

other communities, but he chose to remain on the job in Hartford, where he "loved the people on his route," said his supervisor, Dwight Davies, according to an Associated Press report. That report also quotes Mary Asberry, a resident along Robert Budusky's route, saying, "He was a friend, to me and to a lot of other people around here."

Flags are at half staff in front of post offices across Connecticut today, and thousands of black ribbons are being worn by postal employees in honor of their fallen colleague. At the young age of 35, Robert Budusky will be buried this Saturday. My prayers go out to his family and his many friends.●

#### REPEAL MANDATORY DISCHARGE FOR HIV-POSITIVE MILITARY PERSONNEL

● Mrs. BOXER. Mr. President, a very important article appeared in today's Washington Post that I commend to all my colleagues. Its title is "Army Sergeant with HIV Feels Deserted by Policy." This article tells the story of a woman—a sergeant in the Army—who faces discharge because of a horrible provision in the Department of Defense authorization bill that mandates the release of HIV positive personnel.

This provision is not supported by the military. It has been forced upon them by this Congress. In my view, it is nothing less than shameful.

The sergeant, who used the pseudonym "Marie" for this article, is a good soldier. She exhibits no signs of illness. Were it not for this provision in the DOD authorization bill, Marie would likely get a promotion this year.

Marie may not get that promotion. Instead she may get shown the door. I want to share with my colleagues what Marie thinks about this provision, mandating the discharge of HIV positive personnel like herself. She says, "no one is looking at the work I've done. No one is looking at the commitment I made—I defend the Constitution. It feels like the United States has turned its back on me."

Mr. President, I have been in Congress for nearly 15 years. During that time, I have seen a lot. But I never thought that I would see the day that the United States would turn its back on a soldier. The United States military has a proud tradition of standing by those courageous enough to dedicate their lives to the defense of our Nation. And if this provision becomes law, that proud tradition will end. That would be a sad day for this country.

Supporters of this provision argue that it is needed because non-worldwide deployable personnel degrade the readiness of our forces.

But I hope all Members realize that the substance of this new policy contradicts the rhetoric of its backers. They say that nonworldwide deployable personnel degrade readiness, but they only target a small fraction of that group.

Military personnel are placed on non-deployable status if they have severe asthma, or diabetes, or cancer. But this provision doesn't affect them. It targets only HIV positive personnel—only about 20 percent of all nondeployable personnel.

It is therefore perfectly clear: This provision is not about readiness or about deployable status, it is about targeting people with HIV. It is about discrimination.

Mr. President, on Tuesday I was proud to stand with all Californians—and indeed all Americans—to cheer the return of "Magic" Johnson to the Los Angeles Lakers. The Lakers wanted Magic back neither because he was HIV positive nor in spite of it. They wanted Magic back because he makes their team better.

The Army needs sergeants like Marie because she makes their team better. She can do the job. And for as long as she can do the job, Congress should not intervene to mandate her discharge.

Mr. President, this forced discharge policy is worse than wrong; it is immoral.

As soon as the President signs the DOD authorization bill, bipartisan legislation will be introduced to repeal this outrageous policy. I will be an original cosponsor and I urge my colleagues to cosponsor.

I believe the military's existing policy is adequate. As Asst. Secretary of Defense Fred Pang has said:

As long as these members can perform their required duties, we see no prudent reason to separate and replace them because of their antibody status. However, as with any Service member, if their condition affects their performance of duty, then the Department initiates separation action . . . the proposed provision would not improve military readiness or the personnel policies of the Department.

We must repeal this provision within 6 months, or else people like Marie will feel the consequences for a lifetime. I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Feb. 1, 1996]

#### ARMY SERGEANT WITH HIV FEELS DESERTED BY POLICY

(By Dana Priest)

Marie, a staff sergeant who has been in the Army 10 years, figures she has done what has been expected of her, and more. She has worked hard, spent months away from her family on assignments, "given 110 percent" to her job and is in line for an important promotion.

Except now she expects to be forced out of the Army.

