAS and without the establishment of a permanent financing mechanism, the future is too uncertain for the rural communities that rely upon EAS support.

This legislation that would provide a permanent financing mechanism for the EAS Program. It seems to me that the EAS Program ought to be removed from annual appropriations battles and be given more secure financing. Looking at the trend over the past few years, it is unrealistic for anyone to expect the EAS Program to last very long unless we develop a new financing mechanism to sustain the program.

Under this legislation, a 10-cent fee would be imposed on every enplanement. The revenue raised would fund the EAS Program. The legislation would ensure that any administrative cost to carriers in collecting this small fee would be reimbursed. Any unobligated funds would be used to enhance the airport improvement program, directing that any excess funds be made available for small community airports for maintenance projects.

This legislation would assure passengers and the industry that this financing mechanism will only be used for its intended purpose. The price of a dime will ensure that all areas of our country are accessible by air travel. It seems to me that we need to work to restructure the EAS Program and save air service in rural areas and this approach would provide a solution protected from annual Washington budget battles.

I realize that given the present budget situation, those of us who really care about programs like EAS have to think of new solutions. We cannot continue to put new wine into old wineskins. We need to develop new financing mechanisms and make the most of limited Federal funding.

Our transportation system in this country is vital to our economic health and national security. It is of critical importance that, despite tight budgets, we find ways to maintain a truly national transportation system that links every region and State in the union. That is why we need to save the EAS Program and establish its own financing mechanism.

It seems to me that we need to make some changes in aviation policy in this country and stop ignoring the fact that rural regions are suffering a serious decline in air service. The airline industry has undergone many changes since

deregulation in the early 1980's. The invisible hand of competition replaced the assuring hand of Government in the aviation market place. As a result, some areas of the country have seen lower prices and more choices in service. In other parts of the country, namely in rural areas, we have seen dramatic losses in air service and higher prices.

It is my view that our Nation's small communities, especially in rural areas, have not fared well under deregulation: One hundred sixty-seven nonhub communities have lost all air service since 1978 while only 26 have gained new services. Several hundred more have had jet service replaced by high-cost turboprop or piston aircraft. The result for small communities has been a deterioration of the quality of service and an increase in prices.

The legislation will secure a reliable source of financing for the EAS Program. The EAS Program is essential to our Nation's national transportation system and this legislation will ensure that this program continues. The legislation has been endorsed by Communicating for Agriculture.

I urge my colleagues to support this legislation and I ask unanimous consent that the full text 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. 1399

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 "Rural Air Service Survival Act".

SEC. 2. FINDINGS.

The Congress finds that—

- (1) air service in rural areas is essential to a national transportation network;
- (2) the rural air service infrastructure supports the safe operation of all air travel;
- (3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;
- (4) rural air service has suffered since deregulation;
- (5) the essential air service program under the Department of Transportation—
 - (A) provides essential airline access to rural and isolated rural communities throughout the Nation;
 - (B) is necessary for the economic growth and development of rural communities;
 - (C) is a critical component of the national transportation system of the United States; and
 - (E) has endured serious funding cuts in recent years; and
- (6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.

SEC. 3. FUNDING FOR SMALL COMMUNITY AIR SERVICE.

Section 40117 of title 49, United States Code, is amended by adding at the end thereof the following:

“(j) ADDITIONAL FEE.—

“(1) IMPOSITION OF FEE.—Each eligible agency that may impose a passenger facility fee under this section shall impose a 10-cent fee under this subsection for each enplanement to provide funds to support a

national aviation system, rural airspace safety, and rural air service.

“(2) FEE TO BE SEPARATELY ACCOUNTED FOR.—The proceeds of fees imposed under this subsection shall be accounted for separately from the proceeds of any fee imposed under subsection (b).

“(3) FEES TO BE USED FOR SMALL COMMUNITY AIR SERVICE.—

“(A) IN GENERAL.—Fees collected under this subsection shall be immediately made available to the Secretary for use in carrying out the essential air service program under subchapter II of chapter 417 of this title.

