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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, whose presence is the source of strength for leaders, we join with the psalmist in affirming our trust in You. ''I am continually with You. You hold me by my right hand. You guide me with Your counsel.''—Psalm 73:23–24. This both comforts and challenges us. New assurance surges within us when we remember that You are always with us to give us wise guidance and counsel for our leadership and decisions. We are also alarmed by how often during the day we think we are in control and forget to seek Your wisdom.

Now, in the quiet of this moment, if there is a chip on our shoulder, we ask You to replace it with Your hand and to replenish our physical resources, our mental resiliency, and our spiritual responsiveness to You. Change our attitude from ho-hum acceptance of just another day to heightened expectation of a truly great day filled by surprises of Your interventions to help us succeed. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

APPRECIATION TO THE SENATE CHAPLAIN

Mr. LOTT. Mr. President, I express my appreciation, and I believe the appreciation of the Senate, to our Chaplain for his wonderful prayers for the Senators, for the Senate, and for the country.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will resume consideration of the Coverdell education conference report. Under the previous order, after the expiration or yielding back of debate time, the Senate will proceed to vote on the adoption of the conference report. That vote is expected to occur at approximately 11:30 a.m. Following that vote, the Senate will immediately resume consideration of the defense authorization bill.

It is my hope that the defense bill can be concluded soon, hopefully today, certainly tomorrow. In that vein, I want Senators to be on notice that we will plan on working into the night. I have tried very hard all year, and since I have been majority leader, to be sensitive to night sessions so that Members can be with their families, but we must get more work done. We must get this bill done. So Senators can expect a vote around 8 o'clock tonight. That may be moved a little bit one way or the other depending on how the debate is going, but we will have a vote on the defense authorization bill, an amendment, or on a judicial nomination tonight. So just make your plans to be here around 8 o'clock. If the committee wants to continue to work after that, they should do that also.

So Senators should be on notice that we could very well be in session late Thursday night, and they should be prepared to have votes Friday afternoon at around 2 o'clock. So if you have flights out of here Thursday night, cancel them unless you want to miss some votes. If you plan on leaving Friday morning, cancel it, unless you want to miss some votes. We will be voting as it now stands Friday afternoon. It may be on DOD, if we haven't completed it; it may be on a conference report. It could be on IRS reform and restructuring. I don't think any Senator would want to miss a vote on that conference report. If we could get some more cooperation around here, which we have not been getting, we could maybe not have to do that. But we are going to act on this authorization bill, we are going to move toward appropriations bills, we are going to do conference reports, and we are going to do nominations.

I asked the Senate to help me. The Senate has not been doing that. And so we will be voting tonight, Thursday night, and Friday afternoon. In fact, I don't have to leave until Saturday afternoon late so I would be delighted to stay here. This sword can be pointed both ways. But we have to go to work, and we have to cooperate with each other on behalf of the country. We are talking about defense authorization. Is there a more important bill we will do this year? We are developing a hollow military. We are not funding defense adequately, and yet we have military men and women steaming all over the world, stretched to the limit. It is ridiculous that we are here arguing over details when we ought to be acting on this very important bill.

If you have amendments, what are you waiting on? Get over here and offer them, because I have already heard, ''Well, I haven't had my chance yet.'' This is the sixth day, I believe, we have been on this bill. If you have an amendment, come offer it. Otherwise, I would like to move to third reading and just let the chips fall where they will because enough is enough. If you have an amendment that is important, you should be over here at 11:30 to offer it as soon as we go back to that bill.

Rollcall votes should be expected throughout the day. We are still working to try to get an agreement on the Higher Education Act. There is a great deal of irresponsibility on that act; Senators are saying, oh, I have two, three, six amendments. This bill expires, the authorization expires July 1, and we are not going to have it passed in the Senate. I think that is a real problem also.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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I mentioned the IRS reform conference report. We have at least four appropriations bills that are ready, and we would like to work with both sides to see if we could not clear some Executive Calendar nominations. For instance, the Amtrak board, if we don't approve the board by July 1, the Amtrak authorization expires. Now, anybody who wants their Amtrak efforts last year to be for naught better be thinking about it, because if we don't get the authorization, we don't get the reforms, we are not going to get the money in the future. I have been a supporter of Amtrak, but I said last year it is the last time. We are going to do it right or we are not going to get the money we need in the future.

In conclusion, Mr. President, I again thank Senator COVERDELL and his colleagues on both sides of the aisle who have worked on this very important education bill. I am excited, honestly excited, that we are about to pass one of the most important education bills that the Senate has acted on in years to encourage more savings for our children's education, for their needs. That is certainly worthwhile.

I particularly note that in addition to Senator COVERDELL, Senator TORRICELLI has been very helpful, sticking to his guns against a lot of opposition. It would encourage prepaid tuition. Twenty-one States have that program. My State has that program. It will be very helpful to get tax benefits of prepaid college tuition. Also, we should encourage employers to give employees benefits for pursuing higher education. This is a really great bill. I believe it will pass with a wide bipartisan margin, and I believe that education will benefit and children in America will be better off because of it.

So I thank those who have been involved. I think it will be one of the most important things that we have done this year. I hope the President will find it in his heart to sign this legislation.

I yield the floor, Mr. President.

(Mr. ALLARD assumed the Chair.)

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

Mr. LOTT. Mr. President, I would be glad to yield to the distinguished President pro tempore.

Mr. THURMOND. I thank the able majority leader for his remarks and his plan of action. It is the least we can do in the Senate to cooperate with him. He has outlined the procedure here to get results, and we all ought to help him all we can to go forward with this bill and other matters before the Senate.

Mr. LOTT. I thank the Senator.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EDUCATIONAL SAVINGS AND SCHOOL EXCELLENCE ACT OF 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

Conference Report on H.R. 2646 to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY, is recognized to speak up to 10 minutes.

Mr. KERRY. Mr. President, it is my understanding I have available some leadership time, so I yield myself additional time, if necessary, under the leadership time.

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

Mr. KERRY. Mr. President, I just heard the majority leader call this one of the most important bills for education that the Senate could pass, and he hoped that the President would sign it. I regret that I must disagree with the judgment of the majority leader. This could have been one of the most important bills that we pass. We had an opportunity in the Senate to be able to really deal with the broad issue of education reform and the education needs of our Nation, but this bill does not do it. What it does do, it does in a way that winds up being a perpetuation of the divisions in our country between those who have and those who do not, and a division between our school communities in what is available to our children to be able to get the best education in our country.

So I would not only say to the President don't sign it, I would say veto it. This is a bill that, in its current form, deserves to be vetoed. Why? The bill is definitely better than the bill that left the floor of the Senate. It is better because the Gorton amendment, which put all of our education assistance into a block grant, is gone. It is gone for good reason, because it would be an enormous mistake to make that judgment in the country where education is in such enormous need of help. Education now, obviously, is the most important focus of the Nation in terms of revitalizing our democracy, making a skilled labor pool available to all facets of our high value-added job base, to the technology future we know is coming, and to the management of information, all of which requires a first-rate elementary and secondary school system. This bill, regrettably, through the Gorton amendment, would have diminished our ability to achieve that.

The bill, also, in its current form, doesn't do any of that—and I will speak to that in a moment.

The second reason why it is better in its current form is that the bill no longer has a prohibition on the ability of people to implement testing standards. Obviously, at a time when our schools are struggling to be able to produce a verifiable and accountable product, it is critical for us not to deprive those schools of the ability to adhere to some kind of national measurement of what we are and are not achieving. Parents all across this Nation want to know that their children are, indeed, learning something. So it is important that we now have empowered the schools to be able to conduct some kind of a test that measures that, on a voluntary basis. It allows them to say, ''Here is what they are accomplishing in California, here is what they are doing in Massachusetts, here is what they are doing in Georgia. Is there something that we are not doing in our State that maybe we ought to that would allow us to be able to do a better job?''

So that is why it is better. The answer to the question why this particular bill still deserves to be vetoed is very simple. I am in favor of a savings program for our parents to be able to send their kids to school, and particularly to a school of choice. This bill, in wisdom, says: Private, parochial, public—you choose. That is good. That is part of what this country is. But the basic choice that it is giving to those parents is, in my judgment—I say this respectfully to my friends who support it—fundamentally flawed because, according to the Treasury Department, 70 percent of the benefit of the savings account given in this bill will go to the top 20 percent income earners in America.

I know my colleague will try to refute that, but the facts are the facts. If you earn $45,000 or less in this country, the tax benefit to you through this bill is $2.50, on average. But if you are in the higher income-earning area, because of the benefit of a tax credit, you will get upwards of $96 or so. So what this bill does is comfort the comfortable and do very little to assist the problems of those who are in the most challenged areas of our school system in this Nation. And that is wrong.

I asked my colleagues how they can come to the floor of the U.S. Senate for the last 3½ weeks—the Senator from Texas, Senator GRAMM, the Senator from Missouri, Senator ASHCROFT—with this extraordinary concern for the working poor of America. By God, we weren't going to pass a tax bill in this Senate that somehow fell disproportionately on blue-collar, working-class people who went out and bought a pack of cigarettes. For weeks the Senate was subjected to the notion that our friends on the other side of the aisle really do care about working people and the burden that they bear. And the first bill to come along after that debate turns around and offers a classic Republican giveaway to those who are already earning the most in America.

The second reason why this bill, I think, deserves to be rejected is it really does not deal with the problems of our school system today. It just does not deal with them. It is all well and good to say to a parent: ''We are going to give you this tiny little bit of savings. If you earn less than $45,000 a year, you are going to get $2.50.'' That is amazing. You are not going to be able to do much with that. And if you are even in the upper end, let's look at what they get. On an annual basis maybe in the $90 range, somewhere like that—$96.

What is lacking in our schools is far more profound than what this bill is ever going to address. All across this country we have secondary and elementary schools that are failing. We also have some extraordinarily successful public schools in the country. We designate some of them annually as blue ribbon schools, and the Department of Education singles them out and gives them an award for being a very special school.

I have taken some time to go into those schools to try to find out why is one school a blue ribbon school and another school, maybe 10 blocks away or two districts away, is failing. Almost invariably you will find in the school that is a success a hybrid relationship that has been built up between the school committee and the school board and the teachers and the principal. And absolutely without fail, in the school that is very successful you will find a principal who is extraordinarily capable, energized, very skilled in leadership capacity, who has worked out a very special relationship with the school board so they can move teachers who need to be moved who are not performing correctly, who has brought parents into the school, and who has created a dynamic in that school that makes it special.

In effect, what has happened is that in those successful schools, you have effectively created a kind of charter school. What I proposed last week in some public comments is the notion that what we really ought to be doing, if we are going to talk about education reform, is figure out how we stop talking past each other in the U.S. Senate, how we stop bringing these sort of Band-Aid, stop-gap measures to the floor, pretending that we are dealing with education reform in America with $2.50 to $96, when the real issue of education reform is how do you create accountability in a system that is imploding on itself? How do you create a system where teachers can be brought in, even from the liberal arts, rather than just from the education monopoly that we have created? How do you create a system where we are going to attract a whole new wave of principals with the capacity to offer the kind of leadership I have talked about? How do you create a system where you can move those teachers out of the system who are burnt out, or who are unwilling to improve sufficiently to raise our kids to the standards that we want? These are the real issues of education reform.

We are going to lose 2 million teachers in America in the next 10 years. We have to hire an additional 2 million teachers. If we are reduced to hiring from the current pool that is available, a pool where we know the SAT scores and the ACT scores are universally lower than in any other discipline that tests in the United States—that is the pool—and that we lose 40 percent of those teachers in the first 4 years, we are asking ourselves a set of very serious questions that are not being asked on the floor of the U.S. Senate. You cannot attract teachers out of most of the colleges that I represent in Massachusetts, whether it is the University of Massachusetts or BU or MIT or Boston College or any number of schools—Clark University, you name it. We have 136 of them in our State, one of the best networks of universities and colleges in America.

But when I go to those campuses, and I turn to the kids, and I say, ''Are you thinking of teaching?'' I might get one hand raised out of 150. And one of the primary reasons for that is, you cannot tell a kid who has $20,000 to $50,000 to $100,000 worth of student loans that it is of value to them to go teach when they are going to be fundamentally indentured servants for the rest of their lives. If they get a master's degree and maybe even a Ph.D., they can eke their way up into the high forties, fifties, sixties in some school systems, but their peers are going to be earning a lot more than that.

We do not value teaching in America. We pretend we do, but we do not value it. We have left our schools in a state of chaos, where they are competing with districts that have a lot more money, a lot more security, a lot more capacity to make ends meet. And then we wonder why things are imploding. This bill does not do anything to really help that, except, I might add, to encourage the flight from the school system that is already in trouble.

Mr. President, I have news for my friends in the U.S. Senate. There are not enough vouchers, there are not enough savings programs to go around to save the public school system, which is the place where 90 percent of the children of America go to school. So you give a few vouchers and you give a few savings plans, and a few kids are going to opt to go to a parochial school or somewhere else, but, meanwhile, what is happening to pull that other system back from the brink?

I have heard people make the argument, it is immoral to leave 1,000 kids in the Washington, DC system, for instance. And the answer is, yes, it is. But it is even more immoral to say that we are satisfied, as the richest Nation on the face of the Earth, to simply save the 1,000 and not do something for the other 4,000 that are left behind.

That is essentially what this bill says. It says that it is OK to come along and offer the wealthiest people in America, who already have the best school systems, a little more help to take their kids out of the system that most needs help today.

I think we ought to find ourselves in a middle ground. I believe the whole teacher certification process needs change. If we are going to attract 2 million new teachers of the quality that we want, we need desperately to change the way in which we have created this education monopoly within the teacher certification process. We need to be able to attract even liberal arts graduates, people out of government, people out of corporations, and bring them into the system and let them teach.

We need to liberate our principals from the layers of bureaucracy that are literally snuffing out creativity in too many of our schools. We need to encourage the capacity of teachers who have burnt out or do not want to pursue further skills and raise the standards of the schools. We need to find ways to encourage them, decently and in a humane way, to move to some other discipline or at least to raise the standard within that school. And we clearly need to provide principals the ability to be able to manage locally and make things work.

You look at what is happening out in Chicago with Mayor Daley who has instituted a tough system. If kids fail a class during the year, they take summer school. And if they fail the summer school, they repeat the grade. And the way he did it was by breaking through bureaucracy and breaking through the system and making certain that he was going to be able to institute that as the mayor, regardless of where the politics of the school board and everybody else were.

I believe that that is the kind of effort that the U.S. Senate ought to be encouraging broadly across this country. That is the kind of real reform that is going to make a difference in teacher tenure, which needs to be changed. Teacher certification needs to be changed. Teacher pay needs to be changed. Principals and accountability need to be changed. Recruiting of teachers across the country needs to be changed.

How much time have I used?

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. KERRY. I have used—

The PRESIDING OFFICER. You have used 5 minutes of leader time.

Mr. KERRY. So I used all the time available?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I simply say to my friend from Georgia, I hope the time will come that we will get both sides of the fence here talking about real, broad, systemic reform that will save the public school system of this country.

Mr. COVERDELL. Mr. President, I am going to yield 5 minutes to the distinguished Senator from Connecticut.

Before the Senator from Massachusetts leaves, I just have to make this point, that the families who are eligible to participate in these savings accounts are identical, the very same families and same criteria designed by the President for his savings accounts that we passed last year and celebrated on the White House lawn. There is not one comma different. We cannot celebrate it on the one hand, the President's savings accounts, and say this one is just for the wealthy. They are the same.

I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the President and thank my friend from Georgia.

Mr. President, as the remarks from my friend from Massachusetts indicate, there is a broad and shared concern about the quality of education in our country today that is felt by every Member of this Senate. And I think the question is, What do we do about it? Can we go from that concern to making something happen that will improve the future of our children?

There is no cure-all here. The way to begin is with a simple, small, but potentially significant idea such as that involved in these education savings accounts. The question is, Will we break out of our own sense that our idea is the only idea that will work and listen to those who have a different idea or get together on common ground to allow 1,000 flowers to blossom, to allow doors to open up, to allow a host of reform ideas across this country to be tried?

That is exactly the spirit of the education savings account bill before us. This is not a bill that comforts the comforted. This is a bill that lightens the burden on the overburdened middle class families of this country who are struggling to enable their children to realize their dream of a better education and therefore a better life ahead of them.

As the Senator from Georgia says, the income limits in this bill are exactly what they were in the bill that we all voted for. It had strong bipartisan support last year. The Joint Tax Committee analysis of this bill says that 70 percent of the tax benefit from these expanded savings accounts will go to families with annual incomes of less than $75,000. That is the middle class—working, struggling, trying to find a way to get their kids to rise on the ladder of American life, and knowing that the way to do that is with a better education.

Mr. President, it is true, there are very few poor families who are going to be able to afford to take advantage of this bill. Some will. But I say to my colleagues who want to help the poorest families, support the school choice voucher scholarship bill that Senator COATS and I have put before this Senate and that we will offer as an amendment within the next month or two.

This is a small step forward to encourage parents to do exactly what the President and the Secretary of Education have asked them to do, which is to get more involved in the education of their children, to save—most of the benefit of this bill will be used by parents of kids in public schools. And the truth is, because the benefits of this bill go right on through college and graduate school, most of the savings will be used for college and graduate school.

Mr. President, I know the President of the United States has indicated that he will veto this bill. I appeal to him to reconsider that statement. This is a good bill that ought to be the basis of a broader agreement on how to give the parents and children and teachers and school administrators of our country some room to innovate reform and improve the quality of public education.

I urge the President not to use that veto pen, but instead to ask my colleague from Georgia and others who support this bill to come up to the White House. Let us sit down and reason together and see whether we can use this bill as the basis of a broader agreement on education improvement in our country.

The conference committee, the majority of whom were members of the Republican Party, took some steps in the direction of accommodation. They removed the school block grant and the testing amendments which were objectionable to most Democrats. That creates a spirit of compromise. I urge the President to respond to that by moving toward the sponsors of this bill and seeing if we can attach to it, in some fashion here legislatively, some of the school construction and reduction of school size proposals that are good proposals that the President has made.

The point is, this conference report offers us an opportunity. Let's not respond to it defensively and rigidly. Let's keep in mind not the status quo, those with a vested interest in the status quo of our education system, but the millions of our children who are not receiving a good education in our schools today. Let's give them the opportunity to dream and realize their dreams.

I thank my colleagues. I urge a vote for this conference report.

I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Idaho.

Mr. COVERDELL. Mr. President, I thank the Senator from Connecticut for his arduous efforts on behalf of education reform. I yield up to 10 minutes to the distinguished Senator from California.

Mrs. FEINSTEIN. I thank the Chair and I thank the Senator from Georgia.

Mr. President, when this bill was last before this body, I voted against it. I voted against it because it had some amendments to which I could not agree. Those amendments have been removed by the conference committee. I am very pleased to announce my support for this bill.

To some, this bill will not be politically correct. For me, it is time to try new initiatives in education and to be guided in the future not necessarily by what is politically correct, but by what works in the homes, in the families and in the schools all across this great country.

If this bill encourages savings for education, our country will be better for it. If it encourages parents, grandparents, aunts and uncles to help their families' children become educated, this will be a major achievement. I believe this bill will help. I am happy to support it. I, too, urge the President of the United States reconsider and to not veto it.

I have heard this bill called many things, but let's analyze for a moment what this bill does do. It increases the limit of contributions from $500 to $2,000 for an education savings account which is currently available for post-secondary education. Thus, families will be able to quadruple the annual contributions they can now make into education savings accounts. It allows families to spend the money from these accounts on elementary and secondary education, both public and private.

Of course, there is the rub. Some feel we should not provide anything for private education. I disagree. The bill enables people other than parents—grandparents, aunts, uncles—to contribute to a niece, nephew, or grandchild's education and to get a small tax deduction for so doing. It provides grants to States to implement teacher testing and merit pay programs at a time when everyone is concerned about education and sees that teaching is one of the most productive investments we can make to improve learning. It allows schools to use existing state school innovation funds (ESEA Title IV) funds to reward schools with grants when they demonstrate high achievement. It allows weapons brought to school to be admitted as evidence in any internal school disciplinary proceeding, the bill I introduced with Senator BYRON DORGAN.

Now, the key feature of this bill is that it creates incentives for people to save for education. Some have said this bill benefits the rich. I disagree. These accounts would be available to couples earning under $150,000 a year and to single people earning under $95,000 a year. This will help many Americans.

A major reason I support this bill is that Americans are not good savers. Our current savings rate has dropped from 4.3 percent in 1996 to 3.8 percent in 1997. Americans today save at one-third the rate that people save in Germany, at one-third the rate they save in France, and at one-third the rate they save in Italy.

If this bill encourages people to save for the education of their children—whether they use that in public education, in private education, in religious education—I am all for it. The point is, let's encourage America's families to save for education. If we

fail to save for education, if we fail to place a value on education, we will sink as a first-class society. That is what I think is the overwhelming message of this bill—we value education.

As has been said, the Joint Tax Committee has estimated that 58 percent—that is nearly 60 percent—of the tax benefit would accrue to those taxpayers filing 10.8 million returns with children in public schools. In California, out of 13 million tax returns filed, 10.4 million or 78 percent of tax returns reflect earnings under $50,000. The average per capita income in California in 1998 is $28,500. One out of every four students lives with a single parent. This bill could, in fact, help many Californians.

Let's take the example of a family that earns less than $30,000 a year. And if you have a grandparent who could save and contribute, an aunt who could save and contribute, an uncle who could save and contribute, this bill gives them an incentive to save for their grandchild or niece or nephew. Plus, we are saying we value this kind of savings. After all, if we can authorize it for postsecondary education, why don't we authorize it for primary education? The reason is simple: Some people here say you shouldn't provide anything for private schooling. I say if a family can accumulate savings and thus have a choice of whatever school they want their youngster to go to, as long as that youngster receives a good education, is that not really what government is all about?

Mr. President, I am very happy to support this bill. I want to make one other comment. I am particularly pleased that the conferees accepted the Safer Schools Act of 1998. This provision is based upon a bill which Senator DORGAN and I introduced. It ensures that if a student brings a gun to school, the gun will be admissible as evidence in any school disciplinary hearing. As we are all acutely aware, we have seen a wave of tragedy in recent months involving students shooting other students. It goes without saying that schools should be safe places. Schools should be for books and learning, not guns and shooting. So I hope we will take comprehensive action to reduce these tragedies in the coming months. I would like to work with those who want to help do just that.

In the meantime, I am pleased that we are taking this common-sense step today to reduce the risk by ensuring that our schools can safely expel students who bring guns into their school.

In summary, again, to some this bill is simply not politically correct. To me, it encourages American families to save for what is the most vital aspect of American life and that is giving our youngsters a good education. People can put their money into an IRA and they can then use this money based on their own choice for public education, for tutoring, for books and tuition, for private education or for religious education. I believe the time has come to try new initiatives.

I thank Senator COVERDELL, Senator TORRICELLI, and those who have proposed and supported this legislation. I am happy to join with them.

I thank the Chair and I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I yield myself 5 minutes from the leader's time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I will oppose the Coverdell education IRA bill. In my view, it provides precious little help to parents and even less help to schools. The IRA provisions of the bill do not provide any real opportunity for schools to improve themselves. In the debate we had here in the Senate, it was clear that most of the efforts to improve the bill and get to what I would refer to as core educational issues were rejected. And one key provision that was accepted has, of course, now been stripped out of the bill by the conference committee; that is, a provision that tries to address the very serious dropout crisis that we have in our schools.

I believe that a failure to give attention to this crisis is perhaps the best example of the limitations of this bill. Each day that there is school in this country, we have an average of 3,000 students between grades 7 and 12 who leave school and leave permanently before graduating. In many schools, the graduating class is half the size of the entering freshman class of 4 years before.

Unfortunately, a disproportionate number of the students who are dropping out are Hispanic. We see that problem in real terms in my home State where our Hispanic population is large. Those students often attend the most overcrowded and least well-equipped schools in the Nation. The vast majority of our dropouts are not Hispanic, though, and they are Anglo students—students from all ethnic and racial backgrounds who are bothered with watered-down classes. They are alienated from large schools where nobody seems to care about the work they do.

To address this problem, I proposed an amendment, along with Senator REED, which was the dropout prevention provision of the bill. The Senate adopted this proposal to provide $150 million in dropout prevention funds to authorize that funding by a vote of 74–26. So, clearly, there was strong support here in the Senate for this initiative.

With this $150 million, we could have provided funding to help schools that have the highest dropout rates, to reduce those dropout rates and transform their educational programs so that students would stay. With the $150 million, we could have taken the first concrete steps toward meeting the bipartisan goal that President Bush and the 50 Governors agreed to back in 1989 when they met in Charlottesville. The goal was that at least 90 percent of our students would complete high school. Despite the obvious need for this dropout prevention effort and the overwhelming support that we had here in the Senate for this amendment, the provision has been dropped from the bill that is before us today.

I believe that the House and Senate need to address these core educational issues. I hope very much that there is an opportunity in the appropriations bills that we consider to have a serious debate and hopefully do better to get the Federal Government on the side of addressing core educational issues.

This conference report that we are going to vote on does little, but it promises much. In that regard, I think the people of the country are being misled about the extent of the effort and extent of the accomplishment that we are talking about today. I was very proud to be with Senator REED, Congressman HINOJOSA, and well-known actress/entertainer Rita Moreno yesterday at a press conference where we talked about the importance of the dropout problem and the importance of getting Federal support to deal with that. I am disappointed that the conference report on this Coverdell bill does not include any provision to help address the crisis.

I intend to vote against the bill.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from Louisiana off our side's time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Senator.

Mr. President, I congratulate Senator COVERDELL for his work and Senator TORRICELLI, on our side, who has contributed so much to this debate. It gets down to basics: Are we interested in helping kids and families or helping buildings? I think the clear argument is that we should be helping students and helping families educate their children, wherever they attend school.

One of the arguments against this bill I have heard is that, well, it gives some type of Government assistance to private or parochial schools. I want to address that issue because I think it is not a legitimate concern. I have a book here that is put out by the Department of Education, our Federal department here in Washington. It is a book of all the programs that exist currently where Federal tax dollars are used to help students regardless of where they go to school, as long as it is a legitimate school. This book is full of programs. It has about 70 pages of Federal programs that go to children. If you are poor, if you are disadvantaged, or if you have a disability, you can use that assistance to go to the school you want to go to.

Now, the largest program we have in the Federal Government is Title I of

the Elementary and Secondary Education Act. It has been federal law since 1965. Let me read where Title I funds go:

Elementary and secondary education as originally passed by Congress in 1965. Under this legislation, private school students, private school teachers, private school other personnel are included in the program.

We do that already. We have done it since 1965. One in four schools in the country happen to be private or parochial. We are talking about helping the child get a better education, which is in the national interest. Yet, people say we are breaking a tradition of not helping private or parochial schools. We have bookloads of programs that do exactly that. This bill is consistent with that—completely and totally.

In addition to Title I, which goes to students, like this education savings account goes to the families and students, we have other programs in the book. I will mention one or two. Child nutrition programs—do we not help private/parochial students with child nutrition programs? Of course, we do. It is important. Students with disabilities also get help.

What about students who are not disadvantaged and do not have a disability? Are we going to ignore them? That is the largest group of people out there. I suggest this makes a great deal of sense.

Talk about consistent. Just last year, this Congress, this body, most Democrats, and Republicans as well, voted for the $500 IRA savings account for higher education. It has the same limits on income as this proposal. The only thing we have done is make this for students in K through 12, and parents can set aside a little private money to help the child go to the school that is in their best interest to go to. We are not talking about a voucher; we are talking about a family taking their own money and putting their own money in their own savings account to help educate their child.

It was very clear that the Taxpayer Relief Act of 1997—the President signed it and I congratulate him for participating and signing it—is the same program. It is just that it was for higher education. If you went to Saint Michael's College, you got a $500 savings account. Nobody thought that was an infringement on trying to give Federal aid to private/parochial schools. We all applauded that.

Let's do the same thing for the same families, with the same income limits. Let them, for K through 12, set aside a private savings account and draw interest on it and use it for school expenses for the child. All of a sudden, this is something that is novel, something we have never done before. Of course, we have. We did it last year. We have been aiding those students since 1965 with the largest Federal education in program, Title I of the Elementary and Secondary Education Act.

Students in Louisiana, when they are in a private or parochial school, get the same dollars, the same money, the same program benefits, the same child nutrition programs, and the same education for disabilities assistance. That is part of what our country is about—trying to help educate children. We are not talking about vouchers. We are not talking about doing anything other than help families help their children.

Why do we always ignore middle-income working families? If you are poor, we have a program. If you have a disability, we have a program. If you have other problems and special education needs, you have a program. But if you are middle income and struggling to make it and raise a family and keep the family together, we say no, that is an infringement.

It is time to encourage working middle-income Americans who are struggling, to help them to have more savings to invest in their children's education. Let's not encourage families to say, ''I have no interest in it; let the government do it.'' We are saying let's create an incentive for families, middle-income working families, to help their children K through 12, and not be, I think, arguing that somehow we are breaking new ground, and saying ''My God, what are we going to do?'' We are doing what we have done consistently since the government has been involved in trying to help many families and help counties and parishes in my State improve the educational systems in their respective.

I commend this bill for our support.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President. I yield myself 5 minutes of leader time.

The PRESIDING OFFICER. Without objection.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I am delighted that we are here today again to discuss education. It is probably the most critical issue that we have before us in this country. Parents know it. Community leaders know it. Our families across this country want all of us to address the important issues of education so that every child in America, no matter where they come from, have the opportunity to get the American dream in today's society.

Unfortunately, the bill before us—the Coverdell A+ bill, will only help those people who can afford to put away $2,000 a year. Unfortunately, that will not be a lot for parents out there who are worried about their child's education, or the children in our neighborhoods who we all worry about and whether or not they will get the skills they need to go out in the job market and to succeed.

Mr. President, there are ways that we can help every child in America get a good education. I have been on the floor many times to talk about the issue of class size, and how too many children are in overcrowded classrooms today and don't get the individual attention that they need in order to succeed. I have had many young people tell me that when they are in a math class with 35 students, they don't get the opportunity to ask their teacher for individual help when they don't understand. Yet, we sit on this floor and decry the fact that too many of our young children today don't get the skills they need in math and science, so they can go on and be competitive in tomorrow's world. We can make a difference if we reduce class size.

Mr. President, I ask unanimous consent to send a bill to the desk for purposes of introduction today that will address the fact of class size.

Mr. COVERDELL. Reserving the right to object, is the Senator sending a bill to the desk?

Mrs. MURRAY. Just for introduction.

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

Mrs. MURRAY. I thank the Chair.

Mr. President, the bill I sent to the desk on behalf of myself, Senator DASCHLE and many other Members, will add 100,000 teachers to our workforce across this country so that we can begin the process of making sure that every student has a well-qualified teacher in a class that has a number of students to whom that teacher can pay attention.

Mr. President, this is a beginning step that will make a difference for average children across our country. I think it is essential we address many of the issues I have heard my colleagues talk about.

Senator FEINSTEIN spoke for a moment about violence in school. I have had teachers tell me, I have had police officers tell me there are so many kids in our classes today that they don't get individual instructions. They feel anonymous in our neighborhoods and in our classrooms. And, as a result, we are seeing some of the impacts in our schools today, and we are reading about some of the headlines that we are seeing when violence hits our schools. Reducing class size so that children have individual attention when they need it so they don't feel anonymous makes a difference in addressing those issues.

I heard Senator BINGAMAN talk about dropout prevention. He has done an outstanding job. He has been a leader in our Nation in addressing this critical issue of class size reduction so that children get the attention they need, the help they need which will make a difference in dropout prevention.

Mr. President, I urge my colleagues today to reject the bill in front of us. It does little; it promises a lot. If we really focus on the issues that parents and students and teachers know will make a difference, we can change what is happening in our country today. We have a responsibility to do that.

Thank you, Mr. President.

I retain the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I yield up to 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

I thank Senator COVERDELL for bringing some creativity into our public education system.

If you talk to parents and teachers in America, it is clear that many of them are frustrated, because they are not satisfied with the education children are getting in our public schools. So we can take one of two approaches to address this problem.

We can take the approach that we will continue to just go along as we have been year after year after year while the money spent on education goes up and up at the same time that test scores go down and our nation's children are increasingly unable to compete. We can do that. But we don't have to.

We have today an opportunity to bring some innovation into our public school system. We can give parents and their children more options and more opportunity at success. That is what the Coverdell bill does, and I thank the senator for his leadership in shepherding this bill through Congress.

This bill adds options—options for parents to give their kids a better chance at success. Under the Coverdell A+ bill, parents will be able to save after-tax dollars and use those funds on a tax-free basis for a whole variety of K-through-college education expenses. Even grandparents can contribute to these education savings accounts. As the cost of college in particular continues to climb, this added savings tool for parents will become essential for more and more American families. But in addition to enhancing the ability of families to save for college, the bill also addresses the need all parents have of supporting their children's elementary and high school education.

I heard Senator BINGAMAN talk about the dropout rate among Hispanics. I am alarmed at that statistic. But I don't understand, knowing that we have this problem, why we can't go forward and say what will take innovative steps to help make our kids more motivated and more able to succeed in school. What can we do?

The Coverdell bill gives families options they do not presently have. It allows parents to set aside an extra amount of money, up to $2,000 each year, to enhance their elementary and secondary education opportunities for their children. One option they will have is to then use that money, tax-free, for private or parochial school, if they feel that is the atmosphere that will be best for their children.

Parents would also have the option of adding tools to enhance their child's education in public school, like buying the child a computer. That would be allowed in the Coverdell bill, and buying a child extra books so that the child can go beyond just what is in the classroom and enhance his or her knowledge; even buying band uniforms, because we know that children who participate in extracurricular activities are the ones most likely to stay in school, to be interested and to do better in school. In fact, we have seen that children who have arts classes do better in the other classes as well. So buying school-related art supplies would be another option that is conceivably allowed under the Coverdell bill.

So as we witness the continued underperformance of our public school system, we are offering through this bill originality and creativity that will save children who might otherwise be lost in the present system.

I am particularly pleased that the conference committee kept my amendment that passed on the Senate floor by a 69 to 29 vote to allow the option of public, single-sex schools and classrooms.

This is not a mandate, of course. But many parents try to send their children to single-sex private schools because they think they will have a better chance in that environment. In fact, many studies show that for some children, single-sex education is their best chance at academic and life-long success. In a single-sex environment, hundreds of thousands of America's children have reported that they are allowed to excel, flourish, and grow, because they are not hampered by the distractions and disruptions that are found in many coed environments.

I am pleased that we have in our education budget an innovative education reform program. It is called title VI. Title VI funds a wide variety of education reform projects, almost anything a school, community, or state feels will be in the best interests of their children and will help improve students' academic performance. And the Department of Education can give grants for these innovative programs.

What my amendment and this bill will do is specifically include single-sex schools and classrooms as one of the innovative education approaches that can be funded under Title VI.

We have an example that has gotten wide notoriety of late. It is the Young Women's Leadership School in East Harlem, in the New York City public schools. This is an elementary school. This school has a 90-percent attendance rate, one of the highest in the New York City public schools. They are well above the average in test scores in both math and English. When interviewed, the girls who go to this school say they love going to school; they feel safe there. And they are excelling. This is a success story.

However, the bad news is the ACLU and the National Organization of Women are suing to close this school, and have filed a complaint with the U.S. Education Department to cut off all the school's federal funding. They say the school violates the constitutional equal protection clause and Title IX of the 1972 Education Amendments Act. In addition to the obvious question of why in the world anyone would want to close this school down when it does so much good for the young girls who attend it, these groups' legal arguments are absolutely wrong. Title IX and the equal protection clause were intended to be protection against discrimination, not against educational enhancements for students who choose to learn in an environment where they can excel. In fact, in the amendment that is in the bill before us, it specifically states that one can offer options of single-sex classes or schools only if comparable opportunities are given for the other sex. That standard is fair, and that standard will protect against any possible discrimination against one sex or the other. In fact, that is why the state of Virginia lost in its defense of the previously all-male Virginia Military Institute, because the state did not offer a comparable educational opportunity for women. Time after time we have seen the courts uphold single-sex schools.

What we want is for every parent in our country to have the same option that a parent who can afford a private school has. The parent who can afford a private school can choose among all the options—single-sex private schools, single-sex parochial schools, coeducation at parochial schools or private schools. They have these options. Parents of public school students do not. This bill and my amendment will allow every family to make these choices and do what is best for their children.

Mr. President, I am very proud that I am a product of public education. I think free, public education is what makes this country different from every other country in the world, because we open our educational system to every child. Why not offer even more opportunity to every child and thereby improve every child's chance to achieve the American dream?

That is what the bill before us does, and that is why I strongly support this bill. I hope it will pass by an overwhelming margin, and I hope the President will see that the bill's benefits to America's families are so great that he could not possibly veto this legislation and halt this historic opportunity to give parents and their children more and better education options.

I thank the Chair. I thank Senator COVERDELL.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized to speak up to 15 minutes.

Mr. TORRICELLI. I thank the Chair.

Mr. President, first let me say at the end of this long road how pleased I have been to work with the Senator from Georgia. He has reached across

the aisle to Senator FEINSTEIN, Senator BREAUX, Senator GRAHAM, Senator LIEBERMAN, and others in making this a genuine bipartisan effort. I admire his leadership and appreciate very much his extended hand that has brought us to this day.

Mr. President, I want at the outset to begin, even at a moment of some personal satisfaction, by stating some considerable disappointment. The 105th Congress was to be the ''Congress of education,'' the time in which America was going to finally face the reality that the great variable in American life is the quality of the education we are affording our children. Recognizing that with a quality education accorded to our children everything—at a time of global competition and rising technological standards—is possible and without it everything is in peril, the President challenged Congress to take leadership in the rebuilding of our schools, the raising of standards through voluntary testing, and the hiring of new teachers to reduce class size. Perhaps this was done because the President, like all of us, recognized that it is late. Forty percent of American fourth graders are failing to attain a basic level in reading; 40 percent of eighth graders are failing basic tests in mathematics. In math and science, America ranks 19th of 21 industrial nations.

Thomas Edison once noted that ''discontent is the necessity of progress.'' Every Member of this Senate should feel discontent because in the year of education, the Congress that was to take up all of these challenges has failed in all but this one last chance.

The Senator from Georgia, Mr. COVERDELL, has worked in the last year to bring before this Congress a simple, a modest but nevertheless an important addition in the fabric of American education, the A+ savings account. This provision returns to the Senate floor from a conference committee without any of the objectionable amendments that I and my Democratic colleagues rightfully found both disconcerting and, indeed, contrary to the efforts to improve educational quality in America. All that remains is the simple and bipartisan effort to provide for working American families the chance to save their own money to educate their own children in the school of their choice.

It is simple, it is direct, but nevertheless it is important. Taken in its most basic form, this is an invitation for $12 billion of new money to enter American education. My colleagues, that cannot be bad. At a time when American schools struggle to pay teachers, to repair themselves, to improve curriculum, new money—without a dollar of taxpayers' contribution—all given voluntarily by American families, cannot be bad, and yet there are objections.

It is claimed that this will be, as you will hear on this floor in the debate to follow, a diversion of public resources, a threat to the public schools. My colleagues, not a dollar, not a dime of public money is being taken from the public schools—nothing. It is all private money. Whatever the public schools got yesterday, after this bill becomes law, they will get tomorrow.

Then it is argued, well, it may not be a diversion from the public schools, but it will help a privileged few.

Mr. President, on the contrary, this Senate last year argued, in establishing almost identical accounts to educate college students, that we should put a cap on this tax benefit—$90,000 for a single parent, $150,000 for a married couple. Under this proposal by the Senator from Georgia, we have adopted the identical income caps—not for the privileged few but for working-class families who want to contribute to the education of their own children.

Like the Senator from Louisiana, Mr. BREAUX, I make no apologies. How many Members of this Senate line up on the Senate floor to either have programs designed for the poor or the privileged few, tax benefits for the rich, or Government programs for the poor? Finally, there is a chance to stand on the floor of this Senate Chamber to help the education of working middle-income, middle-class Americans. And that cannot be bad.

Then it will be said, ''Perhaps it doesn't help the privileged few, and perhaps it doesn't divert money from public education, but it doesn't help everybody.'' If Senators come to the floor to object to every piece of legislation because it doesn't help everybody, they will have a frustrating experience in this Senate. I learned a long time ago never to make the perfect the enemy of the good. We help as many people as we can in each instance when we can, and that is exactly what the Coverdell legislation does.

Mr. President, 70 percent of the families who will benefit from these tax-free savings accounts will be families who earn under $75,000 a year—70 percent. That is the vast majority of the American people. Does it include everybody? No. But the vast majority of Americans will have an opportunity to save under these A+ savings accounts.

Who are these families? And how will it help? In one of the great ironies of this legislation, 75 percent of those families who will benefit now have their students, their own children, in public schools. The greatest beneficiaries are public school students, simply because the overwhelming majority of American students go to the public schools. Under our legislation, the money in these savings accounts can go to buy a home computer, school uniform, and afterschool activity, a school band instrument, books, or—most important, in my judgment—the hiring of a public school teacher after school to be a tutor to a public school student struggling in math or science.

There was an article in the Washington Post a few weeks ago, quoting a young woman, Tiffany Johnson, a high-school senior in Maryland, who said, ''It's totally impossible to function [in school] without a computer. . . . It's a big handicap not to have one at home.''

Mr. President, 61 percent of all public school students in America today are doing their homework and their school work with no computer—unless they are a minority student. If they are black or Hispanic, 85 percent have no access to a home computer, creating a new stratum in American education that is potentially dangerous economically, educationally, and socially. It is not simply that the A+ savings accounts are the best idea to get computers in the hands of these students, it is not they are the best idea, it is the only such idea before this Congress, because these accounts will allow public school students to purchase that new tool of education.

Then there are those 10 percent of Americans who choose to send their children to private schools. There is a benefit here for them, too, in helping to ease the burden of tuition. In the great cities of America, from New York to Los Angeles to Chicago to Newark and Miami, the parochial private schools in America today almost uniformly are designed to help the working poor. Mr. President, 65 percent of the students in Newark and Camden in parochial schools are black and Hispanic. Their tuition is $1,500, $1,600, $1,800 a year. It cannot be bad that these middle-income, working-class families, struggling to pay these tuitions in these cities, who want an alternative to the public schools, get a chance to save their own money tax-free to pay that tuition.

It is no coincidence, in my judgment, in the last few years in the House of Representatives, the principal Democratic sponsor of this legislation was former Congressman Floyd Flake who, in the heart of Queens, took an African American church, built a school based on people's own savings in a struggling working-class neighborhood, and now says that this, and this singularly, could help those families pay this tuition bill. This is a community that asked for nothing from the Federal Government but to rebuild itself with its own resources. Mr. President, I come here today with the same belief—$12 billion in resources from working families to educate their own children, public and private.

But there is one more thing that is, to me, as exciting as any of these statistics, impacting any of these neighborhoods or communities, and it is this. I remember a time in America where the education of a child was a family responsibility. Communities rushed to choose school board members; parents came after school; grandparents were involved in the grades and the homework. Somehow, in the last generation of America, we decided that education was now the province of bureaucrats and unions and everybody but parents and families themselves.

Senator COVERDELL and I, I hope, if we create nothing else with this legislation, we have provided an invitation to get them back involved in American education, because from the birth of a child these savings accounts are available to grandparents at birthdays, aunts, uncles, churches, unions, employers, to put money in these accounts where everyone is involved, again, in preparing for a child's future. If that money is not used in high school or grade school, every dollar of it can be rolled into a savings account for college that we established last year in the Senate under the leadership of President Clinton.

I believe it is a compelling case. It is not a perfect answer. It does not solve every educational problem in America. But it is an important, if modest, beginning in a great debate.

I have a great hope for this Senate, a great hope, that in the next decade, Democrats, Republicans, liberals, and conservatives will be involved in a fierce competition for who has the best ideas to rebuild American education; who can challenge the American people to do the most for rising standards, greater access to opportunity; who can reach into the heart of our cities and challenge parents that I, and I alone, have the best idea for your child.

This is the beginning of that debate. From here, we can go to school construction, lowering class size, national testing, a host of ideas. And, in spite of my alliance with the Senator from Georgia on this issue so that we have made this bipartisan, I want my party to win that fight. And I believe we can. I think we have the most ideas. I think we have the best ideas. But this idea, nevertheless, is a good idea and it is a beginning. I hope when we vote in a short period of time, we can act together.

Oliver Wendell Holmes, Sr. once said ''. . . the greatest thing in this world is not so much where we stand, as in what direction we are moving.'' This legislation, A+ savings accounts, has America moving, if modestly, in the right direction. I am enormously proud to have been part of this effort. I am grateful to the Senator from Georgia for his leadership and to my Democratic colleagues for participating in what has become this bipartisan effort. I urge my colleagues, by an overwhelming vote, to give their approval to the conference report.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida. Under the previous order, the Senator from Florida is recognized for up to 20 minutes.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent, first, that Mr. Mark Williams, a congressional fellow in my office, be allowed floor privileges for the balance of the debate on this conference report.

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

Mr. GRAHAM. Second, I ask unanimous consent that any of the time which I have been allocated but which will be unused will be returned to the minority floor leader of this legislation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, I supported this bill when it passed the Senate several weeks ago. And I regretfully rise to oppose this conference report. As has been said by several of the speakers, there are many positive elements in this legislation. I am particularly supportive of those, for instance, which will make it easier for families to plan and prepare for the college/university education of their children and family members through things like the education savings account and the prepaid college tuition plans which Florida and several other States have established. Those are all positives.

When I face legislation at the final vote, there are two questions that I ask of myself. One is, Is this legislation better than the status quo? And, second, If it is better than the status quo, is it sufficiently an improvement to justify the investment of public attention, political energy, and the likelihood that, should this become law, it will be considered this Congress' final statement on this subject?

I find this bill, as it returned from the conference committee, to fail to meet that test. I think this bill is too minimalist in terms of its capacity to identify those major challenges that face this Nation, in terms of education, and to construct an appropriate Federal policy to move us forward in an area that will probably, more than any other, determine our Nation's status into the 21st century—the education of our people.

I believe that this legislation in the conference committee lost its focus. It did not return with the balance that it had when it left this Chamber. I am particularly concerned about the issue of school construction.

Admittedly, I come from a State which has experienced a dramatic increase both in new students entering our school system—40,000 to 50,000 new students every year entering the public schools of Florida—and a State which is reaching a point of maturity where many of its older schools are requiring substantial rehabilitation. And almost all of our schools require the new technologies to bring them up to current standards of educational modernity.

In this legislation, as it left the Senate several weeks ago, there was what I thought was a creative provision, which received broad support in the Senate, which would have encouraged public-private partnerships in the construction and rehabilitation of schools. It would have used a financing technique, called private facility bonds, which has been used effectively in areas such as water and sewer, transportation, and housing for public school construction.

Ironically, a provision almost identical in final impact to what was contained in the Senate version is now being used for private elementary and secondary construction. But for reasons which are inexplicable to me, the conference dropped that provision and therefore will deny, through the Federal Tax Code incentives, the opportunity for many school districts that are facing enormous pressures to be able to utilize that technique as a means of building and rehabilitating schools.

I hope that when we come back to this issue—and that hope is that we will return before this Congress adjourns—that the central role of adequate school facilities in achieving adequate education, and the role which the Federal Government can play creatively in helping us provide those adequate physical facilities, will be reexamined.

I am also concerned, Mr. President, as to a provision which was dropped at the front door but seems to have reentered at the back door relative to block grants for Federal education.

Since the 1960s, the Federal Government has focused its attention on education in three primary areas: One, civil rights; two, the at-risk student, whether that was a handicapped student, a student from a disadvantaged background, or other factors which made that student a greater educational risk and generally a more expensive student to educate than the general student population; and, third, access to higher education through a variety of Federal grants and loans.

There was a provision which many of us objected to which would have provided that those carefully crafted, long-standing pillars of Federal education policy would be collapsed into block grants. I am pleased that that attack through the front door was dropped. But I am concerned that there still is in this legislation an attack through the back door.

I bring your attention to page 12 of the report which outlines the legislation. And under the category of ''State Incentives For Teacher Testing And Merit Pay,'' the first section talks about State incentives through a grant program for teacher testing and merit pay.

I would like to say, as an aside, personally, while I was a member of the Florida State legislature, and later as Governor, I supported concepts of teacher testing, both upon entry into the profession and while in the profession. And we established what we called a career ladder, which was a form of recognition of the superior teacher. So I am, as a matter of policy, inclined to support the principles.

But what concerns me is a provision that says, under paragraph (e), ''Notwithstanding any other provision of law, a State may use Federal education

funds—to carry out [these two purposes of teacher testing and establishing a merit pay program for teachers].''