That is because last week Congress passed and President Clinton agreed to sign a defense bill that includes a provision to discharge service members with the AIDS virus, regardless of whether they are sick or can still perform their jobs.

Marie, who is 34 and has a daughter in elementary school, was infected by her late husband before he knew he had the disease.

"I'm widowed from it, I have a child and now I'm going to lose my job," she said in a three-hour interview yesterday at a friend's home in Northern Virginia. "No one's looking at the work I've done. No one's looking

at the commitment I made. . . . I signed a contract to uphold freedom of speech, freedom of religion, I defend the Constitution. It feels like the United States has turned its back on me."

Marie noted that she was being forced from her profession for having HIV, the virus that causes AIDS, just when many people this week applauded basketball star Earvin "Magic" Johnson's return to professional play despite having the virus.

Afraid of being stigmatized, she will not allow her full name to be used in this article—Marie is her middle name. She has not told her daughter or most of her co-workers she is HIV-positive and only informed her mother last month, although the virus was diagnosed five years ago and she informed her Army supervisors.

"It's my family I'm concerned about," she said.

The HIV measure in the defense bill was introduced by Rep. Robert K. Dornan (R-Calif.), a conservative presidential aspirant and former combat pilot who has become a lightning rod for anger among AIDS activists and others, including Marie.

Dornan has attracted their criticism for comments such as one he made on the House floor in November, when he defended the provision by saying that AIDS "is spread by human God-given free will" and then listing what he described as the three ways service members get AIDS: "Rolling up your white, khaki or blue uniform sleeve and sticking a contaminated, filthy needle in your arm . . . heterosexual sex with prostitutes . . . and having unprotected [homosexual] sex with strangers in some hideaway or men's room somewhere."

"I feel outraged" at Dornan, said Marie. "I can't go out into the public and talk about my disease because the American people don't understand this disease. How can I feel safe if I have a leader on Capitol Hill who says things like this?"

"Everything I worked for he's taking away from me, everything I know," she said. "I've left my family to go to school, I've left my family to go overseas. I did it because that was what the military expected of me. If I didn't want to make it my career, I wouldn't have done it. I love my family."

There are 1,049 male and female service members who have the AIDS virus. They have been allowed to continue to work and to reenlist as long as they are able to perform their jobs. But the military tests personnel for HIV about every two years, and those with the virus are prohibited from being sent to overseas posts or into combat. Marie went abroad before being infected.

"It sounds like a tragic case," Dornan said of Marie in an interview yesterday. But, he added, AIDS sufferers put an undue burden on other service members who have to fill in for them overseas. "She can't go to Bosnia. She can't go to Haiti. She can't go to Somalia. She can't go anywhere in this world . . . and she obviously had unprotected sex with someone whose entire background she didn't know. . . . She should be a good patriot and take her honorable discharge."

Defense Department statistics show that half of the service members with the AIDS virus are married.

Several high-ranking military officials and military organizations have supported Dornan's provision because they believe HIV-positive service members are a drain on military readiness. In 1993, Adm. Frank B. Kelso II, then chief of naval operations, wrote Dornan to say that retaining HIV-positive service members "imposes significant problems for all services, especially the Navy. Assignment limitations cause significant disruption in the sea/shore rotation for all our personnel."

Clinton is set to sign the defense bill early next week. After he does, Marie, who works on personnel issues at the Pentagon, will be discharged within six months. She will retain her medical benefits but will not be entitled to retirement benefits or the kind of substantial disability pay she could have gotten had she remained in the Army until she became too sick to work. She will also lose the health insurance she has for her daughter.

White House officials said they hope to have some alternative to the provision ready when Clinton signs the bill. Among the options under consideration is to have Clinton sign an executive order that would allow service members to retain health insurance for their dependents or to support legislation to repeal the provision.