“(B) DISPOSITION OF EXCESS FUNDS.—Any funds that are not obligated or expended at the end of the fund’s fiscal year for the purpose of funding the essential air service program under such subchapter shall be made available to the Federal Aviation Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under subchapter II of chapter 417 of this title.

“(C) COMPENSATION OF AIR CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Secretary shall prescribe regulations under which any air carrier or its agent required to collect fees imposed under this section is permitted to retain, out of the amounts collected, an amount equal to the necessary and reasonable expenses (reduced by any interest earned on the deposit of such amounts during the period between collection and remittance) incurred in collecting and handling the fees.”

SEC. 4. SECRETARY MAY REQUIRE MATCHING LOCAL FUNDS.

Section 41737 of title 49, United States Code, is amended by adding at the end thereof the following:

“(f) MATCHING FUNDS.—No earlier than 2 years after the date of enactment of the Rural Air Service Survival Act, the Secretary may require an eligible agency, as defined in section 40117(a)(2) of this title, to provide matching funds of up to 10 percent for any payments it receives under this subchapter.”

SEC. 5. EFFECTIVE DATE.

The amendments made by this section shall take effect on the first day of October next occurring after the date of enactment of this Act.●

By Mrs. KASSEBAUM (for herself, Mr. DODD, and Mr. JEFFORDS):

S. 1400. A bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts; to the Committee on Labor and Human Resources.

THE ERISA CLARIFICATION ACT OF 1995

● Mrs. KASSEBAUM. Mr. President, I rise today along with Senator DODD and Senator JEFFORDS, to introduce the ERISA Clarification Act of 1995.

This legislation is designed to protect pension plan participants and beneficiaries by removing the threat of retroactive liability based on the way life insurance companies have historically organized and managed pension assets. Importantly, the legislation would not affect any ongoing civil action.

For nearly 20 years, the insurance industry relied on an interpretive bulletin issued by the Department of Labor, as well as an Internal Revenue

Service ruling, which stated that assets held in an insurance company’s general account were not considered plan assets under the Employee Retirement Income Security Act [ERISA]. In December 1993, however, the Supreme Court ruled in *John Hancock versus Harris Trust* that this long-standing practice of including pension assets as part of a general account could violate certain provisions of ERISA. The Court recognized that its decision created the possibility of serious disruptions in the way pension assets were managed. As such, it commented that problems arising from the decision should be addressed legislatively or administratively.

The Department of Labor is working closely with all parties to develop rules, consistent with *Harris Trust*, for dealing with prospective insurance company activities. However, without additional legislative authority, the Department of Labor may be unable to grant protection for retroactive activities which might expose insurance companies to significant liability and threaten the security of pension assets.

Mr. President, in the nearly 20 years before the Supreme Court’s decision in *Harris Trust*—and in the 2 years since that decision—there has been little evidence that plan participants have been harmed by the insurance industry’s long-standing practice of managing benefits, or that the insurance industry is especially prone to the problems of asset mismanagement that gave rise to ERISA. In fact, there were no enforcement proceedings initiated by the Department of Labor against insurers resulting from the mismanagement of pension assets prior to the *Harris Trust* decision.

I believe, however, that our failure to address this issue could threaten the safety and security of pension assets by exposing the insurance industry to millions of dollars of retroactive liability. Therefore, I believe we should consider, and enact, this important legislation as quickly as possible. I look forward to working with my cosponsors, and with other Members of this body, to do so.●

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 949, a bill to require the Secretary of

the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1181

At the request of Mr. STEVENS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1181, a bill to provide cost savings in the medicare program through cost-effective coverage of positron emission tomography (PET).

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1340

At the request of Mr. DASCHLE, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1340, a bill to require the President to appoint a Commission on Concentration in the Livestock Industry.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

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 Energy and Natural Resources Committee to review the decision-making process of the Department of the Interior in preparing and releasing the U.S. Geological Survey [USGS] 1995 estimates for the 1002 areas of the Arctic National Wildlife Refuge [ANWR].