As I read this, what we are saying is that we have returned to this concept of a block grant by saying that a State, without any other constraints, because ''notwithstanding any other provision of law''—it is not limited to elementary, secondary funds, but all education funds—vocational funds, higher education funds, elementary, secondary funds, maybe even funds for specialized programs such as veterans educational benefits—that a State can collapse all of those funds into a block grant for the purposes of teacher testing and establishment of a merit pay plan. I think that is a very bad educational policy and, in and of itself, makes this conference report unacceptable.

So, Mr. President, I reluctantly will oppose this legislation. I do so in the hope that when the President has exercised his stated intention to veto this legislation, and we are back to ground zero with what should the Congress do relative to a Federal role in enhancing our Nation's educational opportunities for its children and for its adults, that we will come back to this task with a new spirit of bipartisanship, with a commitment to a clear diagnosis of what are the principal shortfalls in our education system, and what the Federal role should be in attempting to overcome those deficiencies.

There is no task more important to our Nation, as we face a new century, than a renewed commitment to education. It will be the key to our ability, in an increasingly globalized economy, to be able to maintain the American standard of living while we are also competitive in the world economy.

The only means by which we will do so will be to assure that each American is as fully prepared to be as productive and as contributing towards our total economy and our total society as they can be because we have given them the opportunity of the best possible education.

Mr. President, again, I regret that we are not able to move forward with this legislation today, but I commend the Senator from Georgia for his very genuine interest and his leadership in this area, and hope that leadership will soon be rewarded. Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I am sorry to hear that the Senator has come to the conclusion he cannot vote for it. As he knows, I did agree with him on the school construction component and was outvoted. I thought the Senator made a good contribution to the legislation. I yield up to 5 minutes from our side to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I rise today in strong support of the Education Savings and School Excellency Act that is embodied in the conference report which is before the Senate today. I take the opportunity to congratulate and commend Senator COVERDELL for his leadership and, indeed, a bipartisan leadership of Democrats and Republicans attempting to deal with the most important area that we face as a Nation, and that is improving the educational opportunities for our children. That is critical. This bill makes a great contribution to education in a number of areas.

First, it gets parents more involved in educational decisions by increasing the annual contribution limits into a child's education savings account. I can't think of anything better. There are some people who don't want to do that. I don't know why. Why wouldn't you want to give people of modest means the ability to provide for the educational choice that they decide is best for their child?

It increases those accounts from $500 to $2,000, and the bill allows a parent or a grandparent to really make an impact on a child's education. More parental involvement is an absolute critical piece of the educational puzzle. We must do everything we can to give parents more power in education, and that is what this bill does, because when parents have input into educational decisions, the children are winners. It seems all too often that we are worried about everybody but the children. That is what it comes down to. This bill helps parents and children.

In addition to more parental involvement, another critical education reform relates to teachers. We simply must make sure that all teachers are competent in the subjects they teach. Most teachers are, and, indeed, we have dedicated, great teachers who make magic in the classroom. That is why there are particular important provisions in this bill that give to States and will give to local school districts the ability to reward the great and the outstanding educators in the classroom by making merit pay available.

Why not give to the best and the brightest? And why not allow local school districts, working with their teachers, working with their local school boards the opportunity to design programs to do exactly that? Give the best and the brightest the compensation they are entitled to; reward them with merit pay.

Secondarily, why shouldn't we see to it that every teacher who teaches our children is competent and proficient in the subject matters that they are teaching? We can't pay the great teachers enough, but we should attempt to find a system that does reward them. In addition to that, outstanding performances should be recognized.

I am pleased to see that the conference included the merit amendment that Senator MACK and I offered. Indeed, one of our colleagues spoke to it just recently and indicated, wouldn't it be terrible if local school districts could actually draw revenues from other areas for this purpose. I think it is great. Why shouldn't they be able to make that decision? Why shouldn't they set up a system that rewards the competent teachers? Why shouldn't they set up a system where there is regular testing every 3 to 5 years to ascertain who is the best and who is the brightest and who is doing the work for our children?

When we look at reforming our public schools, one thing must always be kept foremost in our efforts: We must put our children first. Our children are the best and the brightest, and they are our most precious resource. A fight to reform our education system is a fight for America's future.

Our children are depending on us, and it is clear that parental involvement, merit pay, teacher competency testing are necessary if we are going to give the children the education they need. The time for talk is over; the time for action is now.

Again, I commend Senator COVERDELL for his outstanding leadership and his dedication to this process, because that is what this bill begins. It is not going to solve all the problems, but it really begins to make a difference and begins to address the area of increasing parental responsibility, giving them the opportunity to make resources available, and to also local districts and States, giving them the opportunity to provide those great teachers with the merit pay to which they are entitled. I yield the floor.

Mr. ROBB addressed the Chair.

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

Mr. ROBB. Mr. President, I yield myself 3½ minutes off time chargeable to the minority leader.

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

Mr. ROBB. Mr. President, I rise in opposition to the conference report, but let me say to the distinguished Senator from Georgia and others that I appreciate the bipartisan effort and spirit that has gone into it in an attempt to formulate a bill that could receive bipartisan support. Indeed, it is evident on the floor today that it has some bipartisan support and will pass by a significant margin.

Let me say also, I agree with the concerns mentioned by the Senator from Florida with respect to some changes that took place in the conference. The Senator from Florida and I served as Governors of our respective States in the early eighties, along with the current President, the current Secretary of Education and others, and all of us had education as the very top priority in terms of things that we were doing.

Let me say with respect to this bill, though, it is, again, about priorities. It is not that this bill does bad things. I continue to support many of the things, and certainly encouraging parents to save for education, but if you only have $1.6 billion to spend in terms

of the Federal participation, it seems to me it makes more sense than to spend it on a tax cut that would be about $7 per family to those who are in the public schools and $37 a family in private schools, to spend it where it is most needed.

If 90 percent of our public schools are either in need of repair or overcrowded, we ought to spend that money in terms of building or repairing schools. We ought to spend that money to hire more teachers, and if technology is as important in the world economy today as we know it to be—indeed, as we speak, the World Congress on Information Technology is concluding just across the river with nations throughout the world that are here to discuss information technology—we ought to be spending the money to try to assist schools in connecting to that information technology that is going to be so critical to their future.

I believe if we want to continue to support public education, which I believe is our principal responsibility, then we ought to spend it on those most critical needs, notwithstanding the fact that this bill, as it currently exists, does some good things for education, but it doesn't do the kind of things that, if we only have $1.6 billion to spend, I believe we ought to do.

With that, Mr. President, I yield whatever time I have remaining to the distinguished Senator from California.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if I could ask a question, it is my understanding that Senator KENNEDY has 10 minutes of his own time.

Mr. KENNEDY. I will take 8 minutes.

Mrs. BOXER. I think I have 4 minutes.

Mr. KENNEDY. I will be glad to yield; if I could have 8 minutes, I yield the other 2 minutes.

Mrs. BOXER. That would be wonderful.

Would the Senator from Massachusetts like to go next?

Mr. KENNEDY. I am happy to have the Senator speak.

The PRESIDING OFFICER. The Senators have 12 minutes collectively.

Mrs. BOXER. Senator DASCHLE gave me 3 minutes of his leader time, so I have 3 minutes from him, the time remaining of the Senator from Virginia, and 2 minutes from the Senator from Massachusetts; what might that add up to?

The PRESIDING OFFICER. The Senator is recognized for up to 7 minutes.

Mrs. BOXER. Thank you very much.

Mr. President, we had such a golden moment in history here in the Senate to do something for our children. Finally, after both parties talked about how much we care about our kids, we had a chance to pass a bill that did something to help them. We had the opportunity to pass an education bill that addressed the real issues that face parents and children every single day. We know what those are.

Kids have nothing to do after school. They sometimes go home to an empty home. We know afterschool programs are critical for these children. We know they lift up those children. We know it improves their scores when they have afterschool programs. The police tell us it keeps them out of trouble at a time when the juvenile crime rate soars. So we did nothing about that. I offered an afterschool amendment on that on the Coverdell bill. We lost by two votes. The people on the other side who today say they are doing so much for education couldn't support afterschool for our kids.

We also know class sizes are too large. We could lower those class sizes. We had such an amendment to the Coverdell bill; down it went. And the amendments that did pass on school construction and dropout prevention, which were offered by people on our side of the aisle, were dropped in conference like a hot potato.

So what comes back to us today? A $7-a-year tax cut for people who send their kids to public school, a $37 tax cut for people who send their kids to private school. This leaves unaddressed issues that face parents and children.

I didn't come to the Senate to be able to go home and say I voted for an education bill just for the sake of saying I voted for an education bill. There is not anything to this bill. ''There is no 'there, there,'' as someone once said. We can go home and claim we did something, but I wouldn't do that. I don't want to squander money on things that don't really make a difference in the lives of the people who I represent.

We need to fix up our schools. To hear my superintendent of public instruction back home talk about it, these kids are learning about gravity because the ceiling is falling down on their desk. They are not learning about it from a textbook. But we do nothing. We walk away.

I heard my friend from New Jersey, who is supporting this bill, talk about these issues. He made the best speech I ever heard on education, except nothing that he said is in this bill. What is the point in voting for a bill that takes over $1 billion away from funds we could use for education and gives so little benefit? It really seems to me it is a poor excuse for an education policy.

I am not going to vote for this bill today just to say I voted for something. Education is the No. 1 issue in my State. I came here to make a difference in the lives of the people of my State. If we are going to spend $1.6 billion; it better be on something that helps those children.

In the end I think the President is not going to support this bill. The President has been a very strong leader for really doing something for our children. He calls for tough national standards. That is not in this bill. He calls for afterschool programs. They are not in this bill. He calls for school construction. That is not in this bill. He calls for putting 100,000 new teachers in the classrooms. That is not in this bill.

Some say this is bipartisan. To some narrow extent, it may be but those supporting this bill did not really reach out and sit down with our President. When he was Governor, education was his No. 1 issue, and he tried some good things. We could have had a bill before us that he supported, that we supported, that could have become a good law. We could have had a bill where I could go home and look at kids' eyes in my State and say, ''I just did something to make your life better, to give you a good quality education.'' I cannot do that today. I am extremely disappointed, extremely disappointed.

I hope I live to see the day that we have an action plan for our schools, an action plan for our families, an action plan for our children so I can go home and be proud that I really did something about education.

Mr. MOYNIHAN. Mr. President, President Clinton long ago announced his intention to veto the Education Savings and School Excellence Act. For reasons I will describe in a moment, I oppose this bill and agree with the President's decision to veto it.

However, apart from the merits of the legislation, I do want to thank Chairman ROTH for insisting that the appropriate place for initial consideration of the Coverdell legislation was in the Finance Committee, not on the floor. This legislation was reported by the Committee on February 10, 1998, by a vote of 11–8.

This is one of those infrequent occasions in which Chairman ROTH and I disagree on a policy matter. The good intentions of the proponents of expanding the availability of education individual retirement accounts are clear. However, in my view the proposed changes to the education IRA provisions, passed just last July and effective on January 1 of this year, are fraught with serious policy and technical defects. Secretaries Rubin and Riley have expressed strong opposition to the education IRA provisions in this bill, and President Clinton agrees with their recommendation that he veto this conference agreement.

In a letter to members of the Finance Committee dated February 9, 1998, the Secretaries of the Treasury and Education stated that the education IRA provisions in this bill would disproportionately benefit the most affluent families and provide little or no benefit to lower and middle-income families. In addition, they indicated that the provisions ''would create significant compliance problems.'' In a letter to Speaker GINGRICH dated June 16, 1998, President Clinton states ''If the conference report on H.R. 2646 is presented to me, I will veto it because the A+ accounts that it would authorize are bad education policy and bad tax policy.''

Treasury Department analyses conclude that 70 percent of the tax benefits from this provision would go to the top 20 percent of all income earners. In

a memorandum of March 2, 1998, the staff of the Joint Committee on Taxation estimates that 52 percent of the tax benefits of the enhanced education IRA provision would to 7 percent of taxpayers: those with dependents already enrolled in private primary or secondary schools. The Joint Committee memorandum indicates that the per tax return benefit for taxpayers with children in private schools will be five times greater than the benefit to taxpayers with children in public schools.

This bill will not result in greater opportunity for middle and lower income families to send children to private schools, as supporters contend. Instead, it will merely provide new tax breaks to families already able to afford private schools for their children. If the proponents are truly concerned about the middle class, the tax benefits should be targeted there. In order to accomplish this, the income limits would have to lowered, and the ability to circumvent those limits would have to be prevented.

Nor will this legislation result in an increase in national savings. The expansion of the education IRA will provide further incentives for taxpayers to shift money to tax-favored accounts, and to spend funds that would otherwise be used for retirement.

Further, the additional complexity these new provisions would add to the Internal Revenue Code is of real concern. Taxpayers are just beginning to become aware of the hundreds of changes made in the 1997 tax bill. And now we are considering additional changes to a provision that became effective on January 1, 1998. More confusion for taxpayers; a boon for H&R Block.

A week after a vote in the House to terminate the Internal Revenue Code for among other things its mind-numbing complexity, we have before us a bill that would create a maze of rules in attempting to define what constitutes as ''qualified elementary and secondary education expense.'' For example, the bill defines such expenses to include computers and related software and services, but how is the IRS to monitor whether a computer (or the use of the Internet) is used by a child for educational purposes or for entertainment, or by the child's parents for unrelated purposes?

Under this bill, the ability to contribute up to $2,000 per year in an account for elementary and secondary education expenses would sunset after 2002. However, money contributed through 2002 could still be used for such expenses. There will be different rules depending on whether contributions were made in 1998, 1999 to 2002, or post-2002. It will be up to the taxpayer to track—and the IRS to examine—when funds were contributed, the earnings on those funds, and whether they can be used for only higher education, or both elementary and secondary education and higher education. Who will understand these rules?

Mr. President, we are already spending enough on IRAs and other tax-advantaged savings vehicles. At a cost of $40 billion over 10 years, the Taxpayer Relief Act of 1997 created the Education IRA and the Roth IRA, and significantly expanded existing IRAs and the tax benefits of State-sponsored prepaid college tuition plans.

Having said all of that, I must also express continued bewilderment at the opposition by the House of applying the income exclusion for employer-provided educational assistance, which is section 127 of the Internal Revenue Code, to graduate students. The conference agreement extends the income exclusion for undergraduates, but once again fails to restore such treatment for graduate studies.

Section 127 is one of the most successful Federal education policies we have. A million persons per year are provided tax-free higher education by their employers; about a quarter of those are students enrolled in graduate-level education courses.

In a world of continuing education, section 127 permits an employer to send an employee to school to learn something new, get a degree, and bring the skills back into the workplace. The employee gets more income, and the Federal Treasury gets more tax revenue. This is a program that works, and it administers itself.

This is a repeat of what took place last year. The Senate version of the Taxpayer Relief Act of 1997 would have made this absolutely easy; it made section 127 permanent for both undergraduate and graduate study. For reasons I will never understand, the Senate language was dropped in conference.

Finally, I appreciate Chairman ROTH'S good faith efforts in working with members on both sides to try and come up with measures designed to address the issue of school infrastructure. Last year, Senators CAROL MOSELEY-BRAUN and BOB GRAHAM brought the issue of crumbling schools to our attention, and they continue to be the leaders in the effort to address this serious problem. Most of use would prefer not to address this issue via the Tax Code, but previous attempts at more direct solutions have been opposed. I am afraid that such opposition has resulted in the nominal tax provision we find in this bill to address a problem that is estimated to cost at least $112 billion—a figure that does not include the cost of building new schools.

Mr. MURKOWSKI. Mr. President, I rise to speak in favor of the conference report on the Education Savings and School Excellence Act.

Mr. President, whenever I return to Alaska, the one issue I consistently hear about is the state of public education. I think it is fair to say that Alaskans and all of the American people are extremely concerned that despite annually spending hundreds of billions of dollars at the federal, state and local level, our educational system is failing. The simple fact that 78 percent of all two and four-year colleges offer remedial courses in math, reading and writing, suggests that many high school students are being short-changed in their academic preparation for adulthood.

The conference report before us raises the amount that parents and grandparents can contribute to education savings accounts from $500 to $2,000. Most importantly, it allows parents to make the choice to withdraw these funds tax-free for use either in college or in grades K through 12.

Although modest in scope, these education savings accounts will give real choices to lower and middle income families who believe their children's best chance for the future lies in gaining an education in a private school.

Income limits insure that the benefit of these education savings accounts are focused on middle income families. Wealthy families most often do not need to use these education accounts because they can easily afford the cost of private K–12 tuition and because the tax base in wealthy communities often provides the best possible public education in the country.

But middle and lower income families don't have the same choices that the wealthy have when it comes to education because they don't have adequate resources to pay private tuition. Allowing these families the choice of using funds in an education savings account for K though 12 schooling, could enable families with modest incomes to send their children to the school where they believe their child will get the best preparation for college.

What's wrong with that, Mr. President? If educational savings accounts can be justified for college tuition, shouldn't they also be allowed for the education expenses that give a child the opportunity to apply to college?

Mr. President, this conference report contains an important provision that will benefit many families in Alaska. Under this measure, distributions from qualified state tuition programs, like Alaska's will be tax exempt if the proceeds are used for college or graduate school expenses.

Finally, Mr. President, I am pleased the bill extends until 2002 the $5,250 per year exclusion for employer-provided educational expenses. However, I would have preferred that this exclusion would have also applied to graduate student expenses.

Mr. President, I would hope that this win-win education bill will be signed by the President. It promotes greater choice for families in selecting their educational options for their children at a time when families are demanding greater accountability from all of their educational institutions.

Mr. KOHL. Mr. President, I rise today to express my intention to vote in favor of the conference report to the Coverdell education savings accounts legislation. I do not believe that this alone will save our nation's education

system, and I realize that this bill will only provide limited help to a very small percentage of students. But I believe it is one small step we can take to help improve education in this country, and that it will open the door for a discussion of other new approaches.

Let me state unequivocally that I strongly support our public school system. I believe we should be doing much more to help States and local school districts address the challenges they face in improving public schools. Over 90% of our nation's children are educated in public schools, and we must not abandon our efforts to help educators, parents and communities provide the best education possible.

Unfortunately, it is becoming apparent that despite our best efforts, we are not doing the best we can for our children right now. Too many of our children are falling behind and performing below their potential. Too many schools are in need of repair or modernization. Too many students are bringing guns and drugs to school. Too few classrooms have access to technology, and too few teachers have the training necessary to help students succeed in an increasingly global, technology-based economy.

Clearly, it is time that we take a look at some new approaches to improving education. The status quo is unacceptable and we owe it to our children to do better. I initially opposed the Coverdell legislation in part because it included two amendments that I strongly oppose. Both amendments—one that would block grant one-third of Federal education programs, and another that prohibits the development of voluntary national tests—were dropped in conference. I am pleased that the conferees decided to omit these amendments, which I believe would have seriously undermined our commitment to public school students.

Now that these two troubling amendments have been dropped, I have decided to support the Coverdell legislation. While this legislation will not solve all of the problems in public schools, it provides limited assistance to families that choose to use their own money to decide what type of education their children receive. I realize that it will only help a small number of families, but limited doses of competition could help encourage all schools to strive to do a better job. In addition, this legislation sunsets after five years. If, at that time, it is clear that this approach has not worked or has harmed public education, Congress can decide not to reauthorize this program. But I believe that there are benefits to trying this new approach now to see if it might contribute to the overall improvement of education in our country.

We certainly do not want to abandon public education, and I believe there are better ways to help public schools address the many problems and challenges they face. During the course of this debate, I voted for many alternative education proposals that I felt would do a better job at improving public education. I am still hopeful that the Senate will make other education reform proposals a top priority during the remaining months of this session. But so far, our nation's education system has failed too many of our children—we cannot ignore that fact. It is time to look to new and innovative strategies to improve educational opportunties in America. The Coverdell legislation could be a small part of that effort, but it is certainly not the only step we should take. I will continue to support a strong investment in our nation's public school system, and I look forward to working with my colleagues to make sure that happens.

Mr. KERREY. Mr. President, I rise in opposition to this conference report for the same reasons that I objected to the legislation when we debated it here on the Senate floor in March. But I do not take this vote lightly. How we educate our kids better is a serious issue. I know that in regard to the legislation proposed by Senator COVERDELL, I have a different opinion than my Catholic schools friends in Nebraska, Jim Cunningham of the Nebraska Catholic Conference and Sister Pat Mulcahey, superintendent of the Omaha Archdiocese. But when it comes to the core issue of whether we want to provide a better education for America's young people, Jim, Sister Pat, and I are always on the same side: Yes, we do.

First of all, let me say that I am deeply appreciative and respectful of the mission of parochial schools in Nebraska and throughout the nation. But I am also, and always have been, a strong supporter of public schools. I would support legislation that truly helped the vast majority of public school and parochial school parents improve educational opportunities for their children. I do not believe that this legislation accomplishes that goal.

Granted, this legislation looks better than it did when it was originally passed in the Senate. But I believe it is still flawed. This education IRA bill for K–12 expenses will add significantly to the nearly $75 billion annually paid by taxpayers in an effort to comply with the tax code. It is also an example of how Congress passes tax law without considering the cost of administering this new tax law and its real impact on the American taxpayers it is supposed to help.

Furthermore, it makes no real investment in those areas of education that are crucial to the success of our young people as they prepare to enter the workforce. In order to help more of our children achieve the American Dream, we have to equip them with the skills to do so. Technology programs, Title 1, and vocational education are where we need to focus our efforts.

And so I would urge my colleagues, if we truly want to help America's children get a better education, let's invest in programs that produce results, and let's make sure all of our students have the opportunity to benefit from them.

Mr. DODD. Mr. President, I rise today to oppose the conference report for H.R. 2646, the Education Savings Account bill.

I regret that I cannot support this legislation because it contains several provisions that I do, in fact, support. In particular, I support the provision which would expand the tax benefits of qualified state-sponsored prepaid tuition plans to include tax-free withdrawals for qualified educational expenses. In fact, the Conference Agreement goes beyond the Senate bill, and would allow private educational institutions to establish tax-favored prepaid tuition plans beginning in 2006.

I was also pleased that the Conference Report extends by 30 months Section 127 of the tax code to allow the income exclusion for employer-provided educational assistance for undergraduates until December 31, 2002. This measure is critically important to improving the knowledge and skills of our work force.

These particular provisions were adopted in a spirit of bipartisanship and with an understanding that they would provide clear benefits to college-bound students. Unfortunately, these provisions are just a small part of a much larger package which marks a step in the wrong direction for federal education policy.

At the heart of this bill is a proposal to provide tax-free savings accounts, funds from which can be used to meet the educational needs of elementary and secondary school students. Under the guise of ''increased choice,'' this proposal turns its back on our nation's long-standing commitment to our public schools.

These so-called education savings accounts would cost taxpayers $1.5 billion over ten years. In return for this significant expenditure, families will receive very little benefit. Families whose children attend public schools—which is to say 90 percent of all students—would receive just $7 annually. Families whose children attend private schools would receive just $37 per year.

Let me put that into context. In the Washington area, on average, one year of private school costs between $10,000 and $14,000. At those costs, this legislation provides very little assistance to the parents who would choose these schools for their children.

Clearly, we are in need of education reforms in this country that will create better educational opportunities for more children. But I don't believe that draining resources away from our public schools will advance the cause of reform one bit.

As we consider this legislation, I think that there is one important question that each member of this body should ask themselves. Aren't there better ways to spend $1.5 billion for our children's education than providing seven dollars a year to public school students? I believe that there are.

We could use that money to help hire new teachers and reduce class sizes

across the country. If a teacher has 25, 30, or 35 students in his or her class, those students are not going to learn as well as they could in a class with a lower student-teacher ratio. If we can make these classes smaller, we can greatly increase the learning potential of our children. The Democratic leadership has proposed committing resources to help hire 100,000 new teachers for kindergarten through third grade. If we made this investment, it is estimated that every K through 3 classroom in this country would have no more than 18 students. Unfortunately, the conference report we consider today does absolutely nothing to help hire these teachers and significantly reduce class sizes in this country.

We could use this money to help local communities meet the rising costs of special education. In fact, I introduced an amendment during the Senate debate on this bill to redirect its $1.5 billion cost to help state and local school districts meet the costs of special education. When Congress passed the Individuals with Disabilities Education Act in 1975, the federal government committed to state and local school districts that it would contribute 40 percent of the funds needed for special education. However, the federal contribution has never risen above 10 percent. It is estimated that states now provide 56 percent of the financial support for special education programs and services, 36 percent comes from local sources, and only eight percent comes from the federal government. The burden on local taxpayers is increasing dramatically with each passing day, and it will continue to increase as long as we continue failing to meet the federal commitment to fairly share these costs. I have spoken with many mayors, school superintendents, and other local officials seeking relief and assistance in meeting the expenses associated with providing the valuable services required by children who have special needs. Unfortunately, my amendment was defeated and these local officials are still in search of relief.

We could, additionally, invest the resources used by this legislation in school construction so children who currently attend schools in dilapidated and sometimes unsafe buildings could have a quality learning environment. In the richest nation in the world, we have schools that are literally falling apart. We have schools with broken heaters, bursting pipes, and leaky roofs. And beyond basic repairs, schools are also lacking electrical and telephone capabilities necessary to install computers in our classrooms.

One-third of all students in this country go to school in buildings that are considered structurally inadequate, and 60 percent of American students attend school in buildings that are in need of repair. In fact, the General Accounting Office has estimated that more than $110 billion is needed to repair our schools. Clearly, this is an issue that should be addressed.

This legislation is little more than a policy sleight of hand. It creates the illusion of reform without its essence. It offers a hollow promise of greater choice, and it delivers negligible benefits to American parents. The bottom line is that this bill is bad education policy, and it is also bad tax policy.

I realize that this conference report will likely be adopted by this body and by the House of Representatives. But it is my hope that it will be vetoed. I appreciate that my colleagues are working to find solutions to create better educational opportunities for our children. Unfortunately, I believe that the proposal before us is a misguided one that creates false hopes instead of real opportunities. This legislation would have a devastating impact on our public schools, upon which 90 percent of American children rely on for their education, and it would mark a missed opportunity to seriously address the education needs of this nation. I hope that this conference report does not mark the end of our efforts this year to improve education in this country, and that the Senate will be willing to work in a bipartisan spirit to develop more substantial and innovative education reform policies that support our public schools.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I believe with the leader's time and the time available I have 10 minutes.

The PRESIDING OFFICER. The Senator has 11 minutes 20 seconds.

Mr. KENNEDY. I yield myself 10 minutes.

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

Mr. KENNEDY. Mr. President, in just a few moments we will be voting on the Coverdell conference report. The President of the United States has indicated that he will veto this measure, and he is entirely wise to do so and to call on us, the House of Representatives and the Senate of the United States, to act on the sound recommendations that he has made to improve public schools. But these recommendations are not just ones from the President of the United States, but from educators across the country. They have said that these recommendations outlined by the Senator from California are absolutely essential if we are going to strengthen academic achievement and accomplishment for the young people of this country.

Now, you cannot isolate what we are doing here on the floor of the U.S. Senate this morning from what our Republican friends did yesterday in the House of Representatives on education. You can't just separate these. We have the House and the Senate, combined; we are dealing with education policy and we are together addressing the issue of education in our society.

Now, today we are discussing legislation will spend $1.6 billion over a 10-year period to help private schools. We have gone through repeatedly, and the Joint Tax Committee has pointed out, that 7 percent of the American families send their children to private schools, and 93 percent send their children to the public schools. The benefit of this program will go where? It will go primarily to the private schools.

Now, let us look at what happened yesterday in the House Appropriations subcommittee on education matters. While we are being asked here to demonstrate our great interest in the cause of improving education for the nation's young people today, yesterday in the House of Representatives, Republicans zeroed out the summer jobs program for youth across this country—zeroed it out; $871 million, gone. Find me an educator in this country who does not believe that funding those summer jobs is light-years more important than the Coverdell program that is about a potential savings that will go primarily to private schools. Find me a single educator who says knock out the summer jobs program. But that is what our Republican friends did just yesterday, just yesterday, in the House of Representatives. They will deny 530,000 teenagers the opportunity to gain valuable work experience during the summer months.

What else did they do? Did we not hear last night and this morning about the importance of helping American students learn math and science? What did Republicans do yesterday? They cut back significantly the Eisenhower Math and Science Program. What does that program do? It upgrades the skills of math and science teachers. Upgrading the skills of teachers in the public schools is one of the most important investments we can make to improve student learning. What did the Republicans do? Slashed the program, the tried and true Eisenhower program, named after an important President of this country.

What else did they do? They cut the title I program by $400 million below the President's level. By not investing in Title I, the Republicans are denying help for those needy children who are having difficulty in school and are falling behind. It is an enormously successful program. While we are over here on the U.S. Senate floor, saying how we are going to have a breakthrough new program that is going to provide these brilliant new ideas in education, Republicans in the House are cutting back on the title I program that has been a mainstay for needy children in this country, which has had bipartisan support, and they didn't stop there, Mr. President. They cut $137 million from the President's request for educational technology programs to try to help the public schools that are crying out for computers and computer training. There are few high schools in this country that are up to speed and on the Information Super Highway. And by denying extra support for training teachers so they can use those computers and tie them into the curriculum, we are saying to the young

people that preparing for the modern workplace is not important

Mr. President, in these programs alone, Republicans slashed $1.8 billion yesterday of investment on tested, worthwhile programs. And Republicans today in the U.S. Senate are saying, ''We are doing the most revolutionary thing that we can for our public school students. We are going to provide $160 million a year in tax breaks for families.'' Which families? The Joint Tax Committee says it is families who are sending their kids to private schools. Mr. President, if the President is ever-wise and ever-conscious about the importance of vetoing a piece of legislation, this is it.

I was here last night and I listened to Senators that rose in support of the Coverdell legislation and talked about the great study that was done under the Reagan administration in 1983 called, ''A Nation At Risk,'' In listening to our colleagues who are supporting this legislation talk about ''A Nation At Risk,'' I wondered what the Nation At Risk report recommended? The fact is that the Nation At Risk commission recommended raising standards for student performance, devoting more time to learning, improving the quality of teachers, holding educators and elected officials responsible for providing leadership necessary to implement these reforms, and strengthening graduation requirements.

Under the leadership of President Clinton in 1994, we took those recommendations and made them central to the hallmark Goals 2000 legislation. Under Goals 2000, over 90 percent of the funds go to the local community to implement standards-based reforms. What happened yesterday in the House of Representatives Appropriations Committee? They gutted the Goals 2000 program that is helping local schools implement the recommendations of ''A Nation at Risk,'' that our colleagues have hailed as a call to action in education.

What hypocrisy, Mr. President. Over here, we are talking about how we are going to save our public school children, and over in the House of Representatives, the Education Appropriations Committee is gutting the essential programs that make a difference for schoolchildren.

Mr. President, we ought to see the Coverdell bill go to the President of the United States as rapidly as possible. He ought to veto it as fast as he can. He ought to go to the American people and say, if you are really interested and concerned about education, let us go ahead in a bipartisan way and strengthen public schools. Let's not just reject out of hand, as our Republican colleagues have done, every one of the recommendations of the President. One of the most important recommendations the President has championed came from the Senator from Illinois, CAROL MOSELEY-BRAUN, who understands the importance of having school facilities and buildings that are going to be worthy of teaching our children in.

Senator MOSELEY-BRAUN is here on the floor at the present time. She can speak to this issue. When we send our children to dilapidated schools, we are sending them a very important message: Education doesn't really count. We're saying that we don't really care if young people go to dilapidated schools because we grownups are not prepared to put the resources toward modernizing school facilities.

So, Mr. President, this is an absolute sham. The Coverdell bill is an absolute sham. People cannot in this body, given what has happened in the House of Representatives yesterday, stand up and say that this bill will really help solve our education problems and strengthen our public schools.

The PRESIDING OFFICER. I remind the Senator that he has used 10 minutes of his time.

Mr. KENNEDY. I yield myself 15 seconds more. They might have some credibility if they stood up and said we deplore that the President's proposals have been rejected, but we also want to fight for this one and we will fight to restore those funds. But there has been absolute silence on that.

Mr. President, I think this measure should be defeated. We don't have the votes to defeat it, but I certainly hope we try. Our goal should be to strengthen public schools, not abandon them.

I yield whatever time we have to the Senator from Illinois.

The PRESIDING OFFICER. One minute 20 seconds remain.

The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Massachusetts for his gracious remarks, as well as for yielding me this time.

The Federal Government funds less than 7 percent of the cost of elementary and secondary education. Most of the funding for it comes from your local property taxes or from your State. Now, the fact is that we are debating what to do with our paltry 7-percent contribution, and whether or not we can spread it out as Senator KENNEDY and others have discussed, or whether we should focus our resources on behalf of rebuilding schools, providing concrete assistance to help relieve property taxes. It is illogical to suggest that too few Federal dollars can be divided even further, and yet somehow produce greater results. The fable of the loaves and fishes is not a model for funding public education.

What we need to have is a partnership in which the Federal, State, and local governments come together to relieve the property-tax burden, to engage State support so that all of us, working together, can provide every child in this country with an opportunity for a quality education. This should not be a fight; this should not be finger pointing, and this should not be dissipating what little we have. We should bring our resources together so we can provide quality education. This legislation doesn't do it. I am happy that the President is going to veto this bill. I hope we can fix this problem here in the U.S. Congress.

So, Mr. President, I oppose this conference report. I hope all my colleagues will join me in opposition to this bad legislation, but I know that the future of this bill has already been determined. I have no doubt that this bill will pass the Senate on a near-party line vote, just as it passed the House last Thursday on a near-party line vote. I also have no doubt that President Clinton will follow through on his pledge to veto this bill as soon as it reaches his desk. I have a letter, in fact, from President Clinton, that begins, ''If the conference report on H.R. 2646 is presented to me, I will veto it . . .''

Once that happens, we will be right back where we started. Our schools will be in no better shape than they were at the beginning of this Congress. Our children will have no greater opportunities than they did at the beginning of this Congress. Our country will be in no better position to compete in the 21st century economy that it was at the beginning of this Congress.

Perhaps the only thing we will accomplish is the further erosion of the confidence of the American people in our ability to address important issues. No issue is more important to our future—and no issue is more important to the American people, as they tell us in poll after poll after poll—than education. We ought to be ashamed of ourselves as a legislative body that this bill was the best effort we could muster.

We also ought to be ashamed of the process that was used to write this bill. I was supposed to be a member of the House/Senate conference committee that developed this final bill. I can tell you, Mr. President, that being a member of this conference committee meant nothing. There was no opportunity to help shape this legislation. There was no attempt made to bridge the ideological gap that has stalled any serious federal efforts to help our schools. It seems the sponsors of the bill are more interested in the political gain they expect to reap when the bill is vetoed than they are in trying to put together a bipartisan initiative to improve our schools.

I think the sponsors of this bill have made a mistake in underestimating the acuity of the American people in matters relating to their children's education. This bill is a truly bad idea, and I do not think most Americans will be fooled by the sponsors' rhetoric once they see the reality of the legislation.

The bill allows families to put up to $2,000 a year into special education IRAs, and withdraw the funds to meet the costs of attending public, private, or religious elementary and secondary schools. Contributions into these accounts would not be tax deductible, but interest income on the accounts would be tax free.

The bill represents bad savings policy. The purpose of IRAs—individual retirement accounts—is to encourage long-term savings. The benefits derived from IRAs are directly related to the length of time the funds remain in the accounts. By allowing withdrawals only a few years after contributions have started, this bill actually discourages long-term savings.

This bill is a waste of taxpayers' dollars. The benefits are so small as to make them irrelevant as a means of improving education. The average benefit to a family with a child in a public school would be only $7 per year, and only $37 per year for a family with a child in private school. Even though the benefits to families are so small, the scheme still manages to cost taxpayers $1.5 billion over a 10 year period, funds that could be used for real educational improvements.

The bill is bad education policy. Instead of addressing the real needs of our nation's schools, it drains support from public education in America. According to the Joint Committee on Taxation, more than half the benefits realized under this bill would flow to the seven percent of families whose children already attend private schools. Ensuring that all children have access to a high-quality education should be a priority for every American. Education is more than just a tool to improve the quality of life for individual students. It is a public good as well, as we all benefit from a well-educated citizenry. If some public schools are not up to the challenge of educating our children, then it is our responsibility to fix them, not abandon them.

Mr. President, we can do better than this bill. We must do better if we expect to retain our competitive edge in the 21st century economy. Earlier this year, the grades were posted on a set of international math and science tests. The results were profoundly disturbing. American students placed at or near the bottom on every one of the math and science tests offered—below counties like Cyprus, Slovenia, and Iceland. These results should serve as a clarion call to every policymaker at every level that we need to do more for our children's education. We need a new partnership to increase the educational opportunities available to all our children.

When this bill was being considered on the Senate floor, I offered an amendment that would have created such a partnership. The amendment would have provided tax credits to investors in school bonds, helping states and communities rebuild and modernize their crumbling school infrastructure. The amendment would have helped them modernize classrooms so that no child misses out on the information age. It would have helped them ease overcrowding, so that no child is forced to learn the principles of geometry in a gymnasium. It would have helped them patch leaky roofs, fix broken plumbing, and strengthen the facilities that provide the foundation for our children's education.

In his veto letter, President Clinton wrote, ''The need for school construction and renovation has never been more compelling. . . . If we want our children to be prepared for the 21st century, they ought to have 21st century schools.'' Commenting on the ISTEA reauthorization bill he just signed, the President continued, ''I have just signed into law major legislation that will provide more than $200 billion over six years to help build and repair our nation's highways, bridges, and other transportation infrastructure. Similarly, we have an obligation to invest in the infrastructure needs of our public schools. H.R. 2646 ignores that obligation.''

Once this bill has been vetoed, I intend to again bring up my proposal to help states and communities rebuild and modernize our schools for the 21st century. Maybe by then the message that the American people have been sending to us—that they want us to work together, put our partisan differences aside, and pass real school improvement legislation—will have gotten through.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Georgia controls 24 minutes. The other side is out of time.

Mr. COVERDELL. Mr. President, I yield up to 10 minutes to my colleague, the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for up to 10 minutes.

Mr. ASHCROFT. Mr. President, I rise today to express my disappointment that the conference report which accompanies H.R. 2646, the Education Savings and School Excellency Act, does not contain the provisions banning Federal funding for the President's federalized, individualized testing proposal. This provision, which I authored, has been removed in conference because of the clearly communicated concern that the President would veto the legislation based on this issue.

The Senate and House have repeatedly given the administration a failing grade on respecting the role of parents, on local control of what is taught and how it is taught. The President has insisted on trying to promote federalized control of education. Federal testing would lead to a Federal curriculum.

This administration has a lamentable record of harming the interests of American schoolchildren.

For example, on school choice, the President wants to incarcerate America's most disadvantaged youngsters in dangerous, dysfunctional schools, rather than give them a choice of schools.

On block grants, he wants to keep plowing taxpayer money into the bureaucracy, instead of investing more in our classrooms.

Now, on school testing, he wants to cut the rug out from under the role of parents and communities—the most important factors in how well children do in schools.

The more Members of this body have learned about the President's national testing proposal, the less they have liked it. Over the past year, the number of Senators opposing national testing has grown to a majority.

When we first visited this issue last fall during debate on the Labor, HHS and educational appropriations bill, only 13 Senators voted against allowing the President's national testing proposal.

Only one month later, 36 other Senators joined with me to threaten to filibuster the Labor, HHS, and Education appropriations bill unless there was a ban on FY 1998 federal funding for the President's national testing proposal.

In April of this year, when I offered my testing ban as an amendment to the Coverdell A+ bill, the Senate passed the provision by a vote of 52–47.

Over in the House, Congressman BILL GOODLING, Chairman of the House Education and the Workforce Committee, has continued to provide leadership in the fight against national testing. His bill to prohibit funds for national testing passed by a vote of 242–174 in February of this year.

So it is clear that both Chambers of this Congress agree that national testing should be rejected. And the President of the United States wants to promote national testing, and does so, I believe, in an effort that would begin to nationalize the school system. Local control of schools is fundamentally important and should be protected. It is reflected in the understanding of the House and the Senate.

The Senate Majority Leader and the Speaker of the House have provided to Chairman GOODLING and me a written commitment that they will ensure that the text of the Labor/HHS/Education appropriations bill for 1999, and any supplemental or any other such legislation, will not leave Congress without a testing provision that Chairman GOODLING and I find to be satisfactory. That, of course, would be a provision allowing no funds to develop national tests. If the appropriations bill does not make it to the President's desk, they say, then every effort will be made to include this in a continuing resolution or any other must-pass legislation.

I appreciate this assurance from our leadership in both the House and Senate, and my colleagues can be sure that I will do everything in my power to hold them to their commitment.

Mr. President, I ask unanimous consent that the text of the letter from the Major Leader and the Speaker to Chairman GOODLING and me containing these assurances be printed in the RECORD after my remarks.

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

(See Exhibit 1.)

Mr. ASHCROFT. Why am I opposed to national testing? Mr. President, we must remember that any movement toward national control of education savages principles that we as Americans hold dear: parental authority and control, teachers who are free to teach core subject matter and school boards that are responsive to their communities, not held captive by distant bureaucrats.

President Clinton's proposal for national testing of our children is an example of such an attempt at a federal power grab. The President wants to move power out of the hands of parents and school boards and into the hands of Washington bureaucrats.

America resists that for a number of important reasons, and these are the reasons to oppose federalized national tests.

Parental involvement is the most important factor in a child's educational success, and national tests would undermine the ability of parents to play a meaningful role in the educational decisions of their children.

During my time as Governor of Missouri, and through my work with the Education Commission of the States, learned that the single most operative condition in student educational achievement is the involvement of parents. Study after study has proven the significance of parental involvement in their child's education.

We should not disengage parents with a federalized national testing system. Experience has shown that local control is a key factor in educational success.

Experience has shown that local control is a key factor in educational success. As a former Governor who made education a top policy priority, I learned first-hand that local control is needed to create educational programs that respond to the needs of local communities and that stimulate success.

National tests will lead to a national curriculum. There is wide consensus among teachers, administrators, and education experts that ''what gets tested is what gets taught.''

So, if you determine a test, you determine the curriculum.

A national curriculum is detrimental because it eliminates the participation of parents and local schools—the key elements of success. It would do so inevitably. As a result, they key elements of success—parents, schoolteachers, and local decision-making—would be missing in our educational systems throughout the country.

Lynne Cheney, former Chairperson of the National Endowment for the Humanities, reminds us that previous attempts at federal standards have been disastrous.

She points to the politically correct federal history standards which were unanimously rejected in the Senate.

Cheney also points to the English/language arts standards, which were such an ill-considered muddle that even the Clinton Department of Education cut off funding for them after having invested more than $1 million.

The final exam on the Clinton plan for federally controlled testing will come on the Labor/OHS/Education appropriations bill. This Congress—and more importantly, the American people—will be watching very carefully to see how the Administration performs on this issue that affects the future of our children. I will do everything in my power to protect the ability of parents, teachers, and local schools to be involved in the education of their children by participating in the development of school curriculum, standards, and testing.

So I commend this bill to the President. This is an important bill. It would advance substantially the interests of our students. I thank the sponsors for their outstanding work.

I look forward to sending to the President an appropriations bill which would curtail the potential of any money being wasted at the Federal level by imposing inappropriate federalized tests upon local school districts. These tests would curtail the ability of local officials to make the kinds of decisions that are necessary for us to have the kind of school quality that we need in order to survive in the next century.

With that in mind, I thank the sponsor of this legislation and commend him for the outstanding work he has done by stepping forward for America's schoolchildren, and I look forward to the opportunity of working together again to make sure that as we protect the options of parents and local officials to educate their children, we best serve this great land and future generations.

I thank the Chair.

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
Washington, DC, June 5, 1998.

Hon. BILL GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

GENTLEMEN: We are grateful to the two of you for taking the lead on requiring that testing of students remain at the state and local level. The administration's proposal to control student testing at the federal level necessarily would result in government control of the curriculum. Stopping this central government control of student testing is a very important part of our Republican plan to return our schools to the control of the parents and teachers at the local level.

We have worked with you and voted with you to pass a federal testing prohibition bill in the House and to add an amendment to H.R. 2646, the Education Savings Act for Public and Private Schools. Obviously, since this bill is under the threat of a veto by the administration and a filibuster by Senate Democrats, it does not serve our interests to pursue the ban on federal testing in this bill.

Therefore, in order to ensure that Congress will pass and send to the President a ban on federal testing, you have our commitment to support inclusion of your testing prohibition language (H.R. 2846/Amendment 2300 to H.R. 2646) in the base test of the FY 1999 Labor, Health and Human Services, and Education Appropriations bill. This language will be maintained through floor action and the conference committee process. You have our commitment that this bill will not leave the Congress without a testing provision that you find to be satisfactory.

If for some reason the Labor/HHS/Education Appropriations bill does not make it to the President's desk, then we will support efforts to include this provision in any Continuing Resolution(s), or other ''must pass'' legislation in both bodies. We appreciate your leadership over the past months on this most important issue and look forward to continuing to work closely with you.

Sincerely,

TRENT LOTT.
NEWT GINGRICH.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank my colleague from Missouri for the contribution he has made in this debate and for the work he has expended on behalf of this legislation, and for his remarks.

Mr. President, many, many years ago, in my home city of Atlanta, and in campaigns, I met a woman who worked and still works in our inner city with many of the inner-city problems. She is now the chairperson of the City Wide Advisory Council on Public Housing. Her name is Louise Watley.

She recently wrote a letter to me and my colleague, Senator CLELAND from Georgia, and she said:

As a resident of the Carver Homes Public Housing Community since 1955, I have witnessed generations of young African Americans grow up in one our Nation's poorest neighborhoods. In the 1980s, I fought the epidemic of crack cocaine among our youth by working to kick drug dealers out of our community. In the 1990s, I find myself fighting the epidemic of hopelessness that has resulted from the increasing failure of our public schools to educate poor, urban children, As the Chairperson of the City Wide Advisory Council on Public Housing (''CWAC'') and on behalf of the thousands of Atlanta public housing residents the Council represents, I ask you to provide us with hope for improving the K–12 education of our children.

By way of this letter, I urge both of you to continue this important trend of granting parents greater choice in the education of their children. Please avoid the temptation of sacrificing the poorest children in America in order to protect an education bureaucracy that seems to care more about money and job security than it does about helping children to read, to write and to recognize right from wrong.

Please support the passage of the A+ Accounts for Public and Private Schools Act as well as stronger federal charter school legislation and demonstration public and private school choice projects.

I have not seen Louise in many, many years. But I am encouraged that she is still at work on behalf of our community.

I think she has in this letter crystallized the very severe problem we are having all across the country, for we are graduating students from all too many schools who do not have the basic skills to enjoy the full benefits of citizenship.

Earlier in the debate, the Senator from Virginia, who, while kind to this legislation, indicated he would vote against it on its scoring priorities, said this bill, or the education savings account, spends $1.5 billion in tax relief for families to open these savings accounts and that if we are going to spend $1.5 billion, we ought to do it on higher priorities.

The math doesn't work. The education savings account creates $1.5 billion of tax relief on the interest built up on savings that families put into savings accounts if they use it for education.

It does not spend $1.5 billion; it leaves $1.5 billion in those checking accounts of those families. And what do they do? They save $12 billion. So what we have done is, we have taken $1.5 billion, we have left it home all across the country, and we have built a resource eight times that size. So instead of looking at it as if it is $1.5 billion we did not ratchet out of somebody's checking account, you ought to look at it as if we have encouraged Americans to save $12 billion that would come to the aid of education. Where else can you invest $1.5 billion and store up $12 billion that would come to the support of children all across the land.

It is a plus. We are causing billions of new dollars to come to the aid of educators and education. It is just amazing; I heard several Senators on the other side view this as an expenditure because we left some money in the checking accounts of American families. It has always been amazing to me how little incentive it takes to make Americans do huge things. Boy, wouldn't we love it if every billion we invested here could generate $12 billion of value. It would be a remarkable achievement. So this is not setting $1.5 billion aside for building schools or doing something else. This is leaving $1.5 billion in checking accounts, and it causes them to pull together $12 billion. And that is the minimal estimate. I think it will be much more.

I think it is good in the closing minutes here to remind the Senate and anybody listening that this legislation has an enormous reach. Sometimes we forget to analyze or take a look at the total value. I just said this legislation will cause Americans to save at a minimum $12 billion. If nothing else, helping that would be great, considering the fact we have one of the lowest savings rates in the industrialized world. But this bill will make beneficiaries of half the school population wherever they go to school—public, private, or home—in the United States. Fourteen million families will open a savings account. We don't know how many million sponsors—grandparents, companies, unions and churches—will come to the aid of those accounts, because it allows sponsors, but 14 million families parenting over 20 million children—that is half the school population—will be beneficiaries if this bill passes and is signed by the President. One million students entering higher education will have a better chance of financing it because it gives tax relief to the 21 States that have prepaid tuition plans, and 17 new States are considering it.

