

(2) should judges be deciding the issue? The first is a difficult question. The second is not.

In this column and elsewhere, I have argued that permitting doctors to kill their patients is a bad idea, however compassionate the motives, principally because the erosion of the taboo against physician-assisted suicide will inevitably lead to abuses. But whatever my private view and whatever the private view of the robed eminences of the 2nd and 9th circuits, is this not an issue that a democratic people ought to decide themselves?

Have these judges learned nothing from *Roe v. Wade*? The United States is the only country in the Western world that has legalized abortion not by popular vote or legislative action but by judicial fiat. The result has been 25 years of social and political turmoil.

Having disenfranchised a democratic people on one of the fundamental moral issues of our time, the courts are now bent on doing it again. Not a single country in the world (save Holland) permits doctors to help patients kill themselves. Now judges have decreed that America will be such a country, indeed that the Constitution demands that America be such a country.

It is not as if the people have neglected the issue. Since 1991, three states have held referenda on the question. California and Washington voted narrowly to retain the ban, Oregon voted even more narrowly to lift it.

Well, they can forget their votes. Judge Stephen Reinhardt and the 9th Circuit Court in San Francisco have decided the issue for them. Congratulating his own steely self-discipline, Reinhardt writes: "We must strive to resist the natural judicial impulse to limit our vision to that which can plainly be observed on the face of the document before us," meaning the Constitution. And resist he does, heroically. In a manifesto longer than the *Unabomber's*, Reinhardt embraces a "dynamism of constitutional interpretation" and proclaims a constitutional "right to die" lodged, lo, undiscovered all these years right under our noses in the "liberty interest" of the Due Process Clause of the 14th Amendment.

(Question: If the liberty interest mandates permitting assisted suicide, how can one justify the current drug laws? If the state may not impinge on your liberty to make yourself dead, how can it impinge your liberty to make yourself high?)

The prize for judicial presumption, however, goes to Judge Guido Calabresi of the 2nd Circuit in New York for his opinion concurring that current laws banning assisted suicide must be thrown out but for a different—and revealing—rationale: They must go because they are obsolete. They were originally enacted at a time when suicide was either a crime or considered a "grave public wrong." Now that suicide is considered neither, he says, the assisted suicide laws make no sense. Calabresi grants that the Constitution and its history do not clearly render these statutes invalid. But that deters him not a bit. He would throw them out anyway until the New York legislature comes up with new assisted-suicide laws sporting more modern rationales.

Are democratically enacted laws to be stricken until a new moral exegesis can be cooked up to satisfy a judge's personal ethics? Judges rule on the constitutionality of laws, not their currency.

Calabresi presumes that the people of New York retain their prohibition against physician-assisted suicide out of absent-mindedness. Yet he himself notes that in 1994 a task force of doctors, bioethicists and religious leaders organized at the request of Gov.

Mario Cuomo concluded (unanimously, mind you) that the laws against physician-assisted suicide should be retained. Yet Calabresi carries on as if no one other than he has bent his mind to the problem.

Calabresi is a Clinton appointee. Judge Roger Miner, who wrote the 2nd Circuit's majority opinion, was appointed by Reagan. The 9th Circuit majority (1 Kennedy, 5 Carter, 2 Reagan appointees) is similarly ecumenical. Which proves that judicial imperialism is a bipartisan occupational disease.

Is it too much to hope that the Supreme Court will put a stop to it? It would do a great service to the democratic character of this country by reviewing these opinions, overturning them and remonstrating against the breathtaking arrogance of these imperial judges. It might begin by quoting from the dissent of the 9th Circuit's Andrew Kleinfeld: "That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials would decide trivia, while all great questions would be decided by the judiciary."

[From the International Herald Tribune,
Apr. 16, 1996]

ON DYING IN AMERICA: A QUIET REVOLUTION (By E.J. Dionne, Jr.)

WASHINGTON. Thanks to two court decisions, the people of the United States are hurtling down a road they did not choose and have grave doubts about pursuing. The decisions, by the 9th U.S. Circuit Court of Appeals on the West Coast and the 2d Circuit on the East Coast, abruptly struck down laws prohibiting doctor-assisted suicide.

It all happened without a full national debate, without any consultation of patients or doctors. These judges decided there ought not be a national dialogue on what is one of the most difficult ethical, moral and practical decisions confronting modern medicine. They were sure they knew better than the rest of us.

