

"withheld, concealed, and/or suppressed adverse A-12 program information" from the Secretary of Defense and the Congress.

That is a quote from the IG's criminal report.

I also believe the IG report shows that Captain Cook may have participated in the scheme to conceal and suppress adverse information about the program.

These are very serious allegations.

They need to be addressed and resolved.

Maybe the Committee conducted an investigation and cleared him, but I do not know that. The Committee has never bothered to tell me about it.

So I was very surprised and very disappointed to find Captain Cook's name on a July 1996 list of "United States Navy Flag Officers."

He has been confirmed and "frocked."

That means he wears an admiral's insignia but is still paid as a captain.

Once an admiral's billet opens up, he will assume the full duties and responsibilities of an admiral.

Mr. President, I think the Committee owes me an explanation.

Mr. President, on September 27, I wrote a second time—1½ years later—to Senator THURMOND, asking for a response.

I ask unanimous consent to have this second letter printed in the RECORD.

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

UNITED STATES SENATE,  
Washington, DC, September 27, 1996.

Hon. STROM THURMOND,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR STROM, I am writing to follow up on my letter of May 15, 1995, regarding the nomination for promotion of Navy Captain Jeffrey A. Cook.

In my letter to you of May 15, 1995, I raised several very serious questions bearing on Captain Cook's fitness for promotion to the rank of admiral. My questions were based on a criminal investigation conducted by the Inspector General of the Department of Defense. These questions pertained to his service as chief engineer on the A-12 stealth bomber project that was terminated for default in January 1991. These questions suggest that Captain Cook may have participated in a scheme to conceal adverse information on the A-12 from both the Secretary of Defense and Congress.

In view of these allegations and since I never received a response from you, I was very surprised and disappointed to find Captain Cook's name on July 1996 list of "United States Navy Flag Officers." This list indicates that he has been confirmed and "frocked." Once an admiral's billet becomes available, he will assume the full duties and responsibilities of the rank.

Would you be kind enough to explain how your Committee resolved the questions raised in my letter of May 15, 1995. Had I known that your Committee was prepared to proceed with this nomination, I would have liked to have had an opportunity to raise my objections on the floor. Strom, we in the Senate have a Constitutional responsibility to nurture topnotch leadership in the Armed Forces. Officers who meet those high stand-

ards should be praised and promoted. Those who fail to meet the high standards should be weeded out.

I would appreciate a response to my letter.

Sincerely,

CHARLES E. GRASSLEY,  
U.S. Senate.

Mr. GRASSLEY. Had I known the committee was prepared to confirm Captain Cook, I would have asked for an opportunity to raise my objections on the floor.

Mr. President, we in the Senate have a constitutional responsibility to nurture topnotch leadership in the Armed Forces.

Officers who meet those standards should be praised and promoted.

Those who fail to meet those high standards should be weeded out.

Based on what I know right now today, I do not think Captain Cook meets the highest standards nor should have been promoted to admiral.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2150 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from South Carolina have whatever time he may consume for a tribute—about 4 minutes; that following his remarks, Senator WYDEN and I speak as in morning business for a period not to exceed a total of 20 minutes.

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

The Senator from South Carolina.

#### RETIREMENT OF SENATOR ALAN SIMPSON

Mr. THURMOND. Mr. President, I rise to pay tribute to one of the finest men I have had the privilege to serve with in the U.S. Senate. I refer to my very good friend, the senior Senator from Wyoming, ALAN SIMPSON, who is retiring from the Senate. AL SIMPSON comes from a family with a rich Wyoming heritage.

Mr. President, from territorial days to the present, the Simpsons have made Wyoming justifiably proud of their distinguished public service. His father, Milward, served as Governor and then came to the Senate in 1962. Like his father, AL has a wonderful sense of humor, even if it is sometimes a bit ribald. He calls a sense of human "the universal solvent against the abrasive elements of life." I know of no one who lives up to that motto like my friend, AL SIMPSON.

AL has other sterling qualities that have made him one of the best-liked members of the Senate on either side of

the aisle. His personal warmth, his integrity, his loyalty, his sense of fairness, and his willingness to listen to the concerns of his colleagues were attributes that allowed him to do a superb job as assistant Republican leader for 10 years.

Bob Dole could not have had a more loyal "deputy" than AL. President George Bush never had a more loyal friend than AL. AL spent countless hours on the floor of the Senate and in the media as an advocate and defender of his friend, President Bush.

I have served many years in the military and in combat as well and I can attest that AL is the kind of loyal friend who you would want by your side in battle. That includes legislative battles, too. For 18 years—at my initial urging—he served with me on the Senate Judiciary Committee. We have been through a great deal of controversial legislation and nominations together. We have worked together side by side with never a cross word and always the highest level of mutual respect and friendship.

When he leaves the Senate, he will leave behind a legacy of great legislative achievements, particularly in the area of immigration. Early on, AL was willing to take on the tough job of being the Republican's subcommittee leader on immigration. While serving as chairman of the Judiciary Committee, I appointed AL as chairman of the Immigration Subcommittee. No one appreciates his work more than I. Immigration issues are often emotionally charged. It takes a very talented legislative leader to shepherd significant immigration legislation through Congress. AL has done it with great effectiveness throughout his career, and in this last week of the 104th Congress he once again is about to lead us in the passage of an illegal immigration reform bill of which he can be very proud. He authored the Senate bill, and his influence on the final conference report is without peer.

He is tough, but fair, and his word is his bond. Accordingly, he is justly recognized by his colleagues on both sides of the aisle as an incredibly skillful legislator.

He is married to one of the most gracious, attractive ladies I have known. As AL tells it, Ann Simpson got more votes for him than he did for himself. She is much more than an effective campaigner. She has made wonderful contributions to her State and the Nation through her work on mental health issues, through her efforts on behalf of Ford's Theater, and in her work for the University of Wyoming, particularly the art museum there.

I know that cowboy AL SIMPSON is not going to "ride off into the sunset." He will maintain an active, stimulating life. His first venture will be a professorship at Harvard University. I am sure his students will be treated to some unforgettable AL SIMPSON stories which will evoke both laughter and warmth.

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

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

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

#### THE GAG RULE AMENDMENT

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

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

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

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

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

who have not done so yet, that there would be an incentive for them to provide the kind of protection for the kind of communication which we are talking about.

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

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

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

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

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

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

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

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

to deal with this. I believe we are now very close in terms of dealing with the issue.

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

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

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

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

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

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

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