

Mr. ROBERTS. Mr. President, notwithstanding all the advice we have received from Senator SARBANES and Senator D'AMATO in regard to how world banks make their loans or don't, and what is in the minds of country bankers all throughout the Nation, and without CRA we simply wouldn't have ever made a loan in rural America, 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I support H.R. 1151, the Credit Union Membership Access Act, but I strongly oppose the amendments being offered by Senator GRAMM and Senator SHELBY. Credit unions have a distinguished history of providing affordable financial services to America's low- and moderate-income communities. This legislation will help them continue to do that.

It is ironic that we are now debating the issue of whether banks and credit unions should serve low- and moderate-income communities and to reinvest in the communities in which they receive deposits. Massachusetts has 317 credit unions, at 1.7 million members. They have had community reinvestment obligations for many years, and they have done an excellent job of meeting needs of consumers at all income levels. Massachusetts credit unions are a model for the Nation. The vast majority of banks take their community reinvestment obligation seriously in meeting these obligations.

The Massachusetts Bankers Association, whose member banks are doing excellent work in community reinvestment, does not support the Shelby amendment. Institutions which have received outstanding ratings, like Bank of Boston and Citizens Bank, are using the Community Reinvestment Act to provide profitable lines of business.

Senator SHELBY's amendment to eliminate the Community Reinvestment Act for 85 percent of the banks would eliminate an important source of affordable credit and financial services from low- and moderate-income families who are bankable. Massachusetts banks do not support this amendment, and I urge my colleagues to oppose it.

Senator GRAMM's amendment would say to credit unions who are being granted expanded power, they have no obligation to serve members of modest means. Both these amendments are bad policy.

In this period of sustained economic growth, it is vital that all families have the opportunity to obtain credit in order to buy a home, start a small business, or send a child to college. The Community Reinvestment Act has a

long history of success. Since 1992, it has helped banks to extend over \$800 billion in loans for housing, small businesses, economic development and local communities across the Nation.

As many have said, there is no capitalism without capital. We should oppose any effort to reduce access to credit which families need in order to buy a home, to start or expand a business, and send their children to college. The Community Reinvestment Act is not charity. It creates a positive obligation for banks to reinvest in communities from which they receive deposits. It is good business and it helps communities, businesses, and families nationwide; requiring similar investments by credit unions is good policy.

I urge my colleagues to pass this important piece of legislation and to oppose these two amendments. It hurts all those who want a better future for themselves and their families, and it hurts our inner cities and rural communities who are rebuilding. Most of all, they reverse 20 years of successful reimbursement in our neighborhoods, and it deserves to be defeated.

MORNING BUSINESS

Mr. D'AMATO. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. KENNEDY. I ask unanimous consent to be able to proceed for 15 minutes.

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

Mr. KENNEDY. I ask the Chair to let me know when I have 3 minutes remaining.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, since the Republican leadership plan on the Patients' Bill of Rights was introduced a week ago, we have been holding meetings and forums with doctors and nurses and patients to explore the critical issues that must be addressed if a Patients' Bill of Rights is to be worthy of the name.

In each case, the message has been the same. The problems created by HMOs and managed care are pervasive in our health system. Every doctor and patient knows that. Too often, managed care is mismanaged care. Every doctor and patient knows that medical decisions that should be made by doctors and patients are being made by insurance company accountants, and every doctor and patient knows that profits, not patients' care, have become the priority of too many health insurance companies.

And at each of the forums we have held, the message from doctors and nurses and patients has been the same: Pass the bipartisan Patients' Bill of

Rights. Reject the Republican leadership plan; it leaves out too many critical protections and it leaves out too many patients. Even the protections it claims to offer are full of loopholes. It is a program to protect industry profits, not patients.

One of the most critical issues that needs to be addressed in legislation is the right of people with serious illnesses, like cancer, to get the high-quality specialty care they need. If the conventional treatments fail, they should have the opportunity to participate in clinical trials that offer them hope for improvement or a cure, and that can contribute to finding a better treatment for future patients. Our legislation provides for these rights; the Republican plan does not.

Yesterday, we heard from Dr. Casimir, a distinguished Texas oncologist. Dr. Casimir talked about some heartbreaking stories of cancer patients whose HMOs delay and deny access to specialty care, often until it is too late. She said that when she gets a patient whose cancer progressed substantially from the initial diagnosis to the time they are allowed to receive specialty care, she often flips to the front of the chart, and 9 times out of 10, the insurer is an HMO. Every centimeter a cancer grows can mean the difference between a good chance at life and the likelihood of death. Every centimeter represents potentially devastating and avoidable pain, suffering and sometimes the death of a patient. Dr. Casimir's message was clear: Pass the Patients' Bill of Rights so that more patients will not die needlessly.