What needs to be recognized is that this is not some small legal step. These decisions, if kept in force, will revolutionize the way we Americans think about dying. They will hugely increase the pressures on the very ill to agree to kill themselves, utterly transform the relationship between doctors and patients and create gaping loopholes for abuse.

It is especially chilling that these decisions come up as the country is moving rapidly into managed-care health plans where all the incentives are to cut costs. What easier way to cut costs than to create subtle pressures on patients to kill themselves? Of course there is no managed-care plan out there that would ever do such a thing consciously—one hopes so, anyway. But as medical care for the very ill becomes more and more expensive, it is naive to pretend that such pressures will never arise.

That is why those who call themselves liberal should not rush to the cause of assisted suicide just because the battle flag of "a liberty interest" has been raised. One of the most badly needed protections in America's increasingly complicated health system is to insulate individuals from bureaucratic pressures when they make the hardest decisions of their lives.

Many doctors vigorously oppose assisted suicide precisely because they want their own missions to remain clear and unequivocal. The American Medical Association worries that assisted suicide is "fundamentally incompatible with the physician's role as healer and care-giver." Medicine is, as the medical ethicist Leon Kass put it, "an inherently ethical activity." The doctors we ad-

mire most are those who keep their ethical obligations in the forefront. We ought not transform their ethical role without debating what such a change would mean. This choice cannot be thrust upon us, of a sudden, by courts claiming higher ethical wisdom.

The confusion created when judges decide this issue by fiat is illustrated by the fact that the two courts reached their decisions for entirely different constitutional reasons. The 2d Circuit judges said laws against assisted suicide violated the 14th Amendment's equal protection clause, since the law permits one class of people to end their lives by withdrawing treatment but requires another class to stay alive because it denies them suicide.

This gives the concept of "equal protection" a chilling twist. It is a terrible leap to declare that withdrawing support is exactly the same as helping a patient commit suicide. In the first case, we are acknowledging that great medical advances permit us to trump nature and keep people alive long after they would otherwise have died. In the second, we are taking active measures to kill people. Surely this is not a line we should erase casually.

The 9th Circuit, on the other hand, relies on the liberty protections of the 14th Amendment. "At the heart of liberty is the right to define one's concept of existence, of meaning, of the universe and of the mystery of human life," wrote Judge Stephen Reinhardt. Well, sure. But what is at stake here is the relationship of the individual to the medical system. What needs arguing is whether liberty will actually be enhanced by giving doctors Q and hospitals and HMOs Q new powers over life and death.

One cannot escape the suspicion that we have here an outcome in search of a rationale. The goal is to legalize assisted suicide and the judges rummage around for constitutional language to justify the goal.

This is no easy issue. Modern medicine can keep people alive far longer now than in the past. It's fair to debate if more people may now suffer more pain in the last stages of life, and what that should mean for the practices of medicine. But the courts should not decide this for us.

TRAVELGATE

Mr. GRASSLEY. Mr. President, today I read a story in the Washington Times that ought to absolutely outrage every Member of this body. It should also outrage the American people. The article is entitled "Democrats Stymie Effort to Pay Travelgate Legal Fees." It is written by Mr. Paul Bedard.

The story is about how Democrat Senators are secretly trying to pull the plug on a Republican bill to pay legal fees for this person. The bill would help undo some of the damage that the Clinton White House perpetrated against seven innocent employees of the White House travel office. Mr. Billy Dale was the head of that office. He is the most prominent of the seven and the most harassed by the White House. The bill would restore only a small part of the economic damage done to these citizens and their families. It would simply pay their legal fees. It would do little or nothing to restore their reputations, their dignity, their psychological trauma, or their faith in their Government, especially in this White House.

Now, to make matters worse, Mr. President, the Democrats want to take

away their legal fees, too. This, of course, is adding insult to injury. By their putting a stop to this bill, the Democrats would deprive these seven of legal fees, even after it has been shown that the seven should not have been targets of the Clintons in the first place.

These seven innocent—let me repeat, innocent—workers were given their walking papers so a Clinton family member and a rich Hollywood crony and a Clinton contributor could reap spoils for themselves. The seven became unjust targets of the enormous power of the Federal Government. Their rights were trampled all over.

Why should our Democrat colleagues be trying to secretly kill the legal fees for the Travelgate seven? Here is what Mr. Bedard of the Washington Times says: "A Senate leadership official said Democrats hope to kill the aid for Mr. Dale in order to save the President the embarrassment of having to sign it."

