

or the country to permit Tony Lake's nomination to be unfairly delayed or to get mired in partisan politics. This nomination should be judged on its merits. That is all the nominee, that is all the Commander in Chief, that is all any of us who support him are asking. Delay and political warfare risks doing serious damage not only to Tony Lake's honor and good name but also to an agency that has traditionally enjoyed and still fundamentally and seriously deserves bipartisan support. The CIA and the intelligence community are at a crossroads. They need a principled and strong leader now, and that man is Tony Lake.

Mr. President, at the end of the column he wrote for the Wall Street Journal, Bob Gates summed it up very well, and I quote finally from that article. Bob Gates says:

As the last CIA Director, nominated by a Republican President and confirmed by a Democratic controlled Senate, I strongly believe that hard questions should be asked of Mr. Lake and then he should be confirmed expeditiously with broad bipartisan support. This would be in the best interests of the country and of the intelligence community.

I thank the Chair and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, first I wish to thank the distinguished Senator, Mr. CRAIG THOMAS, for his consideration in allowing me to go ahead of him. He has been patiently waiting in the Chamber to be recognized, but he has generously acceded to my request that I be permitted to proceed in that I have an important appointment to meet. I will be very brief.

WAIVING DIPLOMATIC IMMUNITY

Mr. BYRD. Mr. President, I commend the President of the Republic of Georgia, Mr. Eduard Shevardnadze, for the unusual but very appropriate action that he has recently taken regarding the actions of one of his nation's diplomats in Washington.

As has been widely reported, President Shevardnadze broke with longstanding international precedent and waived diplomatic immunity from prosecution in the case of a Georgian diplomat who was arrested for a particularly outrageous incident of drunken driving, resulting in a high-speed crash and the death of a 16-year-old girl.

Diplomats have a special responsibility for representing their countries in all manner of civil societies and all manner of governmental regimes. To prevent their being subject to harassment, punishment or other actions which would interfere with their representational functions, immunity from prosecution has been a time-honored protection.

Now, we have to think of our own diplomats, those who represent the

American Government who are abroad in countries that do not have the due process principles for which our country is noted and working under the Constitution which we have and which protects citizens.

Mr. President, somebody ought to call attention to this, and it just seems to me that more of us ought to take notice when something like this happens. And we should not only speak out against the heinous crime that was committed but also we should compliment the head of the foreign government that exercises and demonstrates high purpose and responsibility in a situation such as this.

However, diplomats also have a special responsibility for exemplary personal behavior, given their favored status. The tradition of immunity is not a license to behave in any but the most commendable manner. Immunity was not designed to protect loose living, risk taking or unlawful activities. Therefore, the action by President Shevardnadze in removing diplomatic immunity so that his diplomatic representative can stand trial for his outrageous behavior does not erode the traditional protection of diplomats but, rather, reinforces the need for diplomats to act properly and lawfully.

I hope our own diplomats abroad would act properly and lawfully. I could not condone any action that was not proper and lawful, and our government should not condone it on the part of our own diplomats.

President Shevardnadze is a highly respected leader in a very difficult part of the world. The Caucasian states of the Caspian region have been subjected to continuous, sometimes very heavy-handed pressure from the former Russian overlords who resent their independent, sovereign status as new nation-states. Georgia, Azerbaijan, and Armenia all fall into this category. The leaders of these nations have upheld their independence under great pressure. We have to commend them for demonstrating that kind of courage. They have good independent judgment, and they deserve the support of the United States. The action of waiving immunity in this flagrant, flagrant case that I have referred to is a good example of the sound independent judgment of President Shevardnadze, and I highly commend him and am proud to stand on the floor of the Senate today to recognize the wisdom he has shown and the courage he has demonstrated.

Mr. President, I thank my friend, Senator THOMAS, again, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Wyoming is recognized to speak for up to 30 minutes.

THE MEDICARE PAYMENT EQUITY ACT

Mr. THOMAS. Mr. President, I will not, myself, use 30 minutes.

I rise today to talk about a bill we introduced this week, introduced the

day before yesterday, along with several of my friends from rural areas, including the Presiding Officer and Mr. GRAMS, who joins me, the Senator from Minnesota. We will talk a little bit about the Medicare Payment Equity Act.

I come from a place called Wapiti, WY. It is actually a post office between Cody and Yellowstone Park. This is a rural area. So, the unique problems of rural medicine are near and dear to my heart.

We have in the Senate what is called a rural health caucus which, actually, 77 Senators have shown an interest in. I do recall the rural health group in the House, as well, which was very active and, as a matter of fact, the Senator from Kansas, now presiding, was co-chairman of that group.

So, we have a bill that deals with rural health care. And there are unique problems in rural health care. Other sponsors include Senator BURNS from Montana, Senator GRASSLEY from Iowa, and Senator KEMPTHORNE from Idaho.

Basically, it is a question of fairness. All Americans pay the same rate into the payroll tax for Medicare, and I believe, as I think all would believe that each, then, deserves the same kind of health care and the same kind of health care choices, the same kinds of services for having paid that. But that is not the case. The payments for Medicare, managed care within Medicare, are greatly different throughout the country. They are greatly different largely because they were put into place, as a matter of history, as a matter of utilization in the fee-for-service area. So they vary a great deal.

This chart will give some idea of what they are. Remember, each of these folks who receives these benefits has paid in similarly. However, the payments for managed care in Medicare, in Arthur, NE, are \$221 a month. On the other hand, in Richmond County, NY, \$767 a month. You can see the changes that exist here, and they are basically the highly utilized areas, the Floridas, the New Yorks and others who, in history of payments, have had high utilization so have a history of higher payments. The costs are not necessarily the same, but they are not that much different. What has happened is these risk contracts have basically been set on history and give enough additional services to take up that additional dollar. Not only do they get more money but they get more services.

Here, in Blue Earth County, MN, the yearly payment is \$600. Portland, OR, had \$500; the beneficiary has to pay additional money, as is shown in the yellow. However, in Dade County, in Florida, the payment is \$8,200 dollars a year. Not only do they get the additional payment, they have unlimited prescription drugs, a \$700 credit for hearing aids, and have a great deal of additional benefits. Remember, all of them pay the same into the program.