Today, we heard from Dr. Bruce Chabner, a distinguished clinical oncologist and cancer researcher. This is what the doctor had to say:

My name is Bruce Chabner and I am a medical oncologist and cancer researcher. I am here to support the Patients' Bill of Rights that would require HMOs and insurance companies to support clinical research. I would like to explain briefly the role of insurance coverage in research. Most of the costs in clinical research are associated with the cost of discovery. Laboratory experiments in the development of new treatments are supported by the Government grants, by industry, and by institutional commitments by hospitals and medical schools.

These contributions provide the hundreds of millions of dollars that lead to new treatments and new hope to millions of our patients with cancer. However, the clinical treatment of these patients requires support for the routine care associated with these clinical trials. The only source of such support for routine care costs is health insurance and HMO contributions.

This is the final step in proving that a new treatment or a new device actually works in people. Without this step, research is meaningless and has no impact on people, nor does it save lives. We are not asking the insurance companies and HMOs to support the vast effort to discover new treatments or to bring them to the clinics. We are not asking for support for the cost of analyzing data and support during the clinical trials. We are only asking them to continue support for the patients' care costs.

I am sure that every Member of Congress who is faced with the awful dilemma of cancer would want this kind of continued support for their family members. The research provides the only hope our patients have of conquering this disease and the only hope our society has for curing cancer.

Now, I just want to mention this one more time, Mr. President. Under our Patients' Bill of Rights, we are guaranteeing the specialty care and clinical trials. For example, if your family or you were affected by cancer, you would not only be able to go to an oncologist, but you would be able to go to one of the great cancer centers that we have in this country to be able to get treatment. You would be able to get the specialty care that you need. If you believe you are being denied that particular care, you are able to go in to have an internal appeal and an external appeal, which must be responded to promptly. But you will get it; we guarantee it, under the Patients' Bill of Rights.

We guarantee that you will be able to participate in a clinical trial if it is medically necessary—if your doctor says it is medically necessary. Clinical trials can be the source of enormous hope for millions of Americans who are afflicted by cancer. There are 47,000 women who die each year from breast cancer, and there is extraordinary research that is taking place that offers great hope for millions of women.

Under this proposal, under the Patients' Bill of Rights, we are guaranteeing that if it is medically proven, you can get into a clinical trial. What kind of financial burden does this place on an HMO? Does it say to the HMO, well, you are going to have to pay all of these additional expenses? Absolutely not. The clinical trial is being paid for by the medical center; the clinical trial is being paid for by the pharmaceutical company; the clinical trial is being paid for by the financial strength of the particular clinical center.

The only thing that the HMO would have to pay for is routine services—do we understand that?—which they would otherwise be required to pay. Those that oppose this provision say, well, if you require that they get clinical trials, it is going to bankrupt the HMO. That is preposterous, that is wrong, that is deceptive, and that is a critical misinterpretation of our legislation.

As our distinguished clinical researchers pointed out today, once again, the kind of treatment that is necessary for these clinical trials is provided by the center, not by the patient or the HMO. The only requirements by the HMO would be routine care. Quite frankly, the HMO would be obligated to provide routine care in any event. So that does not adversely impact the HMO financially. Still, we have the reluctance and resistance to guarantee this in the Patients' Bill of Rights. I don't understand it. That is one of the reasons we ought to have a debate on this issue.

How many Members in this body know the allocation of expenditures on clinical trials? I doubt if there are 5 or 10. I cannot understand why any Member of the Senate is saying not do it if it is medically necessary, because the HMO is not going to be burdened with substantial additional costs. That isn't the way it works.

As I mentioned, 47,000 women die every single year. There are these clinical trials that are taking place in the great medical centers all over this country. And if a doctor says he believes, based upon the type of clinical trial and the kind of need that you are facing—to a woman that has been biopsied in her breast, and where a tumor is present—there is an opportunity and likelihood that you might survive, we believe that ought to be available. That is the best medical practice. Insurance companies were providing that protection for years before we had the HMOs. This wasn't even an issue for years and years, Mr. President. Now it is. And the principal reasons that the cancer oncologists and the cancer organizations support our proposal is because they see the fact that HMOs are denying this kind of treatment.

Mr. President, we had Ms. Stekley, who was the head of clinical research at the Lombardi Center out here in Washington, D.C. She said that 80 percent of their administrative time is spent arguing with the HMOs to let people into their clinical trials—not because they are profiting financially, but because they believe that they can help the people, from a health point of view—80 percent of their administrative time. This person was almost in tears saying, "Senator, we can help people survive, and it isn't going to cost the HMO any additional resources. Your proposal does the trick."