#### AUTHORIZING TESTIMONY BY FORMER SENATE EMPLOYEE

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 221, a resolution submitted earlier today by Senators DOLE and DASCHLE; further, that the resolution be agreed to, the preamble agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 221

Whereas, the plaintiff in *Margaret C. Carlson v. Mike Eassa, et al.*, No. MDA 7203, a civil action pending in the Superior Court of California, County of Monterey, is seeking testimony through submission of a declaration by Amy L. Silvestri, a former employee of the Senate on the staff of Senator William V. Roth, Jr.;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Amy L. Silvestri is authorized to submit a declaration in the case of *Margaret C. Carlson v. Mike Eassa, et al.*, except concerning matters for which a privilege should be asserted.

Mr. DOLE. President, the plaintiff in a child support controversy pending in California Superior Court has requested that a former caseworker for Senator WILLIAM V. ROTH, JR., submit a declaration for use in that proceeding. The plaintiff, who resides in Delaware, obtained assistance from Senator ROTH's office in aid of her efforts to obtain child support.

The substance of telephone conversations between Senator ROTH's case-

worker and the Monterey County District Attorney's office, which has responsibility in child support matters in California, has become an issue in the case, as a contention has been made that Senator ROTH's caseworker had authority to speak for the constituent regarding proposed settlement of the case. Senator ROTH's former caseworker has informed the plaintiff's attorney to the contrary that she never sought to convey to the District Attorney instructions about settling the case or represented herself as authorized to speak for the constituent in approving a settlement.

Senator ROTH believes that it is appropriate for his former caseworker to submit a declaration describing her conversations with the District Attorney's office to ensure that the Court is accurately informed about the limited role played by his office.

Mr. President, this resolution would authorize Senator ROTH's former caseworker to submit a declaration in this matter.

#### AUTHORIZING THE PRODUCTION OF DOCUMENTS BY THE PERMA- NENT SUBCOMMITTEE ON INVESTIGATIONS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 222, a resolution submitted earlier today by Senators DOLE and DASCHLE; further, that the resolution be agreed to, the preamble agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 222

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into allegations concerning the Department of Justice's handling of a computer software contract with INSLAW, Inc.;

Whereas, in the case of *INSLAW, Inc., et al. v. United States of America*, Cong. Ref. No. 95-338X, pending in the United States Court of Federal Claims, counsel for the plaintiffs have requested that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs provide copies of records from its investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the chairman and ranking minority member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide records to all parties in the case of *INSLAW, Inc., et al. v. United States of America*, except concerning matters for which a privilege should be asserted.

Mr. DOLE. Mr. President, earlier this year, the Senate agreed to Senate Resolution 114, referring to the Court of Federal Claims S. 740, a private bill for the relief of a computer software firm, INSLAW, Inc., and its owners, William A. and Nancy Burke Hamilton. The purpose of the referral was to obtain a report from the court about allegations that the Department of Justice appropriated computer software developed by the INSLAW firm without paying for it and whether INSLAW has legitimate legal or equitable claims against the government arising out of its contractual relations with the government.

Some of the matters at issue in this congressional referral case were earlier the subject of an inquiry by the Senate Permanent Subcommittee on Investigations. As part of the civil discovery plan that the parties are undertaking under the court's supervision in this case, the plaintiffs' counsel has written to the leadership of the Permanent Subcommittee on Investigations seeking access to evidence obtained by the subcommittee in the course of its inquiry on subjects covered by the congressional referral.

In Senate Resolution 302 of the 102d Congress, the Senate authorized the Investigations Subcommittee to provide evidence from its inquiry to a Justice Department special counsel conducting an earlier investigation into these matters.

The leadership of the Subcommittee would like to assist the court by responding to the plaintiffs' request for relevant evidence from its investigation. Such assistance appears particularly warranted in this matter inasmuch as this litigation results from a referral initiated by the Senate.

Mr. President, this resolution would authorize the Investigations Subcommittee, acting through its chairman and ranking member, to provide copies of relevant investigative records to the plaintiffs, with copies to the Justice Department, in response to this request.

Mrs. KASSEBAUM. 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.

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

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