The hearing will take place on Tuesday, November 14 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Joe Meuse at (202) 224-6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, November 7, at 2:30 p.m., hearing room (SD-406), to receive testimony from Dr. Phillip A. Singerman, nominated by the President to be Assistant Secretary of Commerce for Economic Development, Department of Commerce; and Rear Adm. John C. Albright, National Oceanic and Atmospheric Administration, nominated by the President to be a member of the Mississippi River Commission.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 10 a.m., in room 485 of the Russell Senate Building to mark up S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, a bill to transfer certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, AZ, and immediately following the mark up to conduct a hearing on S. 1159, a bill to authorize a National American Indian Policy Information Center.

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

COMMITTEE ON THE JUDICIARY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 10 a.m. to hold a hearing on contingency fee abuses.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 2:30 p.m. to hold a closed briefing on intelligence matters.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITE-WATER DEVELOPMENT AND RELATED MATTERS

Mr. SMITH. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, to conduct a hearing pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. SMITH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land

Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, November 7, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1371, the Snowbasin land exchange bill, to exchange certain lands in Utah; S. 590, a land exchange for the relief of Matt Clawson; S. 985, to exchange certain lands in Gilpin County, CO; and S. 1196, to transfer certain National Forest System lands adjacent to the townsite of Cuprum, ID.

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

ADDITIONAL STATEMENTS

CASINO GAMBLING SURGES IN THE UNITED STATES, TEMPTING MORE TEENAGERS

• Mr. LUGAR. Mr. President, I ask that the attached article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, Feb. 17, 1994]

CASINO GAMBLING SURGES IN UNITED STATES, TEMPTING MORE TEENAGERS

(By David Holmstrom)

A new gambling industry survey indicates that casino gambling has grown explosively in the United States.

Four years ago, only two states—New Jersey and Nevada—offered casino-style gambling. Now, 23 states offer the roll of dice and spinning roulette wheels. Another dozen states are considering legislation approving casinos.

According to the survey by Harrah's Casinos and the polling firm Yankelovich Partners, the number of "household" visits to casinos has almost doubled since 1990. In 1993, the number of visits was 92 million, up from 46 million visits in 1990. (A "household" visit, as defined in the survey, averages out to 1½ persons from the same family.)

Spokesman in the industry now define gambling as "entertainment" and refer to it as the "new American pastime" because the number of people visiting casinos last year outnumbered total attendance at major league baseball games. "The experience we want guests to have at a casino is enjoyment in an atmosphere that is not intimidating but memorable," says Bala Subramanian, corporate director for marketing information and planning for the Memphis-based Promus Company, the parent company of Harrah's.

Casino gambling, for years legal only in Nevada, has grown rapidly as states, cities, and Indian tribes have turned to gambling to try to generate economic development and jobs. Dozens of tribal reservations across the US now offer casino gambling, and riverboat casino gambling is legal in six states along the Mississippi.

Estimated casino revenue for 1993 is \$12.9 billion, up from \$8.3 billion in 1990. The Harrah's survey compiled results from a questionnaire developed by Home Testing Institute on Long Island, N.Y., and mailed to 100,000 households. From that mailing, 18,600 casino players were identified. Their responses were then combined with responses from 2,500 adults in an annual national survey of American values and attitudes by Yankelovich Partners.

Even though 51 percent of the adults in the survey said casino gambling is "acceptable for anyone," the acceptance percentage declined by 4 percentage points from Harrah's 1992 survey. The 1993 survey attributes this decline to casino referendums in southern states that caused heated public debate about gambling.

Critics of gambling say its rapid growth in the US has a dark side, particularly among youngsters and teenagers. "Kids today have grown up in an atmosphere where gambling is promoted by the state, churches, and synagogues, and the availability of it is everywhere," says Tom Cummings, director of the Massachusetts Council on Compulsive Gambling.