Fourteen million families, 20 million children, 1 million students in higher education, 1 million employees seeking to improve their continuing education will be helped by the legislation. In other words, Mr. President, the reach of the bill that is before us, the bipartisan bill, is enormous and will have the effect of causing millions of families and millions of students across this land to enter into a new consciousness about improving their education, and it will be the smartest money that was ever accumulated because it will be guided like a missile system by the parents and relatives and friends of that child to the most urgent needs that child faces. If they have special education problems or health problems, if they have a deficiency in math or reading, it will end up paying for it, or a computer or tutor. And I might point out that over 80 percent of the students in inner-city schools do not have a computer. This can begin to take care of it.

Mr. President, this legislation reaches into every community at every level, and while it is not a cure-all it gives lots of people lots of new tools to go to work on turning this situation around in America. And if you want the next century to be an American century, you better be focused on grades kindergarten through high school. We need to get that job done.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Georgia has 6 minutes 5 seconds.

Mr. COVERDELL. Mr. President, I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. GORTON. Mr. President, I am here to speak as eloquently as I possibly can in favor of this proposal. The genius and the persistence of the Senator from Georgia in bringing this major educational reform this far is to be commended highly.

I feel a particular attachment to this bill because with the help of the Senator from Georgia, while it was being debated before the Senate, there was added to it my own triple option, an opportunity to let each State decide whether or not it would continue to get its Federal aid to education in the present fashion, as a block grant to the State without Federal regulations, or as a block grant directly to school districts without either State or Federal regulations, trusting the people who provide education to their children—teachers, principals and elected school board members.

Because that is a relatively new idea and highly controversial, its inclusion in this bill would have frustrated our ability to pass this bill and send it to the President. It was, therefore, with my reluctant consent, dropped from the bill that is before us at the present time.

But the perfect should not ever be the enemy of the good, and the work that has gone into this proposal, the fact that it is highly bipartisan, the fact that there is a real opportunity that it should become law makes it one of the most important bills and the most important debates that we have engaged in in the State so far this year.

So I thank my friend from Georgia, congratulate him on his good work and commend to all of my colleagues, both Democrats and Republicans, this important educational reform.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I very much thank the Senator from Washington for his remarks.

I yield 1 minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Georgia for the manner in which he has handled this bill. There is nothing more important than education. I started out my career as a schoolteacher. I taught school for 6 years in Edgefield and McCormick Counties and then went to the State senate and spent most of my time in the State senate on education matters. I believe we should do more in the field of education; that is the hope of the future. And I hope the Congress will pass this bill and do it promptly.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from South Carolina.

I yield up to 2 minutes to my distinguished colleague from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will, believe it or not, take only 1 minute.

I compliment the Senator from Georgia. I am going to vote with him. I told him when he first introduced this legislation I would support it. In the meantime, it picked up some other amendments, Gorton and Ashcroft, and I announced at the time I voted against it with Ashcroft and Gorton as part of it, that if it came out of conference as it was originally constructed, I could support it.

I thank him for his fairness, the way he has dealt with this, the openness in the way he has dealt with this, and I compliment him on bringing back to this body a piece of legislation that I and I believe probably another half dozen or more Democrats will be able to support.

So I thank him very much for his courtesy.

Mr. COVERDELL. Mr. President, I thank my colleague from Delaware for his interest in this legislation and the fairness with which he has approached it. I appreciate very much his decision to vote for the legislation.

In closing, I thank the majority leader for his tenacity, all my cosponsors who worked so long and hard, nearly 2 years, and the conference committee for the extended work to reach out in a bipartisan effort.

At this time, I yield whatever remaining time there is.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired or has been yielded back.

The question now occurs on adoption of the conference report to accompany H.R. 2646, the Educational Savings and School Excellence Act of 1998.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 36, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—59

Abraham	Faircloth	Mack
Allard	Feinstein	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Biden	Gramm	Nickles
Bond	Grams	Roberts
Breaux	Grassley	Roth
Brownback	Gregg	Santorum
Burns	Hagel	Sessions
Byrd	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cleland	Hutchinson	Smith (OR)
Coats	Hutchison	Snowe
Cochran	Inhofe	Stevens
Collins	Kempthorne	Thomas
Coverdell	Kohl	Thompson
Craig	Kyl	Thurmond
D'Amato	Lieberman	Torricelli
DeWine	Lott	Warner
Enzi	Lugar	

NAYS—36

Bingaman	Glenn	Leahy
Boxer	Graham	Levin
Bryan	Harkin	Mikulski
Bumpers	Hollings	Moseley-Braun
Chafee	Inouye	Moynihan
Conrad	Jeffords	Murray
Daschle	Johnson	Reed
Dodd	Kennedy	Reid
Dorgan	Kerrey	Robb
Durbin	Kerry	Sarbanes
Feingold	Landrieu	Wellstone
Ford	Lautenberg	Wyden

NOT VOTING—5

Akaka	Domenici	Specter
Baucus	Rockefeller	

The conference report was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2975

(Purpose: To express the sense of Congress regarding continued participation of United States forces in operations in Bosnia and Herzegovina)

Mr. THURMOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. LEVIN and Mr. COATS, proposes an amendment numbered 2975.

Mr. THURMOND. Mr. President, the committee has worked very hard to achieve consensus on an amendment——

Mr. BYRD. Mr. President, will the distinguished Senator yield just briefly?

Mr. THURMOND. Yes.

Mr. BYRD. Mr. President, the clerk has not finished the reading of the amendment and there has been no unanimous consent request to ask that the reading of the amendment be waived.

The PRESIDING OFFICER. The clerk will report.

Mr. THURMOND. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING CONTINUED PARTICIPATION OF UNITED STATES FORCES IN OPERATIONS IN BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the people of the United States and other nations have, in large measure, resulted in the suspension of fighting and alleviated the suffering of the people of Bosnia and Herzegovina since December 1995.

(2) the people of the United States have expended approximately $9,500,000,000 in tax dollars between 1992 and mid-1998 just in support of the United States military operations in Bosnia to achieve those results.

(3) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved some success in accordance with the Dayton Agreement.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) There is, however, no accurate estimate of the time needed to accomplish the civilian implementation tasks outlined in the Dayton Agreement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States ground combat forces should not remain in Bosnia and Herzegovina indefinitely in view of the world-wide commitments of the Armed Forces of the United States;

(2) the President should work with NATO allies and the other nations whose military forces are participating in the NATO-led Stabilization Force to withdraw United States ground combat forces from Bosnia and Herzegovina within a reasonable period of time, consistent with the safety of those forces and the accomplishment of the Stabilization Force's military tasks;

(3) a NATO-led force without the participation of United States ground combat forces in Bosnia and Herzegovina might be suitable for a follow-on force for Bosnia and Herzegovina if the European Security and Defense Identity is not sufficiently developed or is otherwise considered inappropriate for such a mission;

(4) the United States may decide to provide appropriate support to a Western European Union-led or NATO-led follow-on force for Bosnia and Herzegovina, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform the European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for establishing a Western European Union-led or a NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult closely with the congressional leadership and the congressional defense committees with respect to the progress being made toward achieving a sustainable peace in Bosnia and Herzegovina and the progress being made toward a reduction and ultimate withdrawal of United States ground combat forces from Bosnia and Herzegovina.

(c) DAYTON AGREEMENT DEFINED.—In this section, the term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

Mr. THURMOND. Mr. President, the committee has worked very hard to achieve consensus on an amendment that would represent the majority views of the committee. Since May 13, at the request of several Members, the committee has met at least five times to discuss possible amendments on Bosnia that would be offered to the defense bill. The committee also conducted a hearing with Ambassador Robert Gelbard and General Wesley Clark to discuss the status of progress in implementing the Dayton Agreement.

Despite all meetings and discussions, the committee was not able to reach

consensus on an amendment on Bosnia. However, following the committee's meeting on June 19, Senator COATS and Senator LEVIN, met, and, using a compromise amendment that I had proposed as a starting point, continued the effort to craft an amendment, which I support and which I believe the Senate can support.

While I am aware that there are Senators who would prefer to do more, I believe that this amendment represents the view of most Senators.

I am pleased to join Senators COATS and LEVIN, and I urge the Senate to adopt it. Let me emphasize, this amendment does not represent a committee amendment, it merely represents the tireless efforts of several Members.

This amendment would express the concerns of the Congress that U.S. ground combat forces should not be deployed indefinitely in Bosnia, and that efforts should be taken by the President to work with our Allies in Europe so that U.S. ground combat forces could withdraw in a safe and orderly fashion from Bosnia within a reasonable period of time. Additionally, the amendment would express our views that the European allies should take appropriate steps to develop forces to take on the responsibilities of the Stabilization Force in Bosnia, if necessary, to continue to implement the Dayton Agreement.

Mr. President, by December 1998, U.S. ground forces will have been deployed in Bosnia for three years, and the United States will have spent almost $9 billion dollars for its share of the operations. That is two years more than the President, Secretary Perry, Secretary Christopher and General Shalikashvili told us in 1995 that our forces would be in Bosnia, and $8.0 billion more than their original cost estimate.

I believe it is imperative that the United States make strong efforts to work with our NATO and European allies to provide a situation where U.S. ground combat forces can leave Bosnia. The United States has world-wide commitments, and the continued deployment of U.S. forces in Bosnia is starting to take a toll on the readiness of our military forces. The deployment in Bosnia along with our other commitments produces an operational tempo which impacts heavily on the morale of our forces and our ability to retain personnel.

I believe this amendment sends the message that we have been in Bosnia too long, and that we should begin working our way out. I also believe the amendment sends a message that our European allies should assume a more equitable leadership role on their borders, while at the same time ensuring some continued level of continued U.S. support.

I believe this is a good amendment, and urge its adoption.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, Senator LEVIN and I, along with the chairman and others, have worked long and hard attempting to fashion a way in which this Congress could express its dissatisfaction with the prospect of an indefinite troop commitment in Bosnia.

We now are going on the third year of that commitment at a cost that continues to escalate. I believe it is approaching, if it hasn't exceeded, $9 billion—this is despite the assurances of the administration that the troops would only be necessary to accomplish the military portion of the Dayton accords for 1 year.

The then-Chairman of the Joint Chiefs of Staff, General Shalikashvili, in testimony before our committee on October 18, 1995, said:

> NATO's plan will call for the implementation force to complete its mission in twelve months and to withdraw.

Secretary of State Warren Christopher, in testimony before the House National Security Committee on October 18, 1995, said:

> NATO's plan will call for the implementation force to complete its mission in twelve months and to withdraw.

Strobe Talbott, Deputy Secretary of State, said in a speech to the National Press Club on November 9, 1995:

> We believe that twelve months is a reasonable period of time for the implementation force to have accomplished its mission.

The President of the United States, President Clinton, in a letter to Speaker GINGRICH dated December 13, 1995, said:

> NATO and U.S. military commanders believe and I expect that the military mission can be accomplished in about a year. Twelve months will allow IFOR time to complete the military task assigned in the Dayton agreement and to establish a secure environment. Within 1 year we expect that the military provisions of the Dayton agreement will have been carried out, implementation of the civil aspects and economic reconstruction will have been firmly launched, free elections will have been held under international supervision, and a stable military balance will have been established.

Those words from the President of the United States. He was supported by Richard Holbrooke, former Assistant Secretary of State, who negotiated the Dayton agreement. Mr. Holbrooke said:

> The President has given a very clear commitment on the twelve months. That is our policy. It will remain our policy.

General Shalikashvili once again said, in an article, in an interview with the Washington Post of April 3, 1996:

> I'm absolutely convinced that America will not participate with military forces in Bosnia after the conclusion of this year.

On and on it goes. Yet it is now 1998. There is no indication of when our military forces will be removed from Bosnia. Their continued presence has come at considerable cost to the taxpayer—as I said, $9 billion-plus and counting—and no indications by the administration that forces will be withdrawn at any time soon.

There is little disagreement on this floor about the concern over the escalating costs and the indefinite commitment. The real question before the Senate is how we accomplish the goal of withdrawing those troops. It is clear that what was promised by the administration as a consequence of the Dayton accords has not been accomplished on the civil implementation.

Our armed forces have done a marvelous job in meeting the military obligations. In fact, the military tasks were essentially accomplished in that first year. A poitical decision was made, however, that forces needed to remain in Bosnia to provide a secure environment so that the civilian portion of Dayton could be accomplished.

I was one who voted against the use of our troops to enforce the Dayton accord. I did not provide that support. Senator LEVIN I believe, did provide that support. Yet today we are joining in attempting to send a message from the Congress to the President and to our allies that we do not want an indefinite commitment, that we believe the military mission has been successfully achieved—that it is time to begin the process of bringing our troops home. While there has been some progress in civil implementation, when I traveled last December with the President to Bosnia, I saw little evidence of successful civilian implementation.

It has taken 2 years and an extraordinary amount of outside pressure to get the three nations involved to agree on a common license plate and a common foreign currency—what is seemingly the most easily defined civilian implementation aspects of that accord. Yet, the parties, over a 2-year period of time, could not even agree on what the license plate would look like that each of them would put on their vehicles, or what the currency would look like, in order to establish a common currency for that one country.

So I stand here as one with grave concerns and deeply held doubts about whether or not we are ever going to accomplish what Dayton attempted and promised, and that is reunification of a country that appears to not want to reunify. Key issues such as resettlement of refugees; establishment of a civilian police force that, to date, has not been deemed effective in providing any kind of stability; establishment of judicial reforms that would provide a basis for enforcement of the law on an equal and fair basis. Resolution of many of these issues appear far down the road—if they are even achievable.

I come back to the central question, which is, now that our troops are there, who makes the determination and what is our obligation as Members of Congress relative to establishing the continued presence, limiting that presence, or requiring that withdrawal? I happen to believe strongly that our responsibility, as defined by the Constitution, is to determine the funding, whether or not we will financially support the commitment that has been made by our Commander in Chief.

Now, Senator LEVIN and I have wrestled with this question in terms of how we can best express a message to the President of the United States that we do not support an indefinite commitment, that we do believe that a transition should take place from an American presence to European support for whatever military forces are necessary to provide continued stability. But we do not believe that we are in a position; nor do we have the right to define a timetable or a troop level. We believe that is a decision that ought to be left to the military, ought to be left to the Commander in Chief, and that is where the responsibility lies. We do so because we don't believe we have the expertise to define what that troop level should be.

When the discussion was undertaken relative to our placing troops in Bosnia, virtually every individual who represented the military, from the Chairman of the Joint Chiefs, to the Secretary of Defense, to the commanders who were called forward to testify, said we need the flexibility to determine what is necessary to accomplish our message and to provide for the security for the forces that are deployed in Bosnia. We need to make that decision based on our military expertise and based on what we see as the threat and what is necessary to provide for the security of those forces.

This is not a decision that ought to be made by Congress, regardless of our own expertise or what expertise we think we might have, having served on the Armed Services Committee or learned through our association with the Department of Defense. We are not in a position to define that troop level number. This decision has to be left to the military commanders.

We learned, by tragic experience, how political intervention and policy can sacrifice lives and place our troops in jeopardy. All of us have freshly imprinted on our minds the tragedy in Somalia, as a request by the commander of our forces in Mogadishu for armored forces to provide the force protection was denied primarily for political reasons, because they wanted to avoid the perception that the U.S. was enlarging our presence in Somalia, but that we were drawing down. We drew down too far and we lost some great Americans because we were not able to provide them with sufficient protection. It is not our decision as to what that level of protection should be.

Secondly, Senator LEVIN and I—and he will speak for himself—believe that it is important that we not set an arbitrary timetable for accomplishment of the mission or for withdrawal of troops. That simply sends a signal to extremist forces and others who are intent on destabilizing the situation. All they have to do is wait until a certain date, pull back and give the appearance of stability, give the appearance of cooperation, knowing that when a certain date is reached, our troops will be withdrawn.

We want to keep that indefinite. It doesn't mean the decision can't be made to remove the troops tomorrow, or the President can't sit down with our allies and discuss what the future force should be. I believe an amendment will be offered—if not to this bill, to the defense appropriations bill—by the Senator from West Virginia and the Senator from Texas to establish a certain level and a certain timetable. It may be that that is what our military commanders decide is in the best interests of accomplishing our military mission and protecting our forces. But that ought to be their decision, not ours.

So those are the primary reasons—the protection of our forces, for a limited success, in stabilizing the war and to protect against the potential of extremist groups taking advantage of the knowledge they have of our force size and to protect against the concept that if we define a specific date through a statutory definition, that any hopes of accomplishing a mission that has been agreed to—as I said not by this Senator, but by the President and supported by a majority—can be realized.

To conclude, our amendment essentially expresses the sense of Congress that the U.S. ground combat forces should not remain in Bosnia indefinitely, in view of the worldwide commitments that we have, the impact on our forces, on our readiness, on our deployment, and on our ability to address other needs; that the President should work with our NATO allies, and other nations who have military forces participating in the stabilization force, to withdraw ground combat forces from Bosnia within a reasonable period of time. The difference here is reasonable. We allow a reasonable period of time, leaving it again to the discretion of our military, rather than the fixed time. Consistent with the safety of those forces and the accomplishment of the stabilization force's military task.

We think it is appropriate to define a way in which we can continue, when we withdraw ground combat forces, to continue to provide support for a follow-on European force, and to have a ready reaction or Ready Reserve force in the region—not in Bosnia, but in the region, available to help if necessary; that the President should inform our European allies of the will of the Congress, should this amendment be accepted; and that the President should consult very closely with congressional leadership with respect to the progress he is making in terms of achieving the goals of the Dayton accord.

That is the essence of our amendment. As Senator THURMOND said, this is not a committee amendment that was voted out of committee, though it is supported by a number of members on our committee. We think it is an important amendment to lay down. We think this debate is important. Following this, there is much about what is going to be said by those who may not support this and who want something different than what I am going to agree with.

Much of what they have put in their proposed amendment, which apparently will not be offered to this amendment and to this bill but at a later time, I am going to agree with.

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

Mr. COATS. I would be happy to yield to the Senator.

Mr. BYRD. Mr. President, I have tried to carefully listen to the Senator's remarks, and I think I have heard the implication that Congress was somehow at fault in Somalia for the lack of supplying of heavy equipment.

Mr. COATS. I don't believe that is what I said.

Mr. BYRD. I didn't say you said that. I thought that it was implied.

Mr. COATS. I can assure the Senator from West Virginia that was not implied.

Mr. BYRD. It was not Congress' fault?

Mr. COATS. No; it was not. Congress had no role in that whatsoever. This Senator believes there is subsequent evidence in the reports that followed up on that tragedy which indicate that political decisions were made by people within the administration relative to the perception American people might have regarding our presence and involvement in Somalia, and the decision that was then made, either through the administration or at the Department of Defense, and to deny the request for additional force support.

Mr. BYRD. I thank the distinguished Senator. I incorrectly drew the wrong inference from what the Senator said.

Mr. COATS. I thank the Senator. I apologize if I left that inference. If I had, I am glad the Senator clarified that, because I didn't want to leave that impression.

Mr. BYRD. I thank the Senator.

Mr. COATS. Mr. President, I will conclude, so that my colleague, Senator LEVIN, may proceed, simply by saying that we asked for the Department of Defense response to this amendment. They reported back. The Department of Defense says:

> The Department has no objection to the proposed amendment in general.
>
> The Department is concerned that paragraph (2) under Sense of Congress could be misinterpreted as a weakening of US resolve and commitment to the process initiated under the Dayton Agreement. While the Department agrees that there should not be a permanent US presence in Bosnia, the timing and nature of discussions on withdrawal of the international coalition should be driven by our continued progress on the ground and not by artificial deadlines.

And The New York Times reported the following on June 13, 1996:

> There has been no change in the President's view of the current IFOR mission. It will last about a year.—*Michael McCurry, White House spokesman, New York Times, 6/13/96.*

The Washington Post reported on July 25, 1996 the following:

There is no successor mission. . . . We're not anticipating any such thing.—*Vice President Albert Gore, Washington Post, 7/25/96.*

I agree in terms of their discussion about ''artificial deadlines.'' But I want to point out that the Dayton agreement clearly stated that the presence of the military was necessary to accomplish the military task. And I believe that military task has been accomplished.

I think the debate on this floor, if there is to be a debate about our troop presence, should not be defining what the size of that presence should be and the timing of that presence. I think it should be on whether or not there ought to be a presence.

There is going to be a legitimate debate, I believe, as to whether or not we want to stay involved in Bosnia. And the will of the Congress ought to be expressed on that, or the appropriations ought to be defined in a way to support whatever is necessary, if we are going to be there, determined by the military, or zero if we determine they shouldn't be there.

That ought to be the debate, rather than defining what the mission should be, what the size of the force should be, and putting deadlines in terms of achieving those goals.

With that, I yield the floor.

Mr. WARNER. Mr. President, will the Senator take a question? Momentarily, I will follow the distinguished ranking member.

Mr. COATS. I will be glad to take a question from the Senator.

Mr. WARNER. I want to make sure.

First, I think the thrust of the amendment is one with which I agree. I was part of the deliberations over a period of time. I certainly want to acknowledge the participation by the distinguished senior Senator from West Virginia, and the Senator from Texas, and the work they have done.

But I want to make certain—I have read through this carefully a number of times—there is nothing in it that could be misinterpreted at this particularly sensitive point in time in the Kosovo negotiations with Ambassador Holbrooke—who is, I think, perhaps at this very moment trying to work with Milosevic—that nothing in this amendment indicates a lessened support of the United States, together with our principal allies, to try our very best to preclude a repetition in Kosovo of the tragedies that unfolded over the past years in Bosnia. It is my understanding that nothing in this amendment should be interpreted by Milosevic or anyone else that this is less than full support of the effort on behalf of the President and his designated Secretary of State and Ambassador to work on that problem.

Mr. COATS. The Senator, I believe, is correct. There is nothing in this amendment that I believe could be interpreted contrary to what the Senator has just stated.

Mr. WARNER. I thank the Senator.

Mr. COATS. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Indiana on his excellent remarks on this subject.

I now yield to the able ranking member of this committee, Senator LEVIN.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank the chairman, Senator COATS, and others who have worked on this amendment. It is a sense-of-the-Congress amendment regarding the continuation of United States forces and operations in Bosnia. We worked very hard on this amendment. The committee did not reach a consensus or, indeed, ever take a final vote on the various alternatives which were offered to us. I don't think anything should be said which would suggest that this is a committee amendment. Indeed, I believe that the chairman and Senator COATS made it clear that it was not. But it is an amendment which has a significant amount of bipartisan support. We offer it to the Senate on that basis.

I am wondering if at this point, Mr. President, I could ask for the yeas and nays on this amendment, so people know there will be a vote forthcoming.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, this amendment expresses the sense of the Congress on a number of aspects of our presence in Bosnia.

First, it says that our forces should not remain in Bosnia indefinitely. We do not simply want to authorize a significant amount of funds without any statement as to the length of time that our forces should remain in Bosnia.

As the Senator from Indiana very ably put it, we don't want to set a deadline. We don't want to mandate a certain force structure as of a certain time. We think that would diminish the safety of our forces. We think that would pull the rug out from under our forces.

On the other hand, we don't want to write a blank check. We don't want to simply say, here are billions of dollars for our presence in Bosnia, and not continue to make a statement about the necessity within a reasonable period of time to remove our combat forces from Bosnia. So this sense-of-the-Congress amendment is an effort to avoid both the blank check downside but also to avoid setting a mandated date for the removal of those forces.

First, I would note, Mr. President, for our colleagues, that the Secretary of Defense, Bill Cohen, and the Chairman of the Joint Chiefs of Staff, General Shelton, in their letter of May 21 wrote to Senator THURMOND and to me to express their concerns about some of the proposals that were being offered relating to Bosnia.

In that letter, they said the following:

We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of U.S. forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkably successful to date.

Later on in that letter, Secretary Cohen and General Shelton said the following:

We will conduct regular reviews of our force posture and progress towards the benchmarks we have established, and we expect further reductions will be possible, but that determination is best based on the actual situation on the ground, the military advice of our commanders in the field, and the approval of the NATO military and political authorities, not an arbitrary withdrawal or reduction date determined long in advance.

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

Mr. LEVIN. I would be happy to yield.

Mr. BYRD. The first reference to the Secretary's letter, would he read that again? He quoted the Secretary's letter.

Mr. LEVIN. Yes.

We will conduct regular reviews of our force posture and progress towards the benchmarks we have established, and we expect further reductions will be possible but——

Mr. BYRD. The first. I believe something came before that.

Mr. LEVIN. I apologize. I started too late in the quote, and I will go back. The letter starts off with the quote that I gave before.

We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of U.S. forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission which has been remarkably successful to date.

Mr. BYRD. At that point does the Secretary state what ''the mission'' is?

Mr. LEVIN. There is nothing stated beyond that relative to the mission in this letter. Of course, we have other statements from them as to what their mission is, but this letter does not restate what their mission is.

Mr. BYRD. May I further interrupt the Senator? Mr. President, will the Senator yield further?

Mr. LEVIN. I will be happy to yield.

Mr. BYRD. That is one of the problems we have had with the administration. They have a changing mission. At the beginning, the mission was one thing. Then it changed. Then it changed, and it continues to change. Now, the Secretary, in his letter, according to the quotation by Senator LEVIN, references ''the mission.'' Well, it is a moving target, that mission. That is one of the problems I have with this whole situation.

I just wanted to make that point. I thank the Senator.

Mr. LEVIN. I thank our good friend from West Virginia.

General Clark appeared on June 4th before the Armed Services Committee,

and, of course, General Clark commands our U.S. and NATO forces in Europe, including Bosnia, and we asked him what effect the adoption of a legislatively mandated reduction of U.S. forces in Bosnia would have. And this was part of his response:

I would not favor as a military professional a mandated limit because it would, I think, hinder our accomplishment of the mission on the ground.

Then he went on:

In so doing, I think it could jeopardize force protection. I mean, one of the things that has kept our troops safe, and all of our NATO troops, it has been made very clear to those who might seek to do us harm that it will not be tolerated, that we will take action. We made that very clear personally and in many different statements. So if such a commitment were to be taken by those over there that this was some change in policy, that we were somehow less committed, that it somehow meant that we were not as firm in our resolve, then I would say that could pose a force protection threat.

And he went on a little later in his testimony as follows:

I hope that we could move through and live with the benchmark approach that we were urged to adopt. We have some pretty specific benchmarks. We will take a look at how long it might take to achieve these. We will try to do all that we can to encourage those who are responsible for them other than SFOR to move as rapidly as possible on this. But they are not, there cannot be deadlines. There are too many intervening factors, and it will just have to be recognized as such.

Now, these are the benchmarks that were referred to by General Clark. This perhaps addresses the issue of our good friend from West Virginia.

The goal of the military presence—

And now I am quoting from these benchmarks—

is to establish the conditions under which the Dayton implementation can continue without the support of a major NATO-led military force.

And at this point the 10 specific benchmarks are set forth. And after those benchmarks are set forth the following statement is made:

These benchmarks are concrete and achievable, and their achievement will enable the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures and negotiation to continue implementing the Dayton Accords over the longer term.

Mr. President, I ask unanimous consent that the entire document be printed in the RECORD.

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

1. The Dayton cease-fire remains in place, supported by mechanisms for military-to-military transparency and cooperation.
2. Police in both entities are restructured, re-integrated, re-trained and equipped in accordance with democratic standards.
3. An effective judicial reform program is in place.
4. Illegal pre-Dayton institutions (e.g. Herceg Bosnia, Strategic Reserve Office, Centreks and Selek Impeks) are dissolved and revenue and disbursement mechanisms under control of legitimately elected officials.
5. Media are regulated in accordance with democratic standards; independent/alternative media are available throughout B–H.
6. Elections are conducted in accordance with democratic standards, and results are implemented.
7. Free-market reforms (e.g. functioning privatization and banking laws) and an IMF program are in place, with formal barriers to inter-entity commerce eliminated.
8. A phased and orderly minority return process is functioning, with Sarajevo, Mostar, and Banja Luka having accepted significant returns.
9. In Brcko, the multi-ethnic administration functioning and a secure environment for returns is established.
10. The Parties are cooperating with ICTY in the arrest and prosecution of war criminals.

Mr. LEVIN. We on the committee pressed General Clark to give us some kind of timeline for the accomplishment of those benchmarks, and it is that timeline, for how long will it take to establish each of these benchmarks—to achieve, excuse me, each of these benchmarks that General Clark is referring to and he is going to be sending to the Congress within the next few months.

This amendment builds on an amendment to the 1998 supplemental appropriations bill that urged the President to seek concurrence among the NATO members on the benchmarks detailed in that March 3, 1998, report to Congress on estimated target dates for achieving the benchmarks and a process for NATO to review progress toward achieving the benchmarks. It required a report to be submitted, which was submitted semiannually thereafter on such progress.

NATO has now adopted those benchmarks and will use those benchmarks as it conducts its own 6-month reviews of the mission and the size of the NATO led stabilization force in Bosnia. Our amendment is designed to keep the pressure on our NATO allies, to continue the process where the United States is able to withdraw our ground combat forces from Bosnia, while our NATO allies and other nations maintain or increase their share of the stabilization forces, total force strength in Bosnia.

Again, the amendment does not mandate specific force levels. It does not mandate a specific withdrawal or reduction timetable because we do not believe it would be prudent to do so. Indeed, based on General Clark's testimony and on the letter from General Shelton and Secretary Cohen, we believe it could endanger our forces if we mandated a specific date for withdrawal or reduction.

The people who do not want those forces there would then know what our forces would be doing and when, when they would be leaving and in what numbers. And it is not to their safety, it is not to our advantage, it would jeopardize their well-being for us to state legislatively in advance that a certain number of troops are going to be leaving in a certain number of months or years, or to set forth a timetable for the reduction or removal or withdrawal of those ground combat forces.

Well, then, how do we keep the pressure on our European allies? How do we let them know we are not there for an indefinite period of time? How do we avoid writing that open-ended commitment or blank check? The answer is set forth in this resolution which attempts to let our allies know that we are not there indefinitely. At the same time, we do not in any way undermine the morale or the safety of our forces.

Finally, Mr. President, the NATO-led mission in Bosnia has been very successful. It has been able to carry out its military tasks without a single combat death. The civilian implementation of the Dayton accords has not proceeded as well as the military implementation, but some progress has been made in the last 6 months. The upcoming September election, which will involve virtually every elective office in Bosnia, will be a major event. If things go well, it could lead to a major reduction in the U.S. ground combat presence there.

I have been to Bosnia on a number of occasions, as have many of our colleagues. On each of my visits I have been struck by the high morale and the positive attitude of the men and women of the U.S. Armed Forces there. They feel, and I surely concur, that they are making a contribution to the maintenance of an enduring peace in Bosnia. Those who work with the Russian forces on joint patrols in the United States sector also feel that they are contributing to a better understanding of, and a closer relationship with, Russia.

But we have worldwide commitments, and our forces are stretched thin. We cannot remain in Bosnia indefinitely. This amendment—it is a bipartisan amendment with strong support—serves to pressure our European allies to redouble their efforts to bear more of the burden in Bosnia so that United States ground combat forces can be withdrawn within a reasonable period of time.

Finally, I will read from the mission statement that guides our forces, and then I will put the entire statement in the RECORD.

The mission and objectives of the U.S. military forces deployed in and around Bosnia are as follow:

SFOR and the U.S. military forces participating in it will continue to deter a resumption of hostilities and provide support for civil implementation in a manner similar to the previous approach of SFOR.

So that is the very narrow mission of the military forces—to deter a resumption of hostilities and to provide support for civil implementation in the manner that was adopted by the previous force.

The objective of the current mission will be:

. . . to consolidate the gains achieved to date while sustaining the current pace of

civil implementation. This approach will encourage the implementation process to become progressively more self-sustaining without exceeding SFOR's current level of intensity and involvement.

The key military tasks to create that mission have been set forth as follows:

Maintaining deterrence of renewed hostilities.

Preventing removal of heavy or air defense weapons from cantonments.

Maintaining the operation of the joint military commissions.

Ensuring force protection, freedom of movement and continued compliance with the cease-fire and Zone of Separation.

Monitoring the military components of the Dayton Accords and, if required, enforcing compliance.

Controlling the airspace over Bosnia and Herzegovinia.

Contributing, within means and capabilities and in a manner similar to the SFOR previous approach, to a secure environment within which civil implementation can continue.

Mr. President, I ask unanimous consent that that document setting forth the mission, setting forth the key military tasks, and then setting forth the key supporting tasks be printed in the RECORD at this time.

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

MISSION

SFOR and the U.S. military forces participating in it will continue to deter a resumption of hostilities and provide support for civil implementation in a manner similar to the current approach of SFOR. The objective of the follow-on mission will be consolidate the gains achieved to date while sustaining the current pace of civil implementation. This approach will encourage the implementation process to become progressively more self-sustaining without exceeding SFOR's current level of intensity and involvement. To this end, NATO has established the following tasks:

Key military tasks:

Maintaining deterrence of renewed hostilities.

Preventing removal of heavy or air defense weapons from cantonments.

Maintaining the operation of the Joint Military Commissions.

Ensuring force protection, freedom of movement and continued compliance with the cease-fire and Zone of Separation.

Monitoring the military components of the Dayton Accords and, if required, enforcing compliance.

Controlling the airspace over Bosnia and Herzegovina.

Contributing, within means and capabilities and in a manner similar to SFOR's current approach, to a secure environment within which civil implementation can continue.

Key supporting tasks, within means and capabilities and in a manner similar to SFOR's current approach:

Supporting the High Representative.

Supporting phased and orderly returns of refugees and displaced persons by contributing to a safe and secure environment, but not forcibly returning refugees or displaced persons or undertake to guard individual locations.

Supporting OHR and OSCE in the conduct of elections and the installation of elected officials.

Supporting the OHR and International Police Task Force (IPTF) in assisting local police by providing back-up support and a secure operating environment towards the creation of a restructured indigenous police force, but without undertaking civil police tasks.

Supporting OHR and OSCE in media reform efforts.

Supporting ICTY and efforts against war criminals.

Supporting the OSCE, on a case-by-case basis, in implementing Annex 1–B of the Dayton Peace Agreement.

Supporting the Supervisor in the implementation of the Brcko decisions presently in effect.

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

Mr. LEVIN. I will be happy to yield.

Mr. BYRD. Mr. President, the Senator referred earlier to certain benchmarks. What are we to understand with regard to the benchmarks, and what are they? The Senator put them in the RECORD. What are they?

Mr. LEVIN. There are 10 benchmarks that were referred to.

Mr. BYRD. Yes.

Mr. LEVIN. Perhaps I will just read them:

1. The Dayton cease-fire remains in place, supported by mechanisms for military-to-military transparency and cooperation.

2. Police in both entities are restructured, re-integrated, re-trained and equipped in accordance with democratic standards.

Mr. BYRD. What does that mean? What does that mean, ''democratic standards''?

Mr. LEVIN. That means—what it means is, the civilian control over the police, and that the police will operate within the standards which are followed in democratic countries, which means a semblance, presumably, of process for its citizens, avoidance of physical violence against its citizens, and the kind of implementation of the law which democratic countries seek to achieve.

I may say to my good friend from West Virginia that it was because these benchmarks, in the judgment of many of us, including me, are not achievable within a reasonable period of time—that this involves too long a period, that this would require some significant restructuring—that we pressed General Clark, when he was here, for what would be the estimated timeline to achieve those kinds of goals.

This is not the military mission, by the way. This is the civil restructuring that mission seeks to support. That was what I just previously read from. The military mission is what I just read from a moment ago. These are the benchmarks which the Dayton implementation, hopefully, will follow and achieve.

But I must say, I agree with the Senator from West Virginia—at least as to what I believe he is driving at—that these benchmarks will take a significant period of time. That was the point that I made to General Clark. That is why I pressed him very hard to give us the timeline within which he believes these individual benchmarks could be achieved, because I expressed then, and I will express again: I do not believe these benchmarks can be achieved—that these goals, these civilian goals, can be achieved within years. I think this will take decades, in some instances, to achieve these.

So if I could just conclude, and I will be happy to yield further.

Mr. BYRD. I just wanted to say, Mr. President, I think the Senator has contributed an invaluable service in so questioning General Clark.

I did interrupt the Senator. Please proceed.

Mr. LEVIN. What I simply was saying was, for instance, benchmark No. 3, ''An effective judicial reform program is in place.'' I said to the general, ''My heavens, we are not going to be doing that in a matter of years. If it is highly successful, that could take a decade to achieve. But we cannot be there that long. We have to let the Europeans know in some way that we can only be there for a reasonable period of time, and then our ground forces must be removed, because we are stretched thin. We are all over the place, all over the world in many different ways, and our readiness is going to be jeopardized if we continue to have our forces in Bosnia for an unlimited period of time.''

So what General Clark committed to do is to give us, within a matter of months, estimated time lines for achieving these benchmarks. That is what we are awaiting. I think it will be very helpful. I think all of us look forward to his estimates, as to how long would it take for an effective judicial program to be in place.

He said he is not going to give us a specific year. Then I said, ''Can you give us a range as to how long it might take?'' He said he will go through this, benchmark by benchmark, in order to give us that range.

So I think we are kind of after the same goal here, both making sure our mission is clear—and I just put that in the RECORD, making sure that our particular military tasks are clear, and I just put those in the RECORD. But as far as these benchmarks being accomplished, the best we are going to do, I think, is to get the time lines, the estimates on it, and then make the best judgment as to how long the forces can be there while these processes, hopefully, continue.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. BYRD. The Senator did not complete his reading of the benchmarks.

Mr. LEVIN. I will do that, and then I will be happy to yield the floor. There are 10 benchmarks. The third benchmark I just referred to: An effective judicial reform program being in place.

The fourth benchmark—again, this is for civil implementation, now, of Dayton. This is not our military mission. I want to be real clear, I read our military mission before. I read our military tasks before. This is the civil implementation side of Dayton.

4. Illegal pre-Dayton institutions . . . are dissolved . . .

And they specify which ones they are talking about. And I would be happy to

give you a list. There are four of them: and revenue and disbursement mechanisms under control of legitimately elected officials.

5. Media are regulated in accordance with democratic standards; independent/alternative media are available throughout [Bosnia].

6. Elections are conducted in accordance with democratic standards, and results are implemented.

7. Free-market reforms (e.g. functioning privatization and banking laws) and an IMF program are in place, with formal barriers to inter-entity commerce eliminated.

8. A phased and orderly minority return process is functioning, with Sarajevo, Mostar, and Banja Luka having accepted significant returns.

9. In Brcko, the multi-ethnic administration functioning and a secure environment for returns is established.

10. The Parties are cooperating with [the International Criminal Tribunal] in the arrest and prosecution of war criminals.

Those are the 10.

Mr. COATS. Mr. President, may I ask the Senator to yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. COATS. Mr. President, I just want to make sure that it is understood by all concerned—and I am asking the Senator this question—that the benchmarks that were read are not a necessary precondition to our accomplishing the military mission; that the amendment that we are offering is an amendment that says our troops should not stay there indefinitely; that we should transition to a European-only-led force, supported by us but not with the use of U.S. ground combat troops.

I wouldn't want to leave the impression here that the request by the Senator from West Virginia, if I can have his attention, the establishment of those benchmarks are not necessary for the accomplishment of the military mission. I think where the Senator is going is the fact that some of those benchmarks may never be established. If that was a precondition to our troops staying on the ground in Bosnia, they might be there for another millennium.

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

Mr. COATS. And I want to make sure that everyone understands that the amendment that is before the Senate, the sense of the Congress, does not address that question, is not meant to address that question.

Mr. LEVIN. I will be happy to respond to the comment. That is exactly what my point was. It is because it will take such a long time, in our judgment, for those kinds of civilian goals to be achieved that we must send a clear signal we cannot be there—

Mr. COATS. Exactly.

Mr. LEVIN. As long as it takes for those goals to be accomplished. It is because those goals, as important as they are—those are important goals; they could take decades, as I just said to the good Senator from West Virginia, they could take decades—may never be achieved. Those civilian goals may never be achieved. We hope they are, but we cannot be there militarily until those civilian goals are achieved, or benchmarks, and that is why this resolution is the signal, the statement that we must have our ground forces out of there within a reasonable period of time.

Mr. BYRD. Mr. President, will the distinguished Senator from Michigan yield on that point? Did not the President in his explanation for keeping our troops in Bosnia beyond December list these benchmarks in a report to the Congress? Did he not—I don't have them before me now, but it seems to me that I recall he sent a report to Congress.

Mrs. HUTCHISON. Will the Senator from West Virginia yield for 1 second? I do have the report, and I know exactly what he is trying to say. I would like to read him exactly what it says.

Mr. LEVIN. If I can respond first, I will be happy to yield in a moment. I just read the President's report.

Mr. BYRD. Wasn't the President saying, in essence, that our troops should stay there until these benchmarks have been achieved? In essence, wasn't he saying that?

Mrs. HUTCHISON. Will the Senator from West Virginia yield?

Mr. BYRD. He has the floor.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. I will be happy just to yield for a question for the moment, but—we are going to get the exact wording—but it is my recollection that the President did not say until these benchmarks are achieved.

Mrs. HUTCHISON. Mr. President, reading from the report that the distinguished Senator from West Virginia refers to, in the report the President says:

The exit strategy for U.S. troops engaged in such deployment—

And then he notes:

The goal of the military presence is to establish the conditions under which Dayton implementation can continue without the support of a major NATO-led military force.

And begins to list the concrete benchmarks that the Senator from Michigan has just read. I don't exactly know how you can refer to them as concrete, because I think that they are not concrete. I think the police re-integration, the effective judicial reform, and media regulation is a giant leap, and I think the Senator from Michigan probably has already said that he also sees that these could be limitless. But, in fact, that is the exit strategy that has been put forward by the President, and that is exactly why I think the Senator from West Virginia is on point to question what is the exit strategy.

If these are clear benchmarks—the State of Texas doesn't have effective judicial reform yet—there are countries in the European Union that can't meet the economic test that is set out in this exit strategy for Bosnia.

I think the Senator from Indiana and the Senator from West Virginia and the Senator from Michigan are all beginning to agree that we are looking at an exit strategy from which there is not an exit in the foreseeable future, and I hope that we will be able to clarify this as we go down the road. Thank you, Mr. President.

Mr. LEVIN. Mr. President, if I can reclaim the floor for a final moment. Our resolution, it seems to me, clearly speaks for itself. People can try to interpret the President's statement in different ways, and I will read one line from it in a moment, but our resolution is very clear: Our forces cannot be there indefinitely. We want our forces out within a reasonable period of time.

It is our belief that it will take a long time for these kinds of civilian reforms to occur. If you want to read the President's report as saying that the forces cannot leave, in his judgment, until these are achieved, I think that is really stretching what the President has said, but I will read it, and then one can interpret it the way one wants:

The goal of the military presence is to establish the conditions under which Dayton implementation can continue without the support of a major NATO-led military force.

That is what the President reports. He wants to establish the conditions under which progress can continue—''Dayton implementation can continue without the support of a major NATO-led military force.''

The way I read that is that these do not need to be reality before the President intends to remove combat forces from Bosnia. If one wants to read that differently, one is free to do so. But however one reads the President's report, what our resolution makes clear is we are not going to be there. We don't believe we should be there for as long as it takes to achieve this. That is the point of our resolution.

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

Mr. LEVIN. I will be happy to yield.

Mr. BYRD. Mr. President, I agree with the distinguished Senator from Michigan as to his resolution. I agree with him on that. But from his reading of the benchmark items and the language that was in the President's report, it seems pretty clear to me that conditions that need to exist in order that we no longer keep our troops there are conditions that the President expects to be achieved before we remove our troops. And those conditions, as the distinguished Senator has pointed out, many of them are impossible within my lifetime, if I live to be as old as Abraham, that was 175 years; and if I live to be as old as Isaac, that is 180; if I live to be as old as Jacob, that is 147 years; if I live to be as old as Joseph, that is 110 years. So I have a pretty long while to go to make that. But sincerely, and seriously, I thank the distinguished Senator for his comments.

Mr. LEVIN. Mr. President, I want to just respond to that, because the words in the President's language is not ''these need to be achieved.'' In fairness—and I do not consider this to be

an abundantly clear document. That is the reason why I think we should speak as to what our own beliefs are, and that is why this resolution is introduced. But the document says, ''conditions under which Dayton implementation can continue without the support of a major NATO-led military force.''

Mrs. HUTCHISON. Will the Senator yield?

Mr. LEVIN. In a moment.

Mrs. HUTCHISON. Since we are on this point, I would like to add that the sentence above that, ''The exit strategy for U.S. forces engaged in such deployment,'' that is the question that was asked by Congress for the President to respond to. In response to the question, What is the exit strategy? he lists these 10 benchmarks that we have been discussing. So——

Mr. LEVIN. But I think the Senator would need to then read what it is in entirety, which is to establish conditions under which implementation can continue without the support of major NATO-led military forces. But that could be argued to read as that implementation of this can continue—not that it has to be achieved before the force can leave—but that it could continue after a major—major; a qualification—NATO-led force can continue.

But I will simply repeat and then yield the floor. It is because we have our responsibility to state what we believe our policy should be in Bosnia that this bipartisan resolution has been introduced. We are trying to state we are not there indefinitely, in our judgment. And we want to let the Europeans know we will not be there indefinitely. We are not writing a blank check. We are not making an open-ended commitment. We are putting you on notice, we are there for a reasonable period of time.

Now, why don't we set a specific date? Why don't we then say how many troops, by what date? The answer is, because our top military leaders say that would undermine the safety of our troops. That will jeopardize the well-being of our troops. That will play into the hands of those that want us out of there by one means or another and that will use force if necessary to get us out of there. That is because we want to support our troops as long as they are there and not harm them.

Setting a specific date or setting a specific reduction timetable would, in the judgment of General Clark and General Shelton and Secretary Cohen, jeopardize the well-being of our troops.

So what our resolution does is say we want to express ourselves, put everybody on notice that we are not there for an indefinite period of time. And by the way, we surely are not there until these goals are achieved. There is no way—no way —we are going to be there until these goals are achieved. But that is the expression of our opinion.

I would be happy to yield for a question or yield the floor.

Mrs. HUTCHISON. Well, I would like to ask the question, if the Senator will yield, and that is, I appreciate your interpretation of this because I certainly agree with you that these benchmarks are not achievable in a reasonable length of time. But I would just like to ask you the question, What is the next step? The President has said this is an exit strategy, that these 10 benchmarks could be—would be reached without the necessity of major support from the United States. That is what is on this page.

The Senator from Michigan has asked General Clark, What would be the timetable to achieve these 10 benchmarks, which I think we all now have a consensus are going to be very difficult to quantify? What is the next step? If General Clark comes back and says, well, effective judicial reform would be maybe 50 years, or 30 years, the civil Dayton goals, the reestablishment of minority homeowners in each area of Bosnia, the media regulation, these will take 60 years or 40 years or 25 years, what then is the next step?

If we have the benchmarks in a report from the President, which we are now asking, ''OK, you, Mr. President, have said the exit strategy is that these will be achieved without the requirement of a major U.S. presence,'' we get the timetable back, we think it is unrealistic to have a major U.S. presence for 50 years, and do all of the other responsibilities of the U.S. military, what is the next step?

Mr. LEVIN. First, I think I want to just restate what the President's statement here is. It is not that these will be achieved before. That is not what this states. It is that ''implementation can continue.'' I just want to again reiterate what this document says.

Mrs. HUTCHISON. Without the support of a major U.S. force.

Mr. LEVIN. Absolutely, without the support of a major NATO-led military force.

Mrs. HUTCHISON. That is the exit strategy for the United States.

Mr. LEVIN. That is the strategy, that implementation can continue without the support of a major military force. And what the next step is is for General Clark to submit to us, as he said he would, within 2 months of our hearing, which was early June, June 4—so that, hopefully, by the end of July we will then have his timelines for the achievement of the benchmarks. At that point we will take whatever action we think is appropriate.

This resolution is aimed at stating what our position is, again, relative to not having an unlimited commitment from ground combat forces in Bosnia. That is what this resolution says. We are not going to do that. We are going to say they are there for a reasonable time period. That is what this resolution does, which is what we think is the responsible thing to do at this time, without having more information as to what those estimated timelines are. But I would not want to tell you what action, if any, Congress would appropriately take after it receives estimates of timelines, perhaps ranges, from General Clark before we actually see his response. I don't think it would be responsible for us to project in advance what action, if any, we would think would be appropriate beyond adopting this resolution which states quite clearly that we intend that our ground forces only be there for a reasonable period of time.