Mr. President, that is no justification whatever. If that is the justification, then that explains why this effort is being done in the secrecy of the back room. First, the President fails to take responsibility for his actions. He points the finger and blames the firings of the Travelgate seven on others. Now it appears that his lieutenants do his bidding to stop the legal fee bill, once again failing to take responsibility as a President of the United States for his own actions.

This is precisely why I have often repeated on this floor my observation that there is an absence of moral leadership coming from this White House. If there was ever an appropriate illustration of what I am talking about, this clandestine maneuvering on the Travelgate bill is it. If all of this is true, these Senators are doing the President of the United States a disservice, as well as Mr. Dale, and the President would best show some leadership by standing up and saying he wants no part of this effort to harass these citizens any longer.

In the Travelgate case, the President and First Lady already have been accused of coverup, damage control, stonewalling, a failure of moral leadership, cronyism, nepotism and, most importantly, a breach of public trust.

Why should these Senators, whom I assume are allies of the President, want to add to this list of accusations legislative as well?

It is all right for the President of the United States to create a fund and have his own legal fees paid by lobbyists, cronies, and high rollers. But if the average "Joe Citizen" wants and deserves to be made whole in the face of Federal harassment, he gets, as Mr. Dale has found, the plug pulled on him secretly behind closed doors.

I submit that the harassment of Billy Dale by the Democrats continues. First, it was the Clinton White House doing it to Mr. Dale. Then it was the FBI and the Federal prosecutors. Now it is friends of the President in the U.S.

Senate. It seems like everybody in Government is in a league together to frustrate an attempt to help make Mr. Dale whole—at least economically. There is no way you are going to help him with all these other problems he has.

I will urge our leaders—meaning our Republican leaders in this body—to lift up this rock to the light of day and see who scurries away from the refuge of secrecy, closed doors, and the dark. I will urge that a full public debate be allowed on this bill, followed by a recorded vote instead of a voice vote. Let those who are doing their work behind the scenes face the American people and make their case in public.

This is a fairly outrageous position for anybody to take, particularly since the President is trying to get his legal bills paid by donations from his friends. Now, this is outrageous. I have not seen a whole lot like it in the 15 years I have been here. This is not a debate about corporate or trade associations or labor organizations or large grassroots organizations; this is a debate about doing justice for just one person—a man who was wrongly accused and harassed by our Federal Government.

Mr. President, in a sense, this is a debate about our moral leaders in the White House. Mr. Dale and his family have been left financially, emotionally, and psychologically drained. Since a Federal jury acquitted Mr. Dale after all of 2 hours of deliberations, how can anyone in this body defend such action? One thing is for sure: I do not think the people will want to defend such action in public. In that, I have much confidence.

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

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

[From the Washington Times, May 2, 1993]

DEMOCRATS STYMIE EFFORT TO PAY

"TRAVELGATE" LEGAL FEES

(By Paul Bedard)

Senate Democrats have ganged up in secret to block legislation that would pay off "Travelgate" figure Billy R. Dale's \$500,000 legal bill in an apparent effort to shield the president from further embarrassment in the scandal.

Senate leadership sources said yesterday that Sen. David Pryor of Arkansas, a close ally of the president, put a confidential "hold" on the bill, blocking it from being considered by the Senate.

They said Mr. Pryor, who is retiring this year, then passed the hold to other Democrats, and they have kept the legislation from being considered for passage in a voice vote.

Pryor spokesman Beau Morrison denied that the senator now has a hold on the bill, adding that a senator's privilege to put a hold on legislation is supposed to be confidential.

Senate protocol allows any member to place a confidential hold on any legislation for any reason. Democratic senators recently tried to kill that rule.

"Pryor did put a hold on it, and we expect another Democrat to drop one on it now that you have caught wind of it," a Republican source said.

Mr. Dale accumulated legal bills of \$500,000 in defending himself against two counts of embezzlement that followed his surprise ouster as White House travel office director May 19, 1993. A U.S. District Court jury took two hours to acquit him after a three-week trial.

The firings of Mr. Dale and his six aides sparked the Travelgate scandal.

A House panel is investigating a former senior White House aide's accusation that first lady Hillary Rodham Clinton demanded the firings in order to make room for Clinton associates. Mrs. Clinton has denied the charge.