What is possibly wrong with having that particular inclusion in any protection for a Patients' Bill of Rights? I cannot understand it, Mr. President. I cannot believe that we don't have a full opportunity to debate this issue in this body on this one issue, and that we will not be successful. It is enormously important to do two things: One, to have a guarantee that you can have a specialist; and, two, if it is medically recommended, you can have a clinical trial based upon medical evidence. And if you do not, then you are going to get a speedy right of appeal. And you contrast that with the top researchers who testified just yesterday, how they look at their patients, and have seen the various tumors that have grown day by day, week by week, month by month, and seeing the chance of these women's survival declining dramatically—because of what? Because of two things.

The PRESIDING OFFICER. The Senator has 2 minutes 52 seconds.

Mr. KENNEDY. I thank the Chair.

For two things: Because they were late getting to a specialist, and because they were excluded from any opportunities for the clinical trials.

The HMOs thought they could handle it. The HMOs thought they had someone on their panel who could handle this particular kind of cancer, even though right down the street there was a major international center that specialized in this very program.

Under the Republican program, access to clinical trials is not guaranteed—it isn't even an appealable item. Even if it were, will the appeal be established by an independent group? No. It will be established by the HMO. They name the people whom this will be appealed to. Then, if that person is harmed with grievous bodily injury, or death, under our Republican program there is no remedy.

Mr. President, this is the kind of issue that we ought to have an opportunity to debate. We just took one provision today with regard especially to clinical trials. We had a few others. But the time has moved on and I will wait for another time.

I thank the Chair. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have listened with great interest to the speech by Mr. KENNEDY, and I look forward to hearing him speak on further decisions on this subject.

And I wish to thank the distinguished Senator from Minnesota, Mr. GRAMS, who has stated that his speech today might last 40 minutes, and he was very considerate to ask me how long I would be speaking. And he suggested that I proceed with my remarks ahead of him, because he would want to speak for about 40 minutes. I think it is most gracious and considerate of the Senator, and I thank him. And his good deeds will be repaid in kind at some future date.

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

Mr. BYRD. Yes.

Mr. KENNEDY. I, too, want to thank my friend and colleague from West Virginia, because the Senator heard that I wanted to address the Senate on this matter, which I considered of some importance, and was willing to accommodate my schedule as well, for which I am very grateful. It is typical of the great thoughtfulness that all of us have understood to be a part of the Senator from West Virginia but which we are reminded about so frequently. I thank the good Senator for his generosity and for his thoughtfulness.

Mr. BYRD. Mr. President, I thank my friend from Massachusetts. I am merely repaying a good deed that he did for me a week or so ago when he allowed me to go ahead of him. And by virtue of his doing so, when I completed my remarks and other Senators got recognition, Senator KENNEDY had to wait still longer. Well, I thank all Senators. And this is one of the things that makes it a joy to serve in this body.

Mr. President, what is the order?

The PRESIDING OFFICER. The general orders are that speeches are limited to 10 minutes.

Mr. BYRD. Mr. President, I may need a little longer than 10 minutes. I ask unanimous consent that I may speak not to exceed 15 minutes.

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

Mr. BYRD. I may not use that much time.

MIXED SIGNALS FROM THE PENTAGON

Mr. BYRD. Mr. President, one week ago today, a small ceremony took place in the Pentagon at which the three senior leaders of the United States Army unveiled a series of posters depicting each of the seven core values of the Army. They are noteworthy values—Loyalty, Duty, Respect, Selfless-Service, Honor, Integrity, Personal Courage. They send a strong message to the world about the values that shape America's fighting forces.

Three days later, Defense Department officials sent a very different message from the Pentagon regarding core values when they took the wraps off a proposal that would relax the military code of honor concerning adultery. According to the news accounts I have read, Secretary Cohen is expected to propose within the next few weeks a new approach to dealing with cases of adultery in the military that would limit prosecutions—limit prosecutions—and ease automatic penalties.

Mr. President, I respectfully ask, what on earth has gotten into the leadership of the Defense Department?

Each of our services is founded on a set of bedrock principles. I have just recited the Army's. For the U.S. Navy and Marine Corps, the core values are honor, courage, and commitment. The core values of the Air Force are integrity, service, and excellence.

These values form the moral guideposts for the men and women of America's armed forces.

Whether we are talking about the Army, Navy, Air Force, or Marines, we are talking about a group of exceptional individuals in whom we as a nation place extraordinary trust and from whom we exact exceptional standards of courage, leadership, and moral conduct.