Mr. COATS. Will the Senator yield?

Mr. LEVIN. I am happy to yield to the Senator from Indiana.

Mr. COATS. I thank my colleague.

I just want to make sure that I understand that what he is trying to say is that it is important, a discussion over what the benchmarks should be or could be or ought to be, or how it ought to be modified, and should not be confused with what we are attempting to do in this resolution.

Discussing benchmarks, I say to the Senator from Texas, is perfectly legitimate, but not as an objection to the resolution that is before us. It is partly, maybe even primarily, I would ask the Senator, because of the benchmarks, because we agree that they are indefinite, because we agree they are not achievable that we want this resolution.

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

Mr. COATS. If I could finish my statement.

The only thing we do not want is for those of us in Congress to tell the military how to protect itself. But we want to send a message that we do not care what the President's interpretation is; we are dealing with what Congress wants to say.

What Congress wants to say is, Mr. President, I do not care what your exit strategy is, whether I agree with it or disagree with it. We believe that our troops should not be there indefinitely. We believe you should talk to our NATO allies and European allies and tell them that Congress does not support an indefinite troop commitment. We want our combat forces out of there. We want a European force—if you think it is necessary to stay there, you better tell the Europeans to put a European force together. If you want our support, logistics support, intelligence support, communications support, rapid reaction that might help you in a crisis, yes, we can consider that.

But we want those combat troops out of there. I just don't want to confuse the President's policies—exit strategy, benchmarks, General Clark's interpretation. That is not what we are about here. We are talking about Congress' resolution.

I ask the Senator if that is what we are up to?

Mr. LEVIN. The Senator from Indiana is the prime sponsor of this resolution and is exactly correct.

Further, in response to his question, I again state that this is our expression of what Congress intends, that we intend for Europeans to understand, and

what we intend, of course, for the President to understand.

Part of this, paragraph 5, is that the President should inform the European NATO allies of this expression of the sense of the Congress, should strongly urge them to undertake preparations for establishing a Western/European Union-led or a NATO-led force as a follow-on force to the NATO-led stabilization force, if needed, to maintain peace. In other words, there may be a need—in my judgment there will be, by the way—for a long period of time for there to be an outside force in Bosnia.

But what this resolution is saying, it cannot have American combat forces as part of that force beyond a reasonable period of time and we are putting you on notice. Whether we understand your exit strategy, whether we agree with your exit strategy, Mr. President, whatever differences there are as to the interpretation of it, that is not the point. The point is this is what Congress is telling you and telling the Europeans. This is not an unlimited commitment. We are sending you a very clear statement that we are only going to support the presence of American combat forces there for a reasonable period of time. Plus, as long as they are there, we will support them. We are not going to harm them by setting a specific exit date or a specific reduction schedule. We are not going to jeopardize the well-being of our forces with a specific date for an exit, because our top military leaders have told us that is what the effect would be. We are not going to do that in this resolution, at least.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I simply wanted to say to the Senator from Indiana and the Senator from Michigan, I think I was the first to raise questions about benchmarks. In so doing, I did not mean to imply that I was against the amendment that Senator THURMOND has offered. I don't mean that at all. I just picked up on Senator LEVIN's reference to benchmarks and asked some questions about them. I intend to support the amendment.

As to the distinguished Senator's reference to the military leaders, our military leaders, in part, helped to get us right where we are now. We were misled by some of our military leaders at the very beginning of the discussions concerning Bosnia. I have great respect for our military leaders, but I don't accept their word as having come down from Mount Sinai, as being engraved in stone. They listen to the President. They say whatever the President thinks. They all do. And very seldom will they venture to say something that isn't in accordance with the administration's viewpoint.

I intend to say something about this subject matter later, but I wanted to wait to listen to what the distinguished Senator from Texas has to say first.

I yield the floor.

Mr. THURMOND. Mr. President, we have had a lot of talk here. It is about time for action now.

At this time, I yield to the able Senator from Virginia, Senator WARNER.

Incidentally, for the record, Senator WARNER served as a sailor in World War II. In his career he served in the Marines; he served as Secretary of the Navy. He is the ranking Republican on this committee. He has had vast military experience.

I am very pleased at this time to yield him such time as he desires.

Mr. WARNER. I thank my distinguished colleague. That was unexpected. I assure you that my very modest record of military service pales in comparison to yours, having been the only Member of the Senate to have landed on June 6, 1944, D-day.

Moving on, this is a very important debate, if for only the reason here we have some of the most intelligent persons debating documents which read with clear English language, yet we can't seem to come to an agreement. That signifies the desperate need for clarity to our policy. That clarity has to come from the President of the United States.

This debate was really fostered some months ago by the efforts of our distinguished colleague, the senior Senator from West Virginia, and the Senator from Texas, when they, consulting with members of the Armed Services Committee, and others, showed various proposals. Those proposals manifested, in my judgment, the unrest, certainly within the Senate and I think largely within the Congress, that we could not keep going on and going on as we have been, and that it was inflicting a very severe penalty upon research and development budgets, readiness budgets, procurement budgets, and that we must bring this debate to the floor of the Senate so that Senators can have expressions and perhaps pass a resolution and/or an amendment or, in whatever form, to manifest our great concern.

I wish to compliment the Senator from West Virginia and the Senator from Texas for their efforts. The Armed Services Committee took into consideration their views. As a result, we have this amendment today by the distinguished ranking member and the Senator from Indiana, which I intend to support.

My concern is that as I listen to this debate it is clear to this Senator that our American troops, particularly the combat troops, are simply hostage, I repeat hostage, to the uncertainty of what these goals are and what the time is within which they are achievable. As a consequence of this amendment, I am concerned that the President and others will take it into consideration and come back to the Congress with specificity and clarity.

It will be, in my judgment, impossible for this Congress in the few weeks remaining, to make a decision on this subject. My concern is that we really not make a definitive decision other than this amendment, for the following reasons: No. 1, as the Senator from Michigan said, in the course of General Clark's appearance before the Armed Services Committee, which was a hearing dedicated to the subject of Bosnia and at which we received one of the most profound and eloquent dissertations by the Senator from West Virginia, expressing the responsibilities of the Congress of the United States as being parallel and equal in every precedent to those of the President—an excellent statement.

But General Clark, when pressed—this Senator was particular in urging him to assess these goals, for General Clark to go back to the various individuals, government entities and the like, and to establish a timetable within which they could be achieved. Now, my understanding of his reply and my recollection was that he felt he could not provide the Congress, particularly the Senate, with that reply much before September. That was my recollection.

Now, also in September are a very important series of elections that will take place in Bosnia. Step one is the Clark report. Step two are the elections in Bosnia. Hopefully, those elections will again point in the direction towards greater achievement of the overall Dayton accords. Then we have to recognize that this Congress ends and a new Congress will come in the January-February timeframe, and that they—possibly new Members, possibly different views—they will then have their opportunity to express their views.

I think decisions by the Congress as to the future level of funding, which is pointed out by the Senator from Indiana, is our explicit authority here, will probably have to await until early next year. In that interim, we have called upon the President, subsequent to General Clark's announcement, to come forward no later than, I believe, December 31, of this calendar year and give us a detailed report.

We are beginning to lay the foundation now, expressing to the President, and indeed to our allies, the unrest that exists in the Congress, which unrest is reflective of the people across the United States. And that time is running out. We have made a significant contribution in terms of our men and women of the Armed Services Committee working with our allies. We have made a very significant financial commitment of $9.5 billion.

My concern at this particular moment is that we are walking something of a high wire, because as we are discussing, I think in a very responsible way, these issues, at the same time we have to take notice of the fact of the unrest in Kosovo. With all due respect for my colleague from Texas, I see there is a direct correlation between the actions we take in Bosnia and the possible consequences in Kosovo. I

readily admit, as my colleague from Texas points out, the legalities—namely, that Kosovo is a sovereign part of the Serbian State and, as such, it is a civil war. But I say to my colleagues that if the continued criminal hardships being inflicted upon innocent people in Kosovo become portrayed in greater detail, and we experience greater and greater levels of suffering of those people, all those legalities go to the side. Once the pictures of the horror begin to emanate —and I hope they will not—in further amounts from Kosovo, everybody will recognize that there is a conflict that responsible nations of the world must participate in, in trying to bring about a cessation.

I urge my colleague from Indiana—and I am certain my colleague from Michigan heard—I hope nothing we do here today can in any way be utilized by those forces trying to continue the criminal acts being perpetrated in Kosovo to give them any encouragement to continue those acts. What we are doing today is an important debate, but it is not to be construed in any other way but that the United States will assume its responsible role, along with our allies, in trying to stem the crisis that is developing in Kosovo.

As we speak, the President has dispatched Mr. Holbrooke—soon, I hope, to be confirmed as our U.S. Representative to the United Nations—a man who had a great deal to do with reaching the accords in Dayton and who has had extensive experience in this area. It is our hope that he can bring about a strong message that will eventually bring stability in the Kosovo region. What we do today will have consequences, and it is walking the high wire that nothing be interpreted as lessening our intent to stop the killing, the rape, and so on taking place in Kosovo.

I will return to the debate. It is clear that these Dayton accords, as pointed out by the Senator from West Virginia, the Senator from Texas, and others, are holding hostage the need for troops. I agree with the Senator. He said they are not achievable unless there is a military force in place, and the part that we play or do not play remains to be seen, be it combat or support in that continuing military force, because I am sure that the Dayton accords—no matter what time within which we will require their ultimate achievement—would require a security force, and that security force must perform only military missions. They cannot perform the missions to directly achieve the accords. But only by their presence and the infrastructure that they maintain in place—namely, some semblance of law and order—can we hope to achieve any of the Dayton accords. So I commend my colleagues.

I intend to support this amendment. But I see a direct linkage between the problems in Bosnia and the developing problems in Kosovo. I hope that nothing as a consequence of this debate today will ever be construed by anyone as undermining the efforts of our Government, because I remember so well in the early debates—and this Senator was never in favor of sending in combat troops; the record is clear on that. But once that decision was made and once we have become a party and a partner—and I underline ''partner''—with our allies and achieved the Dayton accords, then I feel we are there and we should not jeopardize the $9.5 billion and the personal sacrifices of our troops by doing something precipitous now that would undo the progress in Bosnia.

But there is a direct correlation between Bosnia and Kosovo. We used to argue that we have to contain Bosnia so it doesn't spill over into Kosovo. The opposite could happen now. The problems in Kosovo could spill over into Bosnia and begin to undermine the progress we made in Dayton. We have to proceed with great caution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to ask a question of the Senator from West Virginia. I did not intend to speak before the distinguished Senator from West Virginia. If it is his desire to speak first, I am happy to wait.

Mr. BYRD. Mr. President, if the Senator will yield, I certainly do not wish to speak in advance of the Senator from Texas. I very much appreciate the courtesy, but I am very content to wait and listen to the Senator.

Mrs. HUTCHISON. Thank you.

Mr. President, first, let me say I thank the distinguished Senator from West Virginia, because he and I have worked together. We have introduced a bill—the Byrd-Hutchison bill—which would produce a downsizing of our commitment in Bosnia in, I think, a reasonable timeframe, taking into account the safety of our troops. I will talk about that in a few minutes. He has been a leader in this effort, and he is a member of the Armed Services Committee. He has provided a lot of input into this debate and certainly a background that none of us can match because of his years in the Senate and his scholarly pursuits in Senate history.

I also want to thank Senator THURMOND, Senator LEVIN, and Senator COATS for putting forward this amendment. I think this sense of the Senate is a good start. It certainly sends the signal to the President and the administration from Congress that Congress is very concerned about the policy. I think it is very clear from the recent debate that many of us do not consider that the exit strategy put forward, in response to our question, from the President is a serious exit strategy. It cannot be considered a serious exit strategy, because I think when General Clark comes back with a timetable, it is going to be totally unacceptable, and I think everybody on this floor agrees that it is too nebulous to be in any way dubbed a concrete and clear benchmark.

I want to respond because Senator BYRD and I have spoken on this subject and we feel, I think, very strongly about the role of Congress and the importance that Congress exercise its responsibility under the Constitution. That is why we have been active in this area and why I think it is important that we take this first step with the Thurmond-Levin-Coats amendment, and that we eventually go further in making sure that Congress is a part of any effort by the President to have a long-term commitment of our troops in a foreign land.

In fact, that is what the Constitution envisioned. It is very clear if you read the Federalist Papers, if you study the Constitution, if you read the debate, that our founders had an example. The example was a king, a monarchy—a monarchy in which the king not only declared war for his country, Great Britain, but the king also paid for it, implemented it, did the strategy. It was all a power of the monarch. As the founders of our country were debating what they wanted, they said they wanted it to be hard to declare war. In fact, in the debate, I will quote from James Wilson, the delegate from Pennsylvania, who said:

> We must have a system of checks and balances in this area that will not hurry us into war. It is calculated to guard against it. It will not be in the power of a single man or a single body of men to involve us in such distress, for the important power of declaring war is vested in the legislature at large.

Mr. President, we have a situation here in which there is no declaration of war. So we have a shift of power toward the President, putting our troops into combat positions, or into peacekeeping positions, certainly into harm's way—however you would like to describe it—unilaterally.

Congress has since World War II, I think it can be fairly said, continued to allow the President to encroach more and more on the responsibility that was clearly given in the Constitution to Congress, because, in fact, it should be hard to declare war. It should be hard to put our troops into harm's way except in an emergency, which I think all of us would agree is within the power of the President to address.

So now we have a situation where more and more the President is going forward on his own and Congress is stepping back and allowing the President to take the power without our input, and even when we disagree with the President, unfortunately, I think we have been timid about standing up.

I believe it was this timidity that caused the extended Vietnam war. I think we extended it by not exercising the responsibility of Congress, which clearly knew that this was not a war in which we should be, and most certainly not one in which so much American blood should have been shed.

Mr. President, here we are now with an exit strategy given to Congress by

the President that is not realizable—an exit strategy that many States of the United States couldn't meet as benchmarks.

On the effect of the judicial reform program, police in both entities are restructured, retrained, and equipped in accordance with democratic standards; media-regulated in accordance with democratic standards; independent alternative media available; free market reforms; functioning privatization; banking laws; an IMF program in place.

Mr. President, these are worthy goals. They are worthy benchmarks, and I hope we work toward them. But this is not an exit strategy for U.S. forces.

I am pleased that so many Members of Congress agree with that, and are beginning to take first steps that would say to the President you don't have carte blanche to watch our military move into a dangerously hollow force while you are spending $10 billion of taxpayer money on this kind of effort with no exit strategy. That is what is happening.

I am pleased that we are going to begin to take the first steps to say to the President we want an exit strategy; we want an exit strategy that is reasonable, and we want an exit strategy that is responsible as an ally.

Everything that Senator BYRD and I have done has been to try to work with our allies as a responsible ally, not to exit totally from Bosnia as a requirement, but to say we want to do our fair share, and we want our allies to work with us to allow us to continue to have a military that is capable of responding in the only way that America can respond, and that is with our unique capabilities, our unique technology, our unique modernized equipment, and our uniquely trained forces, which are the best in the world. We don't need our best fighting forces to do the police-keeping mission that we are doing in Bosnia, which can ably be done by many other of our allies.

So my goal is going to be to support this very good beginning, but to say that we must be willing to stand up and force this issue because we are going in the wrong direction. We are allowing our military to become hollow because we are in unending missions. Our troop morale is suffering. We are losing experienced people, because they are gone from home so much on missions that they do not see as essential. If you talk to military people, as I have, that is what you will hear. They will be there when they see that it is a U.S. security interest. They have always been. But they do not understand continuous deployments when there is no emergency, as they see it, and when they see no exit strategy.

I am very pleased that the Senator from West Virginia made the specific point of trying to determine what the mission is. Is it a clear mission? He asked what the benchmarks for the exit strategy were. I think it became very clear to anyone who listened that the benchmarks are no exit strategy at all. They are worthy goals. But they will not be met in our lifetime. And, indeed, many countries of Europe do not meet them today.

I hope the Senate will take the first step. But I hope the Senate will not be timid about its responsibility under the Constitution, and take further steps along the way.

We are going to continue to have other amendments to other bills that will provide the United States an opportunity to speak to our allies to determine how we can work together to downsize the U.S. commitment, to help our allies in every possible way within the bounds of reason, because we do have other commitments. We must respond, if there is a real security threat to our country, or to any of our forces in the field, and we are losing our edge.

Mr. President, I hope that this is a first step, not a last step. I hope the President will hear what the Senate is saying with this sense-of-the-Senate resolution. It is a good resolution. The President should work with NATO allies to withdraw U.S. ground combat forces from Bosnia within a reasonable period of time.

That is the resolution. I agree with that—that a NATO-led force without the participation of the U.S. ground combat forces in Bosnia might be suitable for a follow-on; that we, the taxpayers of the United States, have spent $9.5 billion over the last 6 years at a time when our military is telling us that we are dropping in modernization; that we are dropping in our recruitment. We are losing experienced people. We must as responsible Members of the Senate question the priorities in spending for an operation that has no exit strategy.

We want to take this first step. I certainly do. But I want the U.S. Senate to remember our part of the Constitution. If we fail to keep our part of the Constitution working, we are failing in our duty and our responsibility to the people of our country, and most certainly to those combat forces who are putting their lives on the line every day.

We would never jeopardize troop safety in anything we do.

I want to say that Senator BYRD's and my two bills that have been put forward both exempt totally the troops that are necessary for the safety of the troops that are on the ground.

We want a responsible exit. We want to be responsible allies. We are not walking away from our responsibility to our allies. But we do not think it is fair for the United States to continue to bear the lion's share of the burden in Bosnia. We are now twice as many troops as our nearest ally, and I do not think that is a fair allocation.

So, Mr. President, I think this is a good first step. I think the United States is taking a necessary first step. I hope the President will listen to the concerns that have been raised in this very good resolution, and I hope the Senate will be willing to continue to work on legitimate, responsible parameters around this Bosnia mission.

And just one more response to the Senator from Virginia. I think that this must be separated from Kosovo for many reasons. One is Kosovo is an independent country and requires a different set of references. We have been in Bosnia for 6 years, really more. We have been working on the Bosnia issue. Kosovo, we have yet to take the definitive action, and I do support the President for getting his emissaries in and trying to bring these people to the peace table. I want to be shown to support that effort, and I hope that it works.

I think the Bosnia issue is much different, and I think we have worked toward coming to some sort of clear mission and clear exit strategy in Bosnia for many years, since I have been in Congress, and I think now is the time for us to exercise our responsibility under the Constitution and become more firm in how long we will be in a mission in which our troops will be engaged, will be in harm's way, and for which there is no congressional approval as I think is required by the Constitution in spirit if not in actual terms.

I thank the Chair.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. MCCAIN addressed the Chair.

Mr. WARNER. Will the Senator yield for a question?

The PRESIDING OFFICER. Will the Senator yield?

Mrs. HUTCHISON. I will yield for a question.

Mr. MCCAIN. Did the Senator just yield the floor? Parliamentary inquiry.

Mrs. HUTCHISON. I did not yield the floor.

The PRESIDING OFFICER. The Senator has yielded for a question.

Mr. WARNER. Let's clarify the question of the Senator from Arizona.

Mr. MCCAIN. I thought I heard the Senator from Texas yield the floor. I was asking if that was the case.

The PRESIDING OFFICER. The Senator was asked if she will yield for a question, and she did yield for a question.

Mr. WARNER. My question would be, we have our differences on the legal—clearly, the Senator is correct about Kosovo—independent and the like. But it just has been my experience that once the television pictures and stories come back across the ocean as to the horror and pillage, and so forth, that could take place in greater porportion than now, then this whole thing blends together, and I do see a direct linkage between the turmoil in one geographic area and turmoil in another just a bare few miles away.

But my concern, and it goes to both my distinguished colleagues from West Virginia and Texas; I have followed and respect greatly their efforts here, but we are about to get a report from General Clark which will throw, I think,

some very clear light on this otherwise unclear situation as the time within which the goals for Dayton can be achieved. We are about to experience the results of elections in Bosnia which we all hope, again, will move towards a more rapid resolution of the remaining problems in Bosnia.

The distinguished Senator from Arizona—and I have read through his amendment, which I support—is going to list, I think, some very important analysis from the President, Secretaries of Defense and State, and then we have the fact that a new Congress is coming in. So my concern is what can we hope to achieve now were we to move along the lines of the amendment which I have seen from the distinguished Senator from West Virginia and the Senator from Texas, given that so much remains to be done, and those actions—the Clark report, the elections, the fact that we are going to have a new Congress—in my judgment, all have a direct bearing on what we can achieve by way of reductions in the specific numbers of troops over this period. So I thank the Senator. If the Senator cares to reply, I would appreciate it.

Mrs. HUTCHISON. I thank the Senator.

I would just say to the distinguished Senator from Virginia that we have had benchmarks that are clearly not achievable in any lifetime that we are going to have. We have had deadlines that have failed to be met. I think it is time that Congress stand up and say we are looking at the facts. The facts are we are having a harder time recruiting for the military. We are having a harder time funding the modernization and the technology. We haven't even addressed missile defense systems. And yet we know now that two more countries have joined the nuclear club; that we are talking to troops—at least I am—who are very low in morale, and people who not only are not coming into the service, but our experienced people are leaving, and I think it is time that Congress take the responsibility to address these concerns. One of them is a mission with no exit strategy, which is, I think, an ill-defined mission, and no clear policy that shows our enemies or our allies where we would go in the future.

Kosovo is another issue. There are problems erupting in India and Pakistan. Certainly, Iraq is still on the horizon, not to mention Korea. The United States has the unique responsibility in the world to provide a security umbrella in a lot of places, and I want to make sure that we are going to be strong enough to respond when there is a threat to U.S. security. And if we continue to sit back and let deadline after deadline and benchmarks that do not hold water go forward, I think we are abdicating our responsibility.

Mr. WARNER. Mr. President, I thank the Senator, and I certainly associate myself with her concerns as to the overall posture of our own Armed Forces, which have been degraded, and I so stated in my opening comments, by the heavy expenditures associated with Bosnia. And you are quite correct; the India-Pakistan series of regrettable events has, I think, spurred other nations to look more and more to biological and chemical missilery and other weapons in the area of mass destruction and, indeed, we are all, I think, deeply concerned when we read the reports that, indeed, Iraq was preparing its weaponry to incorporate the biological material in its missile heads, and all the more reason to proceed with this missile defense program which for years the Senator from Texas, myself and others have been urging be adopted.

I yield floor.

Mrs. HUTCHISON. I thank the Senator from Virginia. I think when you look at these other potential necessary points of U.S. defense callings, we have to look at our budget, our defense dollars, our modernization, our technology and our will along with the morale of our troops, and we have got to say that there is a red flag out there, and if we do not do something about the priorities, we are going to have a hollow force at a time when we really need it. And I think that is the responsibility of this Senate to address and to make sure that it does not happen on our watch. I appreciate what the Senator from Virginia has said. I appreciate the leadership he has shown, along with Senator THURMOND and all of those. I think we all have the same goal. I just hope that we can all as a group of 100 independent operators come together and realize that because we are so diverse, we cannot allow ourselves to be inept in action, in doing the right thing that all of us, I think, are seeking to do. That is what happens in a legislative body. It is not an easy, clear direction that you can point a legislative body to. But nevertheless, I hope we can overcome the inherent problems in dealing in a legislative body and do something strong and courageous and decisive and fulfill our responsibility under the Constitution for our country, for those who are serving our country in the military, and for our future generations.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Arizona, I believe, has an amendment. Does he wish to call that amendment up at this time?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. BYRD. No, no, I am recognized. I am not yielding the floor. I am merely asking the Senator from Arizona if he would like to call his amendment up.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be able to respond to the Senator from West Virginia.

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

Mr. MCCAIN. Without his losing the right of the floor.

Yes, I have a second-degree amendment, I say to the Senator from West Virginia, concerning this issue that is before us. I believe it is not controversial. The Senator from Virginia supports it, and others. It is concerning reports that are required about progress in our mission in Bosnia and certain benchmarks for us being able to determine how long we have to remain there.

Mr. BYRD. Mr. President, if the distinguished Senator is pressed for time right at the moment, I will be glad to yield to him for that purpose.

Let me say, before I do so, I congratulate the distinguished Senator from Texas on her statement and on the work that she has done in preparing legislation on this very issue that has been discussed. I also congratulate the distinguished Senator from Virginia for his work on the committee and I commend those who have prepared the Amendment that has been offered by Mr. THURMOND, which I intend to support, and I hope it will be unanimously agreed to. I think it goes in our direction, but I don't think it goes far enough. But I think it is moving in the direction that Senator HUTCHISON and I favor.

Mr. President, I have waited 3 hours to address the Senate. I want to speak on the same subject. I have had my share of entries into the colloquy by interrupting others and asking questions. I am perfectly content to desist and await just a few minutes longer, if the distinguished Senator from Arizona wishes to call up his amendment.

Mr. WARNER. Mr. President, I urge the distinguished Senator from West Virginia to do that, and I thank him. I think it would be important because this amendment is germane to this debate and should be before the Senate. And then, of course, immediately after it is sent to the desk, the Senator from West Virginia would give us his important analysis of the debate.

Mr. BYRD. Mr. President, how much time would the distinguished Senator from Arizona need?

Mr. President, I yield the floor for not to exceed 5 minutes to the distinguished Senator from Arizona, and I ask unanimous consent that I may regain the floor at that time.

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

The Senator from Arizona.

AMENDMENT NO. 2977 TO AMENDMENT NO. 2975

(Purpose: To require the President to submit to Congress certain reports on the missions of United States forces in Bosnia and Herzegovina)

Mr. MCCAIN. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2977 to amendment No. 2974.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

After subsection (b) of the amendment insert the following:

(c) ONE-TIME REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than September 30, 1998, a report containing a discussion of the likely impact on the security situation in Bosnia and Herzegovina and on the prospects for establishing self-sustaining peace and stable local government there that would result from a phased reduction in the number of United States military personnel stationed in Bosnia and Herzegovina under the following alternatives:

(A) A phased reduction to 5,000 by February 2, 1999, to 3,500 by June 30, 1999, and to 2,500 by February 2, 2000.

(B) A phased reduction by February 2, 2000, to the number of personnel that is approximately equal to the mean average of—

(i) the number of military personnel of the United Kingdom that are stationed in Bosnia and Herzegovina on that date;

(ii) the number of military personnel of Germany that are stationed there on that date;

(iii) the number of military personnel of France that are stationed there on that date; and

(iv) the number of military personnel of Italy that are stationed there on that date.

(2) Not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

(d) REPORT TO ACCOMPANY EACH REQUEST FOR FUNDING.—(1) Each time that the President submits to Congress a proposal for funding continued operations of United States forces in Bosnia and Herzegovina, the President shall submit to Congress a report on the missions of United States forces there. The first report shall be submitted at the same time that the President submits the budget for fiscal year 2000 to Congress under section 1105(a) of title 31, United States Code.

(2) Each report under paragraph (1) shall include the following:

(A) The performance objectives and schedule for the implementation of the Dayton Agreement, including—

(i) the specific objectives for the reestablishment of a self-sustaining peace and a stable local government in Bosnia and Herzegovina, taking into account (I) each of the areas of implementation required by the Dayton Agreement, as well as other areas that are not covered specifically in the Dayton Agreement but are essential for reestablishing such a peace and local government and to permitting an orderly withdrawal of the international peace implementation force from Bosnia and Herzegovina, and (II) the benchmarks reported in the latest semiannual report submitted under section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (revised as necessary to be current as of the date of the report submitted under this subsection); and

(ii) the schedule, specified by fiscal year, for achieving the objectives.

(B) The military and non-military missions that the President has directed for United States forces in Bosnia and Herzegovina in support of the objectives identified pursuant to paragraph (1), including a specific discussion of—

(i) the mission of the United States forces, if any, in connection with the pursuit and apprehension of war criminals;

(ii) the mission of the United States forces, if any, in connection with civilian police functions;

(iii) the mission of the United States forces, if any, in connection with the resettlement of refugees; and

(iv) the missions undertaken by the United States forces, if any, in support of international and local civilian authorities.

(C) An assessment of the risk for the United States forces in Bosnia and Herzegovina, including, for each mission identified pursuant to subparagraph (B), the assessment of the Chairman of the Joint Chiefs of Staff regarding the nature and level of risk of the mission for the safety and well-being of United States military personnel.

(D) An assessment of the cost to the United States, by fiscal year, of carrying out the missions identified pursuant to subparagraph (B) for the period indicated in the schedule provided pursuant to subparagraph (A).

(E) A joint assessment by the Secretary of Defense and the Secretary of State of the status of planning for—

(i) the assumption of all remaining military missions inside Bosnia and Herzegovina by European military and paramilitary forces; and

(ii) the establishment and support of forward-based United States rapid response force outside of Bosnia and Herzegovina that would be capable of deploying rapidly to defeat military threats to a European follow-on force inside Bosnia and Herzegovina, and of providing whatever logistical, intelligence, and air support is needed to ensure that a European follow-on force is fully capable of accomplishing its missions under the Dayton Agreement.

Redesignate subsection (c) of the amendment as subsection (e).

Mr. McCAIN. Mr. President, I understand I have 5 minutes. I thank the Senator from West Virginia for his courtesy.

Mr. President, I rise to offer an amendment concerning the continuing U.S. military presence in Bosnia. This is a second degree amendment to amendment No. 2975.

Mr. President, I believe everyone in this body knows that I have long had serious concerns about our mission in Bosnia. From the time the IFOR mission was first briefed to the Congress, I knew the job could not be completed in one year—nor against any arbitrary deadline. Instead, I urged the Administration to set concrete objectives and benchmarks for measuring success.

Now, as many members have pointed out, we are in an open-ended and ill-defined military commitment. The Administration has scrapped all the artificial deadlines. But no clear set of objectives and well-defined military missions has taken its place. We seem to drift in and out of going after war criminals, of using the military to resettle refugees, and of taking on a direct political role in parts of Bosnia in the name of supporting international civilian authorities. The role of our military has expanded, and there is no end in sight.

The answer to this problem, however, is not to go back and set new artificial deadlines. Bosnia is a long-term, complicated problem. It involves not only the warring factions, but has direct effects on Croatia and Serbia, including Kosovo, and threatens to spillover to the wider Balkan region. The credibility of NATO and especially the United States is tied up with finding a solution for the Bosnia crisis. It would be sheer irresponsibility, probably leading to renewed warfare, if we were to precipitously pull out of Bosnia after investing so much. It would be a betrayal of our commitment to cooperating with our Allies. And it could well lead to an even more costly and dangerous re-introduction of American forces to stop the renewed fighting.

Dealing with the Bosnia crisis—even if though our objective is to get American troops out of there—requires treating Bosnia as a serious long-term challenge. It is not an issue that lends itself to artificial deadlines for withdrawal. Nor is there any rationale to forcing the Congress to vote by some artificial deadline. Worse still would be a funding cut-off, which would only punish our troops for the failure of policymakers in Washington to craft a viable long-term policy.

Handling the Bosnia crisis requires us to look beyond just this fiscal year. It requires the United States to develop a multi-year strategy that sets out our objectives, the means for achieving these objectives, and a target timetable for getting us there—but no phony deadlines. For the sake of our troops, we need to set out clearly the military and non-military missions they are being asked to perform. ''Creative ambiguity'' may be useful in politics, but it is dangerous for soldiers. We need to be honest with ourselves about the risks we are asking our troops to face, and the costs to the taxpayers of continuing the mission.

I am convinced that the direction we should be taking is to move toward a force made up of European nations inside Bosnia, with U.S. forces just ''over-the-horizon'' outside of Bosnia—providing a rapid response capability to deter or defeat security threats, and providing logistical, intelligence, and air support to the European forces inside Bosnia. This step would free up U.S. forces to prepare for other contingencies.

But it is not possible to achieve this goal simply by setting arbitrary numbers and deadlines for troop withdrawals. Doing so could provoke a crisis with our Allies and could have the effect of simply setting a timetable for restoring violence to Bosnia. Instead, achieving this goal requires working together with our Allies and realistically taking account of the situation inside Bosnia.

Mr. President, my amendment seeks to do exactly these things. It expresses the sense of the Senate that we need to have a clearer picture of our objectives, timetable, missions assigned to our military, risks, and costs. It expresses the sense of the Senate that we should be moving toward a European force inside Bosnia, and a U.S. ''over-

the-horizon'' capability outside Bosnia. It also says it is time to stop treating Bosnia as an unplanned emergency and include funding for operations there as an addition to the defense budget.

My amendment also imposes a number of reporting requirements. Each time the Administration submits a budget request for funding military operations in Bosnia, the Administration must clearly state its best assessment of six items:

(1) Our overall objectives and multi-year timetable for achieving these objectives—taking account of the benchmarks already required under the supplemental appropriation passed earlier this year; (2) the military and non-military missions the President has directed U.S. forces to carry out—including specific language on our policy on war criminals, returning refugees, police functions, and support for civil implementation; (3) the Chairman of the Joint Chiefs of Staff's assessment of the risks these missions present to U.S. military personnel; (4) the cost of carrying out our strategy over several fiscal years. (5) the status of plans to move toward a European force inside Bosnia with a U.S. force outside Bosnia that would deter threats and provide support to the European force; and (6) an assessment of the impact of reducing our forces according to the timetable proposed in the original Byrd-HUTCHISON amendment.

This may seem like a detailed and onerous reporting requirement, but it is nothing more than the kind of long-term planning the Administration should be doing anyway. And by requiring it in a report to Congress, we ensure that the Congress is operating off the same set of assumptions and plans as the Administration. This will give us an opportunity to look more thoughtfully at the real challenges in Bosnia and structure our decisions more appropriately. Instead of broad swipes through artificial deadlines or prohibitions on certain missions, we will be able to target our policy choices more effectively.

Finally, Mr. President, my amendment requires that if the Senate votes to discontinue funding for continued operations in Bosnia, the Administration must submit a withdrawal plan within 120 days. This language does not impose any artificial procedure or deadline on the Senate. Rather, it acknowledges that the Senate already has the right at any time to vote to discontinue funding for Bosnia operations. The question is whether the Senate chooses to exercise this right. If it does, and the vote is to pull out, then the Administration must present a withdrawal plan within 120 days.

Mr. President, no one is more frustrated than this Member; all of us are. The administration came over and said our troops would be out in a year. We knew that wasn't true at the time. Then they came over and said they would be out in a year and a half. We knew that wasn't true at the time. And the frustration that many of us felt as members of the Armed Services Committee during that period was enormous because we knew that there was no way that we could possibly have our troops exit on a date certain which was not an exit strategy. The purpose of this amendment is to try to force an exit strategy from the administration so we have expectations as to, No. 1, what our goals are and, No. 2, how they can be achieved.

I also am a student of the Constitution. I also understand the role of the U.S. Senate to advise and consent, and if the U.S. Senate wants the troops withdrawn from Bosnia, all we have to do is, on the Department of Defense appropriations bill, cut off all funding. That is all we have to do. We have that right —and that responsibility, in the view of some.

What we don't have the right to do, because we don't have the commensurate responsibility, is to devise a strategy for Bosnia. How in the world do we know what troop levels can be dictated so we will know that those young men and women are secure? That is why we have generals. That is why we have a Pentagon. That is why we have a Chairman of the Joint Chiefs of Staff. That is why we have a National Security Adviser and a Secretary of Defense.

Mr. President, we give them that responsibility that is not a legislative function, to set troop levels. If the Senator from Texas wants them out, get them out. I will be glad to debate and discuss an amendment that says no further funding as of whatever date she wants. But to say at some date there should be a certain level of troops—from whence does this information come? From whence does this judgment that 5,000 or 10,000 or 50,000 is the right number of troops?

Mr. President, occasionally I put myself in the role of a military commander, a position that I aspired to but never achieved. I cannot imagine—I cannot imagine, as a military commander, trying to meet a national security threat saying, ''Wait a minute, I've got to be down to 5,000''—or 10,000 or 20,000 or whatever it is. I am the one who is supposed to decide that, along with the Commander in Chief. Then we come to the Congress for approval or disapproval. That is the way the system should work. We cannot have the Senate, the U.S. Senate, decide what number of troops are there.

So, I believe that this administration has failed in devising a strategy. They have failed in giving us an exit strategy. They have deceived, really, the Congress and the American people, when they first came over and said that they would be out by a certain date.

But at the same time, to set troop levels, I think, is very, very dangerous, not only for our troops and the men and women who are there, but is a dangerous precedent.

Mr. President, I thank the Senator from West Virginia. I appreciate his courtesy, as always, that he extends to every Member in this body in allowing me to propose this amendment and make it part of the debate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might, just for purposes of management, seek recognition for a moment. Can the Senator from Arizona advise us with regard to the yeas and nays?

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

Mr. LEVIN. Will the Senator withhold the yeas and nays, because the yeas and nays have been ordered on the underlying amendment. I wonder whether or not the Senator might accept a voice vote on the second-degree amendment. I think it has strong support.

Mr. MCCAIN. I withdraw my request for the yeas and nays.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, the original amendment by Senator HUTCHISON and myself does not set troop levels.

The original amendment offered by Senator HUTCHISON and myself does not cut off money for the troops.

The original amendment by Senator HUTCHISON and myself does not withdraw troops from Bosnia.

The original amendment by Senator HUTCHISON and myself sets no termination date for withdrawal of American troops from Bosnia. It does not jerk the rug out from under our troops.

The amendment which the distinguished Senator from Texas, Mrs. HUTCHISON, and I would have offered and may offer at another time on some bill provides that the President—the Commander in Chief, if you will—submit to Congress a report, a plan, no later than February 2, 1999, for reducing the military personnel of the United States in Bosnia to an average of the numbers of troops that Great Britain, France, Italy and Germany have in Bosnia, the other members of the contact group—an average—and that that reduction occur by February 2 of the year 2000.

That is not setting troop levels. That is not withdrawing American troops. We are saying, ''We'll stay there with you; we'll stay there, but it's about time that the other members of NATO take on a greater part of the burden.'' After all, this situation has developed in their own backyard, not in ours.

We are not saying we are going to withdraw. We are not suggesting that the money be terminated. We are not suggesting that American troops get out lock, stock, and barrel. We are simply saying that we should at least be able to reduce our troops, now that there is stability in Bosnia, we should be able to reduce our troop level to an average, we would say, of the troop numbers that are involved from the other members of the contact group.

I think Great Britain has 5,000 involved. France has something like

2,500. Germany has something like 2,500. Italy has fewer. And we are saying to the President, ''Now you submit us your plan—your plan. Submit us your plan, and you don't need to submit it tomorrow or the day after tomorrow or next month. Submit it by February 2 of next year, just the plan. Tell us how you, Mr. Commander in Chief''—that magic term, that all-encompassing, worshipful term, ''Commander in Chief''—''you tell us how you can get our troop levels down to an average of those of Great Britain and Germany and France and Italy, and by February 2 of the year 2000.''

What is wrong with that? Is there someone here who would say to me that the Congress under the Constitution doesn't have a right or doesn't have a duty even to submit such an amendment calling on the Commander in Chief to do that? ''Just let us have your plan, Mr. President. You have lots of time now. We're putting our allies on notice that we want our troop levels to be down to an average of what theirs are. It doesn't have to be an exact average. Certainly, instead of 7,000, it could be 3,500 by then, but we'll still be there with you.''

What got us into this situation, Mr. President, I have heard it said that our military leaders, our generals, our Commander in Chief, have to make these decisions as to troop levels. I don't quarrel with that, but these are the same people, these are the same individuals—there may have been some changes since 1995 and 1996, perhaps some changes in the identity of the personnel in those respective positions, but it is the same administration that got us where we are, the same administration that misled the Congress, misled us into the belief that our troops would be there no longer than 1 year, roughly a year.

We were told that. We were told that on the Armed Services Committee. The distinguished Senator from Indiana and the distinguished Senator from Michigan were there when the committee discussed this matter. That is what the administration told us, and the distinguished Senator from Indiana has set forth a litany of the dates and the things that were said in keeping with the idea that the United States would be involved there roughly only a year. He has done that for the record, and I consider that to be a service. That is what was there.

They are the very people who misled us in the beginning. That is why some of us feel that we haven't been dealt with fairly from the beginning, and that it is about time that the administration come forward and give us some reliable statements, give us some reliable data upon which we can depend and the American people can depend. I don't think I have voted at any point against the funding or any authorization of troops in Bosnia. I don't think I have. I am going to check to make sure, but I was misled along with everybody else.

I doubted, at the time, that the administration would have us out in a year. I was listening to the Commander in Chief through his Chairman of the Joint Chiefs of Staff, through his Secretary of Defense, in their appearances before the Armed Services Committee. I listened.

We took them at their word. You see where we are today. That was 1995, and now this is 1998. I just want to shed a little history for the record—for the record—not necessarily for all Senators. Some Senators probably know more about the record than I do. Certainly several of them are in a good position to remember as much about it as I can. But for the record, I want to state a little of the history of this situation.

To begin with, in a nationally televised address on November 27, 1995, President Clinton justified dispatching U.S. troops to Bosnia as part of IFOR by saying U.S. engagement was needed to stop the great suffering caused by the war, to bring stability in Europe, a region vital to U.S. interests, and to maintain U.S. leadership in NATO. President Clinton said that the deployment would last—and I quote—''about one year.''

In subsequent statements, administration officials asserted that U.S. forces would be out of Bosnia by the end of 1996. President Clinton decided on April 30, 1996, to keep U.S. forces in IFOR at full strength through the Bosnian election on September 14 in order to support the election process. He said the United States would maintain a robust force in Bosnia until IFOR's 1-year mandate expired on December 20, 1996. However, administration officials continued to insist that U.S. forces planned to leave Bosnia within a few weeks after December 20, 1996.

On November 15, 1996, President Clinton said that the administration had agreed in principle to send U.S. troops to Bosnia as part of a new NATO-led peacekeeping force for Bosnia. President Clinton said the force would remain there until June 1998.

Now, let me read that again. On November 15, 1996, President Clinton said the administration had agreed—the administration had agreed; did not say that Congress had agreed; the administration had agreed—in principle to send U.S. troops to Bosnia as part of a new NATO-led peacekeeping force for Bosnia. President Clinton said the force would remain there until June 1998.

So there the administration had already changed their position. No longer was it said that we would be there about a year. Then it was said by the President that we would remain there until June 1998.

On December 18, 1997, President Clinton announced that he had agreed in principle that U.S. forces should participate in a Bosnian peacekeeping force after the mandate of the current SFOR expires in June 1998. He did not set a new departure deadline, but said the force would leave only when key peace implementation milestones have been achieved. This follow-on force has been unofficially dubbed ''deterrent force'' or DFOR by some observers. So it went from IFOR, which was ''intervention force''; to SFOR, which was ''stabilization force''; to DFOR, which was ''deterrent force.''

Mr. President, this is the administration. It was they who said, in the beginning, that American forces would be in Bosnia for about 1 year. We took them at their word. But then, as time went on, the administration, the President, the Commander in Chief, set new dates. After all, Congress sometimes is faced with a very difficult situation. And that is what we are faced with. Things are more complicated than they were in 1787 at the time the Constitution was written. Things are very complicated.

Here is what Congress is faced with. The administration uses the cloak ''Commander in Chief'' to put our men and women in foreign areas, in foreign countries where they are in danger; takes them away from their families, away from their loved ones, away from their hearthstones, away from their homes—puts them in foreign countries where they are in danger. They may never come back. They go, and they are there because the Commander in Chief sent them, whoever he is—it may be a Democrat or it may be a Republican.

I respect the Commander in Chief, whoever he is, be it Mr. Reagan, be it Mr. Bush, be it Mr. Clinton. I respect that office. But our troops are sent overseas. Congress did not vote to send them overseas. We are told they will be there about a year. The year comes and the year goes; they are still there. Then we are told they will be there until June 1998. It is now June 1998, and June is about gone.

Then we are faced, we in the Senate, we in the Congress are faced with the choice of providing money for the military that has been sent abroad. They did not ask to go abroad—these soldiers, sailors, airmen, and marines. They have been sent by the Commander in Chief. Then we are faced with the dilemma.

The administration knew that when it told the Congress that our men and women would be there about a year. The administration knew that once they were there, Congress would be faced with a dilemma. And, of course, Congress—we are going to support our military people wherever they are. The administration knows that. They knew that back in 1995. We had our doubts on whether we were deliberately misled, the administration knowing that they could not do this within a year. How am I to know?

Some of us are becoming aware of the fact that we have been dealt that hand more than once. We had the same hand dealt to us in Somalia—the same hand. And there have been other places as well.

But I think this is why the Senator from Texas, Mrs. HUTCHISON, and I, and others, are just becoming a little distrustful of what the administration says about these matters. And we want to have a hand at the end of the leash. We want that constitutional leash to be there. The power of the purse, of course, is the most fundamental, the most basic, the greatest power in Government—the power of the purse.

We want a hand at the end of the leash. We are not saying, you have to take the troops out. We are not saying, you have to set certain levels. We are just saying, as I indicated earlier, let us know by February 2, 1999, Mr. President, how you would suggest that we reduce those to a certain level that is more in keeping with what the other major parties are doing in Bosnia. And you reach that level by February 2, 2000.

Now let me lay the predicate by reading into the RECORD what the Constitution says. Now, how much responsibility, how much power, how much authority does the Commander in Chief have? After all, the framers had in mind making doubly sure that the Commander in Chief was a civilian, not a military officer; and that this civilian, the President, would have the authority over the military. The framers were determined that a civilian would have supreme authority over the military. They placed that authority in the President. He would be the Commander in Chief. He would be superior to the military. It would not be a military officer who would be Commander in Chief. It had to be a civilian officer, selected by the people through electors who, in turn, would elect a President. A civilian would be the Commander in Chief.

The framers were very jealous of that power. They knew the history of England. They knew that the King was the Commander in Chief and the admiral in chief and that the King in England raised armies and maintained navies, that the King in England declared war and declared peace, and that the King in England made the regulations for the governance of the Armed Forces. They were determined that no King would do that in this country. They were determined that no President would sit as a King in this country.

The President, a civilian, was to be the Commander in Chief.

Now, I want to read for the RECORD everything that is in this Constitution with respect to the powers of the President—the Commander in Chief—when it comes to the military.

So I look to Article II of the United States. Here it is, Article II of the Constitution of the United States. ''The executive power shall be vested in a President of the United States of America.''

That sentence vests the executive power in one person, the President of the United States. It is just that simple. There is your separation of powers.

Now, I want to read everything that is in this Constitution that has to do with the Commander in Chief and his power. Here we go. Section 2, Article II:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States;

Now, who provides for the calling of the militia into the actual service of the United States? The Congress. I will read that a little later. The Congress provides for the actual calling of the militia into the service of the United States.

Then in the second paragraph of section 2:

> He [meaning the President, the Commander in Chief] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur;

In England, the king could make treaties, but the framers decided that that power in this country, under this Republic—it is not a democracy, it is a republic—under this Republic, would be shared between the President and the Senate.

Continuing to read:

> and he [the President, the Commander in Chief] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors . . . [and other public officers].

So, there again, the King in the motherland from whom most of the Members came either directly or by their ancestors, the King appointed the officers. But in this Republic, the President can appoint them by and with the consent of the Senate.

So that is a power that the framers decided to share.

Now, there is one more phrase.

Section 3, the President, the Commander in Chief, ''shall Commission all the Officers of the United States.''

Now, there it is, lock, stock, and barrel, every bit of it, all of it. There is the Commander in Chief's powers with respect to war. There it is. I have read all that the Constitution says regarding the Commander in Chief.

He shall be Commander and Chief of the Army and Navy of the United States and of the militia of the several States when called into the full service of the United States; he shall have power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice of the Senate shall appoint, ambassadors; and, finally, he shall commission all the officers of the United States.

That is it. So the President is Commander in Chief. The Constitution doesn't say what his powers are as Commander in Chief. He is Commander in Chief of the Army and the Navy if Congress provides an Army and Navy for him to command.

So much for the Commander in Chief. Now, let's read what the war powers of the Congress are, according to the Constitution. Here they are with regard to warmaking:

> The Congress shall have power to lay and collect Taxes . . . to pay the Debts and provide for the common Defense . . .

Section 8, the very first sentence. I will go ahead:

> The Congress shall have Power To . . . borrow money . . .

The President doesn't have that power.

> The Congress shall have Power To . . . regulate Commerce with foreign nations . . .

That is a very important power in peace and in war.

Continuing, still, in section 8 of Article I of the Constitution:

> The Congress shall have Power To . . . define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations . . .

Continuing:

> The Congress shall have Power To . . . declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water . . .
> The Congress shall have Power To . . . raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years . . .
> The Congress shall have Power To . . . provide and maintain a Navy.
> The Congress shall have Power To . . . make Rules for the Government and Regulation of the land and naval Forces . . .
> The Congress shall have Power To . . . provide for calling forth the Militia . . .
> The Congress shall have Power To . . . provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress . . .

Continuing in Article I, section 8;

> The Congress shall have Power To . . . exercise like Authority over all Places . . . for the Erection of Forts, Magazines, Arsenals, dock-Yards . . .
> The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Including the Department of Defense, or officers thereof, which includes the Secretary of Defense.

So there you are. Then in Article I, section 9:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .

Congress makes the law. So I have taken the time of the Senate—and Senators have been very kind to listen—to read into the record that which any Member of the Congress, or any individual, can at any time he or she wishes to read for himself or herself from the Constitution of the United States. All of the authority of the Commander in Chief is there in the Constitution. That is all. And all of the authority is there in that Constitution for the Congress, when it comes to warmaking.

From my reading of those portions of the Constitution, it appears to me that

Congress has the authority and the duty, on behalf of the people from whom all power comes, in whom all power resides, under this Constitution—Congress has the responsibility and the duty to ask questions and to make laws, and to make appropriations, and to draw lines in the sand. Yes; Congress has the authority there to decide overall troop levels. One will find that most of the lawmaking powers, most of the authority and the powers that deal with the military forces and with military actions, rest in the Congress of the United States. Don't blame me for that. You are not arguing with me, you are arguing with the Constitution. I have read the pertinent parts of the Constitution into the RECORD.

Mr. COATS. Will the Senator yield for a question on that point?

Mr. BYRD. Yes, I will.

Mr. COATS. The Senator certainly understands that the Senator from West Virginia has a much greater grasp of the Constitution than this Senator from Indiana. But I am having difficulty understanding how the power of Congress to regulate troop levels—and I understand that we set force levels. The Congress, through our committee, authorizes certain force levels for the Army, for the Navy, and the branches. But I don't understand how that would apply to the deployment of those forces or the utilization of those forces within a specific military exercise. I don't know that that is a power that is granted to the Congress. I don't see that here in the Constitution.

Mr. BYRD. I don't think that I said that.

Mr. COATS. Perhaps I misunderstood the Senator.

Mr. BYRD. Perhaps I didn't speak clearly. There are those who say that the Congress doesn't have authority to do this, Congress doesn't have authority to do that. If the Congress wanted to limit the troop levels in the war to 5,000 men, is the Senator telling me that Congress doesn't have the authority under the Constitution to say there will be 5,000 and no more in this theater or that?

Mr. COATS. I don't see what grants the Congress the power to do that.

Mr. BYRD. The Senator doesn't?

Mr. COATS. I don't. I wonder if the Senator could point out that portion of the constitutional powers that grants Congress that authority.

Mr. BYRD. Well——

Mr. COATS. I understand how Congress has the power to establish the level of the militia, the level of the Army, the number of individuals. I suppose if Congress said there shall be no more than 5,000 members in the U.S. Navy, that would impose a limit to how many troops could be deployed, and the maximum number you could deploy would be 5,000. But I don't see where once the level is established, and we have established a level of nearly 500,000 Active Army, for instance, I don't see how that would translate to Congress having the power to dictate how that 500,000 force level would be assigned.

Mr. BYRD. I don't, either. I don't think Congress would attempt to do that. But I think Congress has the power and has the authority to say there will be no more than 5,000.

Mr. COATS. Total.

Mr. BYRD. Total.

Is that the troop level?

Mr. COATS. Yes.

Perhaps I was extrapolating wrongly. I thought the Senator was indicating that power would be vested with the Congress relative to the Byrd-Hutchison amendment which sets a level—attempts to set, to dictate a process which would set a level for total number of troops that would be engaged. Perhaps this Senator—

Mr. BYRD. No. The Senator heard me. The Senator was in here earlier and heard me say that the Hutchison-Byrd amendment did not do that, did not dictate troop levels.

Mr. COATS. Would that amendment not lead to Congress making the decision on that?

Mr. BYRD. No. It states specifically that the President, the Commander in Chief, shall submit to the Congress the plan by February 2, 1999, which will bring the force levels of the United States in Bosnia down to a certain number which is more in keeping with the numbers that are provided by Germany, France, Italy and Great Britain.

Is there anything unfair about that?

We don't say it has to be 2,000, or 2,500, or anything like that.

Mr. COATS. But as a condition, that level is required; a level is required to be reached on the basis of an average of ground force levels of other NATO troops, specified troops from Great Britain, Germany, France, and Italy that arrives at a specific number.

Mr. BYRD. What is wrong with that? We are saying to the President, ''You tell us how you would get it down to something which, in the eyes of the American people, who are paying the taxes to keep our forces over there, would be a fair level in view of the fact that we have carried most of the burden thus far. We have helped stabilize the situation. Why isn't it fair?'' But let the President tell us how he would go about doing it and bring it down more in keeping with what the other leading countries of NATO are providing.

Mr. COATS. I would respectfully say to the Senator, my reading of the amendment indicates that it would do more than that. It doesn't just ask the President as Commander in Chief to tell us what the numbers shall be. It tells the President of the United States that he has to submit to us a number which is the average of four other countries' participation. That requires the President to tell us a specific number dictated by the decisions made by the King.

Mr. BYRD. Right.

Mr. COATS. Made by Great Britain, made by France, made by Italy.

Mr. BYRD. What is wrong with that?

Mr. COATS. I think there is a great distinction between asking the President, ''What do you think the force should be? What, in your judgment as Commander in Chief, with the advice and consent and assistance of your military commanders, should the number be to perform a certain mission?''—there is a great distinction between that and a direction to the President of the United States saying, ''You must give us a number based on an average of troops that are committed by nations outside Congress' control,'' and it cannot exceed that.

The President here couldn't have the discretion to say, ''Well, we need whatever troops are necessary to protect, or complete our mission, or carry out our mission in this part of the world, or to protect our forces.'' The President is being dictated to arrive at a number, which the President may disagree with, or the Commander in Chief, or the Chairman of the Joint Chiefs of Staff disagrees with in terms of ability to carry out that mission.

That is my concern with the Byrd-Hutchison amendment.

Mr. BYRD. What is the Senator's question? Is he saying that, under the Constitution, Congress cannot ask the President to do this?

Mr. COATS. I do not understand where in the Constitution the power is vested in Congress to specify not the total force level but to specify military strategy.

Mr. BYRD. Where in the Constitution does it say that the Commander in Chief can do that? Where in the Constitution can the Senator point to me that the Constitution says the Commander in Chief can do that?

Mr. COATS. This Senator interprets the power given to the President to be the Commander in Chief of the Army and Navy of the United States. ''Commander in Chief'' implies that person is in charge. That person makes the decision.

Mr. BYRD. The Senator interprets that.

Suppose Congress doesn't raise and support any Army. Suppose Congress does not provide and maintain a Navy. Then what does the Commander in Chief command?

Mr. COATS. Nothing.

Mr. BYRD. He is Commander in Chief. But he has no Navy, and he has no Army to command.

Mr. COATS. I agree with the Senator. If the Congress does not choose to give the President the military force, he has nothing with which to command. But if the Congress does give him forces and raises an Army and a Navy, this Constitution designates that the President of the United States is commander of that Army.

Mr. BYRD. And that is all. Just that he is Commander in Chief.

Mr. COATS. The duties of Commander in Chief are to direct that Army, to deploy that Army when necessary to defend the United States.

Mr. BYRD. This doesn't say that. This Constitution doesn't say that.

Mr. COATS. Is the Senator saying those are the decisions to be made by this Congress?

Mr. BYRD. I am reading the Constitution.

Mr. COATS. So am I.

Mr. BYRD. Let me read it.

> The Congress shall have Powers . . . To make Rules for the Government and regulation of the land and naval Forces.

And:

> The Congress shall have . . . Power to provide for calling forth the Militia . . ..

It doesn't say the President has the power to call forth the militia. It doesn't say the President has the power to make rules for government and regulation of land and naval forces.

I am reading the Constitution, Senator. I am not interpreting it. I am reading it word for word.

Mr. COATS. I ask the Senator, what does the Senator believe the founders intended to be the powers of the President as Commander in Chief? What would be his duties as Commander? What does the word ''commander'' imply, or state, or mean?

Mr. BYRD. They saw the benefit in having one individual lead the military forces of this country.

Mr. COATS. How does that individual do that?

Mr. BYRD. If Congress declares war.

Mr. COATS. It only applies if Congress declares war.

Mr. BYRD. I see. The Senator wants to play games.

Mr. COATS. No. The Senator wants to understand the Constitution.

Mr. BYRD. This Senator cannot teach the Senator from Indiana how to understand the Constitution. I can only read the Constitution. And it is pretty clear.

Mr. COATS. This Senator is reading the Constitution. It says the President shall be Commander in Chief.

Mr. BYRD. Period. That is it. That is all.

Mr. COATS. If I am in charge of my office, I make decisions about how that office performs its duties. If the President is Commander in Chief of the military, he makes decisions about how the military performs its duties.

That is my understanding of the word ''commander.''

Mr. BYRD. The Constitution doesn't say anything about how the Senator would operate his office.

Mr. COATS. The Senator was using an analogy to try to illustrate the role of Commander.

Mr. BYRD. It is not a good analogy, if I may say so most respectfully.

Mr. COATS. Then I will go back to my first question, respectfully.

Mr. BYRD. Then I will go back to my first answer.

Mr. COATS. How are we to interpret the role and the meaning of the word ''Commander in Chief''?

Mr. BYRD. In the first place, the courts might do the interpreting at some point.

Second place: Read the Constitution. Congress has power over the purse strings.

I hope the Court will decide that the Line Item Veto Act is unconstitutional. I hope it will do that before it goes out for its recess.

Congress having the power over the purse, Congress having the power to declare war, Congress having the power to raise and support armies, having the power to provide and maintain a navy, having the power to make rules for the Government and regulation of the land and naval forces, having the power to provide for calling forth the militia.

It would seem to me that a reading of the Constitution would indicate that the basic power, the power of the purse, is the basic, fundamental, rock bottom power in this Government. There is no greater power. There is no power as great as the power of the purse. That is vested here.

It would seem to me that a reading of this Constitution would indicate that Congress has more power and authority under the Constitution than many Senators are willing to admit.

Mr. COATS. I am not disagreeing with the Senator on that point whatsoever.

Mr. BYRD. All too many Senators appear to be thinking that the Commander in Chief can do this, the Commander in Chief can do that, and that we ought to follow along like the tail on a kite and do whatever the Commander in Chief decides should be done.

I am just saying that Congress has these powers in this Constitution and Congress should raise some questions. And Congress certainly has the authority to rein in the Commander in Chief if it sees fit.

Mr. COATS. I do not disagree with the Senator a bit on anything he has just said.

Mr. BYRD. I thank the Senator.

Mr. COATS. But the question I asked the Senator is whether that power extends to once that force is raised, once Congress determines to raise an army, once Congress appropriates funds for that army, once Congress establishes force levels and sets the rules, at what point does Congress, does that extend—I should add, does that extend to the actual utilization by the Commander in Chief of the power—does the Congress have the power to determine how those forces then should be deployed to protect and defend the interests of the United States?

Mr. BYRD. The distinguished Senator appears bent upon splitting hairs.

Mr. COATS. But that is the essential question.

Mr. BYRD. I am not interested in splitting hairs.

Mr. COATS. That is the essential question.

Mr. BYRD. The Senator says at what point does Congress have that. Congress before, before it provides for calling forth the militia, before it creates an army, before it creates a Navy, it certainly has the power and authority not to do those things; it has the power to issue regulations. I am not suggesting that the Congress ought to try to get into the nitty-gritty, teensy-weensy little details of this and that. Of course, there has to be one person who can command the military forces of this country.

Mr. COATS. That is the Senator's question.

Mr. BYRD. I am saying the Congress has not done its duty, and I am taking my responsibility along with others. We have not done our duty. Congress has the responsibility not to follow along after the President like my little dog Billy follows after me. The Commander in Chief is just a man like I am. I respect the Presidency. I respect the President of the United States. I have never served under any President—that is the way I look at being a Senator—but he puts his britches on just like I do, one leg at a time. No more. And he is there for 4 years, unless the House impeaches him. He can't impeach us, but the House can impeach and we can convict him and take him out of that office, and we can also provide that he can never again hold an office.

I am not one who bows down to the President, who bows down to any Commander in Chief. I am not one who believes we have to do what the Commander in Chief says, but I respect the Commander in Chief. I haven't cast a vote, I don't think, against our having personnel in Bosnia. I haven't done that. But I am certainly not one who says that Congress has to follow the Commander in Chief.

Now, if the Commander in Chief is ever a Republican again, I daresay there won't be as many people on that side who will stand up and challenge his powers as I stand up and challenge the powers of a Democratic President. As far as I am concerned, under this Constitution there is no Democrat; there is no Republican. He is the President of the United States. He is in there for 4 years, and that is it, unless he is reelected.

I have been here for 40 years. I hope to be here 40 years more, if the Good Lord lets me live that long. But don't look at this Senator and say I am picking on the President. I am not picking on the Commander in Chief. I am simply saying that we here in the Congress have not stood up to our duties under this Constitution. And I do not read under this Constitution where we have to follow any President lock, stock, and barrel, line, hook and sinker. We do not have to do that. We can set a line, and we can say ''this far and no farther. If you want to keep our troops in Bosnia longer, come back, Mr. Commander in Chief, come back and we will decide whether or not we want to open the purse strings and provide more appropriations.''

Mr. COATS. Well, in response—perhaps I should let the Senator finish and then I will respond on my own time.

Mr. BYRD. I hope the Senator doesn't think he has to respond.

Mr. COATS. The Senator feels that he should respond because——

Mr. BYRD. I am not challenging the Senator.

Mr. COATS. I am not challenging the Senator from West Virginia.

Mr. BYRD. I am talking about the Commander in Chief, in the abstract. I haven't said anything about the Senator from Indiana. He shouldn't feel he has to respond to me. He has a right to if he wishes, but I hope the Senator will know I haven't challenged him.

Mr. COATS. No, the Senator didn't take it that way at all. The Senator is simply trying to get an answer to his question as it applied to the language in the Byrd-Hutchison amendment which has been talked about today, and trying to understand the role of the Commander in Chief vis-a-vis the role of Congress in that specific, requiring that specific requirement of the President as Commander in Chief relative to that language in the Byrd-Hutchison amendment. I was just trying to clarify it.

Mr. BYRD. The Senator apparently doesn't believe the Congress has the authority to do what the Hutchison-Byrd amendment would require. I hope he does. I think it does.

Congress can limit troops by limiting funds for missions. No one questions that. There is great reluctance to placing limits on missions. But when we come to a place where an administration doesn't level with the Congress, then it is about time that the Congress thought about putting some limits on missions, and Congress has the constitutional authority to do it. Don't think it doesn't. I have been around here for 40 years in this Senate and 6 years in the other body, and as far as I am concerned I am getting a little tired of Presidents and Commanders in Chief and their administrations misleading Congresses. This isn't the first time it has been done. It has been done before.

Madam President, I think I have said about everything already that I have in my prepared remarks. I have read the pertinent parts of the Constitution that deal with the Commander in Chief's war powers and the war power and authority that rests with Congress. I do not say this disrespectfully towards our Commander in Chief. I would say the same if he were Republican. The Constitution is not partisan. I hope that we can be able to agree on some legislation—and it is extremely difficult under the circumstances—particularly in regard to the situation we have in the Balkans. And I agree with the distinguished Senator from Texas, Mrs. HUTCHISON. In my own mind, I can keep separate the circumstances and conditions that we face in regard to Bosnia from those which we might have to face in Kosovo.

I don't understand what our security interests are in relation to Bosnia. But I do understand what our security interests can be when it comes to Kosovo. I think Congress has to recognize it has a duty here, not just to let the administration do whatever it alone thinks best. And I think we owe the President that kind of consideration. I would hope that we could come out with some kind of proposal, certainly in the long run, that would clearly state what the exit strategy is or what the limitations are, what is the deadline, what are the phases by which we reduce our forces.

I do not have the magic bullet. I don't claim that the Hutchison-Byrd amendment has the magic bullet. I have taken the time at this point to quote the pertinent provisions of the Constitution for the RECORD, Madam President. I don't claim to add to them or to subtract from them. Here they are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Madam President, first of all, I have great respect for the Senator from West Virginia. His knowledge of the Constitution certainly is far deeper than mine is, or perhaps will ever be. And I also share his deep concern about the duplicity of this administration in terms of its dealings with Congress on the issue of Bosnia. What was assured to the Congress by the President and his designees prior to deployment in order to secure congressional support and appropriations for that deployment is far from the picture that exists today. Many of us knew that, once in, it would be tough to get out, and that a year, probably, would be far insufficient to accomplish the mission that was there, that was outlined for us. This is the reason I voted against it in the first place.

As well-intended, as humanitarian, as compassionate as the decision was to try to stop the bloodshed in Bosnia, there was no realistic means by which that nation could be reborn into a nation of multi-ethnic harmony that would at least be accomplished within that 1-year period of time, or perhaps even a decade or more. So, many of us feared that, once in, we would have trouble getting out.

I certainly agree with the Senator from West Virginia when he says that the Constitution clearly gives Congress the responsibility for providing the funds for the first person in uniform, the first ship ever built, setting limits on how many ships we build or the size of our force. The question that the Senator from Indiana was trying to raise, and still doesn't feel he has the answer to, is whether or not the power extended to the Congress extends to defining how that force, once raised, is used in defense of the Nation, in defense of our vital interests. Which is the entity, the Congress or the President as Commander in Chief, that makes the decision establishing a process by which decisions are made, through his military commanders, about utilization of the forces that are raised after the Congress appropriates the funds to raise those forces? And it goes to the specific question of whether or not we have the authority, in Congress, to set specific limits to how those troops, once raised, within that category of troops—who has the power to do that.

But let's set that aside. Let's assume that the power given to the President as Commander in Chief is nothing more than titular. It is just simply a title. It is a phrase that means nothing. It grants no power. It just simply says the President of the United States is the titular head of the Army, but there are no powers that go with the title of ''Commander,'' or the role of ''Commander''—that all powers are vested in the Congress.

Let's say that the courts interpret the Constitution to clearly mean that Congress makes decisions on how troops are deployed, where they fight, whom they fight, how they fight, how many infantry are needed, how many tanks are needed—make the military strategy decisions. It is inconceivable to this Senator that our Founding Fathers thought that would be a power delegated to the Congress, but let's assume that it was. Would we want to do that? Would we want to put ourselves in the place of a military commander, with his training and years of experience, honed through hard experience in many cases, to make a decision about how we protect those forces and how we deploy those forces? It just seems it would be perhaps the most unwise thing Congress could ever do. Who would ever want to take on that responsibility? Which one of us would want to say that, for the protection of our forces deployed overseas in a hostile environment, we should be the ones to make the determination about how many troops are necessary to protect those forces, what weapons are necessary to protect those forces, what enablers are necessary to protect those forces? I am not sure any of us would want to do that, even if we did have the power.

But that is a debate that I think we will have again. The amendment before us is not the Byrd-Hutchison amendment, which this Senator supports parts of but not all of, because I think it dictates a specific force level inappropriately and I don't think that is something that we ought to do.

But the amendment that is before us is one that I think is supported by most Members. It simply says that we want to advise the President that we don't think an indefinite troop deployment in Bosnia. We want the President to understand, the Congress is not going to continue to support that policy. But the decision that vests with us is whether or not to pay for it. That is the power given to us under the Constitution. And, to echo the words of Senator MCCAIN from Arizona, if you want the troops out of Bosnia, cut off the funds. That is our responsibility. But if you are going to appropriate the

funds, let's let the Commander in Chief and the people he designates as leaders of those troops make decisions as to how those troops are deployed and at what levels they are deployed, and not have the Congress dictate force levels.

So, I agree with the Senator from West Virginia. We ought to follow our constitutional responsibility. That constitutional responsibility is to vote on the appropriations, yea or nay. That is the honest, straight-up vote. That is the debate we ought to be having. In the meantime, we would like to send a message to the President of the United States. That is what a sense of the Congress is. The message that we would like to send to the President of the United States is: Mr. President, we are concerned that we are looking at an indefinite troop deployment at considerable cost to the taxpayer in Bosnia, and we don't see the light at the end of the tunnel. Because of that, we are just giving you a warning flag.

We are not going to continue to appropriate funds for this unless we have some idea of how we are going to get out of this morass and whether or not this is achieving the goals that have been set out.

So, therefore, we would like you, understanding that message, to begin consultations with our NATO allies and European friends and begin the process of telling them, ''You can't count on us indefinitely. We need to move toward a European force. Now, we will provide support for you, but we are not going to provide combat troops on the ground much longer. So let's move forward with this process.''

That is the amendment that is before us. I think it is a message that needs to be sent. We can have debate on whether or not Congress has the power or whether or not it is even wise for Congress to get into the specifics of how troops are used once they are there. We will have that debate at another time.

Madam President, I don't know that there is any further debate on this particular amendment. It does not mean we can't further debate on Bosnia or another amendment, but if there is no further debate on this particular amendment, we need to voice vote the McCain second-degree amendment and then have a recorded vote on the underlying amendment. I do, however, see the Senator from New Hampshire on his feet, as well as the Senator from South Carolina.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I ask unanimous consent that Senator REED from Rhode Island be added as a cosponsor to the Thurmond-Levin-Coats amendment.

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

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, just as an inquiry to the managers, I have an amendment that I would like to offer which will probably take 15 or 20 minutes for me to present at the most. I don't want to delay a vote, but it seems that we might be able to put the two votes together. We would have the voice vote on McCain, and then if I offer my amendment, we can have two votes together. Will that work for the Senator? I would at least like to debate and offer this amendment prior to the vote on your amendment.

Mr. THURMOND. Madam President, will the able Senator allow the other amendments to go forward before we take up his amendment?

Mr. SMITH of New Hampshire. My preference, I say to the Senator, is that I be allowed to debate this amendment, present it and allow——

Mr. THURMOND. After we finish this amendment.

Mr. SMITH of New Hampshire. No, I prefer to do it prior to this amendment, because it is on the same subject. It is Bosnia, and once you vote and that amendment is gone—my preference is to do it now if I can do it.

Mr. COATS. Will the Senator yield?

Mr. THURMOND. I will be glad to yield.

Mr. COATS. I say to the Senator, our vote will not preclude the Senator from offering an amendment on Bosnia. If the Senator's amendment is not a second-degree amendment to the underlying amendment, we strongly prefer to deal with our amendment as it stands and then have the Senator be recognized to offer an amendment on Bosnia.

Mr. SMITH of New Hampshire. All I am trying to do is to make it a little more convenient for Members. I was saying if I had 15 or 20 minutes to present my amendment, we can have both votes on the underlying amendment and my amendment at the same time. That is my point.

Mr. COATS. As I understand it—parliamentary inquiry—if the Senator's amendment is not a second degree, does it not require unanimous consent to set aside the underlying amendment before going to his amendment?

The PRESIDING OFFICER. The Senator is correct, unanimous consent is required.

Mr. SMITH of New Hampshire. I ask unanimous consent that the underlying amendment be set aside in order for me to offer my amendment and subsequently have a vote on both amendments.

Mr. COATS. Reserving the right to object, Madam President, and I am going to object. I don't think that is the procedure we ought to be following. I understand the Senator's desire to speak on his Bosnia amendment, and we will do that, but if an amendment is not being offered as a second degree to perfect or change or modify the underlying amendment—we have been working on this since noon. We would very much like to get to a vote. It is second degreed. We have an amendment. And on that basis, I object.

Mr. SMITH of New Hampshire. Further parliamentary inquiry. It is my understanding the tree is full with the McCain second degree; is that correct?

The PRESIDING OFFICER. The understanding of the Senator from New Hampshire is correct.

Mr. SMITH of New Hampshire. Thank you, Madam President.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, we have been on this amendment now for hours. It is time to vote and take some action. I urge adoption of the amendment.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, I have remarks I would like to make in general on the subject of the amendments to the defense authorization bill regarding Bosnia. It will take about 5 minutes. I ask the tolerance of the distinguished chairman, if that is permissible.

Mr. THURMOND. Madam President, I yield to the Senator to speak for 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

Madam President, the debate on Bosnia has raised some fundamental questions regarding the conduct of our foreign policy particularly with respect to the deployment of U.S. military forces around the world. I will point out just a few of the questions that members have raised:

What is the mission of U.S. forces in Bosnia?

When can we expect to bring them home?

What should the role of the Congress be in the fulfillment of this mission?

How can we manage the cost of the Bosnia commitment in terms of dollars and the overall strain to our forces?

It is good that we debate these important issues here in the Senate today. But I feel it is important to say that I believe we should ask only one question:

SHOULD WE CONTINUE TO SUPPORT A U.S. TROOP PRESENCE IN BOSNIA?

That is a simple question. If the answer is yes, then I do not see anything we can do but to support the troops and insure that their mission is achievable.

If the answer is no, then we should bring them home today.

I support the mission. Let me take a few moments to explain why. I was very skeptical of the Bosnia mission before I was elected to the Senate. That is part of the reason why I made Bosnia one of the first places I visited on my first trip abroad as a U.S. Senator. On my journey in Bosnia, I had the opportunity to visit with our troops at Eagle Base and then at Camp Bedrock. I found them surprisingly cheerful and confident in their mission

of peace-keeping in that war-weary countryside. I'm very proud of our forces. They are paying a personal price every day in risking their lives on our behalf. They are working in a tasking and demanding environment filled with diplomatic and military minefields. All of the men and women involved in this effort are a credit to the United States and the cause of human dignity and freedom in the Balkans. I am proud of them all.

The effort in Bosnia involves the largest alliance of nations ever to coalesce against a common enemy on the continent of Europe. I applaud all the members of the alliance for their contributions to peace and stability in Bosnia, particularly the NATO members, and especially the Russians, for coming together in a unified effort to prevent further bloodshed, enhance stability and pave a pathway for peace. I hope it is a harbinger of good things to come in the next century in terms of enhanced cooperation and communications among our countries for the betterment of mankind.

It was raining during the afternoon we were in Bosnia. By the time we were preparing to leave, the rain had ceased and the sun was coming out. As we boarded our airplane, I noticed a large rainbow forming in the sky. It was impossible to avoid the symbolism and be reminded of the covenant between God and mankind after the great flood. It was a symbol of hope, I think.

Today we are in a new era. No one has quite coined the term for it. Some call it the ''New World Order,'' but I prefer to call it The Age of Democracy. What I find different and indeed magical about this new era is the fact that while it brings with it the spread of democracy and democratic principles around the world to places that have been burdened by tyranny, it is doing so not through the threat of force, but through the promise of peace. U.S. forces in Bosnia bring with them the promise of peace.

A few days after I visited Camp Bedrock, I was in Brussels. An American businessman approached me and asked me if I had ''hope'' about Bosnia. I had to reply, ''Yes.'' I have hope because I believe Europe has learned some painful lessons over the last two centuries. One of those lessons is that alliances—whether against Napoleon, Hitler or Stalin—can win. Secondly, I have hope because Americans have learned some lessons about European history as well. Particularly, I think we've learned one of the lessons about American involvement on the European continent. The lesson is this: ''Pay me now, or pay me later.'' In other words, we as a nation are involved in Europe—militarily, economically, culturally. Better to work through the European Alliance, in particular through NATO, to prevent a conflict than to risk that conflict turning into a greater confrontation or, even worse, war itself.

I do not know whether the Bosnia mission will ultimately prove to be successful, but I do believe we should try. We should not tie the hands of our troops.

In spite of my support for the Bosnia mission, however, I do not like the fact that it appears to be open-ended. I do not like the fact that it is placing a tremendous strain on our Armed Forces. I do not like the fact that we do not know when the mission will be completed. But we should have addressed these issues years ago before we ever sent our troops there. We have violated a fundamental principle about the deployment of military forces.

Clauswitz stated that in military matters you should not take the first step unless you know what your last step is going to be. Four years ago, we had no idea what our last step would be. That has led us to where we are today. Today we are deciding by amendment what our policy in Bosnia should be. You can't manage a military deployment that way.

It seems to me that we are in for a dime, in for a dollar. The question is should we stay in Bosnia, or should we leave? Once we decide to go in, we need to give our military commanders the resources and support they need to get the job done. We cannot change our mind every year with new amendments and new resolutions and new laws.

The Senate Armed Services Committee has debated this matter numerous times. We could not arrive at a consensus on the matter. The more we debated the issue, the more I became convinced that we should not do anything that would undermine the mission in Bosnia. I fear that all of the amendments that have been offered sent the wrong message to both our troops and our allies.

I was inclined to support a proposal by Senator LEVIN which would have established expedited voting procedures on the question of whether to continue authorization of funds for the Bosnia mission. I believe of all of the amendments, his is one of the better approaches. Many members of the Senate want to have a straight up or down vote on the Bosnia mission—in or out. Senator LEVIN's amendment would have provided a mechanism for that.

However, I would point that over the past 4 years, the Congress has given its consent and approval for the Bosnia mission dozens of times. The Congress has appropriated over $9.4 billion for this mission. The bottom line is that we have had the opportunity to weigh in on this matter. Enough is enough.

Now is the time to focus on ensuring that we do not allow a situation like the current situation with Bosnia to occur again. Before we get to the point of committing our service men and women, we must certainly determine if we have an appropriate military mission which can only be accomplished by military means. Once such a determination is made, we must provide our forces with sufficient resources, and clear and concise rules of engagement to get the job done.

In this day and age we must pick and choose our battles carefully. As we have learned so painfully in Vietnam, Somalia and now Bosnia, American troops cannot stay there forever. We have learned valuable lessons from these engagements and now realize that before approving funding for such missions, Congress must have a defined game plan and exit strategy. Senator SNOWE and I have offered an amendment to the defense authorization bill which would require the President to submit, along with a request for appropriations to support a military contingency involving 500 or more personnel, a strategic plan regarding the goals and objectives of the contingency and the conditions that define the success of that contingency. We needed this amendment 4 years ago when we first sent American troops into Bosnia, but we have learned from these important lessons. Congress, by approving such a plan would be in on the takeoff, as well as the landing.

Frankly, I think this is the most important amendment related to the deployment of forces in the entire bill. I am pleased that the Senate has approved it. I would only urge that we think twice before doing anything that would undermine U.S. forces after they have already been committed.

Madam President, I thank the Chair and yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me just thank the Senator from Georgia not just for his statement but also for the amendment which he and Senator SNOWE had offered in committee, which was adopted in committee. It is a very important amendment. It is based on his experience, the experience of so many others relative to the use of military force, and the importance of exercising exceeding care when that military force is utilized. And I think the Nation, again, is in his debt and Senator SNOWE's debt. I just thank him for it.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2977

Mr. THURMOND. I urge adoption of the McCain amendment No. 2977, which would amend the amendment offered by myself, Senator COATS, and Senator LEVIN that would require two reports on matters related to U.S. forces in Bosnia.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. Madam President, I understand that Senator BIDEN might be on his way over. I suggest the absence of a quorum for just one brief moment until we can ascertain that.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Is there further debate on the McCain amendment?

Mr. THURMOND. I urge adoption of the McCain amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2977) was agreed to.

VOTE ON AMENDMENT NO. 2975, AS AMENDED

Mr. THURMOND. Madam President, I ask that we proceed to vote on the Thurmond, Levin, Coats amendment.

The PRESIDING OFFICER. The pending question is on agreeing to the Thurmond amendment, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—90

Abraham	Ford	Lott
Allard	Frist	Lugar
Ashcroft	Glenn	Mack
Bennett	Gorton	McCain
Bingaman	Graham	McConnell
Bond	Gramm	Mikulski
Boxer	Grams	Moseley-Braun
Breaux	Grassley	Moynihan
Brownback	Gregg	Murkowski
Bryan	Hagel	Murray
Bumpers	Harkin	Nickles
Burns	Hatch	Reed
Byrd	Helms	Reid
Campbell	Hollings	Roberts
Chafee	Hutchinson	Roth
Coats	Hutchison	Santorum
Cochran	Inhofe	Sarbanes
Collins	Inouye	Sessions
Conrad	Jeffords	Shelby
Coverdell	Johnson	Smith (NH)
Craig	Kempthorne	Smith (OR)
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Stevens
DeWine	Kerry	Thomas
Dorgan	Kohl	Thompson
Durbin	Kyl	Thurmond
Enzi	Landrieu	Torricelli
Faircloth	Lautenberg	Warner
Feingold	Leahy	Wellstone
Feinstein	Levin	Wyden

NAYS—5

Biden	Dodd	Robb
Cleland	Lieberman	

NOT VOTING—5

Akaka	Domenici	Specter
Baucus	Rockefeller	

The amendment (No. 2975), as amended, was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2912

(Purpose: To limit the use of funds to support the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina pending a vote of Congress on the continuation of the deployment, and to require the President to submit to Congress a plan for withdrawing United States forces from Bosnia and Herzegovina if Congress does not so act by March 31, 1999)

Mr. SMITH of New Hampshire. Mr. President, I ask that my amendment No. 2912, which is at the desk, be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH) proposes an amendment numbered 2912.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. POLICY ON DEPLOYMENT OF UNITED STATES FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—None of the funds authorized to be appropriated under this Act may be expended after March 31, 1999, to support the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina unless, on or before such date, each House of Congress votes on passage of legislation that, if adopted, would specifically authorize the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina.

(b) PLAN FOR WITHDRAWAL OF FORCES.—If legislation referred to in subsection (a) is not presented to the President on or before March 31, 1999, the President shall submit to Congress, not later than September 30, 1999, a plan that provides for the ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina to be withdrawn from Bosnia and Herzegovina in an orderly and safe manner.

(c) PROHIBITION.—

(1) USE OF FUNDS AFTER MARCH 31, 1999.—After March 31, 1999, none of the funds authorized to be appropriated by this or any other Act may be obligated or expended to support the continued deployment of United States ground combat forces in Bosnia and Herzegovina, except for the purpose of implementing the withdrawal plan.

(2) CONDITION.—The prohibition on use of funds in paragraph (1) shall not take effect if a joint resolution described in subsection (d)(1) is enacted on or before March 31, 1999.

(d) PROCEDURES FOR JOINT RESOLUTION OF APPROVAL.—

(1) CONTENT OF JOINT RESOLUTION.—For the purposes of subsection (c)(2), ''joint resolution'' means only a joint resolution that sets forth as the matter after the resolving clause only the following: ''That the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina is authorized.''.

(2) REFERRAL TO COMMITTEE.—A resolution described in paragraph (1) that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives.

(3) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 7 calendar days after its introduction, the committee shall be deemed to be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar of the House involved.

(4) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) CONSIDERATION OF VETO.—

(A) ACTION UPON RECEIPT OF MESSAGE.—Upon receipt of a message from the President returning the joint resolution unsigned to the House of origin and setting forth his objections to the joint resolution, the House receiving the message shall immediately enter the objections at large on the journal of that House and the House shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. Upon receipt of a message of a House transmitting the joint resolution and the objections of the President, the House receiving the message shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. A motion to refer the joint resolution to a committee shall not be in order in either House.

(B) MOTION TO PROCEED.—After the receipt of a message by a House as described in subparagraph (A), it is at any time in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the reconsideration of the joint resolution the objections of the President to the contrary notwithstanding. The motion is highly privileged in the House of Representatives and is a question of highest privilege in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the reconsideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(C) DEBATE.—Debate on reconsideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to notwithstanding the objections of the President or disagreed to is not in order.

(D) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on reconsideration of the resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on the question of passage, the objections of the President to the contrary notwithstanding, shall occur.

(7) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. THURMOND. Mr. President, will the able Senator allow me to get two people on the floor?

Mr. SMITH of New Hampshire. I am happy to yield.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that a military fellow on assignment to my staff, Major Joann Eberle, be permitted access to the Senate Chamber during the consideration of S. 2057, the FY–1999 defense authorization bill.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that Vaughn Ward, a fellow in Senator KEMPTHORNE's office, be permitted floor privileges during the consideration of the pending bill.

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

Mr. SMITH of New Hampshire. Mr. President, it is not my intention to delay the Senate. I have a very serious amendment, and I have a few moments of time and would like to outline what it is. If there is not a lot of argument on the other side, I say to my colleagues, we could have a vote in a very few minutes.

The amendment is very simple. It just limits the use of funds to support the continued deployment of ground forces of the United States in Bosnia pending a vote of Congress on the continuation of deployment, and to require the President to submit a plan for withdrawal, if the Congress does not do so by March 31.

Very simply put, Mr. President—Mr. President, may I have order.

The PRESIDING OFFICER. Will Members of the Senate who are having discussions please retire to the Cloakroom.

Mr. SMITH of New Hampshire. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, this amendment is very simple. It simply says that we will have a vote, that the Congress will go on record one way or the other. It doesn't say we have to vote yes. It doesn't say we have to vote no. It just simply says that we exercise our opinion so that the Congress can speak, so that we will be on record one way or the other. Leaving forces in Bosnia, taking them out, whatever that vote turns out to be, that is all this amendment does. If the President decides to keep them there after that, then so be it. But we go on record as making a statement. This does not get into some of the other issues that have been gotten into.

I would just like to briefly go back a little bit to remind Senators, because we hear a lot of talk of frustration about the Bosnia operation, about why our troops are there, how long are they going to be there, people complaining about being misled by the President or not being told the truth by the President and all this. I am hearing all of these comments and here is our chance with this amendment to be heard. It just seems to me if we vote against this amendment, I don't see any reason why we should be complaining about the operation.

I remind my colleagues of some testimony. Secretary of Defense Perry on December 1, 1995, said the following:

> We believe the mission in Bosnia can be accomplished in 1 year. So we built our plan based on that time line. And this schedule is realistic because the specific military tasks in the agreement can be completed in the first 6 months and thereafter IFOR's role will be to maintain the climate of stability that will permit civil work to go forward. We expect these civil functions will be successfully initiated in 1 year, but even if some of them are not, we must not be drawn into a posture of indefinite garrison.

Further, on December 6, 1995, Assistant Secretary of State Holbrooke said:

> The military tasks are doable within 12 months. There isn't any question. The deeper question is whether the nonmilitary functions can be done in 12 months. That is the real question. But it is not the NATO or U.S. force responsibility to do that. It is us on the civilian side working with the Europeans. It is going to be tough. Should the military stick around until every refugee has gone home, until everything else in the civilian annex has been done?

No, that is not their mission. That is what Secretary Holbrooke said.

So, Mr. President, the mission to Bosnia has very strong advocates and strong detractors. We have heard that in the debate in these past few hours. My amendment does not seek to open that discussion nor to close it. It really has nothing to do with that. It simply asks that Members of Congress at some point between now and March 31 of next year, 1999, cast a vote on the wisdom of the United States-Bosnia policy. That is all it does.

Mr. INHOFE. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. I will be happy to yield to the Senator from Oklahoma.

Mr. INHOFE. I would like to make a comment as to the genesis of this. I think there might be some misunderstanding. First of all, we did have a vote back in 1995. That was the resolution of disapproval. And I suggest that we only lost that by three votes. And at that time there was a guarantee it was going to be a 12-month operation, it would not exceed $1.2 billion, all of these things. So predicated on that, the vote took place.

Now we are over there, and, quite frankly, I would have preferred to have an amendment that would require a vote periodically, every 3 months or every 6 months, on approval of leaving them there, because I think that would

be much stronger. I think we need to be on record.

But all the Senator is doing is just—he is not saying this is going to be a resolution of disapproval or approval that we are voting on; it is just a vote.

Mr. SMITH of New Hampshire. That is correct. And I would just say to the Senator, I agree with him. I would like to vote for and see passed a resolution of disapproval.

Mr. INHOFE. The only thing that the Senator would accomplish, if he will yield for one last question, is the fact that would give us all an opportunity to be on record.

Mr. SMITH of New Hampshire. On record.

Mr. INHOFE. So the people would have no doubt as to who wants to ultimately get out of there.

Mr. SMITH of New Hampshire. The Senator is exactly correct. It gives us the opportunity to go on record as saying, one, let's just keep going, doing what we are doing. If you vote against the resolution, you can do that, or if you want to get out. But the point is we vote. This says that we have to have a vote by March 31 before we spend the rest of the money for the 6 months of the fiscal year 1999.

That is all it says. Now, however we vote is another issue. Then Senators go on record one way or the other—get out, stay in, either one, but they will be on record instead of all the complaining that we hear around here about the Bosnia policy. Why would anybody object? This is not asking us to vote yes. It is not asking us to vote no. It is asking us to vote, have a vote.

Mr. INHOFE. One last comment. One last question. The reason I bring this up, there are still some Senators who may be thinking this was the stronger version in which I joined the Senator. I would have preferred to have this as the stronger version, but this is not that version. This is simply that vote to which the Senator is referring.

Mr. SMITH of New Hampshire. The Senator is correct. I would have preferred the stronger version myself, but given the fact that we didn't have the votes, I decided to step back and just say, look, let's go on record. Let's have the opportunity to go on record. It doesn't require that the vote be affirmative for the money to be released, only that a vote takes place.

So to require that a vote take place and to have that vote taken seriously, my amendment uses the constitutional power that Senator BYRD spoke so eloquently of an hour or so ago of Congress to restrict funds. The amendment holds back half the money authorized for Bosnia operations next year until a vote is held—not a vote to leave them there, not a vote to take them out—a vote on a resolution authorizing continued deployment of U.S. ground combat forces to Bosnia. If it fails, the only result is that the President is required to tell us how and when he intends to withdraw. The money is still released.

The purpose is simple and straightforward. It is to use a small amount of leverage, half of next year's money, to force Congress to express itself—that is all, to express itself—clearly on the Bosnia mission. The resolution may pass, it may fail, but at least Congress will have expressed itself.

As the Senator from West Virginia has said so eloquently a while ago, why would Congress want to step away from its constitutional responsibilities if it doesn't tell the President what to do? It doesn't restrict the President. It doesn't get into troop strength. It doesn't get into deployment. It doesn't get into any of that. It just simply says Congress will have a vote.

Let me just say this. Before we have a vote on this amendment, I would say to my colleagues that our constituents elected us to represent them. How can we represent them if we are afraid to just express ourselves on the Senate floor one way or the other? They expect us to stand and be counted on major foreign policy issues, and I can't think of any excuse that we would give our constituents that would justify refusing to even have a vote on the resolution on Bosnia.

So I would urge my colleagues to accept some responsibility for United States-Bosnia policy, stand up and be counted and to pass the amendment.

Let me be a little more specific, in summary, as to what the amendment does. It is going to withhold half of next year's funding for Bosnia until Congress votes on the issue. It doesn't require that the mission be approved, just that the vote is one way or the other. The purpose is to honor the very strong arguments and strong feelings on both sides of the issue—both sides of the issue—by requiring the debate and a vote. I hope my colleagues understand this amendment because I think there have been some expressions of misunderstanding.

As the Senator from West Virginia so eloquently said awhile back, the only leverage that Congress has is funding. That is our leverage. I think to use it in this manner is to use it responsibly. Unless we place some restriction on it, there will be no pressure to debate anything and no pressure to vote on anything, and the debate itself will not, in my view, ever be taken seriously. You know: sense of the Senate, sense of the House—these resolutions, they don't mean anything.

So, to try to get in the middle here so we can get some common ground, just to have a vote rather than go one way or the other, is my goal. I do not think that is asking that much, that the American people, through their elected representatives, declare either their support for or opposition to this.

Don't you think your constituents are entitled to know how you feel, on the record, not in some speech where it is easy to say something and then walk it back a little later, but on the record with a vote? I don't think that is unreasonable. I think it is in everyone's interests to have this vote. I have been trying to offer this amendment for a long, long time. I have been put off on certain other vehicles because it was not the appropriate place to do it, they said. I don't know what the appropriate place is.

I remember, as some of my colleagues will who are here on the floor with me, I remember similar debates on the floor of the Senate and the House of Representatives while people were dying every day in Vietnam. While those men and women were honorably serving their country, the debate raged on and nobody had the guts to do one thing or the other, either win the war or get out. I am not saying this is Vietnam, yet. But we do have a situation here where I believe Congress should go on record.

I happen to be a critic of the mission. I agree with Senator INHOFE and I supported Senator INHOFE in his mission here, if you will, to end the deployment. But that is not what I am trying to do here. If the Senators on both sides cannot force themselves to vote, take a public position, then I don't understand how they can continue to talk about it and complain about it and attack the President and say: ''Oh, the President's going to do this,'' or, ''We might get stuck in Bosnia,'' or, ''We ought to do this,'' or, ''We ought to do that.'' Here is your chance to say, one way or the other. I want to have a vote. That is all it says. No more complaining about costs. No more second-guessing the President. Just stand up and be counted. Yes, we will have a vote, and when we take that vote, we can decide one way or the other what we want to do.

I think I have made the case on this amendment. It uses funding leverage. It is an appropriate congressional tool. It does not micromanage the executive branch, as some people have expressed a lot of concern about. It does not do that. It doesn't tell the President how to conduct his operations. But it does say that we ought to have a vote, and I think it calls for a future vote. Don't wait until next year or the year after; let's have the vote. Let's let the American people know how we feel.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by my friend and colleague from New Hampshire. If I may respond in one sense directly to what the proponent of the amendment said about going on record, I want to make very clear that I oppose the amendment because I feel that America's involvement in the implementation force and in the stabilization force has been critically important to the return of peace to that region, has been critically important to American prestige and credibility militarily in the world, and has been

critically important to the stature and force of NATO. That is about as unambivalently as I can express it.

I think American involvement in Bosnia has been a remarkably successful involvement at a time when it was very important to draw a line in Europe against aggression, against genocide, and to indicate—more than indicate, to make very clear at the end of the cold war that we were not going to stand idly by, that NATO was not going to stand back, idly by, and allow the disintegration of sections of Europe that could have led to a wider war.

So I am unambivalently proud of the involvement that has occurred there, am supportive of it, and do not want to send any mixed messages. I want to oppose the Senate sending any mixed messages to our allies, to those who were previous combatants in the war in Bosnia—indeed, and most important, to our own troops there—not to send any mixed messages to any of them about the support of the Congress of the United States for the mission that our troops are performing there.

Looking back to the early 1990s when this conflict broke out, it was my honor to work alongside the former majority leader, Senator Dole, first trying to urge an end to the arms embargo on the Bosnians who were being slaughtered and were the victims of genocide, and then to urge the United States to lead NATO into doing something to stop this conflict.

We have been involved in three wars in Europe in this century, two world wars and one long, costly, dangerous cold war. It seemed to many of us that the lessons from those conflicts were to act as early as possible to contain just the kind of conflict that was occurring in Bosnia from spreading. And we battled, Senator Dole and I and others in both parties—battled the administration, first the Bush administration and then more directly, as the conflict in Bosnia became more desperate, the Clinton administration, to get involved, to exercise leadership, to be at least fair with the Bosnians and give them arms.

Finally, the resolution to lift the arms embargo did pass in the early part of 1995, here, with bipartisan support. There was a significant Croatian offensive on the ground, which was making headway, which contributed to a changing strategic situation on the ground. And Srebrenica fell, with a disastrous loss of life which was exposed to the world. And then there were airstrikes on Serbian positions. The fear that we had was that this was an indomitable force, one that we could not stop. There were recollections of the futile attempts by the Nazis to suppress the Serbs. In this case, the power of NATO from the air had the effect of bringing the combatants to the peace table in Dayton, the State of the Presiding Officer, where a historic peace agreement was signed.

This implementation force, followed by the stabilization force, in which the United States contributed troops, has been critical to implementing that Dayton agreement. Our presence there has always been less than half. The majority of the effort has been provided by our European allies and others. And, as success has been attained, the number of troops has been scaled down again. And yet it goes down again—now, I believe, below 7,000, I think maybe closer to 6,500. As a result of the effort of these troops in IFOR and then followed on by SFOR, the conflict has ended, hostilities have ended, and there is a slow, steady implementation of the Dayton peace agreement, the military and the civilian components of that. IFOR and SFOR have been charged with carrying out that agreement.

The economy is up and beginning to flourish again. Elections have been held; common institutions are beginning to be developed. In the Serbian Republic, Srspka, an extraordinary turn of events has occurred as a result of, first and most important, I think, the desire of the Bosnian Serbs to have new leadership, not the leadership of indicted war criminals like Karadzic and Mladic, but to see new leadership. But that was assisted by some very aggressive, determined involvement by the SFOR, particularly by American leadership leading up right to the Supreme Allied Commander in Europe, General Wesley Clark, who has performed, in my opinion, with extraordinary skill and effectiveness in this arena of, first combat, and now peacemaking, followed by some very effective involvement by Ambassador Bob Gelbard in the political situation in Srspka, resulting in new leadership: President Plavsic now, Prime Minister Dodik, proud Serbian nationalists, but committed to the Dayton peace accord.