Republicans upset with Senate Majority Leader Bob Dole's refusal to force the issue on the Senate floor yesterday urged the likely GOP presidential nominee to bring the legislation to a vote.

"Please do whatever you can to bring this bill to the floor, thus allowing those opponents the opportunity to make their arguments in public, in the light of day," Sens. Christopher S. Bond, Missouri Republican, and Richard C. Shelby, Alabama Republican, wrote to Mr. Dole in a letter provided to The Washington Times.

"The careers of seven long-time employees were put in jeopardy, their finances devastated and their reputation forever stained. And now a simple bill designated to attempt to right one of the wrongs perpetrated against these seven employees is being held up by at least one Democrat senator," they wrote.

"We believe the 'Travel Office Seven' has suffered enough—this bipartisan, widely supported bill should be allowed to pass."

The House in March voted 350-43 to pay Mr. Dale's bills. Swift Senate action was promised—along with presidential approval—but the bill was stopped dead by Democratic opposition.

The House and Senate previously approved a \$150,000 bill to help cover the legal bills of the other travel office workers.

Unless Mr. Dole pushes the bill Republicans expect the hold "to continue until we begin putting pressure on the Democrats," Senate leadership official said "We should be going to the floor every day to force and embarrass the Democrats, but we aren't there yet."

The official said Senate Democrats hope to kill the aid for Mr. Dale in order to save the president the embarrassment of having to sign it. Mr. Clinton has said he will sign it, but he isn't pushing Democrats to let the bill go.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, if I might, I would like, through the Chair, to request my good friend from Iowa to stand by for a few moments, because I would very much like to know some of the points that he raised so that I might be able to respond. I say that in great respect to him. When I saw him take the floor and mention the Travelgate issue, I literally ran from my office in the Russell Building to be here so that I may attempt to respond.

First, I do not know if the Senator from Iowa, in any way, has indicated or implied that a Member on this side of the aisle—especially this Senator from Arkansas—or would have inferred that this Senator from Arkansas has had a hold on this particular bill, known as the Travelgate reimbursement bill for legal fees.

In this morning's Washington Times, Mr. President—

Mr. GRASSLEY. If the Senator will let me answer, and I will not take the floor.

Mr. PRYOR. Sure.

Mr. GRASSLEY. Mr. President, I did not say anybody's name. However, the article I have put in the RECORD does have the name of the Senator from Arkansas in a headline. This was the basis for my comments. I did get unanimous consent to have this printed in the RECORD.

Mr. PRYOR. I do not object. I am very proud that my good friend is raising this point so that I can finally respond to it.

The Washington Times indicated this morning that the Senator from Arkansas, myself, Senator PRYOR, had a hold on this bill to repay all of the legal fees, some \$500,000, which had been amassed by those people involved in the Travelgate episode.

Mr. President, I want to state this: I do not have a hold on this bill. I have never placed a hold on a bill in my 18 years in the Senate. I will be here about another few months, and I will never place a hold on a bill, or a piece of legislation. I do not think that is a healthy way to conduct the business of the Senate. And I deeply resent—not the Senator from Iowa—but any insinuation by anyone from the media that the Senator from Arkansas has a hold on this bill. I do not have a hold. I have never talked to anybody about having a hold. I have never mentioned to the majority leader, to the minority leader, to the floor staff, to the Cloakroom, or anyone, that I want to stop this bill.

In fact, Mr. President, I want to see this bill come to the floor. I wish it would come to the floor tonight. I wish we would vote on it tonight, because I am probably going to support it because I have an amendment I may want to add to this bill. This amendment relates to changing the implementation of the GATT treaty, so that a handful of drug companies will not continue taking advantage of the American consumer, the American taxpayer, in the sale of certain pharmaceutical drugs.

I might use this bill as that vehicle, Mr. President, to offer that amendment so that we can correct this odious mistake that the Congress has made in carving out a special exemption and a special place for Glaxo, the manufacturer of Zantac, and other drug firms of the manufacturing nature, in the manufacture of drugs that are necessities of life for people. I was going to use this as a possible vehicle to make that change and to offer that amendment.

There is another bill that I hope will come to the floor. The Senator from Iowa had worked for many years on something we called the taxpayers' bill of rights. I was going to see if there would be a way to offer my amendment on Glaxo and the GATT implementing legislation. I have been consulting with

my colleague, Senator BROWN of Colorado, and Senator CHAFEE of Rhode Island, to establish which vehicle would be best for us to use to get the maximum number of votes. If Travelgate was the one, that would be fine, or the taxpayers' bill of rights, that would be fine. Whatever the legislation, Mr. President, I was prepared to offer this amendment to correct this mistake Congress made, which allows extra profits of \$5 million each day to one particular firm, which I think is unconscionable.