These standards, demanding though they are, have served our nation well for more than two hundred years. They are the virtues that undergirded the American Revolution and helped General George Washington's Army endure the bitter winter at Valley Forge. They are the principles that elevated the American Civil War from a duel between states to a crusade that cemented the unity of a nation. They are the values that guided our troops to victory over the most evil power of the twentieth century—the forces of Adolph Hitler—during World War II.

Honor, Duty, Respect, Integrity, Courage and Commitment make up a noble list. This roster of virtues is one

that our men and women in uniform have, from this nation's founding, embraced with pride.

I admire the dedication of our military forces. I admire their willingness to hold themselves to a higher standard. I believe that the core values they embody are as important as all the skills and training and equipment this nation can marshal in making America's armed forces mighty and powerful, the best in the world. That has always been the way with American military forces. We saw in World War II the most powerful, the mightiest armed force in the world, the best armies that ever walked the earth.

And so I ask again, what on earth has gotten into the leadership of the Department of Defense?

Mr. President, I am pleased to note that the Marine Corps has responded to the call to lower the bar on adultery with the equivalent of Brigadier General Anthony McAuliffe's response to the Germans' demand to surrender during the Battle of the Bulge. In a word, "Nuts!"

And so I salute the Marine Corps for taking that stand.

Let me just say that again. I think it needs to be said, and I hope that the Secretary of Defense will hear me.

I am pleased to note that the Marine Corps has responded to the call to lower the bar on adultery with the equivalent of Brigadier General Anthony McAuliffe's response to the Germans' demand to surrender during the Battle of the Bulge. In a word, "Nuts."

God bless the Marines. God bless the Marine Corps. And God bless that word "Nuts," because that is the response of the Marine Corps.

For a service whose motto, *Semper Fidelis*, means "Always Faithful," the Marine Corps' unwillingness to compromise its core values is commendable. I salute the Marine Corps. I hope that the leadership of the Army, Navy, and Air Force will follow suit. At a time when the reputation and the morale of the military have taken a serious battering as a result of the conduct of some of its leaders, I am frankly amazed that the Secretary of Defense would even entertain such an ill-conceived proposal.

The recent and highly publicized instances of adultery, sexual harassment, and rape within America's military have wounded the prestige of our armed services and have ruined individual lives, families, and careers. The uneven handling of several high profile cases—ranging from swift and harsh punishment meted out to enlisted personnel and junior officers to an apparent blind eye turned to the misconduct of certain high-ranking officers—has only exacerbated the problem and led to the perception of a double standard in the military.

I sympathize with the many problems facing our military leadership in today's volatile international environment. Resources are scarce, forces are stretched thin, and tensions are

mounting in potential trouble spots around the world. But leadership requires the ability to set a good example and stand by one's principles, regardless of how difficult that may be. The solution to the moral and ethical turmoil threatening to engulf today's U.S. military forces is not to lower the standards to the level of the least common denominator. The solution is to restore and to apply the discipline and unique military code of conduct equally and across the board.

In this country, we have always looked up to the military for leadership and role models. What kind of a message does this proposal send to our young people, who are struggling to define their values in a society that increasingly seems to hold core values in contempt? How are parents supposed to explain this sea change in the military's moral code to their children? What is the Defense Department thinking? Why on earth is the Pentagon sending such mixed messages to the men and women in uniform? Even that nonsensical term "political correctness" does not require this.

If the Secretary of Defense is willing to entertain a proposal that would essentially treat adultery—conduct that inherently involves dishonesty, lying, and cheating—with a wink and a nod, what comes next? Will it be okay to cheat on an exam at the military academies if the instructor is too tough? Will "little white lies" be acceptable to get out of unpleasant duties? Will the occasional dereliction of duty be overlooked as long as no one gets hurt? Will the Marines be asked to change their motto from "Always Faithful" to "Usually Faithful" or "Sometimes Faithful"? If so asked, I have a feeling the Marines will say "nuts."

The core values of America's military services are not there for window dressing. Taken together, they form the basis of a sacred trust. It is a trust that must extend to placing one's life in the hands of one's comrades. It is a trust that goes up the chain of command and down the chain of command and across the chain of command. It is trust that is absolute—there can be no shades of gray on the battlefield. There can be no shades of gray at the helm of the ship in the storm. There can be no shades of gray in the cockpit.

I hope that the Secretary of Defense will rethink this misguided proposal to weaken the rules governing adultery and fraternization in the military. The effect can only be to erode the time-honored military principles that have served our Nation throughout its history, in peacetime and in war. Our nation's military leadership, including the Secretary of Defense, who once served here as a very able Senator and respected colleague, must draw a line in the sand when it comes to the moral conduct of the armed services. The services must not be seduced into exchanging their code of conduct for a code of convenience.

Again, I salute the Marines for their unwillingness to compromise their