The progress goes on. Benchmarks have been provided, civilian benchmarks have been provided to us by the administration to determine progress as we go along, all of it leading to a hopeful withdrawal and an end date.

Mr. President, along the way, some mistakes have been made. The Senator from New Hampshire mentioned them; others have as well. As part of the earlier involvement, there were those in the administration who offered deadlines for withdrawal of American forces. I presume that some measure of the motivation for doing that was to reassure Congress that this involvement would be limited. But those deadlines were always, in my opinion, a mistake. They were a mistake because why would one want to state a date by which one would withdraw from an uncertain situation?

Traditional policy would be in a conflict or in a peacemaking situation, one withdraws when one achieves the goals of the involvement. So the deadline was always a mistake.

It was a mistake in another sense because it would send a message to those hostile to our involvement there in the first place, who want to reignite the conflict, that there is a date on which we are getting out. They could lay back and wait until NATO forces, IFOR and SFOR, including the U.S. leadership, left.

I feel that the proposal here for a vote and the more indirect references in the amendment that was just voted on for withdrawal, head back in the direction of the setting of deadlines, and they have some of the same deficiencies that I think were part of the deadline which the administration set, which most all of us in the Senate condemned and see now as a mistake.

My own feeling is that we are on the right course in Bosnia; that this is all moving in the right direction, both in terms of implementation of the Dayton accords and scaling back the number of American personnel who are there on the ground. I think if we now enter and say we are going to have a vote on whether to go forward, and if we don't vote to do so, in the middle of the next fiscal year, March 31, 1999, that we will withdraw, that puts a cloud over our involvement.

Mr. SMITH of New Hampshire. Will the Senator yield for a question?

Mr. LIEBERMAN. Yes, I will be glad to yield to my colleague.

Mr. SMITH of New Hampshire. With all due respect, the Senator misunderstands my amendment, because that is not what my amendment does. You just articulated the policy that you supported. Even if your side would lose in the debate that we would have in Congress—let's say we have the debate. If your side lost, the money would still be released. If my side loses —I happen to favor withdrawal—if I lost, the money would still be released.

All my amendment calls for is a vote. It doesn't say that if we vote to get out on March 31 that the money is not released. The money is still released.

This is on the Senator's time. He has been very generous. The only conclusion I can draw is the Senator just doesn't want a vote in the Congress at all.

Mr. LEVIN. Will the Senator yield?

Mr. LIEBERMAN. Yes, I yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, are we under any time limits?

The PRESIDING OFFICER. There are no limitations.

Mr. LEVIN. I wonder if the Senator will yield to me. Is it not true, I ask the Senator from Connecticut and the Senator from New Hampshire, obviously, as well, that the amendment says the following in paragraph (c)(1) that ''after March 31, 1999, none of the funds''—none of the funds appropriated or authorized here or anywhere else can be used ''to support the continued deployment of United States ground combat forces in Bosnia * * * except for'' withdrawal. Is that not your amendment?

I guess since the Senator from Connecticut has the floor, let me ask the Senator from Connecticut, is that not the amendment before you.

Mr. LIEBERMAN. If I may say to the Senator from Michigan, that is exactly

the understanding of the impact of the amendment offered by the Senator from New Hampshire, which is that if there was a negative vote by March 31 of next year on our American involvement in Bosnia, that the only thing funds would be available for would be to withdraw our personnel.

Mr. SMITH of New Hampshire. If I can respond to the Senator, I need to see if we are looking at the same draft, because that is not my intention, and if that is in the draft, I will amend that to change that because that is not the intention of the Senator's amendment. I yield back to the Senator his time and let me take a look at the draft.

Mr. LIEBERMAN. Fine, Mr. President. The statement Senator LEVIN made was exactly my understanding and was what I saw in the draft. The direct effect of a negative vote next March would be to terminate funding of our operations except to withdraw. I await clarification on that, but I must say again, because I support this involvement, I support the command overseeing it, and I support the soldiers in the field, I don't want to set a date down for this kind of vote on our involvement in Bosnia.

For those who are against it, they always have the option to try to eliminate funding for it through the appropriations process. I think to state a date by which we are going to vote next year on whether to remain involved in Bosnia or not hangs a sword of uncertainty in this case over the entire operation, over the American troops that are there, over our NATO allies who have said they will leave when we leave: ''We went in together, we are going out together.'' That is what I have heard them say over and over again. Again, it raises the prospect in the minds and hearts of those who are waiting to resume this conflict that they may well have the opportunity come next spring, because the U.S. Senate may vote to terminate this involvement.

I do want to say about our troops there, I have had the occasion to be there now three times in the last year, as it happens: once last July in a delegation headed by Senator LOTT, and the distinguished occupant of the Chair was with us; once in December, right before Christmas, when we went over with President Clinton to visit the troops; and then again in February when I went with a delegation headed by Senator MCCAIN.

One thing that struck me was the very high morale of American troops that are part of this peacemaking mission in Bosnia. I have had the opportunity as a member of the Armed Services Committee—the honor, really—to visit American soldiers in the field around the world. I must tell you that I have never met a group of American soldiers who had a better, clearer, more positive feeling about why they were somewhere around the world.

It struck me as particularly interesting and encouraging, because right now they are not involved, certainly not involved in active combat. They are active, they are peacemaking, they are patrolling, but they are involved in a lot of civilian activity. They understand why they are there.

One of them said to me that once a month, he went into an orphanage, somewhere around Sarajevo, as some of the troops there do, and visited some children who were orphans as a result of the war in Bosnia. He said, ''You know, when I go there, I understand why we are here. We are here to stop more children on all sides from becoming orphans; to keep people alive and to help this country to rebuild itself.''

And I fear that any of these amendments we pass here that incline toward withdrawal or state the necessity for a vote on withdrawal by a date certain puts a cloud over the mission of our personnel in Bosnia and runs the risk of diminishing the morale, understandably, of our troops there as well as those who have led them so ably.

I do want to take just a moment, Mr. President, to explain, consistent with what I have said here, why I voted against the previous amendment offered by Senator THURMOND and Senator LEVIN, a worthy attempt to achieve consensus, and in fact it did achieve consensus since the vote was 90–5 on it. It was not an easy vote to vote against, to be one of the five.

But I was concerned about it because on page 3, beginning in paragraph (2), it does say that:

> The President should work with NATO allies and other nations * * * participating in the NATO-led Stabilization Force to withdraw United States ground combat forces from Bosnia and Herzegovina within a reasonable period of time, consistent with the safety of those forces and the accomplishment of the Stabilization Force's military tasks.

Well, it is not a direct withdrawal. It does condition it on the accomplishment of the stabilization force's military tasks, but, to me, it inclines toward withdrawal as a matter of policy. Because I am so proud of what has been accomplished as a result of the stabilization force that we have led, and because I am so committed to a withdrawal that occurs consistent with the achievement of the goals, the benchmarks that the administration and NATO have set down for this mission, I was troubled by that paragraph as well as the succeeding paragraphs which suggest the possibility that there might be a need for continued military presence there but that we should consider that it be a NATO-led force without the participation of U.S. ground combat forces.

I think once we begin to do that, once we begin to separate ourselves from NATO, we begin to diminish the unity of that greatest military alliance in history and we begin to diminish our leadership of NATO. And I do not think any one of those is in our national security interest. The fact also is, as I mentioned briefly a moment ago, our NATO allies—the Brits, the French, Germans—all of them have said, ''We went in together. We're going out together. So when the United States departs from Bosnia, we're all leaving.''

So on a practical ground, I do not think we have that option. I think the option is to hang in there together, continue what has been a remarkably successful mission, and we can see the end in sight. But let us not force it. Let us let it come naturally as we achieve the benchmarks.

So that is why I voted against the previous amendment No. 2975, and all the more so for the current amendment, because it puts us on a course to vote on withdrawal and sends a mixed signal.

One of my favorite expressions from the Bible in cases such as this is—I am not going to quote exactly—''If the sound of the trumpet be uncertain, who will follow into battle?'' ''If the sound of the trumpet be uncertain, who will follow into battle?'' And I fear here that the sound from these amendments is uncertain and the effect will be to diminish the morale, the effectiveness, of the remarkably effective high-morale mission that American troops have carried out as part of IFOR and SFOR in Bosnia.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If there is no further debate at this time, I was going to note the absence of a quorum because I do have some things I want to say about the amendment, but I want to get the amendment straightened out.

Mr. SMITH of New Hampshire. I say to my colleague, I have a modification, and I will have it ready in a moment. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, in light of the fact that the managers are working out an agreement on the amendment, I am wondering if I could simply address the bill itself for just a few moments.

Mr. President, I come to the floor today to register my opposition to the fiscal year 1999 Department of Defense Authorization Act. I have numerous concerns with the bill, especially the continued spending of billions of dollars on wasteful and unnecessary programs.

In a time when we are cutting programs and fighting for a truly balanced budget, we cannot really afford to insulate any department of our Government from scrutiny as we seek to reduce the Federal debt.

I think it is very ironic that programs like health care for veterans and social services were put on the chopping block to offset increased funding for our highways and transit systems but we did not have an attempt to use defense spending for transportation. It was not even considered.

The message we are clearly sending is that roads and overpriced weapons systems are more important than the people who are actually living in this country: We will give you roads and planes, but we will have to take away your health care and programs that serve ordinary human needs.

Mr. President, there are a number of provisions in the DOD bill that I oppose and I will continue to oppose. One is the subject of some of the discussion we have been having this afternoon. And that is the $1.9 billion ''emergency'' supplemental appropriations recently passed by the Congress.

The Congress has never developed firm rules on how we should define an emergency. Everybody assumes, I guess, that we will use common sense when deciding when to grant special emergency treatment to certain expenditures. And of course common sense tells us that things like floods and tornadoes clearly are unanticipated emergencies.

In my view, however, the mission in Bosnia is not. It is a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for quite a long term. If events there take an unexpected turn for the worse, of course, we could have some kind of emergency on our hands, but as we stand here today and debate this bill, the Bosnia situation is not really something you can call an emergency.

The line items in the law—military personnel, operations and maintenance, and contingency funds—are really standard military costs that would be part of any military mission. United States troops have been on the ground in Bosnia for more than 2 years. The change in designation from IFOR to SFOR was made more than a year ago and is scheduled to continue through June of this year. Then, last December, the President announced he would forgo imposing a deadline altogether and opted instead for a policy of benchmarks whose definitions remain open to interpretation.

Mr. President, how can Congress and the President possibly profess to the American people that the additional costs for the Bosnia mission constitute an emergency? On the contrary, it has been quite clear for a while now that the cost of this mission would rise continuously and substantially. And I would say, to me at least, that was really clear from the start. This was never going to be a temporary emergency situation.

Ironically, congressional appropriators and our military leaders have planned for many months, Mr. President, on obtaining these funds in this emergency spending bill. So that invites my next question: What are these funds doing in the bill? I just do not think you can equate the long-anticipated needs of the operation in Bosnia with the urgent, unexpected needs of the farmers in California or homeowners in Florida who have been devastated by natural disaster.

Another matter, Mr. President, in the bill, that concerns me is that $3.3 billion authorized for the Navy's F/A–18E/F Super Hornet program. It is no secret that I have some questions about this program. But I am also troubled by the activities of the Pentagon and the Navy in moving the Super Hornet airplane forward. And my concerns are not addressed in the least in this bill.

The current Hornet program has proven reliable and cost effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers only marginally greater benefits over the current reliable fighter?

Third, I am concerned that the DOD authorization bill shortchanges our National Guard by at least $594 million. The National Guard is an immense source of pride throughout the country, and especially in my State of Wisconsin. As I travel across the State, I frequently have the privilege of meeting the men and women who compose the Wisconsin Guard, and I have been very impressed with the tremendous degree of professionalism and proficiency with which they complete a wide range of missions.

They are well-trained, dedicated, professional soldiers who earn rave reviews from the Governor's office, down to the villages and municipalities who often are the principal beneficiaries in regard to assistance.

Since I arrived in the U.S. Senate more than 5 years ago, my driving objective has been to reduce the Federal deficit and achieve a balanced budget. We have made great progress in that regard. While we continue to run a deficit while using the Social Security trust fund to mask the deficit, we have almost overcome the hangover of our 1980 spending binge.

A large part of that success has been due to the willingness of both the Congress and the President to do more with less, to trim excessive spending wherever possible, and maintain important services but with fewer resources. And we have succeeded in almost every area of government to do this—in education, in health care, in veterans' care, in welfare benefits, and in environmental programs. We have succeeded virtually everywhere, except defense spending, where we continue to build destroyers the Navy does not ask for and we continue to build bombers the Air Force does not want.

Balancing the budget, as you well know, is about making difficult choices. Sure, the Navy would rather have a Super Hornet, and if we were in a radically different budgetary position I could possibly support giving them 300 of those airplanes instead of the 30 they are receiving in this legislation. But can we afford 30 of these new tactical fighters when a more affordable and equally effective alternative aircraft is readily available? How that question is answered is the difference, that is the difference between fiscal excess and fiscal responsibility.

So we have to make smart choices. A truly balanced Federal budget is almost, unbelievably, in sight for the first time in three decades. But we are not going to be able to get the balanced budget or maintain a balanced budget, let alone starting to bring down the Federal debt and protect Social Security, so long as we continue to commit to programs and force structures that are so blatantly unaffordable. We must continue to fight for further spending reductions until we achieve the most effective and cost-efficient military which serves our national security interests.

I thank the Chair.

The PRESIDING OFFICER. Mr. SMITH of New Hampshire.

AMENDMENT NO. 2912, AS MODIFIED

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent it be in order for me to modify my amendment with the text that I now send to the desk.

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

The amendment (No. 2912), as modified, is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. POLICY ON DEPLOYMENT OF UNITED STATES FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—None of the funds authorized to be appropriated under this Act may be expended after March 31, 1999, to support the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina unless, on or before such date, each House of Congress votes on passage of legislation that, if adopted, would specifically authorize the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina.

(b) PLAN FOR WITHDRAWAL OF FORCES.—If legislation referred to in subsection (a) is not presented to the President on or before March 31, 1999, the President shall submit to Congress, not later than September 30, 1999, a plan that provides for the ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina to be withdrawn from Bosnia and Herzegovina in an orderly and safe manner.

(c) PROHIBITION.—

(1) USE OF FUNDS AFTER MARCH 31, 1999.—After March 31, 1999, none of the funds authorized to be appropriated by this or any other Act may be obligated or expended to support the continued deployment of United States ground combat forces in Bosnia and Herzegovina, except for the purpose of implementing the withdrawal plan.

(2) CONDITION.—The prohibition on use of funds in paragraph (1) shall not take effect if a joint resolution described in subsection (d)(1) is acted upon on or before March 31, 1999.

(d) PROCEDURES FOR JOINT RESOLUTION OF APPROVAL.—

(1) CONTENT OF JOINT RESOLUTION.—For the purposes of subsection (c)(2), ''joint resolution'' means only a joint resolution that sets

forth as the matter after the resolving clause only the following: ''That the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina is authorized.''.

(2) REFERRAL TO COMMITTEE.—A resolution described in paragraph (1) that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives.

(3) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 7 calendar days after its introduction, the committee shall be deemed to be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar of the House involved.

(4) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) CONSIDERATION OF VETO.—

(A) ACTION UPON RECEIPT OF MESSAGE.—Upon receipt of a message from the President returning the joint resolution unsigned to the House of origin and setting forth his objections to the joint resolution, the House receiving the message shall immediately enter the objections at large on the journal of that House and the House shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. Upon receipt of a message of a House transmitting the joint resolution and the objections of the President, the House receiving the message shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. A motion to refer the joint resolution to a committee shall not be in order in either House.

(B) MOTION TO PROCEED.—After the receipt of a message by a House as described in subparagraph (A), it is at any time in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the reconsideration of the joint resolution the objections of the President to the contrary notwithstanding. The motion is highly privileged in the House of Representatives and is a question of highest privilege in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the reconsideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(C) DEBATE.—Debate on reconsideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to notwithstanding the objections of the President or disagreed to is not in order.

(D) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on reconsideration of the resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on the question of passage, the objections of the President to the contrary notwithstanding, shall occur.

(7) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. LEVIN. Mr. President, I take 1 minute because I understand the Senator from Arizona now is here to move to table.

This amendment, I believe, is seriously flawed. What it will do is keep our troops nervous and our commanders nervous, because if there is not a vote that occurs on March 31 next year, then no funds can be spent to support our troops.

So it really is the worst of all worlds. It attempts to guarantee there will be a vote. Of course, you never can tell what efforts will be made to thwart that. What this amendment says, if there is no vote by a certain date, the funding is cut, the troops must be withdrawn, the troops will not be supported—if there is no vote.

That is a ''keep the troops and commanders nervous'' approach. I think it is a terrible mistake. I hope our last vote, which was overwhelming in this body, will be considered the view of this Senate.

Mr. McCAIN. Mr. President, I make one remark before I move to table. We will be taking up the Department of Defense appropriations bill after this. I recommended that the Senator from New Hampshire propose a simple amendment which would cut off funding for further operations in Bosnia. That is a right, as part of our role as advice and consent—keeping with an earlier debate that we had—to somehow draw down and set troop levels in Bosnia.

Therefore, since among other things I am opposed to the amendment in principle, but also there is a parliamentary standpoint, I think it would be much more appropriate to propose an amendment on the Department of Defense appropriations bill that would give us all a chance to be on record as to whether we support funding or not.

I now move to table the Smith amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Ms. SNOWE). The question is on agreeing to the motion to table the amendment offered by the Senator from New Hampshire, Senator SMITH.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER), is absent because of illness.

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), and

the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—65

Abraham	Dorgan	Lieberman
Bennett	Enzi	Lugar
Biden	Feinstein	Mack
Bingaman	Ford	McCain
Boxer	Glenn	McConnell
Breaux	Gorton	Mikulski
Bryan	Graham	Moseley-Braun
Bumpers	Hagel	Moynihan
Byrd	Harkin	Murkowski
Campbell	Hollings	Murray
Chafee	Inouye	Reed
Cleland	Jeffords	Reid
Coats	Johnson	Robb
Cochran	Kennedy	Roth
Collins	Kerrey	Sarbanes
Conrad	Kerry	Shelby
Coverdell	Kohl	Stevens
D'Amato	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Domenici	Levin	

NAYS—31

Allard	Grams	Roberts
Ashcroft	Grassley	Santorum
Bond	Gregg	Sessions
Brownback	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Craig	Hutchinson	Snowe
Durbin	Hutchison	Thomas
Faircloth	Inhofe	Thompson
Feingold	Kempthorne	Warner
Frist	Lott	
Gramm	Nickles	

NOT VOTING—4

Akaka	Rockefeller
Baucus	Specter

The motion to lay on the table the amendment (No. 2912), as modified, was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2892

(Purpose: To provide a substitute for title XXIX, relating to the Juniper Butte Range, Idaho)

Mr. KEMPTHORNE. Madam President, I would call up amendment No. 2892 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 2892.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is printed in today's RECORD under ''Amendments Submitted.''

Mr. KEMPTHORNE. Madam President, in the defense bill we have language dealing with land withdrawal. This is a project that the Air Force has been working on for some years. The language that I have now proposed to the Senate is the perfecting language which has been provided to us.

Madam President, this concerns the 366th Composite Wing which is bedded down at Mountain Home Air Force Base in Idaho. This is a composite wing that consists of F–15s, F–16s, B–1 bombers, and C–135 tankers. This allows them to train as they fight. This is one of our rapid deployment Air Force units that would be called to respond anywhere in the world where we may have a terrible situation.

The current range that we have in place, there is only one direction—that is from the south—from which you can access that range. That worked when this was not a composite wing, but now that you have all of these different aircraft there, they need to have much greater ability for training purposes. This would allow us to maximize training for this situation.

After many, many months of a process, I will tell you that this is something that has been a high priority for the White House, for the Air Force, for the Department of the Interior, for BLM, for the Governor of the State of Idaho, and for the Idaho delegation.

With regard to the process, Madam President, this is a process that has taken 2½ years to get us to this point—2½ years. During those 2½ years, 16 different public hearings were held in three different States. Over 400 witnesses testified as to their thoughts, either pro or con, mitigations they would suggest. Over 1,000 different comments were recorded.

This is the Environmental Impact Statement that is the result of 2½ years of effort, three volumes. Included in the first volume is the reference that ''The final EIS has been prepared in accordance with the National Environmental Policy Act,'' or NEPA. So, again, this is a process that has been in place, that has followed all of the guidelines. And really I think the Air Force and the Department of the Interior are to be commended for the process which they have utilized, and really the mitigations that have been put into place are some of the most significant the Air Force has ever had. Also, the Air Force had no less than 25 meetings with tribal representatives of the Shoshone-Paiute tribe. Their reservation is Duck Valley.

The particular site that was chosen, Madam President, 12,000 acres, is currently under ownership by the Bureau of Land Management. When we talk about land withdrawal, who are we withdrawing it from and who becomes its new landlord? Well, currently, because it is BLM, it is Federal land. It will remain Federal land. It is being withdrawn from the BLM to be put under the stewardship of the U.S. Air Force.

I would like to give you a sense of what this issue is about. In this particular area of the State, these are what are called the Owyhee Canyonlands. As you see, they are beautiful. You can see the streams going through there.

Currently, in this area, we have the Mountain Home Air Force Base, and under existing regulation those aircraft can fly at 100 feet above the canyon rim or 100 feet above ground level 365 days out of the year. With this proposal that is before the Senate, in this legislation that changes. For 3 months out of the year—April, May and June—those aircraft, instead of flying at 100 feet above the canyon rim, if they fly parallel to the canyon, would be at 5,000 feet, and that is 1 mile from the canyon either side. If they fly perpendicular, across the canyon, they would be at 1,000 feet—significant improvements. Also, during those months they would only fly Tuesday, Wednesday and Thursday—not 7 days a week. So for recreationalists, this is a real advantage that is gained by them.

Now, when we talk about 12,000 acres, is it this same sort of beautiful landscape as we see here? Let me show you.

This is a picture of the 12,000 acres. As you can see, it is sparse. It is flat. This is where for 100 years they have been grazing cattle. Folks out there work hard to make a living on this land. But this is the picture of the 12,000 acres that are out there now.

Also, when I mentioned the Shoshone-Paiute tribes, one of the things that was asked of our Native Americans—and this is the Duck Valley Reservation, which is in this southwest corner of the State of Idaho, and also in Nevada—but we asked them what areas of concern they would have, what geographic areas of concern that they would have for some of their sacred areas. They drew this line and said, anything in here we would certainly prefer that you not have this training facility in. And, therefore, Juniper Butte, which is the land in question, is right here. As you can see, it is a great deal outside the area of concern of the Native Americans.

The funds for the improvements and for land acquisition for this project have been provided by President Clinton in his defense bill that is before us. It is included in the Department of Defense authorization bill, so it is very logical and consistent for us to deal with this project in the same legislation that has the funding for this project. That is what is before us at this point.

The result of this is that there will be: A new, no-live-ordnance, 12,000-acre training range using land that has been grazed for over 100 years; the most extensive mitigation program in the history of the Air Force; new seasonal overflight restrictions of the canyons for recreationalists and sheep; an Air Force commitment to provide $430,000 over 4 years to monitor impacts on bighorn sheep and sage grouse; avoidance of the entire sacred site area identified by the Shoshone-Paiute Tribes at the start of the process and protection of

existing sacred sites; Air Force agreement with ranching operation impacted by land withdrawal. The Juniper Butte Range is supported by letters from Defense Secretary Bill Cohen, Interior Secretary Bruce Babbitt, and Air Force Secretary—Acting Secretary Whitten Peters, and Idaho Governor Batt.

The Air Force, from the outset, said if, in the area that they ultimately chose as the approved site for this training range, there were people who might be adversely impacted, that the Air Force would compensate. This agreement would allow for compensation to be a result of the agreement negotiated between the Air Force and, in this case, a ranching family. We have a rancher who, for years, has been grazing his cattle on these 12,000 acres and has made a great many improvements with regard to the water lines and fencing. So as he moved those water lines and the fencing to a different location, again, he would be compensated for this and he would have those grazing areas realigned in a different location. So, again he would be leaving that area.

The language that we have before the Senate is language that was given to us by the Department of the Interior, by BLM, and by the U.S. Air Force.

I will tell you, Madam President, that there are a couple of items which have been added to the Kempthorne-Craig amendment which are a substitute for the language in the bill. Again, the language comes from the Department of the Interior and the Air Force, and there are four additional changes.

No. 1, the impacted rancher may continue to graze the withdrawn land until his agreement with the Air Force is fully implemented; that is, until rights-of-way are granted and new fences and water pipes are built.

We cleared this with Katie McGinty, who is the President's counsel on environmental quality. The White House is very comfortable with this language.

No. 2, to the maximum extent possible, Interior should use maps already bought and paid for in development of the EIS, just trying to avoid further costs of the project.

No. 3, we add Owyhee County to the development of the resource management plan for withdrawn lands and monitoring activities.

No. 4, we change water right language from the Air Force ''may'' not seek water rights to the Air Force ''shall'' not seek water rights.

The substitute amendment will result in development of the Juniper Butte Range. I think this is an important distinction. That is, that particular site was recommended by the Bureau of Land Management after a lengthy process, which I have outlined; the Air Force then concluded that was the best site. It was not a situation where the rancher came forward and said, is there any way that the Federal Government could somehow come and utilize this land? This was something that was driven by, No. 1, the Air Force wanting to have this enhanced training for the Composite Wing at the Air Force base, the Bureau of Land Management choosing the Juniper Butte site, the Air Force ultimately agreeing to it, and then a whole series of mitigations have been put in place.

The amendment sets no precedent on grazing rights, as is acknowledged by the Bureau of Land Management. I think that is an important distinction.

So this is perfecting language. It, again, is a process that has taken 2½ years, three volumes that are contained in the environmental impact statement following NEPA. It has the strong support of the President of the United States, the Acting Secretary of the Air Force, the Secretary of the Department of the Interior, the Director of the Bureau of Land Management, the Governor of the State of Idaho, the Idaho delegation.

Again, I appreciate all the cooperation we have had and the strong support from the administration on bringing this project, finally, to closure.

With that, I know the senior Senator from Idaho, Senator CRAIG, has some comments he would like to make on this amendment as well.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, first of all, I thank my colleague, Senator KEMPTHORNE, for the tremendous diligence with which he has approached this issue for national defense and for the citizens of the State of Idaho. What we are talking about this evening in the amendment that we bring before you is an issue of national defense and the appropriate allocation of natural resources, natural public resources in our country.

There is no question that it has been determined by the Air Force that Mountain Home Air Force Base needs additional capacity to train, to train the 366th Wing, the Composite Wing that my colleague has just spoken about—not only current training but future training. And of course out West, where the skies are blue and the horizons seem to be endless, you would think this would be an easy process. There is all of this public land. In fact, 63 percent of the State of Idaho is owned by the Federal Government. And you can just go anywhere and fly anywhere and train anywhere. That is not the case. We know that is not the case. And it should not be the case, because that public land is a valuable natural resources allocated for a variety of uses.

It is most important that where the Air Force should train, that training should be specific, well defined, and that is exactly what we are attempting to do. The Senator has outlined the process—well over 2½ years, 16 public hearings, thousands of inputs from the citizens of our State and from around the country for and against the expansion or the development of a new training range. We are now here, doing the necessary thing, and that is to reallocate public land, to take land which was once grazing land and wildlife habitat, but primarily used for grazing—it had been for well over 100 years—and saying no longer will this land be used for grazing, it will be used for training overflights.

But for the person who grazed that land, the family who has had the right to graze that land under BLM permit for nearly 100 years, we are saying, ''You will no longer be able to graze there. We are going to take that land away from your use. We are going to allocate a new area, and you are going to be able to gain a permit to graze in the new area under the standard prescriptions of the BLM and the range management set forth by the Secretary of the Interior and the appropriate rules and regulations of the National Environmental Policy Act.'' As the Senator has just spoken, ''You will be able to graze on your own range until such time as this agreement is worked out.''

There is no special treatment. There is a recognition that in this process, we have two demands, and we ought to be able to meet both of them. We have the demand for expanded training range capability of the 366th, and we have what I think is a reasonable approach toward land use, and that is grazing. If we did not grant this rancher an opportunity to graze in other areas, we would destroy a 100-year-old family business and put them out of business. It is that plain, and it is that simple.

The Air Force understood that, BLM understood that, the President understands that, and through this give-and-take and negotiations, we have arrived at a settlement. Not everybody agrees with that settlement, but everybody has been treated fairly.

The Duck Valley Indian Reservation, Shoshone Paiute Tribe, Native Americans with substantial rights in that area have been treated fairly, have been allowed to be at the table to negotiate, as we should have treated them, and all considerations have been made—overflight levels not to disturb their solitude and the character of their lands, all the corridors of flight, all of those have been considered, because those pictures that the Senator just showed us show huge expanses of public lands and no fences and no lines and no roads. You would think, well, my goodness, fly anywhere. Not the case. There are land rights out there. There is private land, there is Indian land, and that is private by character of a separate nation, and there are private inholdings of citizens, and then, of course, there is the public land.

There is a criticism launched that somehow this particular rancher that we are dislodging from an area where he and his father and his grandfather grazed for over 100 years is getting special treatment. That is not the case. What we are saying to him as we take away from him the land under which

he grazed, therefore, if we didn't offer new land to graze, under the standards of the current law, somehow we would be denying him his livelihood. We are saying there will be costs involved in bringing the new range into quality—quality grazing, availability of water, fences for rest rotation grazing, and that rancher should not have to sustain those costs. So there are costs in transition.

There are mitigating costs, and that is why we have worked hard; that is why Senator KEMPTHORNE has worked especially hard on his committee to make all of these things happen.

He twice—at least twice, maybe three times—has hosted meetings in his office that I have attended with all of the parties at the table to assure that everybody was talking and the fullest public process was met; that every ''i'' was dotted and every ''t'' was crossed under the National Environmental Policy Act to make sure that no stakeholder was left out.

There are some California sheep, wild sheep in the area of concern. There is money in here for the Idaho Department of Fish and Game to monitor the character of that herd so that in no way do we damage the environment or the wildlife at hand.

I think as a country, I hope that we as a Congress, have the ability to allocate resource and balance natural resource use and environmental needs along with our national defense. That is what this amendment does. It not only expands training range capability for Mountain Home Air Force Base and this new concept we call ''composite wing,'' but it assures long-term ability to do that kind of training.

I say to my colleagues, you have just received a ''Dear Colleague'' letter from Senator KEMPTHORNE and myself outlining the pros and cons of this. I must tell you that this is not without opposition. There are some who still prefer that nothing be done. But a majority of Idahoans believe something should be done, and certainly as those who are caretakers of the national defense—and that is what we as Senators are—it is important that we assure the long-term capability for our national defense and optimum training conditions for the men and women who fly the aircraft of our country. That is what we believe we are doing here. At the same time, we are assuring that the traditional and legally prescribed uses of our public lands for grazing purposes can continue to go on.

I believe, Madam President, that what Senator KEMPTHORNE and I offer tonight is a win-win proposition. The Air Force wins; American citizens win because of enhanced capability for national defense training; and our public land users and the environment win, because we are now expanding the capability of grazing by improving its conditions, and those grazing conditions also improve the conditions for wildlife because of additional water in areas where there may not currently be water and will be in the future.

That is what we bring before you tonight. We appreciate your consideration of it. We hope you can agree with us, because, as Senator KEMPTHORNE has said, the Idaho delegation stands united, along with the Governor of our State and our State legislature. We appreciate having a military presence in our State. We appreciate Mountain Home Air Force Base for what it does for the country, but also what it does for the State of Idaho. We also appreciate the beauty of the great expanse of our Federal lands.

We also understand the importance of balanced and multiple uses. We think we bring all of those to the table in the amendment that we have offered, that the Senator has authored, and we hope that the Senate will concur with us in that amendment. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, the land withdrawal for enhanced military training in Idaho is a necessary element for varied, realistic training that is essential to enable the 366th Wing at Mountain Home Air Force Base to sustain combat readiness to meet the complex threats expected in the 21st century. The proponents of this provision have worked long and hard to resolve all of the stakeholders' interest related to this military land withdrawal and have put together a good provision.

I strongly support Senator KEMPTHORNE's substitute amendment to title XXIX of the National Defense Authorization Act for fiscal year 1999 and the continued efforts to secure enhanced military training in Idaho.

Madam President, we have both Senators from Idaho in accord on this matter. The Governor of Idaho is in accord on this matter. It appears to be highly desirable that the Senate adopt this amendment and accommodate the two Senators, the Governor and the people of Idaho. Thank you. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the Senator from Idaho, Senator KEMPTHORNE, has done what he indicated in committee that he intended to do, which was to offer a modification of his previous language when this bill got to the floor. That is being carried out with the support of his good colleague from Idaho.

We have no objection to the modification in the language. My understanding is there is further discussion or debate relative to this subject which will be forthcoming at a later time, but I have no objection to this amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Madam President, I thank the chairman of the Armed Services Committee, Senator THURMOND, for his comments and his strong support. I also thank Senator LEVIN for his comments. I enjoy greatly working with the ranking member.

We have fulfilled what we said we would do. Also, I point out to our ranking member that this language is the language provided to us by the administration.

And so I feel very comfortable with this.

I also, Madam President, would like to make part of the RECORD the letter from the Secretary of Defense, Bill Cohen; the letter from the Secretary of the Air Force, Acting Secretary Whitten Peters; and the letter is also signed by Secretary of the Interior Bruce Babbitt, in support of the project with the language, the news release by the Bureau of Land Management, which goes into details, and also the letter from Whitten Peters, Acting Secretary of the Air Force, where he affirms that the Air Force will provide $430,000 to monitor the impact on bighorn sheep and sage grouse over 4 years. I ask unanimous consent that those be printed in the RECORD.

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

SECRETARY OF DEFENSE,
1000 DEFENSE PENTAGON,
Washington, DC, October 21, 1997.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR DIRK: Thank you for your letter of September 8, 1997. I want to assure you nothing has changed regarding my enthusiasm for the Enhanced Training in Idaho (ETI) initiative.

The 366th Wing as Mountain Home Air Force Base (AFB) is an important component of our military capability. As one of the first units to deploy to a problem area, it has the responsibility to neutralize enemy forces. It must maintain peak readiness to respond rapidly and effectively to diverse situation and conflicts.

ETI balances realistic local training with careful consideration of environmental, cultural, and economic concerns. The elements of the ETI proposal, though designed to minimize environmental impacts, will simulate real world scenarios and allow the aircrews to plan and practice complex missions. In addition to providing realistic training, ETI's close proximity to Mountain Home AFB also will enable the Air Force to convert time currently spent in transit into actual training time. Thus, the ETI proposal allows Air Force crews to use limited flight training hours more efficiently.

I continue to give the ETI process my full support. It will provide our commanders with realistic training opportunities locally, while ensuring potential impacts to natural, cultural, social, and economic resources are identified, and where possible, cooperatively resolved. Your strong support for the ETI initiative is very important to us, and you may rely upon my continued interest and commitment.

I trust this information is useful.

Sincerely,

WILLIAM S. COHEN,
Secretary of Defense.

SECRETARY OF THE AIR FORCE,
Washington, DC, June 19, 1998.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We are pleased to provide you with the attached legislation for the withdrawal of lands for the Enhanced Training in Idaho (ETI) project. As you know, this legislation represents three years of extensive work by the Bureau of Land Management (BLM), the Air Force, you and other representatives of the people of Idaho, and many others who care about the welfare of Idaho's environment and the effectiveness of the 366th Wing at Mountain Home Air Force Base.

ETI will increase the realism, flexibility, and quality of the Air Force's training. It permits the 366th Wing to train more efficiently and effectively for its important missions, thereby improving the aircrews' safety and mission performance. Implementation of ETI will substantially strengthen the 366th Wing's ability to ensure readiness to perform its assigned missions.

Importantly, however, the Air Force and BLM also worked very hard so that ETI would balance training needs with the concerns of the Shoshone-Paiute Tribes, the environment, and other public land uses. The Air Force and BLM actively solicited public and agency involvement throughout the development of the project. Participants in the process included the State of Idaho, environmental organizations, the Shoshone-Paiute Tribes, ranchers, recreational organizations, and other users of the public lands in Idaho.

The Air Force incorporated numerous mitigations in the design of the project to address public concerns and relocated facility sites during preparation of the environmental impact statement (EIS) to avoid various environmental concerns expressed by the Shoshone-Paiute Tribes and others. Following completion of the EIS and consideration of public comment the Air Force adopted further mitigation measures, including altitude and seasonal overflight restrictions that further address concerns of recreational users and protect the habitat of bighorn sheep. The NEPA process was a valuable tool in helping to identify these mitigations and resolve concerns.

We believe the attached legislation accommodates many issues that you and other representatives of the people of Idaho have raised throughout the process and is an important step forward for national security, for the environment, and for significant tribal interests.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this report to Congress.

Sincerely,

BRUCE BABBIT,
Secretary of the Interior.
F. WHITTEN PETERS,
Acting Secretary of the Air Force.

AGREEMENT ON ENHANCED TRAINING IN IDAHO

* * * * *

BRUNEAU-JARBIDGE RIVER SYSTEM

In general, for all major canyons in the Bruneau-Jarbidge River System, low-altitude training flights would be limited to 1,000 feet above ground level and would cross only perpendicular to the canyons. Additionally, parallel flights within one mile of the canyon rims would be limited to 5,000 feet above ground level (AGL).

Along the Bruneau River from the Bruneau-Jarbidge confluence to Clover Creek, no low-level overflights will occur within one mile of the canyon rim below 5,000 feet AGL from April 1 through June 30.

Along the Bruneau River from Clover Creek to Miller Water, no low-level overflights will occur within one mile of the canyon rim below 5,000 feet AGL from April 1 through June 30 on Fridays, Saturdays, Sundays, and Mondays.

To support composite wing exercises (includes fighters and bombers) from April 1 through June 30, the low-level flight restrictions over the Bruneau River will be relaxed during two days each month to allow exercises as low as 500 feet AGL. The Air Force will provide advance public notification of when these composite wing exercises will occur.

OWYHEE RIVER SYSTEM

In general, for all major canyons in the Owyhee River System, low-altitude training flights would be limited to 1,000 feet AGL and would cross only perpendicular to the canyons. Additionally, parallel flights within one mile of the canyon rims would be limited to 5,000 feet AGL.

Along the South Fork of the Owyhee River from the 45 Ranch to the confluence with the East Fork of the Owyhee River, no low-level overflights will occur within one mile of the canyon rim below 5,000 feet AGL from April 1 through June 30, subject to two composite wing training exercises per month.

Along the East Fork of the Owyhee River from the confluence of Dickshooter Creek to the confluence of the South Fork, no low-level overflights will occur within one mile of the canyon rim below 5,000 feet AGL from April 1 through June 30, subject to two composite wing training exercises per month.

Along the East Fork of the Owyhee River from the confluence of Battle Creek to the confluence of Dickshooter Creek, no low-level overflights will occur within one mile of the canyon rim below 5,000 feet AGL from April 1 through June 30 on Fridays, Saturdays, Sundays, and Mondays.

AIRSPACE EXPANSION OVER LITTLE JACKS CREEK

There will be no military training overflights below 5,000 feet AGL in the airspace over the Little Jacks Creek area during April, May, and June.

RECREATION STUDY

The BLM and Air Force will jointly fund a study on recreation use in the Little Jacks Creek area and the canyonlands of the Bruneau-Jarbidge and Owyhee River Systems.

BUREAU OF LAND MANAGEMENT,
OFFICE OF PUBLIC AFFAIRS,
Washington, DC, May 15, 1998.

BLM, AIR FORCE REACH AGREEMENT ON IDAHO TRAINING RANGE EXPANSION

The Bureau of Land Management and the U.S. Air Force have reached an agreement that would accommodate military flights over public land in southwest Idaho while subjecting those flights to altitude and seasonal restrictions over key portions of the Owyhee and Bruneau river canyons, BLM Director Pat Shea announced today.

Under the agreement, which would withdraw 12,000 acres of BLM-managed public land for expanded military training, the Air Force would extend its airspace training over Little Jacks Creek, but its additional flights would be subject to altitude and seasonal restrictions. Under the agreement, the Air Force would continue its current use of about 7.5 million acres of airspace over BLM-managed land.

''This agreement reflects extensive public input on issues surrounding Enhanced Training in Idaho (ETI), and protects public land resources while accommodating vital U.S. military training,'' said Shea. ''the agreement ensures that military flights would be limited to 5,000 feet above ground level in the airspace above Little Jacks Creek during April, May, and June, which addresses concerns raised by recreationists who hike in the area and raft down the Owyhee and Bruneau rivers. The altitude restriction is also aimed at protecting the habitat of bighorn sheep.''

Shea said the agreement took into account public input from eight ''scoping'' meetings held by the Air Force and BLM in 1996 and seven public hearings held last year on the Air Force's Draft Environmental Impact Statement relating to expanded airspace training.

Below are the particulars of the BLM-Air Force agreement:

SEASONAL LOW-LEVEL FLIGHT RESTRICTIONS

The Air Force will institute seasonal low-level flight restrictions for all military users in the Jarbidge and Owyhee military operating areas to minimize conflicts with public land resources and uses.

SECRETARY OF THE AIR FORCE,
Washington, DC, June 11, 1998.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington DC.

DEAR SENATOR KEMPTHORNE: Thank you for your recent inquiry concerning Enhanced Training in Idaho (ETI). You have asked if the Air Force intends to monitor bighorn sheep and sage grouse populations further in conjunction with the ETI proposal.

The Air Force provided $100K in FY 1998 to determine the baseline populations of the two species in areas where ETI would cause surface and airspace changes with the implementation of ETI. Headquarters Air Combat Command has indicated that it intends to fully fund monitoring activities in subsequent years, assuming ETI is approved. They would then provide the State of Idaho $110K per year for the next three years for monitoring activities.

ETI will be a great asset for the composite wing based at Mountain Home AFB and will reflect our commitment to environmental stewardship. We appreciate your commitment to this important project.

Sincerely,

F. WHITTEN PETERS,
Acting Secretary of the Air Force.

Mr. KEMPTHORNE. Madam President, I want to report that there are some members who believe the proposed substitute amendment #2892 sets a new standard for environmental remediation before the Air Force can relinquish the withdrawn lands back to the Bureau of Land Management. Like I did with the Department of Interior, the BLM and the Air Force regarding the new overflight restrictions of the canyons, I will convene a meeting with all of the interested parties and committees to try to reach a consensus on this issue before completion of the conference on this bill.

Madam President, I would just like to say, after months and months of due process, I think we are doing what is right by the environment, what is good for recreation, and certainly what is right for the pilots.

When we think of those pilots who have to climb into those aircraft, if we do have to send them into harm's way, let us make sure we provide them with not only the best aircraft in the world but the best training opportunities, so that when they go into harm's way,

they can come back to their loved ones in good shape.

So I want to thank Senator CRAIG for his partnership. He has been a tremendous partner, as has Congresswoman CHENOWETH, Congressman CRAPO, Governor Batt. And, again, there are folks who do not like this—didn't like it from the outset, don't like the conclusion, don't like the answer. But the process has been fulfilled, and the conclusion, I believe, is right.

I just want to say to the family of the Bracketts, the ranchers who have been working with us on this, I appreciate their willingness to go through this process. Again, they did not come forward; they did not step up and say, ''Boy, why don't you use this land.'' I think out of their belief in Idaho and their belief in the country, they are willing to go along with this. But in this very public process, unfortunately, some people lodge charges that bring into question the integrity of some individuals. I think that is just very unfortunate. That happens in the political process. Perhaps we get used to it a little more, but I hate to see it when it is leveled at a good family like this. So I appreciate the Brackett family.

Again, I appreciate the chairman and the ranking member's comments. And I believe, unless there is further debate, we are ready for a vote.

The PRESIDING OFFICER. The question is now on agreeing to the amendment offered by the Senator from Idaho.

The amendment (No. 2892) was agreed to.

Mr. KEMPTHORNE. I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. I ask unanimous consent that a fellow in my office, Terry Bare, be able to sit in on the debate.

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

AMENDMENT NO. 2978

(Purpose: To require separate housing for male and female basic trainees, and to ensure after-hours privacy for basic trainees)

Mr. BROWNBACK. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2978.

Mr. BROWNBACK. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out section 527, and insert in lieu thereof the following:

SEC. 527. REQUIREMENTS RELATING TO RECRUIT BASIC TRAINING.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Army shall require that access by drill sergeants and other training personnel to a barracks floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

''CHAPTER 602—TRAINING GENERALLY

''Sec.

''6931. Recruit basic training: separate housing and privacy for male and female recruits.

''§ 6931. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Navy shall require that access by recruit division commanders and other training personnel to a barracks floor on which Navy recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit division commanders and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Air Force shall require that access by drill sergeants and other training personnel to a dormitory floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(d) IMPLEMENTATION.—(1) The Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force shall implement section 4319, 6931, or 9319, respectively, of title 10, United States Code (as added by this section), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(2)(A) If the Secretary of the military department concerned determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with the requirement for separate housing at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of the requirement with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with the requirement for separate housing.

(B) If the Secretary of a military department grants a waiver under subparagraph (A) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

(3) In this subsection:

(A) The term ''requirement for separate housing'' means—

(i) with respect to the Army, the requirement set forth in section 4319(a) of title 10, United States Code, as added by subsection (a);

(ii) with respect to the Navy and the Marine Corps, the requirement set forth in section 6931(a) of such title, as added by subsection (b); and

(iii) with respect to the Air Force, the requirement set forth in section 9319(a) of such title, as added by subsection (c).

(B) The term ''basic training'' means the initial entry training program of an armed force that constitutes the basic training of new recruits.

(e) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Defense for fiscal year 1999 for actions necessary to carry out this section and the amendments made by this section, including military construction projects (which projects are hereby authorized), in the total amount of $166,000,000.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2979 TO AMENDMENT NO. 2978

(Purpose: To require a moratorium on changes to gender-related policies and practices)

Mr. LEVIN. Madam President, I send an amendment to the desk on behalf of Senators SNOWE and CLELAND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. SNOWE, for herself and Mr. CLELAND, proposes an amendment numbered 2979 to amendment No. 2978.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President—

Mr. LEVIN. Will the Senator yield for two unanimous consent requests relative to staffs' presence on the floor?

Mr. BROWNBACK. Could I ask a parliamentary question?

The PRESIDING OFFICER. The clerk is still reading the amendment.

The assistant legislative clerk continued to read as follows:

Beginning on the first page, strike out all after SEC. and insert in lieu thereof the following:

. MORATORIUM ON CHANGES OF GENDER-RELATED POLICIES AND PRACTICES PENDING COMPLETION OF THE WORK OF THE COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

Notwithstanding any other provision of law, officials of the Department of Defense are prohibited from implementing any change of policy or official practice in the department regarding separation or integration of members of the Armed Forces on the basis of gender that is within the responsibility of the Commission on Military Training and Gender-Related Issues to review under subtitle F of title V of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1750), before the date on which the commission terminates under section 654 of such Act.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, if I could make a parliamentary inquiry. As I understood, I was putting forward an amendment to be considered and had the floor to speak concerning that amendment. Is that correct?

The PRESIDING OFFICER. The Senator lost the floor when he offered the amendment.

Mr. BROWNBACK. I would note that we would like to have and will get a debate on this issue at some point in time about separate barracks for the genders. And I had that as my understanding, that that was the debate that we were going to at the present time.

Mr. WARNER. If the Senator will yield, he can go ahead and debate on his amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The Senator is entitled to go ahead with his amendment.

Mr. BROWNBACK. Thank you very much.

Mr. LEVIN. Would the Senator yield for a unanimous consent for two staffs' presence on the floor?

Mr. BROWNBACK. Only for that, and I am not yielding the floor. The understanding is, I am not yielding the floor. Yes, I will, if I receive it back to consider my amendment.

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

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, on behalf of my colleagues, Senator BINGAMAN, and Senator DOMENICI, I ask unanimous consent that the privileges of the floor be granted to Peter Lyons of his office during the pendency of S. 2057 and any votes thereon.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that, for the period of time the Department of Defense authorization bill is under consideration, Mark Tauber, a State Department Pearson Fellow on the Foreign Relations Committee staff, be granted floor access.

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

Mr. LEVIN. I thank my friend from Kansas.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to discuss today the amendment I have offered that I put forward at the desk and will, at the appropriate time, be calling for the yeas and nays on that.