I state to my friend, once again, I do not have a hold on this bill. Please insert the article. I will certainly not object. I thank the Senator for raising the point, because all day I have been asked by various members of the press if I actually had a hold on the bill. I do not. I see that my friend may be seeking recognition.

Mr. GRASSLEY. Will the Senator yield for rebuttal on my part?

Mr. PRYOR. I am happy to yield to my friend.

Mr. GRASSLEY. Mr. President, first of all, I thank the Senator very much for coming to the floor to make his remarks. I absolutely believe what the Senator says. I hope that the Senator will have an opportunity, maybe, to study what I said, because, as he said, he had to leave his office to come over here. I will be happy to discuss, either privately or on the floor of the Senate, any of the comments that I made. I did not name any Senator, albeit, the Senator's name could be implied from putting the article in the RECORD. But I did not accuse any Senator of putting a hold on it. People on this side of the aisle did inquire about whether or not there was a hold by somebody on your side of the aisle on the bill, and we were told there was a hold. We were not told who it was, but that there is a hold on the bill.

So I want to take time to clarify that because the Senator from Arkansas asked me to, and I appreciate how he approaches this issue as well.

I still would leave my comments, though, that we should get this bill passed. It is not going to restore the situation prior to the firing the way it was for Mr. Dale. But I think that this is something which will bring some justice to it and some equity to other situations in this town where people are getting their legal fees paid.

I thank the Senator for yielding.

Mr. PRYOR. Mr. President, I thank my friend from Iowa very much.

I once again appreciate this opportunity to be able to come to the floor and attempt to clarify this situation which I think is somewhat of sync. If I might, before my friend and colleague leaves the floor, I am just going to take a very few moments before my colleague leaves.

There seems to be sort of an insinuation in some of the media writings—in the Washington Times—that the White House, through Senator PRYOR from Arkansas, being from the same State

as the President and the First Lady, might be inclined to put a hold on this bill so as not to embarrass the White House, or whatever.

Mr. President, let me state in the presence of my colleague, the Senator from Iowa, that I have never talked to anyone in the White House about this bill. Never, ever have I talked to anyone in the White House about this bill. I do not think they have any idea whether there is a hold on this bill or not. In fact, I think I have seen in the press, or I have heard somewhere, that the President has indicated that he would probably sign this bill. I do not know what the President's position on this bill is.

But, if I may, I am so appreciative of the Senator remaining to let me tell him how this might have started. This is a very small body, and we all know each other. I went the other evening to one of Senator GRASSLEY's colleagues, Mr. President, on the other side of the aisle, and I said, "When is the Travelgate reimbursement for legal fees bill coming?" They said, "Well, we are not sure." I said, "I may have an amendment to the bill." I may amend it either with the GATT implementation legislation to try to cure this terrible mistake we have made to allow all these windfall profits to occur for Glaxo and other companies, or I may have another amendment. I may offer an amendment to put some extra money in this bill as a contingency fund, a contingency fund to somehow begin to compensate and to give some protection, even a modest amount of protection, for those individuals who are being dragged up here to Washington, DC, time and again at their own expense incurring enormous back-breaking legal fees to appear before the Whitewater committee.

Mr. President, these people are financially destitute. These are not Presidents and First Ladies necessarily. These are secretaries and file clerks who are having to answer a subpoena and bring records, bring themselves, pay for airplanes, and come up here and give opportunities to be grilled and interrogated by the Whitewater committee.

Mr. President, I do not know if Mr. Dale's firing was right or not. I have not truly followed that case. I think the President probably had the right to fire him should he have wanted him fired. I do not know how that worked. But whether he did or whether he did not, that is irrelevant to the other issue.

Do we need to start looking at a way to protect private citizens in the payment of their legal fees when they are not a target of an investigation, when they are not even truly a part of any problem that has given rise to an investigation when those individuals cannot pay their legal bills?

Mr. President, when these people are first talked to about appearing before this committee or before Kenneth

Starr's grand jury in Arkansas or before a grand jury here, they do not know what is happening. They do not know if they need an attorney or not. They do not know in most cases whether they are a target of an investigation or not. They are having to produce mountains of information. They are having to produce file drawers full of documents. For many of those documents, they do not know where they are. But in most cases they are trying to comply in good faith and with good intentions.