"We are getting more and more calls from desperate high schools asking us to put on programs to help kids deal with gambling." A council study of the effects of illegal gambling on 3,000 students found that 32 percent of students who do not gamble said they felt their refusal to partake in it was not normal. "There was tremendous peer pressure on them to gamble," Mr. Cummings says.

In 1992, some 280,000 teenagers were denied entrance to Atlantic City casinos, and another 29,000 were led out of the casinos. Harrah's Casinos has implemented "Project 21" to keep underage gamblers out of casinos by stopping them at the doors or ejecting them once inside.

A second program, "Operation Bet Smart," includes posters around casino floors saying: "Know when to stop before you start."

Harrah's president, Phil Satre, told the National Press Club in Washington recently: "Just like car manufacturers build safety devices into new automobiles, responsible casino operators must take action on the issue of problem gambling. . . . We are not in business to capitalize on compulsive behavior. We are in the business to entertain our customers."

The problem is that gamblers lose money, Cummings says, "and that is millions and millions of dollars diverted out of the mainstream economy. Somebody has to lose all that money."

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE ASSASSINATION OF YITZHAK RABIN

• Mr. BIDEN. Mr. President, I rise today to express my deep sorrow, my shock, and my anger over the cowardly assassination of Prime Minister Yitzhak Rabin.

Yitzhak Rabin will be remembered as a man of extraordinary courage and unusual vision who lived in a time when both of these traits were scarce.

I first met Yitzhak Rabin when I called on Prime Minister Golda Meir during my first visit to Israel in 1973. As two individuals who shared a commitment to Israel's well-being, our paths crossed on numerous occasions over the course of the next 23 years. I saw him for the last time in October when he came to Washington to commemorate the 3,000th anniversary of King David's entry into Jerusalem.

Yitzhak Rabin was a man who did not mince words—a quality which earned him the respect and trust of a country which has a reputation for toughness. To anyone who encountered

him, it was immediately evident that his overriding concern was for the security of his fellow countrymen.

He was born into the small community of Jews in Palestine, which later formed the core of the nascent State of Israel. He went on to play a key role in the war of independence; commanded the army that unified the city of his birth; served in key Government posts; and, in perhaps his finest hour, he drew upon the lessons of half a century of defending his people to pursue the path of peace which promises to secure the future of the nation he helped create.

Yitzhak Rabin's ability to distill the fundamental choices facing his nation was a quality born of his unique experience as a soldier and a statesman. He articulated in stark terms the reasons why Israel's long-term security hinged on the success of the peace process. He viewed the status quo as unacceptable, because it meant continued violence into the indefinite future and possibly the eventual loss of Israel's Jewish character. He saw that possibility clearly and he believed Israel had to reject it in favor of a path of enlightened self-interest—pursuing an agreement on the basis of land for peace, preserving Israel's Jewish character, achieving normalcy with long-hostile neighbors, and securing Israel's long-term survivability.

Mr. President, many are now suggesting that this terrible assassination was the isolated act of a madman. I wish it were true. But I think that all of us know better.

This act was not perpetrated in a vacuum. It occurred against a backdrop in which a culture of hate and violence was being promoted actively by people who should have known better and behaved more responsibly. The extreme rhetoric was not confined to Israel. Unfortunately, some in this country added their voices to the alarmist cries.

There is a lesson in this for all of us. For while words alone do not kill, they can encourage others to do so. Those who employed hyperbolic rhetoric for the sake of political gain must bear some measure of responsibility for creating a climate in which a cold-blooded assassination could be contemplated as a patriotic and pious act.

I hope that those who irresponsibly stoke the fires of hatred will use this slaying of a great man to look deeply within themselves and change their ways.

Mr. President, this is in many ways Israel's most difficult and emotionally wrenching hour since here creation 47 years ago, because the assassin's bullet was aimed not only at Yitzhak Rabin but also directly at the very heart of the democratic process in Israel. It is a commitment to democracy that has distinguished the Israeli nation from its neighbors in the Middle East and has been the enduring foundation of the long, traditional friendship between Israel and the United States.