I have discussed my amendment with the distinguished chairman of the Subcommittee on Personnel of the Armed Services Committee, the distinguished Senator from Idaho, Senator KEMPTHORNE. And after my staff had briefings with the Pentagon, I decided the privacy of our new recruits, by mandating separate barracks, was extremely important and that this debate was necessary and needed at this point in time.

Mr. President, my amendment is common sense. It simply requires separate barracks for male and female recruits during basic training. Further, the amendment protects the privacy of recruits by limiting access to barracks after hours to those of the same gender.

I might note for the Senators that the House has considered much stronger language, and actually enacted in their bill, in the DOD authorization, the separation of genders during basic training. But we fall far short of that. This is just about barracks and housing during basic training.

I believe this is a sensible step in restoring privacy and dignity to the military basic training experience and will allow our young recruits to focus on the serious tasks before them.

This amendment helps to uphold the military standards of behavior and improves the quality of life for military members and spouses left at home while a loved one completes basic training.

The amendment will help train instructors to instill the basic core values of discipline, teamwork, unit cohesion, and values that will ultimately benefit the individual, the family, and the military. By adopting this amendment, we codify a unanimous recommendation of the bipartisan Kassebaum-Baker commission.

The Kassebaum-Baker Commission interviewed 2,000 recruits, 2,000 recruits, and their supervisors and found serious problems. Let me just articulate a few of them. The commission recognized that sexual relations take place inside of barracks where young men and women live together. Moral and unit cohesion were negatively affected. Thus, the commission recommended that male and female recruits sleep in separate barracks. Talk about common sense, that seems to be it.

To avoid cries that the cost is prohibitive, the Kassebaum Commission completed an analysis of the current structures at training installations which showed that the cost of this amendment is marginal. Mr. President, I will read the section of the Kassebaum Commission that says just that, quoting from page 15 of the study of the Kassebaum Commission:

The committee has reviewed the layout and surge numbers of the training installation and believes this change can be accomplished at marginal cost, if any.

Available barracks exist and have already been converted to accommodate both male recruits. Thus, there are no physical constraints to having men and women recruits housed separately during basic training. Existing structures can be used. The Kassebaum panel was stunned to discover—and this is a direct quote—''high frequency'' of sexual relations during basic training between male and female recruits in all branches of the services. High frequency.

Now, if you think about this, if you put young male and female recruits around the age of 18 in close proximity, in the same quarters, I think there is a possibility that a high frequency of this may happen. The amendment that I put forward simply says we should have separate barracks. It doesn't even go to wanting separate training. It says separate ''barracks,'' to maybe reduce some of these incidents.

The same report said ''some drill sergeants complained to the panel about the large amount of time they were spending investigating or disciplining male and female misconduct. It was found that the problem is exacerbated in mixed-gender barracks. This is after interviewing 2,000 recruits and sergeants. It is exacerbated in mixed-gender barracks, especially where men and women live on the same floor.

Just think about it again, in common-sense terms. Doesn't this just make sense that you will have more problems if you have mixed genders on same floor in the same barracks, and that you will then have to deal with that in basic training?

Listen to this. At one location at Fort Leonard Wood, MO, the panel was told that male and female fraternization was so frequent that drill instructors had to take the doors off of the barracks rooms so they could maintain order inside. It was that frequent. They had to take the doors off.

Secretary Cohen gave the services an opportunity to respond to the Kassebaum recommendations. Other than the marines, God bless 'em, they all came back and disagreed with the recommendation to establish separate living barracks. Despite this, I believe that there is no reason why male and female recruits should be sleeping on the same floors. This makes no sense.

I put it in personal terms, if I could, for my colleagues. Think about their daughters, if they are going into the military. I have two young daughters. What if they were going in. Would you feel safer and better about their security and about this issue of fraternization if, during basic training, they are in separate facilities, or would you feel better and safer about it if they are on the same floor with different genders? Just think about that for half a second. Wouldn't you feel a lot better about it if they are in separate barracks so that people can watch a little closer than if they are on the same floor with other recruits and you already have these instances taking place?

This is a common-sense proposal with minimal, if any, cost. This is about national security and ensuring our recruits make up the best, most disciplined force in the world. Just last month, we learned that five instructors at the Navy's boot camp have been accused of sexual misconduct and improper relations with women recruits. This is the Navy, not the Army; this is the Navy. One of the instructors at the Great Lakes Naval Training Center, a 30-year-old, was arrested on April 30 on charges of having an improper sexual relationship with an 18-year-old female recruit.

I want to read some of the press account that is out of this, from the Chicago Sun Times, June 6, 1998.

> A Navy petty officer was found guilty of sexual misconduct with female recruits and making false statements to Navy officers in a court-martial Friday at the Great Lakes Naval Base.
>
> After deliberating about 90 minutes, [90 minutes, not long.] a three-member jury made up of two male Navy officers and one female enlisted sailor found Machinists Mate 1st Class Gregg Peterson guilty of eight of nine charges against him.

They quoted in this article several of the sailors, some of the women sailors. One—and I will not give her name because I don't think that is appropriate—said she cried as the jury presided and read its decision of guilty. She said ''I feel like I can breathe again now.'' She walked out of the Navy headquarters building where the court-marital was held. She stated—this is sad—''I didn't join the Navy to be laughed at.'' She had stated that this particular officer that was found guilty had stated lewd things towards her. Another recruit had said this person that was found guilty intimated to her he wanted to have sex with her, and she stated, ''I'll feel better when he is punished. He was in charge of the way he made us feel.''

Two other recruits testified they had sex with the same person that was found guilty after he threw a mattress on the floor in the barracks and told them to undress. This is a superior position telling these recruits to do this. This is one of the recruits who said, ''The Navy is trying to cover up the fact that they let this guy wander through the barracks, intimidating recruits into having sex with them.'' That is a horror story for them. And another who had sex with this particular person found guilty said she couldn't have fought him off if she tried.

What is that about? This is terrible. This is disgusting that this took place at the Navy basic training facility, and you have several recruits testifying of what this person in a senior position forced them to do.

Our amendment is aimed at trying to get just at that, separate barracks. You cannot have a person of the other gender in the facility where the people of the opposite gender are except on emergency cases. What are we letting them do, just parade around and throw mattresses on the floor? He was court-martialled for this and found guilty of eight of nine charges. This is the press account from June 6th after the court-martial report came back. My goodness.

Now, what sort of solace, if you are an 18-year-old and your family is considering letting you go into the military service and you want to go into the military service and you are a female, and you are reading these sort of stories, what goes through your mind at that time? Do you want to go into the military then? Is this going to be an inhibition if you think you want to be a part of the Navy, of the proud tradition of the Navy, of the Army? You want to be part of that unit, but then you read this stuff about guys parading around in barracks and throwing mattresses on the floor. What does that do? And what does it do to the family? What does the family think about in that case?

A study of female recruits out last November found them particularly susceptible to unwanted pregnancies and assaults. The study found that ''to many young female recruits, the basic training experience can be uniquely stressful with individuals often experiencing feelings of loneliness and isolation and the possibility that some individuals would turn to sexual relationships as a means of coping with the stress is great.''

Let's go to another case we are all familiar with. We all remember what went on at the Aberdeen Proving Ground between instructor and trainee last year—rape and sex between drill instructors and trainees. Aberdeen is an example of what can happen in the pressurized training environment without proper supervision. Remember, basic trainees are even more susceptible, even more susceptible.

We must do what we can to remove these pressures. Again, I plead with my colleagues, think of your own 18-year-old daughters going into the military, or others that would be considering this. Is this really the sort of situation we want to put them in, that we are forcing them to go into, that we force them, if they want to be a part of the military. That is what they have to do; this is where they have to sleep.

I recognize that the services are already taking steps to ensure security and privacy of the current male and female living arrangements and I applaud the services for taking these steps. My amendment allows time for the services to accomplish the transition to separate barracks, which is where they have to get. It really is where they have to get. It sets October 1, 2001, as the effective date. If an installation has insufficient facilities, the amendment allows recruits to be housed in separate barrack floors with the proper access restrictions until 2001.

We are giving the military some lead time to build into this, to deal with this situation, and they are trying to deal with it. The bottom line is this: The primary function of the basic training is to properly induce young trainees into the Armed Forces, with minimal distractions. They are there to learn the skills that spell success or failure on the battlefield. I urge you to support Secretary Cohen's goal of ''a basic training system which provides gender privacy and dignity and safe, secure living conditions.'' Safe, secure, and separate barracks is the best way to ensure a well-trained and disciplined force. At a minimum, I believe that we owe that to these recruits and their families.

Mr. President, I just ask you to think about this for a little while, because this really makes sense. I know the military is trying to get accomplish what we have mandated them to do on the mixed-gender training, and they are trying to do it in the close quarters that we have, and these have been the ways they have received pressure.

My goodness, I say to Senators, we have to look at the facts and what is taking place, ask ourselves a bit of common sense. These young 18-year-old men and women are in close quarters, in a pressurized situation at basic training. What do you think is going to happen in this situation if you provide a situation where they are in the same barracks and you have a common area for them to go into, or you have instructors that are superior in age and position and they are able to go into the same facilities?

The military is saying, ''Look, we are trying to divide and partition the buildings, so that on the same floor

you are going to have a plywood petition, and hopefully we will get to a permanent petition between the two genders on the floor.'' But you are still going to have common areas where the two can mix. Plus, you can still have and will still have your instructors going into the area of the opposite sex and being there. You are going to have, unfortunately, that situation like just happened up in the Navy basic training facility, if that occurs. If we leave the situation the way it is today, that is going to occur. Plus, you are still mixing a situation that just doesn't apply to us in common sense, if we think about it. This is going to lead to the problems we have.

I also want to add a personal Kansas story into this. My office in Kansas—I have not been a Senator a long time, but we regularly get requests from female recruits who get pregnant while in basic training, and they ask for discharges. One lady who contacted my office had a nervous breakdown. She has since separated from the Navy. I will not say her name; that would be inappropriate. But my note to colleagues is that everybody loses in this deal. Everybody loses in this deal. The Navy loses a highly qualified, motivated recruit, who falls into a pressurized environment and then gets demoralized and has a nervous breakdown.

This is a Kansas example I have, and only one. I have multiple ones that come into my office in Kansas. I am sure others have them, too. Check your records, check your services, and what you are being contacted about in your State. How many of you have the same situation—being contacted by female recruits who want out of the military because they have unwarranted sexual advances? My goodness, the Navy loses, we lose, and this particular recruit was demoralized and loses as well. This makes no sense.

I want to go through the report, if I may, of the Kassebaum commission. This is something I respect, coming from Nancy Kassebaum Baker from my home State of Kansas, who is as level-headed a person as you will ever find anywhere in the world. She is a wonderful lady. She is very thoughtful, and she doesn't go around tilting at different things and doesn't follow wildly different philosophies. She looks at things and applies a good Kansas common sense to it. I think she epitomizes that sense of common sense. A lot of my colleagues will remember her, and they know what I am saying is true. This is her commission's report:

> The committee observed that integrated housing is contributing to a higher rate of disciplinary problems. Both recruits and trainers, consequently, are distracted from their training objectives . . ..

What is our objective in basic training but to train? They are being distracted because of disciplinary problems they are having. This is a quote from the commission report on December 16, 1997. I want to show you a chart of this commission in a little bit. It was appointed by the Secretary of Defense, Secretary Cohen, and from the President, and they came out with these unanimous recommendations. It was bipartisan, and there were a number of people in this commission who served in the military themselves. This is a group that has considered it. Here is another quote from congressional testimony:

> We have reviewed the barracks structure at the training installations and believe that this can be achieved at minimal cost.

I am sensitive to the cost issue because we are not funding the military sufficiently. I have military bases in my State that are important and are not being funded sufficiently. They have studied this thoroughly. They said we can do this at minimal, if any, cost.

In my amendment, we do authorize money to be able to be used to do this. I think even if you are talking about recruits coming in, you have to provide some solace to the families that we are going to separate and do everything we can—and right now we are not—to prevent this sort of situation from happening. We still provide an authorization in the amendment that I have, and we can deal with the appropriation on another day.

This is the Army inspector general's special inspection from July 22, 1997:

> Many of the first sergeants interviewed indicated that trainee-trainee consensual sex occurred quite often, but felt the chain of command was reluctant to enforce the installation regulation.

To back up this even with my staff's investigation, the military requested—and they want to try to make this situation work—and they have been pushing our office and saying, ''Don't do this.'' They said, ''Send a couple of your staff members to Fort Jackson to look at the situation.'' We did. I had two staff members go there. They went and talked with some of the recruits, who told them about instances of sexual activity happening in the telephone booth and in the same barracks where you have mixed genders involved, and they told them how this was done, how the pressure is and the environment and how this occurs.

So rather than allaying my fears, which is what I hoped would happen, it just heightened them. Here we had my staff members being told by recruits, ''Well, yes, this goes on. Here is how it happens in separate facilities.'' And we were shown how the barrier is built between the male and female genders on the same floor, with a piece of plywood put up and a Radio Shack alarm. Well, you are still putting males and females in close proximity, in common areas. My staff was supposed to be there being assured this was not going on, but we got just the opposite report of what was taking place.

This is the CRS issue brief of May 14, 1998. It is the third different study looking at this particular issue:

> At a number of Army facilities, investigations and court marshals are underway, or have been completed, concerning harassment, fraternization, assault and rape.

So I have the Kassebaum commission, the Army inspector general, and now the CRS issue brief. This isn't just one study; this is the third one. It is the same point that it makes.

Some of the people who have supported the military for a long time, the American Legion, submitted a report to the House Subcommittee on Military Personnel on March 17. It said:

> The American Legion advocates separate barracks for male and female recruits at basic training facilities.

This is also an American Legion statement:

> The mission in combat is to close with and destroy the enemy by fire and maneuver and/or close combat. Separate gender living conditions will better prepare the Armed Forces to fulfill this mission.

That is what the military is about, Mr. President. This is the overall commission's unanimous recommendation for separate barracks. Mr. President, I hope we can have a direct vote on this. I think we should have separate training for male and female, like what the House passed. I know a number of my colleagues actually support that as well—separate training altogether. We decided, let's take a narrower approach. Let's go on this narrower issue here, because this one I don't see how you disagree with.

Some of my colleagues will argue, and say, ''Well, let's wait for another commission report. We have a congressional commission.'' Yes; we have a congressional commission. It has been appointed. It has a much broader requirement than just the issue of separate gender relations. Plus, I would point out again to you, now we are another year into the future. We are going to be on a second commission. We already have one conducted and led by a Member of this body, a highly respected Member of this body, who unanimously reported back. Now we are going to wait another year.

How many more of these situations like we had take place in the Navy are we going to have in the interim? How many more letters or contacts am I going to get by constituents in Kansas saying they had nervous breakdowns because of this situation? How many more of these will it take when we will not respond to common sense? This is just common sense.

I have deep respect for my colleagues who view this differently. Senator KEMPTHORNE and his committee has looked at this. But I don't think this makes any sense of where we are. I think this is a very narrow approach. It isn't about basic training; it is just about barracks. We can do it at minimal cost. If not, we have the authorization here to deal with this.

I plead with my colleagues that we do it. I hope we take a different tack on this.

Mr. WARNER. Mr. President, could I ask the Senator a question? I listened very carefully. I am supportive of his amendment.

Did the Senator from Kansas mention the Marine Corps?

Mr. BROWNBACK. Only briefly.

Mr. WARNER. Their experience has been considerably freer of the problems that the other two services have incurred as a consequence of that. Am I correct?

Mr. BROWNBACK. The Senator is absolutely correct. They, as a service, agree with what the Kassebaum Commission put forth. The other services have not.

Mr. WARNER. For those who may be following this debate outside of the Senate, so to speak, basic training is just 9 weeks in each of the services. So it is a relatively short period of time. It is a brief period from when they leave the home environment, school environment, and other structured environments in their communities across America to come and undertake this important first phase of their training of a military career.

It seems to me that what the Senator is asking is just the opportunity for the different sectors to go into this very intense period where the objective is to really transform them in many ways, as the Senator pointed out. First of all, it is a patriotic duty to be a member of the team. And all of the other important goals are in the first 9 weeks. To simply, at the end of the training, give them a little respite from all of the pressures which they are being subjected, give them a chance to kick back and rest on their own, among themselves, and then as soon as reveille the following morning, beginning with the mess facility, beginning the fallout, the grinder formation, as they march off to the rifle range, they are together, and it is joint in every respect. Am I not correct?

Mr. BROWNBACK. That is correct. The Senator from Virginia is correct.

Mr. WARNER. I thank the Senator very much.

Mr. BROWNBACK. Mr. President, I want to address further the issue of cost on this, because some will allege that is the reason we should block this, because it puts a cost figure of $166 million, $190 million. I am very sensitive to the cost issue, so I provide for the authorization.

But I also challenge my colleagues on this very point to think about this. Basic training for 9 weeks, pressurized environment. It is where you teach, train, build, and mold—9 weeks of a focused, intense time period that is taking place. You are putting somebody 18 years old, male and female, into that pressurized environment. Is this a place for us to cut costs in the military, saying because of that cost we have to force them onto the same floor and the same common area because we cannot afford the $166 million?

Mind you, the Kassebaum Commission says we can do this at zero to minimal cost. We can do this with minimal, if any, cost.

Let's say it does have some cost with it. I don't think it does. I don't support that notion. Anyway, if you are 18 years old looking at going into the military, isn't this a pretty minimal amount of cost? If you are the family of that 18-year-old considering going into the military, is that a cost that you want the Government to be putting forth and being a part of? My goodness, we have to make some sense out of this.

This is a very narrow amendment that we are asking for. I hope we have a direct vote on this. I hope we will be able to get to it. I will learn my lessons quickly. So I hope we can get to a vote on this particular issue.

Thank you, Mr. President.

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

Mr. BROWNBACK. Yes; I yield to the Senator.

Mr. BYRD. Mr. President, I support the Senator and commend him on his fine statement. I support the recommendations of the Kassebaum Commission. I think it is the right recommendation. I wonder if the Senator would add my name as a cosponsor of his amendment.

Mr. BROWNBACK. I am pleased to do so.

Mr. BYRD. I thank the Senator.

I ask unanimous consent that I be added as a cosponsor of the Brownback amendment.

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

Mr. BROWNBACK. Mr. President, I will be asking for the yeas and nays at the appropriate time on this. I plead with my colleagues to really consider this.

I ask them really just one small, simple favor: Will they call their constituent services' offices to see how many recruits they have been contacted by back home during this past year asking for relief from military duty because they were sexually assaulted, got pregnant at basic training or at training, and see what the numbers are in their particular office? One is too many. But I would be interested to see how many of them have had multiple contacts in their office.

We shouldn't ignore this anymore. We should deal with it. This is a minor request we should be making.

With that, Mr. President, I will ask for the yeas and nays at the proper time.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

I appreciate this opportunity to address this body on the subject of an important issue and what it means, I believe, to the future of our Armed Forces.

The participation of women in the armed services today is very important. As the Secretary of Defense said recently in reaffirming his support for gender-integrated training, and the recommendations of the services with respect to gender-integrated training, he said clearly that the military depends upon women.

Women now represent 14 percent of our armed services. So their role and their well-being is an essential ingredient to upholding the importance of certain standards with respect to our national security and performance of our Armed Forces and personnel.

I offered a second-degree amendment to the amendment offered by the Senator from Kansas, because it will reaffirm the judgment that was made first in the Armed Services Committee last year to the DOD 1998 authorization. The amendment that was offered created a congressional commission to examine many of the issues that were raised by the Senator from Kansas. Obviously, they are not new issues. They are ones in which we have been wrestling with time and time again, not only here in Congress but, of course, within the Defense Department.

There are no simple solutions. But what I find amazing in hearing the discussion with respect to women in the military and the gender-integrated training and the problems that have resulted from gender-integrated training, no one seems to raise the issue as to what about the responsibilities and the moral authority of those people who are in positions of leadership within our military?

I have had the opportunity to visit many installations, including Fort Jackson, the one which the Senator from Kansas referred to and that his staff visited. I also visited that facility. I well remember the facilities that are there that separate men and women. Men and women are separated within the Army, within the Air Force, within the Navy. They have separate entrances. They have separate wings, separate bays, separate bathrooms, separate alarms. They have security guards, security cameras. So there are certain security measures that are already in place. Now the question has arisen as to whether or not we should have separate barracks.

With all the misconduct and sexual harassment that has occurred that we have heard so much about over the last few years, much of it, interestingly enough, has occurred in advanced integrated training programs, not with basic training. But nevertheless, one of the critical areas that we must focus on is developing standards and upholding and enforcing those standards that are consistent with the well-being of both men and women who serve in our Armed Forces, the basic rights of all human beings, whether they are in the military or in the private sector.

And these questions have to be considered as proposed by the Senator from Kansas through a simple disposition of an amendment? We in the committee last year said no, and, frankly, I was prepared to debate and fight this issue in the Chamber with respect to gender-integrated training, whether or not to have separate barracks, and so

on and so forth. But in the good judgment and the wisdom of the committee, we decided to create a consensus-based amendment that was offered by the chairman of the Subcommittee on Personnel, Senator KEMPTHORNE, Senator BYRD from West Virginia, and myself. We knew that the Department of Defense had already created its own commission to evaluate these questions and many more. We decided that it was also important to create a commission that was independent to evaluate these issues as well.

Now we have to decide in this Chamber whether or not we should subjugate the recommendations of the commission that will be coming forward next spring to the amendment that is offered by the Senator from Kansas. I say not. This is a major and fundamental issue. How we proceed is important, and that is why the Committee on Armed Services approved an amendment that was included in the 1998 authorization to create this commission that is now part of law, and it was approved in the Senate and approved by Congress. So now we have to decide whether or not we are going to allow the Senator from Kansas to override the judgment of the members of this commission that will come forward with recommendations next spring. There will be 10 members of this commission that are appointed by the chairman and ranking member of the House National Security Committee and the ranking member and the chairman of this Committee on Armed Services in the Senate with consultation with the majority and minority leaders in both bodies.

They represent a cross-section of experience, expertise on some of these critical issues—that is what we are welcoming—that is independent of the kind of decision that we can make here in an amendment that is offered by the Senator from Kansas without the examination and the evaluation of these issues.

We have represented on the commission a Marine Corps general who commanded a division during Operation Desert Storm; we have a former Assistant Secretary of Defense for Force Management; a former Assistant Secretary of the Navy for Manpower; a board member of the Virginia Military Institute; the Provost of the University of Michigan, two military sociologists, a former Marine Corps Deputy Chief of Staff for Manpower and Reserve Affairs and a retired sergeant major from the Training and Doctrine Command. The men and women in our commission have held these positions or are currently holding them. We should give them the opportunity to meet their responsibilities under law.

The proponents of the amendment that is offered by the Senator from Kansas would require by the year 2001 the construction of separate barracks. It basically will not allow any flexibility by the service chiefs with respect to the construction of those facilities; that, yes, will cost more than $167 million to construct. It will not permit trainees, instructors, commanders, to offer their own assessments of whether the way the recruits live supports the process for developing a soldier.

They should be in a position of making those decisions—in fact, have had the ability to accept the decision that was recommended by the Kassebaum-Baker Commission. In fact, the Secretary of Defense gave the service chiefs the opportunity to respond within 90 days to that recommendation as to how they wanted to proceed and to develop criteria on the basis on which they decide they would advance or implement those recommendations. The service chiefs responded. They all upheld their current status because they have made adjustments in the living quarters. They are separate. They are not in separate facilities, but they are in separate wings and bays, as I mentioned earlier, and they believe that the current process is working. They support gender-integrated training because they feel that this is the way in which you build a cohesive unit.

We have thousands and thousands of women who are currently serving in Bosnia without complaint. We have had thousands and thousands of women serving in the Persian Gulf without complaint. We have had more than 1,000 women who participated in our operations in Somalia, and we have had no complaints.

Are we now not saying that it is possible for men and women, on the day in which they begin their basic training, cannot work and train together as they will be required to do after their basic training, as they are required to do right now in Bosnia? We have over 5,000 women currently serving in Bosnia. In fact, the Washington Post had an in-depth story last year that described the circumstances under which both men and women were serving, and they were doing an extraordinary job without hindrance, without barriers, without complications under some most arduous of conditions. We had 41,000 women in the Persian Gulf. Did we hear of complaints? No. It is because they trained together. They understood the professionalism of their responsibilities, and they carried them out as we could expect them to do. They upheld the highest moral standards.

The amendment that I offer here today reinforces the recommendation that was made by the Armed Services Committee last year by the creation of this commission to examine many of the questions that have been raised. Frankly, I had my doubts as to whether or not it was necessary to create another commission, but I also personally had to recognize that, in fact, many here in this Chamber and elsewhere had concerns about basic training and about gender-integrated training, and that perhaps the best way to proceed was to create another commission that would represent a breadth of experience and professionalism and qualifications and skills that are necessary to make the kinds of decisions that we would expect of them.

Their mandate is substantial. We have more than 10 different areas with respect to gender-integrated training and all of the other dimensions to the question—the living conditions, the impact on readiness, on morale, on fitness standards, the rationale for the establishment or the disestablishment of gender-integrated or gender-segregated basic training, the rationale that was used at the time in which these decisions were made by the services to integrate training or to segregate in the case of the Marines, or assess whether or not the concept of training as you will fight is a valid rationale for gender-integrated basic training; identify the requirements that are unique to each of the services that could affect a decision by the Secretary considering adopting a gender-integrated or gender-segregated format for basic training; to examine all the facilities for feasibility or the implications of requiring drill inspectors to be of the same sex.

There are a number of issues that are embodied in this statute that was approved by the Congress last year to the authorization that will be examined by the men and women who are serving on this commission. So the question is, Should we adopt the amendment by the Senator from Kansas or should we adopt the amendment that I have offered as a second-degree to the amendment offered by the Senator from Kansas that will give this commission the opportunity to evaluate these questions so that we can make a reasoned, informed decision as to what approach should be taken by the military?

This amendment that I have offered is supported by the civilian, the officer, and the enlisted leadership of the Pentagon to retain the current training programs at each of the armed services until this Commission on Military Training and Gender-Related Issues files its final report in March of 1999. It reaffirms this decision. It reaffirms the bipartisanship and the consensus that was produced last year in the Senate Armed Services Committee and in the Congress on these difficult issues of obtaining the most comprehensive use of professionals and military leaders outside of Congress. And the charter stipulates very clearly the aspects that will be examined of the training practices and the policy directives and the regulations that enumerate the professional relationships between men and women in uniform. It also assigns the commission the obligation and responsibility to evaluate the findings of the Kassebaum-Baker panel on gender-integrated training and the Pentagon's rules regarding fraternization as well as adultery.

So we have to decide here whether we are going to approve my amendment that is supported by the Secretary of Defense and the service chiefs and many of the Members here in this

body, or are we going to support the amendment offered by the Senator from Kansas that presumes to answer this in three pages this afternoon with a new regulation imposing a $167 million military construction cost on the Defense Department. I think we have an obligation to give the commission the opportunity to work its will as we have asked them to do.

I would like to read to you, Mr. President, some excerpts from the various letters and statements that have been made by the service chiefs and by the Secretary of Defense about the issues concerning gender-integrated training and separate barracks. The Secretary of Defense wrote to the chairman of our committee, Senator THURMOND:

Training in the Air Force, Army, Navy and Marine Corps is a complex matter given each Service's unique mission, traditions and conditions of service. Each Service has their own approach in how they conduct basic training. This training must not be characterized by any one issue such as billeting or any one policy such as the extent of gender integrated training. We must, however, identify the right set of standards to produce a safe and secure environment for the rigorous training our young men and women need for military service.

This is exactly what the Department is doing. We are making sure that we have the very best personnel to staff our training establishments and to serve as role models for our new recruits. . . .

* * * * *

I urge you not to tie the Department's hands by enacting legislative provisions that address one or two components of a far more complex force management issue.

I should remind Members of the Senate, there are about 30 recommendations that were made by the Kassebaum-Baker Commission back in December; 28 of those 30 recommendations were implemented by the Secretary of Defense—28 of the 30 recommendations. But let's hear from the United States Army, again, in a letter to the chairman of the committee, Chief of Staff, General Reimer. He says in his letter:

Segregating their units into gender unique platoons for training and billeting the soldiers by gender in separate buildings will degrade the commander's ability to command and control his or her unit.

Admiral Johnson, Chief of Naval Operations, said in a letter to the chairman:

During basic training, Navy's gender-integrated divisions perform at least as well as their all-male counterparts.

* * * * *

We agree wholeheartedly that Sailors in basic training must have safe, secure housing and living arrangements that promote effective training. But Sailors should also learn to live and work together from the first day of training. This is how they will serve at sea, as part of a gender-integrated unit.

* * * * *

I ask that you continue to allow Navy to build our gender-integrated team from the first day of basic training.

Admiral Pilling, who is the Vice Chief of Naval Operations, in his letter to the chairman of the committee:

This experience builds effective teamwork and establishes Navy standards during the crucial transformation from civilian to Sailor. Roughly a third of all recruits and 40 percent of women report to the Fleet without follow-on advanced training. For these men and women, preparation for shipboard life is limited to boot camp and less than three weeks of Apprentice Training.

* * * * *

Learning about security, privacy, dignity and personal responsibility should not be a lesson left for the Fleet to teach. I ask that you continue to allow Navy to build our gender-integrated team from the first day of basic training.

And General Ryan of the Air Force. He said in his letter to the chairman:

The training process in the Air Force has developed over the years, with changes along the way, to best support our mission. To place artificial barriers between men and women in basic training, such as those proposed in the current House bill [and basically embodied in some of the legislation offered by the Senator from Kansas], is counterproductive to our training philosophy and sends the wrong signal to our new recruits.

* * * * *

I respectfully request your support to allow the Air Force to keep training as we operate—together from the start.

Mr. COATS. Mr. President, I wonder if the Senator from Maine could just yield for a unanimous consent request. I believe it has been cleared. I want to make sure it is cleared with her staff.

Ms. SNOWE. I yield to the Senator.

Mr. COATS. I thank the Senator for yielding.

Mr. President, because Members are trying to get a fix on schedules for this evening, in consultation with the managers and the leaders, I would like to propound a unanimous consent request.

I ask unanimous consent that there be 1 hour of debate—an additional hour from this point forward—on the pending second-degree amendment, equally divided and controlled by Senator BROWNBACK and Senator SNOWE, with a vote to occur on the second-degree amendment not later than 8 p.m.

The reason for that is that many Senators had been told that there would be a vote at 8. They have planned their schedules accordingly. If we can agree to this now with an additional hour of debate equally controlled by the two Senators, we can then schedule that vote for 8 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. No objection.

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

Mr. COATS. I thank the Senator for yielding and ask her pardon for the interruption.

Ms. SNOWE. I appreciate the Senator's unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I would like to also quote a letter from the Senior Noncommissioned Officers of the Armed Forces of the United States, representing the Army, the Air Force, and the Navy. They said:

As the Senior Noncommissioned Officers of the Armed Forces of the United States, we feel compelled to state our disagreement with a proposed amendment on recruit training that might be considered during the Senate's debate of the FY99 Defense Bill. A mandatory requirement to house recruits in completely separate barracks is unnecessary.

Based on our experience, each Service is different and therefore has different needs in training its recruits to join operational units. The determination as to how to train recruits is best determined by the individual Services based on the specific needs of the Army, Navy, Air Force, and Marines. Any attempt to make a training policy that applies across all Services is not in the best interests of the nation and will impact the readiness of the total force.

Their many successes in our gender-integrated all-volunteer force is a direct result of the training the Services currently provide.

We are grateful for Secretary Cohen's support of the Services in determining how best to conduct recruit training. We respectfully request the same vote of confidence from you as the Senate considers the fiscal year 1999 defense authorization bill.

We also had a quote from the Army Research Institute study, and I think it is interesting to note, about the standards that have also been developed in this environment of basic training, so that there is no misunderstanding, unless there is any concern about the role that women are playing and their ability to perform during the course of basic training. I quote:

Females trained in a gender-integrated environment improved their performance in all measures of physical fitness (push-ups, sit-ups, 2-mile run) and the males in gender-integrated training improved in two of three events. This has occurred without the Army fitness standards being changed or adjusted for gender-integrated training.

In the December report of the Federal Advisory Committee, which is, of course, the Kassebaum-Baker commission, it said:

The committee believes that the increasing number of women in expanded roles is an important reason why the United States is able to maintain an effective and efficient volunteer military force.

Another letter, from the Secretary of the Army in 1997 to Congress. He said:

Turning the clock back to gender segregated training will result in unrealistic training which degrades readiness.

I mention these quotes, Mr. President, because I think it is important that we remind ourselves of the role that women do play in our military and will play in our military, and as they have in the last 100 years. They represent 14 percent of armed services, and the armed services cannot perform without them.

I just believe it is important to make sure that we can ensure the stature and the well-being of all those who serve our country. That is why I believe we should follow the wisdom and the judgment of the Senate Armed Services Committee—indeed, the Congress last

year, when we enacted a provision to create a congressional commission to examine all of these issues and to report back to the Congress next March.

I hope the Senate will not adopt the amendment offered by the Senator from Kansas that basically presumes to substitute for the operational conclusions thus far of the Secretary of Defense; the chiefs of the Army, Air Force, the Navy; the training commanders of the Army, the Air Force, and the Navy; the senior noncommissioned officers of the Army, the Air Force and the Navy; the president of the Association of the United States Army; and the tens of thousands of recruits who train and live in security on a daily basis.

I hope, Mr. President, that the Senate will adopt the amendment that has been offered by the Senator from Michigan, the ranking member of the Armed Services Committee, the Senator from Georgia, Senator CLELAND, and myself to reaffirm the judgment that has been rendered by the Congress last year in creating this commission.

The amendment that is offered by the Senator from Kansas mismatches a problem and a cure. Professional relationships and effective performance throughout the Armed Forces flow from a training world that overlaps with the real and the uncertain ones in which men and women will ultimately be deployed as we have seen in Bosnia, as we have seen in the Persian Gulf, as we have seen in Somalia over and over again.

I urge the adoption of the amendment that has been offered by myself, Senator CLELAND, and Senator LEVIN.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. BROWNBACK. I yield 5 minutes—and there are several of my colleagues who want to speak on this, but Senator COATS has been a leading voice on this, serving on the committee—I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator for yielding. I appreciate the opportunity to speak now. I have been off the floor, and I have another commitment, but I wanted to come and offer my support to his amendment.

I struggled with this issue when I was, first, ranking member and then chairman of the Personnel Subcommittee. I visited most of the training facilities for the various services around the country. I talked to those in charge. We held hearings on the issue. We heard from the experts. We talked to those who lived with the situation in their basic training. It is my inescapable conclusion that the Kassebaum commission did a good job in sorting this out and producing a report which called for separate facilities.

I, frankly, was surprised with the conclusion of the commission. I didn't think when it was constituted that the commission would come to that conclusion. It was something that I was strongly leaning toward, and all the visits that I made and the people I discussed this issue with seemed to indicate that separate barracks was the direction to go.

When the commission came forth with this recommendation after a more thorough look than I was able to give, I thought this added a lot of weight to the question. There is no doubt in my mind that effective training and effective gender integration of the armed services can be accomplished without the necessity of forcing the issue through gender integration within the living facilities.

Obviously, they are going to train together. Obviously, they are going to go to class together, they are going to go to the range together, they are going to train together. The essential functions that are attempting to be accomplished in basic training are going to be accomplished. The real question here is when the training day is done and you return to the barracks to unwind, to shower, to prepare in the evening for the next day and to sleep, is it best to do that in gender separate facilities? I believe it is. This where the issue is.

I have talked to a lot of drill sergeants, men and women; I have talked to a lot of men and women soldiers, trainees; and the inescapable conclusion that I have reached, and I think most of them have reached, is that it would be much more comfortable without degrading the training, and it would eliminate a lot of the supervisory problems, management problems, and, frankly, the social problems that exist with living at too close quarters.

For that reason, I think the conclusions of the Kassebaum commission are correct. I think the amendment offered by the Senator from Kansas is the right way to go.

I was concerned about the costs. That is a legitimate question, as to whether or not separate facilities or separate barracks—in other words, taking a single entity and dividing it and controlling access, and so forth, to separate the sexes, versus separate buildings.

And I was really persuaded. I knew ultimately, based on my visit to Parris Island with the Marines who already do this, that separate housing was the right policy. At Parris Island, the women live in a separate compound. And virtually, to a person, they told me—including their drill instructors and their supervisors—they told me they strongly preferred that. They are able to identify with each other. And to identify with their female drill instructors was very important to them.

Many of them come from backgrounds where self-esteem is the casualty of their upbringing. They find that bonding with each other, the bonding that takes place with the drill instructors and their supervisors in those off-hours, the social interaction that takes place in those off-hours, is a very, very important part of their development, the character development, and a whole number of other areas.

And so I think this makes sense. I am convinced we have looked at the situation. I am convinced we can do this in a financially feasible way.

I see my time has expired. And I am happy to support the amendment of the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. I yield 10 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I thank the Chair and thank the distinguished Senator from Maine.

For those who are entering into this discussion, Mr. President, nowhere, as far as I can tell as a member of the Senate Armed Services Committee, in recruit training, in any service, do male and female recruits live in the same room or in the same squad bay. These conditions do not exist now and they did not exist when the incidents in Aberdeen took place.

Male and female recruits do live in the same buildings. In some cases male and female recruits live in separate wings or on separate floors, and in some cases they live on the same floors but are separated by fire-safe barrier walls. In every case, the male and female recruits have controlled entrances and exits to their sleeping areas and have segregated toilet and shower facilities. The services are in the process of alarming all doors, exits and walls.

The bottom line, Mr. President, is that in every case, in every service, although they might not live in separate buildings, male and female recruits live in physically safe, physically secure, and physically segregated living conditions.

But, Mr. President, in the wake of the terrible incidents of sexual misconduct and sexual harassment that took place in Advanced Training at Aberdeen Proving Grounds, the National Defense Authorization Act of the last year established a congressional Commission on Military Training and Gender-Related Issues to review the requirements regarding cross-gender relationships of members of the Armed Forces and to review the basic training programs of the Army, Navy, Air Force, and Marine Corps, and to make improvements on the programs.

The idea for the commission came from the distinguished senior Senator from West Virginia, Senator BYRD, who noted at the time:

* * * there must be ways to thoroughly examine, review, and evaluate the reasons for

the recent spate of scandals regarding sexual relations in training commands. Such a study should be made by an independent blue-ribbon body with unquestioned credentials—with no social agenda, but geared solely to the effect of gender integration at all levels of the military.

Earlier this year, the chairman and the ranking member of the Senate Armed Services Committee appointed five distinguished Americans to that commission. Their counterparts on the House National Security Committee also appointed five outstanding individuals.

The commissioners include two retired Marine Corps lieutenant generals, a retired Army command sergeant major, a former Assistant Secretary of Defense, a former Assistant Secretary of the Navy, three distinguished academics, a military historian/national security analyst, and an expert on legal issues concerning women in the military.

I have personally met with these commissioners and am convinced they understand the magnitude of the awesome task we have laid before them, and that they are eminently qualified and motivated to do the job.

Because of our commitment to doing the right thing—as opposed to doing something quickly—the Armed Services Committee in the Senate included in its markup a provision to provide for a moratorium on changes to policies or practices regarding segregation on the basis of gender.

The second-degree amendment Senator SNOWE and I have offered retains the moratorium on changes to policies or practices regarding segregation on the basis of gender. I believe this is a very reasonable approach. It does not seek to prejudge the outcome of the commission's work.

Additionally, it permits the commission to retain its independence. I believe this is an unwise course of action if we preempt the work of the commission. I know how I would feel if I responded to the call to serve on such a commission and was willing to dedicate my time for, say, a year of my life to study these complicated issues, only to find the same people—in this case, the Congress—who asked me to take on the issue, told me before I ever really got started in my work how they felt already.

I would wonder if they really wanted a thoughtful, professional analysis or if they only wanted the appearance of a study to support preconceived ideas and predetermined agendas. I do not believe this was the Senate's intention when it supported the bill authorizing the Defense Act last year.

We have established a process to review gender-related matters in their entirety. It does not make sense, to me, for us to separate out one or two aspects of this incredibly complex issue and to provide some piecemeal solution with little or no thought of the consequences our actions could have on the rest of the military—recruiting as well as training and retention.

I am aware that the recommendation for separate barracks for male and female recruits came from the Kassebaum committee appointed by the Secretary of Defense. I am also aware that the Secretary of Defense has decided not to implement that recommendation. And the uniformed leadership—the most senior officers and enlisted members of the Army, Navy, and Air Force—also oppose the recommendation.

For example, Mr. President, our committee received a letter from General Reimer, Chief of Staff of the Army, who said:

> Segregating their units into gender unique platoons for training and billeting the solders by gender in separate buildings will degrade the commander's ability to command and control his or her unit.

Admiral Johnson, Chief of Naval Operations:

> Sailors should learn to live and work together from the first day of training.

Admiral Pilling, Vice Chief of Naval Operations:

> Learning about security, privacy, dignity and personal responsibility should not be a lesson left for the fleet to teach.

General Ryan, Chief of Staff of the Air Force:

> The saying ''train as we operate'' is more than a catch phrase, it is an absolute necessity to ensure that team building begins on the first day our recruits report to basic training.

Senior enlisted members also commented on this issue as well.

> Any attempt [they said] to make a training policy that applies across all Services is not in the best interest of the nation and will impact the readiness of the total force.

Mr. President, in terms of the readiness of the force, I was recently in Bosnia a few weeks ago. And I did see on a fire base there women actively engaged in work on the fire base. But I noticed that their living quarters were separate, safe, and secure. It was an incredible demonstration to me that women and men can serve in this Nation's interests in foreign lands and do so extremely well.

I would also like to note that the Kassebaum report itself has actually been criticized by the GAO because of flawed methodology. According to GAO, the value of the Kassebaum committee's methodology is limited for making conclusions and recommendations, and the extent to which the committee's work supports its conclusions and recommendations cannot be determined.

When the Secretary of Defense, a former Member of this body, and the uniformed leadership of the military, officers and enlisted, oppose something, I certainly take time to listen.

Today, Mr. President, I urge my colleagues to listen to the leadership of the military and give the Senate a chance to listen to the commission which we actually created and appointed to help us make decisions to guide us in these complex matters.

Therefore, Mr. President, I support the Snowe amendment and urge my colleagues to adopt it.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I yield to the Senator from Alabama 5 minutes.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I had 13 years in the Army Reserve and went through a basic training program. It was a very worthwhile experience for me. I played football. I have been to basic training, and basic training is worse and tougher. Anybody that survives that has my admiration.

I have had the opportunity through the years to serve with some outstanding women soldiers, the kind of soldiers that you respect and are capable and have great ability to contribute to the mission of the unit. It is something that I think is a major part of American military life and we should not be changing.

I understand there is a lot of talk about separation and use of the word ''segregation'' based on gender. But it seems to me that Senator BROWNBACK's amendment simply says that in basic training these soldiers, men and women, shouldn't be housed together. I think that is a reasonable approach and something that comports with my sense of what makes sense, my sense of what I understand the Senator to be saying, and I think it is the right idea.

Some might say it is the responsibility of the NCOs and the officers to maintain moral control over the soldiers. When they are in such a mixed environment, the officers and NCOs can't maintain control over these young people. They are in a circumstance that is a different world; it is a whole different environment they are in. Things that they would have thought to do under other circumstances may not be done under these circumstances.

I say we have separate barracks. It seems to me if we are going to separate the 14 percent of the soldiers that are women within existing barracks, it seems to me you are converting whole floors that would otherwise be half used. For example, most of the barracks I was in had 20 people on one floor and 20 on the next. So I suppose a few people would be on the second floor and the bottom floor would be full. That is the way they were traditionally done.

I don't see how it would be any cost to have separate housing for women in which women could have the support of their NCOs under those circumstances and men could have separate housing. I think both parties would benefit from that.

The commission did a lot of work. We have been talking about a new commission. I point out that we had one. Senator Nancy Kassebaum-Baker and others did a thorough job. They talked to

over 1,000 trainees, 500 instructors, 300 first-term service members, and 275 supervisors. I don't know who the chiefs of staff and Secretary of Army is talking to. I don't know, maybe they are talking to too many people in the Pentagon. But those commissioned, the ones in power to make a decision, went out and talked to soldiers, trainees, 1,000, 500 instructors—the drill instructors out there with these men and women on a daily basis, and this commission unanimously reached a conclusion that separate housing would be preferable. They also concluded that separate training would be preferable.

As a matter of fact, I tend to agree with that based on my experience. But that is not before the Senate today. That is not what Senator BROWNBACK is calling on us to do today.

Senator BROWNBACK is suggesting that what we ought to do is have separate housing, a readily achievable thing, I suggest.

I agree with the commission based on my experience and the study I have done, that separate housing will decrease disciplinary problems, it will reduce distractions during the training process, and as the commission found, will be of marginal cost to the Department of Defense.

I am pleased to support this amendment. I think it is time that this body raised our concerns. There are many problems that are occurring. Senator BROWNBACK has eloquently discussed those. We hate to talk about the problems that are occurring, but they need to be discussed. I think it is the right thing.

I yield back my time to the Senator from Kansas, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. SNOWE. Mr. President, I yield 5 minutes to the distinguished chairman of the Armed Services Committee.

Mr. THURMOND. I want to thank the able Senator from Maine for the excellent remarks she made on this subject.

Mr. President, I am sympathetic to the Brownback amendment, however, last year, the Congress established a commission to review the conduct of military training and gender-related issues, we should await the outcome of its findings. That commission is constituted and working. One of the areas which the commission must specifically address in its final report is a recommendation as to how to provide for a safe and secure living environment for young men and women in basic training. This amendment would preempt the work of the commission by establishing a statutory requirement that basic trainees be housed in separate barracks.

I join Senator BROWNBACK and others in insisting that the military services provide a safe and secure environment for all military personnel, but especially those in basic training who may be the most vulnerable.

On June 8, 1998, Secretary Cohen asked us not to legislate a specific solution as Senator BROWNBACK's amendment does. Secretary Cohen urged that we give the Service Chiefs the flexibility to house and train their personnel in the manner determined to be most effective for that service. We all recognize that each of the four services is unique. Each service has its own culture, history and traditions. I agree with Secretary Cohen that we should not legislate how they must house and train their personnel.

Mr. President, I could support an amendment that would require the Service Secretaries to provide for a safe and secure environment without specifically requiring a standard solution for three of the four services. Senator BROWNBACK's amendment goes beyond requiring a safe and secure environment and will require millions of dollars in military construction and renovation projects to make their barracks conform to the requirements in the amendment.

I prefer to allow the Congressional Commission to do its work and make its recommendations next March before we act. I urge my colleagues to oppose this amendment.

PRIVILEGE OF THE FLOOR

Mr. President, while I have the floor, I ask unanimous consent Mr. David Landfair, a military fellow in the Office of Senator MIKE DEWINE, be granted privilege of the floor during the pendency of S. 2057, the fiscal year 1999 Department of Defense authorization bill.

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

Mr. LEVIN. I wonder if Senator SNOWE would yield 10 minutes to me?

How much time does the Senator from Maine have?

The PRESIDING OFFICER. The Senator from Maine has 13 minutes.

Mr. LEVIN. Will the Senator yield 8 minutes to me?

Ms. SNOWE. I was going to yield to the chairman of the Subcommittee on Personnel for 5 minutes, so the remainder of the time I yield to the Senator.

Mr. LEVIN. I ask that the Senator from Maine, then, yield 8 minutes to me.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First of all, Mr. President, we have all read about some terrible incidents that occurred at the Aberdeen Proving Grounds that gave rise to much of the concern about recruit training. Those incidents did not occur in recruit training. They did not occur in recruit sleeping areas. They did not involve sexual misconduct among recruits. They took place in advanced individual training, which is a phase of training which takes place after an individual graduates from recruit training. The incidents that give rise to so much of this understandable concern did not occur in the recruit training area or phase which this first-degree amendment would address.

I want to emphasize something on which the chairman of the Armed Services Committee has just spoken. We appointed a committee or a commission, 10 citizens. These are distinguished citizens that were selected by the chairman, by me, by the chairman of our counterpart committee in the House, and by the ranking member in the House. This commission is underway. We picked 10 distinguished citizens.

We asked them to look at a particular agenda, a list of items. We set forth their duties and they are now fulfilling those duties.

This is what our law said, and this is something which had broad support in this body. The law said:

> The commission shall consider issues relating to personal relationships of members of the Armed Forces as follows: Review the laws, regulations, policies, directives and practices that govern personal relationships between men and women in the Armed Forces and personal relationships between members of the Armed Forces and nonmilitary personnel of the opposite sex. Assess the extent to which the laws, regulations, policies, directives and practices have been applied consistently throughout the Armed Forces, without regard to the Armed Forces, grade, rank or gender of the individuals involved.