So, Mr. President, that may have been how this rumor started about the Senator from Arkansas putting a hold. I said that I might have an amendment. One amendment might be on the GATT Glaxo issue; one amendment might be to add additional funds so that we could cover those individuals who could not pay attorney's fees who are not targets of an investigation.

I remember hearing the majority leader sometime back. I tell you, I think he was right. I remember him talking about someone who had been hauled—perhaps hauled or subpoenaed—before the Iran-Contra committee. I believe that was the case. The majority leader said then that what he was going to have to do is go out and try to get his reputation back.

Those words rang in my ears, and they ring in my ears again as we continue dragging these people up from especially our State and where it is going to wreak financial devastation on some of these individuals who have had no part in creating this problem but were merely what you might call lower echelon public servants who are going to be financially destitute after all of this is over.

Mr. President, I see the distinguished majority leader is here. I want to thank once again my friend from Iowa, Senator GRASSLEY, for remaining, and he has had to leave the floor now.

Seeing no other Senators seeking recognition, I yield the floor at this time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Executive Calendar nomination Nos. 507 and 508.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF ENERGY

Thomas Paul Grumbly, of Virginia, to be Under Secretary of Energy.

Alvin L. Alm, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RYAN WHITE CARE ACT AMENDMENTS OF 1996—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641), a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 30, 1996.)

Mrs. KASSEBAUM. Mr. President, I rise in support of the conference report on the Ryan White CARE Act Amendments of 1996, S. 641. This bipartisan legislation reauthorizes critical health care programs which provide services for individuals living with HIV and AIDS. Accordingly, I urge the Senate to move expeditiously to pass this conference report, which has already moved through the House with near-unanimous support.

The Ryan White CARE Act plays a critical role in improving the quality and availability of medical and support services for individuals living with HIV disease and AIDS. As the HIV epidemic continues, the need for this important legislation remains.

Achieving a compromise on the Ryan White CARE Act reauthorization bill has been a long process, and I am delighted to see it come to a completion. The give-and-take involved in the conference rarely leaves everyone satisfied with every aspect of the final agreement. I believe, however, that the compromise bill offers constructive change, and I am particularly pleased that it provides greater equity for rural states through changes in the funding formulas.

The present distribution formulas have led to disparity in funding for in-

dividuals living with AIDS based on where they live. When the CARE Act was first authorized in 1990, the epidemic was primarily a coastal urban-area problem. Now it reaches the smallest and most rural areas of this country. Our agreement ensures that the amount of Federal AIDS support for an individual in a rural State more closely approximates the support for an individual living in a high AIDS population area. This agreement ensures that any individual living with AIDS, regardless of where he or she lives, will have similar support from the Federal Government.

Mr. President, with any formula change, there is always concern about the potential for disruption of services to individuals now receiving them. To address this concern, the bill maintains hold-harmless floors designed to assure that no entity receives less than 95 percent of its 1995 allocation over the next 5 years, and all entities are held harmless in fiscal year 1996.

The Senate-House HIV testing compromise shifts the emphasis from mandatory testing of infants to voluntary testing of pregnant women. It provides \$10 million to help States meet CDC guidelines for voluntary HIV counseling, testing, and treatment for pregnant women. I believe the emphasis on voluntary testing for pregnant women makes sense and is an appropriate compromise. Medical technology today enables us to greatly reduce the chance that a HIV-positive mother will pass HIV to her newborn if she receives proper treatment prior to delivery. This is why I felt it was so critical to focus our Federal resources on voluntary testing of mothers rather than testing newborns, when it would be too late to try to prevent most HIV transmission.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges.

Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts. I particularly appreciate the constructive and cooperative approach which the Senate conferees, Senators JEFFORDS, FRIST, KENNEDY, and DODD, lent to the development of this legislation. I wish to thank both the Senate and the house conferees for their efforts in crafting the compromises reflected in this conference bill.

I also wish to thank their staffs, including Sharon Winn, Susan Ramthun, Jonelle Rowe, M.D., Joe Musker, Michael Iskowitz, Seth Kilbourn, Jane Loewenson—as well as Marty Ross, M.D., James Wade, M.D. and Kent Bradley, M.D. of my staff—for their hard work in reaching this agreement.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KASSEBAUM in