As one of the founders and defenders of the independent State of Israel, as

its Prime Minister, and most of all as a devotee of democracy, Yitzhak Rabin personified the process that made possible the progress toward peace in the Middle East. He also understood how violence could threaten both the process and the peace—just moments before he was shot he spoke against violence, which he said had recently taken, in his words, “* * * A shape which damages the framework of fundamental values of Israeli democracy.”

It was that framework of democratic values the assassin was out to destroy—and it is designs of just such antidemocratic violence which Israel and the friends of Israel must deny in memory of Yitzhak Rabin.

I believe that we have already begun to erect that memorial. I believe that this assassination, as deeply as it has shaken us personally, will serve to reinforce the bonds of friendship between Israel and the United States. I believe that we will summon the resolve to successfully complete the unfinished journey on the path of peace embarked upon by Yitzhak Rabin. I believe that his last and greatest gift to his people, to all the peoples of the Middle East, and to the entire world will come to pass, and he will not have died in vain.

And I will remember him as a friend, as a great soldier and statesman—and not as a man who lost his life to violence, but as a man of peace who renewed the life of his Nation. •

AMENDING THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 1103 and the Senate proceed to its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1103) to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 1103) was deemed read three times and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 8, 1995

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, November 8; that following the prayer, the Journal

of proceedings be deemed approved to date, no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of H.R. 1833, with Senator SPECTER to be recognized as under the previous order.

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

PROGRAM

Mr. CRAIG. Mr. President, under a previous consent agreement, at 9:30 a.m. tomorrow, Senator SPECTER will make a motion to commit the bill, H.R. 1833, an act to ban partial-birth abortions. The majority leader has announced that the vote on the motion to commit will not occur prior to 12:30 tomorrow. Senators can therefore expect rollcall votes during Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Wednesday, November 8, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 1995:

PANAMA CANAL COMMISSION

MARKOS K. MARINAKIS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION, VICE JOHN J. DANILOVICH.

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3385, 3392, AND 12203(A):

To be major general

BRIG. GEN. STANHOPE S. SPEARS, 000-00-0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

MONKIA K. BOTSSCHNER, 000-00-0000
DAVID R. FINK, 000-00-0000
GARRY T. HICKS, 000-00-0000
RICHARD D. KING, 000-00-0000
PAUL J. MADSON, 000-00-0000
DELLAH R. MORGAN, 000-00-0000
PAUL T. PEROVICH, 000-00-0000
DENNIS S. SARKISIAN, 000-00-0000
KARL E. SCHRIEKER, 000-00-0000
GEORGE R. SKUDODAS, 000-00-0000
TIMOTHY B. WOJESKI, 000-00-0000

MEDICAL SERVICE CORPS

To be lieutenant colonel

SANDRA L. DARULA, 000-00-0000

BIOMEDICAL SCIENCE CORPS

To be lieutenant colonel

DAVID B. MORRISON, 000-00-0000

November 7, 1995

CONGRESSIONAL RECORD—SENATE

S16759

MEDICAL CORPS

To be lieutenant colonel

ANTHONY B. BASILE, 000-00-0000
MARSA L. MITCHELL, 000-00-0000
JOSEPH M. PASCUZZO, 000-00-0000

NURSE CORPS

To be lieutenant colonel

SALLY A. JONES, 000-00-0000

PHILLIP W. UNDERWOOD, 000-00-0000

DENTAL CORPS

To be lieutenant colonel

NORA E. TOWNSEND, 000-00-0000

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN

THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, line, USN, permanent

BRIAN G. BUCK, 000-00-0000
JOHN M. COONEY, 000-00-0000
GREGORY S. KASHOUTY, 000-00-0000
KENDALL O. SMITH, 000-00-0000
PRESTON H. SPAHR III, 000-00-0000
ERIC M. VAN METER, 000-00-0000