Then comes the third thing we ask them to do. This was a knowing, conscious request—a statement to this commission, saying this is your duty:

> Duty No. 3: Assess the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on fraternization and adultery that have been required by the Secretary of Defense.

Our good friend from Kansas has said that common sense dictates that since the Kassebaum Commission made this recommendation, we ought to follow it. No. Common sense dictates that when we appoint a commission with the explicit duty of assessing the Kassebaum Commission report—when we do that knowingly and openly, when we ask 10 distinguished citizens to give up part of their life to come here and assess the Kassebaum report, which is what we did in last year's law, that we not simply say, whoops, some of us liked the Kassebaum report and we are now going to adopt that and bypass the very commission that we created. I mean, what is the point of the Senate of the United States and the House of Representatives unanimously tasking a group of citizens to look at the Kassebaum Commission report, among other things, and now once that report is issued, because some of us like the recommendation, we take that piece of the report and say that we are now going to put that into law and bypass our own commission? I think it makes a mockery of the process that we ourselves set into motion. We should not do that.

Now, since I have a couple more minutes, I want to state what some of the underlying facts are about the way in which the males and females live.

First, nowhere in recruit training in any service do male and female recruits live in the same room or in the

same squad bay. These conditions do not exist now, and they did not exist when the incidents at Aberdeen took place. Male and female recruits do live in the same buildings, and in some cases, they live in separate wings or on separate floors. In some cases, they live on the same floors, but are separated by fire-safe barrier walls. But in every case, male and female recruits have controlled entrances and exits to their sleeping areas, and have segregated toilet and shower facilities.

Now, what have the services told us about this? The heads of the services have told us, ''Do not change this now.'' The heads of the services have told us this. The chief professionals have told us this. The senior enlisted members of the Army, Navy and Air Force, have written to the committee opposing the amendment. These are the professionals that we rely on. When it comes to the matters affecting the safety, welfare, and well-being of the men and women in our military, these are the people we rely on. These are the professionals. They have asked us, ''Do not enact this legislation.'' So on both counts—that our top military officials, uniform and civilian, have asked us to not enact this legislation, and the fact that we have appointed a commission that is going to give us a recommendation, which we put in place, in part, to review the Kassebaum Commission report—we should not take this action tonight.

Finally, the sergeant major of the Army, the master chief petty officer of the Navy, and the chief master sergeant of the Air Force have written us a letter, which was referred to by a number of my colleagues. I will not repeat the portions that they read. But I am going to quote one paragraph that I believe has not been read. This summarizes, to me, what the really critical point is, which was so well stated by the Senators from Maine and Georgia, and others. This is what they say:

> Each time our Nation has asked the Army, Navy, Air Force or Marines to do a job, it has been done. Men and women soldiers, sailors, airmen and marines accomplish the tasks asked of them every day in places like Bosnia, Haiti, Southwest Asia, and the Far East. Their many successes in our gender-integrated All-Volunteer force is a direct result of the training the services currently provide.

I hope that we will listen to these professionals.

These are the individuals who went to boot camp and have come up through the ranks to the highest position possible for an enlisted member. When it comes to matters affecting the safety, welfare, and well-being of the men and women in our military, these are the experts! And, they have asked us not to enact this legislation.

That leaves us with the question: Who wants this legislation and why? What problem will it solve?

Neither the military nor civilian leadership of the Department of Defense or of the Military Departments want it.

The senior enlisted members of the Army, Navy and Air Force see it as unnecessary.

Finally, it short-circuits the work of a Congressional Commission of distinguished citizens that this body voted into law less than one year ago.

The Armed Services Committee included in its mark-up a provision to provide for a moratorium on changes to policies or practices regarding segregation of integration on the basis of gender that is within the responsibility of the Commission appointed by the Congress, until that Commission terminates in March 1999.

I believe that it would be both short-sighted and very unfortunate for the Senate to adopt the Brownback amendment and to cause the Department of Defense to expend in excess of $150 million against the collective judgment—military and civilian—of DOD and before we have had the opportunity to benefit from the advice of our own Commission.

The second degree amendment Senators CLELAND and SNOWE have offered retains the moratorium on changes to policies or practices regarding segregation of integration on the basis of gender that is within the responsibility of the Commission appointed by the Congress, until that Commission terminates in March 1999.

I believe that this is a very reasonable approach. It would permit the Army, Navy, and Air Force to continue to conduct recruit training in the manner best suited to producing soldiers, sailors, and airmen ready to meet the challenges of our military. Uniformed Leadership of our military—leaders to whose appointments we have given our advice and consent—say it best:

General Reimer (Chief of Staff of the Army): ''Segregating their units into gender unique platoons for training and billeting the soldiers by gender in separate buildings will degrade the commander's ability to command and control his or her unit.''

Admiral Johnson (Chief of Naval Operations): ''Sailors should learn to live and work together from the first day of training.''

Admiral Pilling (Vice Chief of Naval Operations): ''Learning about security, privacy, dignity and personal responsibility should not be a lesson left for the fleet to teach.''

General Ryan (Chief of Staff of the Air Force) ''The saying 'train as we operate' is more than a catch phrase, it is an absolute necessity to ensure that team building begins on the first day our recruits report to basic training.''

Senior Enlisted Members ''Any attempt to make a training policy that applies across all Services is not in the best interest of the nation and will impact the readiness of the total force.''

I urge my colleagues to support the 2nd degree amendment and permit our Commission to complete the work we assigned to it and to report back to us before we direct any changes to recruit training.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I was listening to the debate when the distinguished Senator from Alabama was relating to us his experiences in basic training, and I was thinking of my experiences in basic training. Quite frankly, I think I would have been for integration of the sexes when I was in basic training, but I am looking at it differently now than I did at that time.

I would like to respond to something that the Senator from Michigan said. I have so much respect for him, but I disagree with him in this respect. As chairman of the Senate Armed Services Committee, Subcommittee on Readiness, I spend a lot of time talking to officers in the field, talking to enlisted people in the field, as does the ranking member, the Senator from Virginia. I find a discrepancy in what you hear in the field and what you hear from the chiefs.

I am not saying this critically of the current chiefs, but I think the chiefs have always reflected the philosophy of the President. The President is the Commander in Chief. He is the guy responsible for their careers. So we hear different things from the chiefs here in Washington than I hear when I go out to the National Training Center, or to 29 Palms, or Fort Bragg, or to Camp Lejeune. They are very emphatic and supportive of that portion of the recommendations of the Kassebaum-Baker report having to do with housing.

Thirdly, three different Members, while I have been sitting here, have gone into detail as to the makeup of the committee that we have asked for from our committee, and it is a very distinguished panel. But I think that we have kind of lost sight of the fact that the committee that we refer to as the Kassebaum-Baker committee was actually appointed under the supervision of Secretary of Defense William Cohen. He put together a committee and, frankly, I probably would not have put together the same committee. I would want it stacked a little bit the other way. Real briefly, I will go over the committee.

They are: Richard Allen, retired vice admiral of the U.S. Navy; Robert Forman, retired lieutenant general, U.S. Army; Marcelite Harris, major general, retired, from the Air Force; Condoleezza Rice, a Stanford professor; Don Gardner, a retired major general from the Marine Corps; Deval Patrick, who was the Assistant Attorney General for Civil Rights, appointed by President Clinton. I mean, if there is anybody who would have a bias toward the administration, it would be this individual. Ginger Lee Simpson, retired U.S. Navy, and others.

I suggest to my fellow Senators that this committee of 11 had a majority of women. On this committee of 11, 5 of

them were either retired generals or admirals.

I would hold up this committee to be certainly comparable to the committee that had been discussed on this floor. I think any time you have a committee like this reaching a unanimous decision—all of these retired women from all the services, along with the former Assistant Attorney General in charge of civil rights appointed by President Clinton—and it was unanimous; they all agreed. I think when you have this unanimity, I can't imagine that any other committee is going to come up with a different result.

What would happen is, it would delay the implementation of this by a year. If it is good now, and it is good a year from now, I think one year should make a tremendous difference in the morale of the services, which is certainly suffering at this time.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 5 minutes of my time to the distinguished chairman of the Subcommittee on Personnel.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I thank the Senator.

Mr. President, would you please notify me when I have consumed 4 minutes?

Mr. President, when you spoke so eloquently here, you said that Senator BROWNBACK's amendment could be summarized in that the men and women should not be housed together. I totally agree, 100 percent; men and women should not be housed together. I think that the Senator from Maine agrees with me. There is no argument here.

But when we talk about separate housing, I don't know that necessarily has to mean separate buildings, because when you look at the configuration of many of our structures out there—I agree with what Senator BROWNBACK said, which was very effective. This idea that somehow you are going to use a plywood partition to separate, that is wrong. It ought to be permanent. You ought to have separate entrances. You ought to have separate common areas. You ought to have that. We should have that.

But I believe that it is not necessary to go as far as Senator BROWNBACK at this point. I think that can be created with existing structures. If not, then let's go ahead with the separate. But, you see, we are presupposing here.

When we talk about the terrible incidents that have happened—and they are absolutely deplorable, deplorable. But I think in one of the cases that was referenced, a Navy drill instructor committed sexual misconduct with some of these individuals. But in none of those cases did the incidents take place in the sleeping bay of the barracks. It took place in the office of the drill instructor. It took place in the motel down the road. It is not in the bays.

The idea that we cannot allow a drill instructor—I don't know how far that goes. Can the commanding officer enter the drill bay to have a meeting with the recruits, if he is escorted by someone of the same sex, who are in the barracks? I think that should be allowed. But I don't know that it is allowed here.

I am just concerned that perhaps we have gone a little far.

We have talked about the Kassebaum-Baker Commission. Do you know that they did not look at the advanced training? They looked strictly at basic.

Why do I make that point? It is because it was at the advanced training at Aberdeen. That is where all of these incidents take place—advanced training.

We have put together a very effective group of commission members. It was a Kempthorne-Byrd amendment that created the commission. So I can't turn my back on that commission. That would be wrong. I am not going to turn my back on the Senator from Maine or the Senator from Georgia. That would be wrong. We created a commission in the Armed Services Committee.

You may have seen, Mr. President, a few weeks ago the commission was about ready to split. Four were going to walk. Congressman BUYER and I met with them and said, ''Don't do this. Don't rule yourselves irrelevant. There is such a critical reason for this commission to exist. Stay together. Give us the answers.'' Now I am supposed to say to that commission, ''Oh, by the way, thanks for staying together, but we don't need your conclusions, because we are going to go ahead with all of this legislation, because I believe there is an amendment ready to come forward that is going to be removing integrated training.''

Mr. President, I am going to repeat what you said. Men and women should not be housed together. No argument. No argument. But I believe we can accomplish that in the existing structure.

I also think we have to support a commission that was put in place.

Again, I want to compliment the Senator from Kansas. He has brought a meaningful issue before us. He has been articulate about it. Senator BROWNBACK does a good job, but I think he has gone just a little far in this. Does separate housing mean you have to have separate housing and the cost that goes with that?

I know the Senator from Virginia, Senator ROBB, a member of the subcommittee, also would like to speak. I would like to turn my time over to him.

The PRESIDING OFFICER. The Senator has 25 seconds.

Mr. ROBB. Mr. President, in 25 seconds let me thank the Senator from Idaho. I agree with the points he has made.

I have visited the training in Fort Jackson and Parris Island and examined these specific issues. I have asked for some reports from the GAO. That is coming in. But we established the commission to give us specific information to help make these decisions.

I think the Senator from Maine has adopted the approach that makes sense. Let's wait for the commission to make its report and act on the basis of that information.

With that, Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas controls the remaining time, 15 minutes.

Mr. BROWNBACK. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Mr. President.

Mr. President, I rise today to strongly endorse the amendment of my friend, the Senior Senator from Kansas. This amendment would simply require the housing of male and female recruits in separate barracks during recruit training.

It amazes me that this amendment is even necessary. Every attempt to return common sense to our military's recruit training policies has been obstructed by this administration—even those attempts initiated by the administration itself. Didn't the Secretary of Defense already convene a panel of distinguished military and civil rights experts to study this serious problem? Didn't this commission—the Kassebaum Commission—unanimously point out the critical importance of—among other things—giving each gender its own recruit housing? Hasn't the administration had over five years to make their misguided gender neutral policies work without success? Sadly and inexplicably, the answer to all these questions is yes.

Now we have another commission. Are we going to continue to appoint and pay for commissions until we reach an answer that we like? Are we going to find it easier to appoint a commission than to make a decision? I believe this tactic is called paralysis by analysis. I also believe that the appropriate time to criticize a commission is before they report, not after.

A few days of orientation for new recruits before they are kicked into the hormonal situation that we are putting them in would be helpful.

Mr. President, the administration's arguments in favor of their social engineering are misleading, contradictory and quite unprecedented. How are they misleading? The Secretary of Defense has tried to garner support for his gender neutral training policies on the grounds that the military simply cannot do without women. The fact, however, is that no one on any side of this debate is advocating that women be purged from our military, and it is patently offensive to me that he would indicate that we are. We fully understand

the importance of women to the functioning of our military. All we are trying to do with this amendment is to give both genders a training environment in which they can realize their fullest potential.

How are the administration's arguments contradictory? They argue that the military must train as it fights. They argue that since men and women serve together, they must train together, and be housed together. Yet one of the things discovered by the Kassebaum commission is that while male recruits are required to throw a hand grenade 35 meters, female recruits are only required to throw it 25 meters. Is the Secretary of Defense implying that our military intends to make sure our female soldiers are always 10 meters closer to the enemy than our male soldiers? Though this amendment would not address issues of training such as this, this type of thinking is indicative of the contradictory quality which pervades all aspects of this administration's recruit training policies—to include housing.

How are the administration's arguments unprecedented? It is surely unprecedented to place a political agenda of social engineering above the simple requirements of national security. Five years of gender neutral training barracks have resulted only in lowered morale, one sex scandal after another, recruiting shortfalls for every branch but the Marine Corps which does not engage in this incredible practice, and a refusal of this administration to face these problems. It is noteworthy that eighteen months after the sex scandals at Aberdeen, the Kassebaum Commission found that the policies which precipitated them had still not been corrected. The Army, like the Navy and Air Force, have proven singularly unsuccessful in solving the problems associated with these misguided policies—policies which deny the existence of any emotional dynamics between young men and young women. This is less a reflection on the earnestness with which our military leaders have tried to implement these policies, than it is an indictment of these unworkable gender neutral policies themselves. Mr. President, this amendment represents a common sense step in the right direction. It is sorely needed and I encourage all members to support it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. May I inquire how much time remains?

The PRESIDING OFFICER. Ten minutes 40 seconds.

Mr. BROWNBACK. I thank the Chair.

I would like to respond to a few things that have been stated here about what we are talking about and what we are not talking about in the final minutes that I have in this debate.

No. 1 is, what we are talking about is separate barracks during basic training—separate barracks during basic training. We are not talking about further training; we are not talking about deployment, any of those issues that are being raised as a smokescreen by others. We are not talking about separation. We are talking about the 9 weeks of basic training, separate barracks.

All right, that is No. 1. No. 2 is we are also talking about limited access by trainers of the opposite sex after hours. We have had instances—we have had court-martials. Even this month we have had a court-martial take place in the Navy involving that type of situation.

So what we are saying is if you are of the opposite gender, you can't go into the facility where the other gender is staying after hours other than in emergency cases.

Those are the two things we are talking about. Those are intimate issues and they have eminent common sense about them, plus I might add being backed up by the Kassebaum-Baker commission, the Army survey that I showed, the CRS study that I also cited earlier.

So I have three studies on this point as well as making what basically most people would say is pretty much common sense about this issue. We are not talking about separate training. Senator BYRD was going to have an amendment along that line, and I think he has some wisdom with it, but we are not talking about that sort of issue.

Some are saying, look, we don't have a problem. Well, I cited to you the court-martial that has taken place at the Great Lakes Navy basic training facility, and I read the quotes from some of the people involved in that horrible instance as to what took place there.

I would also cite to you some other problem areas. We did some surveying of the military on these issues. We asked them about official reprimands in instances in the last 12 months involving trainers and trainees. The Army gave us 53 that were involved in article 15s over the last 2 years involving trainers and trainees. That is a lot that were involved in this type of situation.

Also I want to cite—and there was one thing the Senator from Michigan cited saying that this isn't a particular problem. We have got those in that particular case, and the services do not want to do this. Well, the Army and Navy and the Air Force may not. The Marines think that separate training and separate barracks is the way to go and they are having fewer instances that they are reporting.

I want to cite another study. This is the Department of Defense 1995 sexual harassment study. This one is amazing if you look at it. They are talking about the progress taking place. In 1995, they surveyed their personnel and 55 percent of the women in the Army, 55 percent of the women surveyed in this Department of Defense study said they had some type of sexual harassment taking place within the last year. Listen to how this breaks down. Actual or attempted rape or assault, 4 percent of the women surveyed said that this had happened to them; pressure for sexual favors, 11 percent; touching or cornering, 29 percent.

This is the 1995 Department of Defense sexual harassment study. We don't have a problem? We have a significant problem taking place.

I have other studies to cite here, but what I want to get to with this is to say that we have a current and present problem and danger involved in this situation. We are talking about an amendment of very limited scope.

We can do studies until we find one that comes out the way we want it to come out, and I suppose if we keep appointing people that may happen. The commission that has been appointed has a much broader purview than this narrow issue of the barracks.

It says the duties of the commission shall be to:

> Review the current practices of the Armed Forces, relevant studies, and private sector training concepts pertaining to gender-integrated training.

OK, but it also says:

> Review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the Armed Forces and personal relationships between members of the Armed Forces and nonmilitary personnel of the opposite sex.

That is broader than just the barracks during basic training we are talking about.

> Assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the Armed Force, grade, or rank of the individuals involved.

Whether or not everybody is being reviewed similarly:

> Examine the experiences, policies, and practices of the Armed Forces of other industrialized nations regarding gender-integrated training.

Training: We are not talking about training here. We are just talking about barracks during basic training.

My point is that some would say we have appointed this commission and to not let it go on through; by doing this, that we are overruling the commission. This is a very broad-based commission. We have a clear and present problem in basic training that just earlier this month on June 5 we have a court-martial taking place at the Navy training grounds, and we have got 53 instances being reported in the last 2 years by the Army—53 official reprimands.

I get calls to my office by people asking to be released from the military because of sexual harassment that has happened to them in basic training.

Do we need another year to study this? Do we need another year to contemplate this?

My own staff then goes down to Fort Jackson to look at the situation because there is an issue regarding the

common area that is involved here: Let's just put them in the same facility, but we will put them on different floors or separate, different wings out here, but then we have a common area together.

My own staff was told about, well, there was sexual activities taking place, on the fire escape and in the telephone booth. Where there is a will there is a way, I guess. But my point is, if you are going to put young 18-year-old recruits in the same place in a pressurized environment and you are going to provide some chances, this is going to happen.

What we are saying is let's just put them in separate facilities by 2001. Let's give it some time, common sense, so we can get this put into place, and that is specifically and only what we are talking about. And let's limit the supervisors, the trainers being able to go into the trainees' facilities of the opposite sex after hours other than for emergency cases because we have had some really horrible instances taking place there.

So, Mr. President, I think if you look at the preponderance of evidence that is here with all the studies that have been done, we can do yet another one, and if this one doesn't come out the way we want, I suppose we may do yet another one, but we have enough. We have a real problem today—and this is going to really catch up with us—of recruits coming into the military.

This is a simple proposal, a simple matter. We don't need to put it off for another commission to study this. The evidence is overwhelming and the findings have been overwhelming to date.

So with that, Mr. President, I would ask my colleagues to vote against the Snowe amendment. Let us have a vote on this very simple issue of separate barracks and not having members of the opposite sex in the quarters after hours other than for emergency cases. That is all that we are asking for in this particular amendment.

So please vote no on the Snowe amendment so we can put the Kassebaum commission into place.

With that, Mr. President, I inquire how much time is remaining.

The PRESIDING OFFICER. Two-and-a-half minutes.

Mr. BROWNBACK. Mr. President, I would like to be very magnanimous and yield 2 minutes to somebody who absolutely disagrees with me on this amendment, who I think is absolutely wrong, but I want to be collegial with my colleagues and recognize and yield 2 minutes to the Senator from Michigan.

I would like 30 seconds at the end in case I need to say something.

Mr. KENNEDY. I think the Senator has used the 2 minutes, but I appreciate it. I will return the favor.

Mr. LEVIN. I thank our colleague from Kansas, and I yield the 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and the Senator from Kansas 30 seconds.

Mr. KENNEDY. Mr. President, one of the most important issues involving training in the military is the issue of gender integrated training.

Women have been serving with distinction in our military forces for decades, but their opportunities have grown immensely in the past decade. Unfortunately, the recent sexual harassment scandals in the military have been used by some to oppose the integrated training of men and women in the military and to urge a return to separate training. This approach would be a serious mistake.

In light of the expanded roles for women in the military it makes sense to continue to integrate all aspects of training except for direct combat training. The Services often cite ''train as you fight'' as one of their guidelines in preparation for war. Each service trains as it will fight. The Marines and Army direct ground combat units conduct gender segregated basic training. For all other non-direct ground combat roles, the services conduct gender integrated training. This is how they will fight.

Some ask, why should basic training be any different? But basic training is where new recruits learn basic military values. Integrated initial training makes sense. They will train and fight as an integrated force for their entire military careers. There is no reason why they should not begin to do so as early as possible. Doing so increases the readiness of all our military forces.

Opponents also argue for separate barracks for men and women during training. But, as anyone who has served in the military knows, military training does not end on the drill field or in the classroom. A great deal of unit cohesion is built during time spent in the barracks studying or preparing for the next day's training. Separate barracks would further complicate the commanders' task and make it more difficult to exercise the leadership that guarantees the readiness of the military unit.

The barracks now used in basic training by the services all have independent sleeping areas and restrooms for men and women. Each of these areas has separate entrances. There are alarms on doors and walls around living areas, which are locked at night. Moreover, there is around-the-clock supervision by the chain of command. There is no doubt that we have safe and secure barracks. Wasting over $150 million in new construction for separate barracks that are not needed and are no more secure makes no sense.

The critics of gender integrated training cite recent cases of sexual harassment as a demonstration of the need to segregate men and women during basic training. But almost none of the instances of sexual harassment or sexual misconduct were committed by recruits on recruits, but by drill instructors on recruits.

That kind of sexual harassment indicates poor leadership, not a gender integration problem in training. All of the Services acknowledge the importance of improving the quality of recruit training. Commanders and drill instructors will exercise closer supervision over all recruits. That is the best way to eliminate these abuses and ensure the high level of readiness required for our national defense.

We have come a long way toward full acceptance of women in the military. But more needs to be done to ensure that the progress goes forward in the coming years. Women will not continue to serve in a military which discriminates against them. I look forward to a day when more policies and programs affecting service members are implemented without regard to gender. Women in the military deserve no less.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kansas has 30 seconds.

Mr. BROWNBACK. I wish to simply respond to the statements of the Senator from Michigan and the Senator from Massachusetts. They are simply not true. We have the June 5 case taking place at the Navy train facility, a court-martial because of fraternization, harassment, sexual activity by the trainer with trainees involved in this.

Separate barracks: Keep the trainers out afterhours. This makes sense, and I would ask my colleagues to vote against the Snowe amendment.

The PRESIDING OFFICER. All time has expired.

The question is on the second-degree amendment offered by the Senator from Maine.

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment offered by the Senator from Maine.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''no.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—56

Bennett	Feinstein	Lugar
Biden	Ford	Mack
Bingaman	Graham	Mikulski
Boxer	Gregg	Moseley-Braun
Breaux	Hagel	Moynihan
Bryan	Harkin	Murray
Bumpers	Inouye	Reed
Burns	Jeffords	Reid
Chafee	Johnson	Robb
Cleland	Kempthorne	Sarbanes
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Feingold	Lieberman	

NAYS—37

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Byrd	Grassley	Santorum
Campbell	Hatch	Sessions
Coats	Hollings	Shelby
Conrad	Hutchinson	Smith (NH)
Coverdell	Hutchison	Thompson
Craig	Inhofe	Warner
DeWine	Kyl	
Enzi	Lott	

NOT VOTING—7

Akaka	Helms	Specter
Baucus	Rockefeller	
Glenn	Roth	

The amendment (No. 2979) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2978, AS AMENDED

The PRESIDING OFFICER (Mr. BROWNBACK). Is there further debate on the first-degree Brownback amendment numbered 2978, as amended? If not, the question is on agreeing to the amendment.

The amendment (No. 2978), as amended, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I wish to engage in a colloquy with the Chairman of the Armed Services Committee, Senator THURMOND.

The report accompanying this legislation states that the committee has included $191.4 million for three ''standard'' C–130J aircraft (in addition to funding for two other C–130J variants). The Administration's budget request included funding for one standard C–130J for the active Air Force. Thus, the committee added two standard C–130Js to the budget.

The report further states that these two standard C–130J aircraft added by this bill are designated for Reserve Component Modernization. However, the report appears not to include a designation for the requested C–130J. I would like to ask the Chairman, does the committee intend that all three of the standard C–130J aircraft in this bill—not simply the two added to the request—are designated for the Air National Guard?

Mr. THURMOND. Yes, that is correct.

Mr. DOMENICI. Mr. President, I want to compliment the Chairman of the Armed Services Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling budget issues in this year's defense budget.

This year the defense budget is once again confronted with a serious mismatch between the DoD/OMB and the CBO estimates of the outlays needed to execute the programs in the budget. CBO's estimate was $3.7 billion higher than OMB and DoD's estimate.

Becuase the President's proposed defense budget was right up against the discretionary spending caps adopted in the Bipartisan Budget Agreement, compensating for CBO scoring would require large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable.

Thanks in large part to the cooperation we received from the Chairman of the Armed Services Committee and of the Appropriations Committee, from CBO and from OMB, we were able to devise a solution to much of the problem. The solution has three parts:

First, Congress would legislate policies recommended by the Administration to better manage cash in DoD's Working Capital Funds. This would lower fiscal year 1999 outlays by $1.3 billion.

Second, Congress would agree to changes in two classified accounts in the Air Force budget that would lower 1999 outlays by $700 million.

Third, Congress would enact asset sales amounting to roughly $700 million.

The Chairmen of the Armed Services Committee and the Appropriations Committee have assured me that taken together these actions reduce the 1999 outlay shortage to manageable dimensions and help avoid the negative effect on readiness or modernization that was feared.

Mr. President, I have reviewed the text of the 1999 Defense Authorization bill, and I believe we are within reach of the solution. However, I have a concern.

The cash management provisions of DoD's Working Capital Funds contains a waiver clause for the Secretary of Defense that is very broad. I am concerned that some in the Department may find this waiver authority too tempting to resist and will use up the outlays intended to be left in the cash reserves of the Working Capital Funds. Unless there are truly extraordinary and compelling reasons that are not now apparent to us, I believe it would be a very serious mistake to use the available waiver authority. Doing so would certainly destroy the cooperation and trust that has been built up this year with the Defense Department and OMB as we worked together to address this outlay problem.

Assuming there is no unwarranted use of the waiver authority granted in the amendment, I believe we can say we have bridged this problem this year. Next year, I very strongly hope we will receive more accurate outlay estimates from those who have in the past tended to underestimate them. It is unacceptable to receive such miscounts of outlays and then to be told that for Congress to adopt more accurate estimates, the readiness and modernization of our Armed Forces must be reduced. I hope this is the last time we are forced to address this issue.

Mr. WARNER. Momentarily, as acting leader, I will address the Senate.

On behalf of Senator LOTT, I ask unanimous consent that Senator INHOFE now be recognized to offer an amendment relative to BRAC and there be 30 minutes equally divided for debate tonight. Following that debate, the amendment be laid aside. I further ask that Senator HARKIN then be recognized to offer an amendment relative to VA health care, and there be 1 hour of debate equally divided for debate tonight, and the amendment then be laid aside.

I further ask that, at 9:30 a.m. on Thursday, Senator WELLSTONE be recognized to offer an amendment relative to DOD schools and there be 30 minutes equally divided; following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the amendment, with no amendments in order prior to the vote.

I further ask that, following the disposition of the Wellstone amendment, the Senate resume the Inhofe amendment for 10 minutes of closing remarks, to be equally divided, and the vote then occur on or in relation to the Inhofe amendment, with no amendments in order prior to the vote.

I further ask that, following the vote on or in relation to the Inhofe amendment, there be 10 minutes of debate on the Harkin amendment, and the vote then occur on or in relation to the Harkin amendment, with no amendments in order prior to the vote.

Is there any objection?

Mr. LEVIN. Reserving the right to object.

Mr. HARKIN. Reserving the right to object, I didn't quite hear all that, but there has always been sort of a comity in the Senate where we alternate from side to side on amendments. It seems to me the last couple of amendments have been on the other side. It would seem to be only logical that the next amendment be on this side.

I ask the Senator if we couldn't do that. I only need about 15 minutes.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

Mr. INHOFE. I ask the Senator to at least consider that the amendment I have to offer is not a Republican

amendment. We have just as many Democrats as Republicans. I have been waiting for 6½ hours to take it up. It will be very short. We have agreed to a time agreement, and we will not even take that much time.

Mr. HARKIN. I have a time agreement also, and I have been waiting all day. I will take only about 15 minutes on mine.

Mr. INHOFE. I have been on the floor.

Mr. HARKIN. We usually go back and forth on these things.

Mr. WARNER. I wonder if at this point the two Senators could sort this out in such a way that we could proceed tonight. I understand the Senator from Arizona also desires some time, 5 minutes on the Inhofe amendment.

Mr. LEVIN. If we reduce both debates tonight to 20 minutes, that might resolve this problem.

Mr. INHOFE. If I can go first, I am agreeable to that.

Mr. HARKIN. That would put you on until just before 9 o'clock. That would put me up about 9 o'clock. I still don't know why we can't go back and forth like we have always done in the past.

Mr. WARNER. I have to say to the Senator, I was not in the chair as the manager at the time the agreement was drawn.

Mr. LEVIN. Reserving the right to object, I want to ask one clarification. I understand this unanimous consent would preclude second-degree amendments at any time?

Mr. WARNER. Prior to the vote, that is correct.

Mr. LEVIN. At any time prior to?

Mr. WARNER. Any time prior to the vote.

Mr. President, I repeat the unanimous consent request.

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

Mr. WARNER. Mr. President, I have a further announcement for Senators. For the information of all Senators, there will be no further votes tonight. Several Members have agreed to remain tonight to debate other amendments, and there will be three votes occurring at 10 a.m., with a few minutes debate between the second and third votes.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2981

(Purpose: To modify the restrictions on the general authority of the Department of Defense regarding the closure and realignment of military installations, to express the sense of the Congress on further rounds of such closures and realignments, and for other purposes)

Mr. INHOFE. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. DORGAN, Mr. DASCHLE, Mr. LOTT, Ms. SNOWE, Mr. BENNETT, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. SHELBY, Mr. SESSIONS, Mr. HATCH, Mr. DOMENICI, Mr. CONRAD and Mr. CLELAND, proposes an amendment numbered 2981.

Mr. INHOFE. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in Title XXVIII of the bill, insert the following:

SEC. . MODIFICATION OF LIMITATIONS ON GENERAL AUTHORITY RELATING TO BASE CLOSURES AND REALIGNMENTS.

(a) ACTIONS COVERED BY NOTICE AND WAIT PROCEDURES.—Subsection (a) of section 2687 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs (1) and (2):

''(1) the closure of any military installation at which at least 225 civilian personal are authorized to be employed;

''(2) any realignment with respect to a military installation referred to in paragraph (1) if such realignment will result in an aggregate reduction in the number of civilian personnel authorized to be employed at such military installation during the fiscal year in which notice of such realignment is submitted to Congress under subsection (b) equal to or greater than—

''(A) 750 such civilian personnel; or

''(B) the number equal to 40 percent of the total number of civilian personnel authorized to be employed at such military installation at the beginning of such fiscal year; or''.

(b) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (3), by inserting ''(including a consolidation)'' after ''any action''; and

(2) by adding at the end the following:

''(5) The term 'closure' includes any action to inactivate or abandon a military installation or to transfer a military installation to caretaker status.''.

SEC. . PROHIBITION ON CLOSURE OF A BASE WITHIN FOUR YEARS AFTER A REALIGNMENT OF THE BASE.

(a) PROHIBITION.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following:

§ 2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases

''(a) PROHIBITION.—Notwithstanding any other provision of law, no action may be taken, and no funds appropriated or otherwise available to the Department of Defense may be obligated or expended, to effect or implement the closure of a military installation within 4 years after the completion of a realignment of the installation that, alone or with other causes, reduced the number of civilian personnel employed at that installation below 225.

''(b) DEFINITIONS.—In this section, the terms 'military installation', 'civilian personnel', and 'realignment' have the meanings given such terms in section 2687(e) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2687 the following:

''2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases.''.

(b) CONFORMING AMENDMENT.—Section 2687(a) of such title is amended by inserting ''(other than section 2688 of this title)'' after ''Notwithstanding any other provision of law''.

SEC. . SENSE OF THE SENATE ON FURTHER ROUNDS OF BASE CLOSURES.

(a) FINDINGS.—The Senate finds that—

(1) While the Department of Defense has proposed further rounds of base closures, there is no need to authorize in 1998 a new base closure commission that would not begin its work until three years from now, in 2001;

(2) While the Department of Defense has submitted a report to the Congress in response to Section 2824 of the National Defense Authorization Act for Fiscal Year 1998, that report—

(A) based its estimates of the costs and savings of previous base closure rounds on data that the General Accounting Office has described as ''inconsistent'', ''unreliable'' and ''incomplete'';

(B) failed to demonstrate that the Defense Department is working effectively to improve its ability to track base closure costs and savings resulting from the 1993 and 1995 base closure rounds, which are ongoing;

(C) modeled the savings to be achieved as a result of further base closure rounds on the 1993 and 1995 rounds, which are as yet incomplete and on which the Department's information is faulty; and

(D) projected that base closure rounds in 2001 and 2005 would not produce substantial savings until 2008, a decade after the federal government will have achieved unified budget balance, and 5 years beyond the planning period for the current congressional budget and Future Years Defense Plan;

(3) Section 2824 required that the Congressional Budget Office and the General Accounting Office review the Defense Department's report, and—

(A) The General Accounting Office stated on May 1 that ''we are now conducting our analysis to be able to report any limitations that may exist in the required level of detail. . . . [W]e are awaiting some supporting documentation from the military services to help us finish assessing the report's information.'';

(B) The Congressional Budget Office stated on May 1 that its review is ongoing, and that ''it is important that CBO take the time necessary to provide a thoughtful and accurate evaluation of DoD's report, rather than issue a preliminary and potentially inaccurate assessment.'';

(4) The Congressional Budget Office recommended that ''The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DoD and independent analysts examine the actual impact of the measures that have been taken thus far.''

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that:

(1) Congress should not authorize further rounds of base closures and realignments until all actions authorized by the Defense Base Closure and Realignment Act of 1990 are completed; and

(2) The Department of Defense should submit forthwith to the Congress the report required by Section 2815 of Public Law 103–337, analyzing the effects of base closures and realignments on the ability of the Armed Forces to remobilize, describing the military construction projects needed to facilitate such remobilization, and discussing the assets, such as air space, that would be difficult to reacquire in the event of such remobilization.

The PRESIDING OFFICER. It is the Chair's understanding that the time on both amendments has now been reduced to 20 minutes.

Mr. INHOFE. That is correct.

Mr. HARKIN. Mr. President, I did not agree to that. I am sorry, that had to do with something else. I still reserve the amount of time that was requested.

The PRESIDING OFFICER. Under the original order, the Senator from Oklahoma, Mr. INHOFE, gets 30 minutes, equally divided, and the Senator from Iowa, Senator HARKIN, gets 1 hour, equally divided. That is the original order.

The Senator from Oklahoma has the floor.

Mr. INHOFE. I think I probably will voluntarily cut this down. It depends on who shows up and wants to be heard.

Mr. President, as I have said in response to the comment by the Senator from Iowa, this is not really a Republican amendment. We have, certainly, Senator DASCHLE, Senator DORGAN, Senator CLELAND, Senator CONRAD, and many Democrats who are supporting this amendment.

The need for this amendment came up when several comments were made by members of the administration, primarily Acting Secretary Peters of the Air Force, making statements that, ''We don't care whether or not we are authorized to have further BRAC rounds, we are going to go ahead and close bases anyway.''

Later in this discussion, I will actually offer some of the quotes that were made. Right now, I will merely explain what this amendment does. It does essentially five things.

First of all, the current language, in order for a military facility to be closed without Congress' consent, has a threshold of 300 civilian employees. Let me stress, that is civilian employees, not military employees. This bill will reduce that number to 225.

Now, my original bill would have reduced it to 150. I still like that better. However, I was willing to accommodate the concerns of several Democrats and other people who wanted to have 225. The effect of this would mean that if they tried to close a military base, they could not do it without our consent unless that base had more than 225 civilian employees.

No. 2, in the event that realignment became the desire of the services—Department of Defense—that they could not do it if there were as many as 750 civilian positions or 40 percent of the total civilians authorized to be employed.

The current language has a threshold of 1,000 civilian employees at 50 percent of the total civilians authorized to be employed. So this again is dropping that down a modest amount, by approximately 25 percent.

No. 3, we clarify the definition of closure. The reason we feel this is necessary is that there have been statements made like, ''We will just transfer it to a caretaker status, or a state of inaction or abandonment.'' What we are doing is expanding the definition in the law of closure to include these statements, so that someone cannot do this and circumvent the closure requirements by saying we are not closing, we are just abandoning or putting it into a state of inaction.

On this, I pause at this point and say, if you stop and think about every community in America that might have some type of a facility, they would not know, they would not be prepared in advance as to whether or not somebody is going to try to make it inactive or put it into caretaker status. We want to be straightforward and say if you are going to close it, you are going to close it—using those terms.

No. 4, we will add a provision that requires a waiting period of 4 years after a realignment before a base could be closed, if that realignment drops the civilian workforce below the new threshold of 225 civilians. Our concern here is that this can be circumvented and we could be left out of the loop as the U.S. Senate if they were able to take it one step at a time and say, fine, we are going to go ahead and realign, and next week we will come and realign some more and have the effect of closing a base entirely, regardless of the number of employees, if they are willing to do that. This would preclude that.

Lastly, it is the sense of the Senate that there is no need to reauthorize for the year 2001 in this 1998 authorization bill. There is no reason in the world that we can't have more time to consider this and to see how current law works and maybe address this again in the 1999 authorization bill. It would not make any difference at all; it would still be the year 2001.

These are essentially the changes in the current law that this amendment would offer.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I don't have any requests for time on my side.

I retain the remainder of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this amendment sends the wrong message to every single person in the Defense Department. That message is: Do as I say, not as I do. We are telling the Department of Defense to be more efficient, to adopt better business practices, to do more with less, to go faster in reshaping the military for the threats of the 21st century.

We are pushing the DOD to have their inventory maintained more efficiently, to cut acquisition personnel, cut headquarters personnel, cut the number of ships and aircraft and combat troops. But, apparently, the military forces of the future that some colleagues have in mind will cut equipment, people, and supplies, but leave all the empty buildings standing to impress people.

This amendment tells our soldiers that despite what we say, our real priority would be to protect our turf back home, instead of protecting the well-being of our future soldiers, sailors, airmen and marines. Every single top uniformed military and civilian military have told us that the reality is that the money we spend maintaining more bases than we need is money that we can't spend buying our troops the things that they do need.

You know, it is one thing not to authorize some more BRAC rounds, and it is something altogether different to make even an alignment that is currently possible without BRAC, to make that more difficult. This amendment takes us in exactly the wrong direction. It will make reductions more difficult than they are now.

I happen to support BRAC rounds, but that is not the issue here. The issue here isn't whether we add a round or two rounds of BRAC, as much as that may be necessary in the judgment of some of us; the issue here is whether or not we make it more difficult to realign facilities that are currently realignable without BRAC. This amendment will make it more difficult.

If this amendment is adopted, it is either going to kill this bill, or if the President does sign a bill that includes this provision—which is a very uncertain prospect—it is going to put a very large wrench into the Defense Department's gears and bring the Defense Department's efforts to make its base structure more rational and efficient to a grinding halt.

The Secretary and Deputy Secretary are trying to move the Defense Department into the 21st century. This amendment is trying to set the Defense Department in concrete.

This is what Secretary Cohen wrote to Chairman THURMOND and me on June 22:

DEAR MR. CHAIRMAN: I am writing to express the Department of Defense's strong opposition to an amendment to the fiscal year 1999 Defense Authorization Bill that has been proposed by Senators Inhofe and Dorgan. If enacted, this amendment would further restrict the Department's already limited ability to adjust the size and composition of its base structure. The Department will have views on other provisions in the Authorization Bill as well, but I want to draw your attention to this particular amendment before the Senate completes consideration of your bill.

The Department can undertake closures and realignments only after first complying with the requirements of 10 USC 2687. As a practical matter, section 2687 greatly restricts the Department for taking any action to reduce base capacity at installations with more than 300 civilians authorized. The amendment being proposed would extend the application of section 2687 to an even greater number of installations.

This proposal would seriously undermine my capacity to manage the Department of Defense. Even after eight years of serious attention to the problem, we still have more infrastructure than we need to support our forces. Operating and maintaining a base structure that is larger than necessary has broad, adverse consequences for our military forces. It diverts resources that are critical

to maintaining readiness and funding a robust modernization program. It spreads a limited amount of operation and maintenance funding too thinly across DoD's facilities, degrading the quality of life and operational support on which readiness depends. It prevents us from adapting our infrastructure to keep pace with the operational and technical innovations that are at the cornerstone of our strategy for the 21st century. In short, this amendment would be a step backward that would harm our long-term security by protecting unnecessary infrastructure.

I urge you to oppose the Inhofe/Dorgan amendment during floor consideration of the Authorization Bill. Its passage would put the entire bill at risk. Congress has given me the responsibility to organize and manage the Department's operations efficiently. I need to preserve my existing authority to fulfill that responsibility.

Mr. President, I think all of us who are on the Armed Services Committee—including my friend who is proposing this amendment—are very sensitive to that question. We want an authorization bill, we want to get an authorization bill to the President, and we want him to sign an authorization bill. The Secretary of Defense is telling us in this letter, in his words, that passage of this amendment would ''put the entire bill at risk.''

There are many ways in which this amendment would make it more difficult for the Defense Department to realign bases that are currently realignable. It does that by changing, reducing the number of civilians at a base that would require notification to Congress, or would require realignment action by a base closing commission. This amendment lowers the threshold for any base with 300 people to a base with 225 civilians. Even though the current definition of 300 captures all of our major installations, this amendment would go deeper. This amendment would make it more difficult for the Secretary of Defense to make the kind of efficiencies that we are demanding everywhere else in the defense budget.

So I hope this amendment will be rejected. It is a step in the wrong direction. If we don't have what, in my judgment, is the courage to adopt an additional round or two rounds of BRAC—of Base Closing Commission—with the power to make a recommendation to us and the President, and a certainty that that would be voted on—if we don't have the courage to do that because it will put at risk facilities in each of our States, for heaven's sake, we should not go backwards, dig ourselves into a deeper hole, require lesser efficiencies instead of greater efficiencies. We should not set the Department of Defense in deeper concrete, thicker concrete than it already is in. So I hope that this amendment will be rejected.

I thank our colleague, Senator INHOFE, for a number of things.

One is his willingness to raise this amendment tonight, even though it means there will be less time tomorrow for us to debate this amendment. His willingness to offer this amendment tonight is very courteous to all of us who are trying to move this bill. I thank him for that courtesy, and many other courtesies which he has extended.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Michigan. It has been a very helpful step to enable us to keep moving here tonight.

Mr. THURMOND. Mr. President, the Senate Armed Services Committee expressed its views regarding base closure when it voted 10 to 8 against an amendment that would have authorized additional base closure rounds. I fully support that decision although I have an open mind on future legislation, especially if the Administration makes a better case for additional rounds and the rounds are scheduled after the current base closure activities are completed.

In regard to the amendment before us, I believe it will have little if any impact on whether or not we will close additional bases. The amendment is in reaction to the Department's threat to close bases by attriting personnel below the 300 threshold set by section 2687 of title 10. While I do not believe that this is an idle threat, reducing the threshold to 225 personnel will have little or no impact.

To close or realign bases under section 2687, the Department of Defense must notify Congress as part of its request for authorization of appropriations and must provide the Congress an evaluation of fiscal, local economic, budgetary, environmental, strategic, and operational consequences of proposed closures and realignments. One of the most important drawbacks to the section 2687 process is the requirement to complete a full environmental study under the provisions of the National Environmental Policy Act before a closure or realignment decision is made and sent to Congress. While such studies are under way, usually for a period of 12 to 18 months, litigation is likely to arise, effectively derailing the proposed closure and realignment. Additionally, individual actions can be thwarted by withholding the appropriation of funds to execute a closure or realignment. Section 2687 has effectively prevented DoD from reducing its infrastructure through closures or realignments at any of its significant facilities.

Mr. President, this legislation is unnecessary and I urge the Senate to reject the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the BENS Tail-to-Tooth Commission, and a letter from Taxpayers for Common Sense.

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

BENS TAIL-TO-TOOTH COMMISSION,
June 10, 1998.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR THURMOND: We are writing to express our strong opposition to the Dorgan-Inhofe Amendment to the FY1999 Defense Authorization bill. This amendment severely hampers the Pentagon's ability to rationally manage its military bases and personnel.

As members of the BENS Tail-to-Tooth Commission, we all share a commitment to reforming the Department of Defense so that we can invest savings in new procurement and enhancing the readiness of our military forces. the Senate is on record in support of these goals; yet, the Dorgan-Inhofe amendment moves us in the opposite direction. By locking in the status quo, this proposal prevents the Pentagon from making rational business decision that will save money, and most importantly, improve the support provided to service members.

Under this plan, the Pentagon is required to prepare costly and time consuming impact statements when it proposes to move as few as ten civilian employees. It also provides unfair protection to numerous facilities that would be declared off limits should be the Base Closure and Realignment Commission be authorized in the future.

Passage of the Dorgan-Inhofe amendment would be a major blow to the cause of smart management. the cost to taxpayers, and most important, to the troops will be significant. We urge you to oppose this ill-conceived proposal.

Sincerely,

Admiral Stanley R. Arthur, USN (Ret.); Mr. Raphael Benaroya; Mr. Denis A. Bovin; the Honorable Howard H. Callaway; the Honorable Frank C. Carlucci; Ms. Maryles V. Casto; Mr. Michael S. Fields; the Honorable Sidney Harman; Dr. Anita K. Jones; the Honorable James R. Jones; Mr. James V. Kimsey; Admiral Wesley McDonald, USN (Ret.); Lt. Gen. Thomas McInerney, USAF (Ret.); Ms. Ann McLaughlin; General Merrill A. McPeak, USAF (Ret.); General Thomas Moorman, USAF (Ret.); Mr. John P. Morgridge; Mr. William F. Murdy; Admiral William A. Owens, USN (Ret.); the Honorable William J. Perry; Mr. William J. Rouhana, Jr.; Admiral William D. Smith, USN (Ret.); General Gordon R. Sullivan, USA (Ret.) and Mr. Josh S. Weston.

OPPOSE DORGAN/INHOFE AMENDMENT TO MAKE IT HARDER TO REALIGN SMALL MILITARY BASES

DEAR SENATOR: When the Senate considers S. 2057, the Fiscal Year 1999 Defense Authorization Bill, we urge you to vote against the Dorgan/Inhofe Amendment, which would make it more difficult to realign and consolidate small military installations. The amendment would require Department of Defense (DoD) to waste money that could otherwise be used to reduce overall defense spending or pay for improved readiness or weapons procurement. The amendment would be a disservice to both taxpayers and soldiers.

Currently, the law restricts DoD's ability to close bases that have authorizations for 300 or more civilians. The law also restricts realignments at installations with over 300 civilians authorized when the realignment involves the reduction or relocation of more than fifty percent of civilians authorized. The amendment expands the scope of the restrictions by decreasing the 300 person threshold to 225 and restricting realignments

at all installations if such action affects 40 percent or more of the civilians authorized.

To illustrate, an installation as few as ten civilians could not realign more than three employee positions without: (1) notifying Congress of the proposed action as part of DoD's request for defense authorizations; (2) providing Congress with an evaluation of the fiscal, local economic, budgetary and environmental impact, strategic, and operational consequences of proposed closures and realignments; (3) conducting a full environmental study before the proposal is sent to Congress; and (4) then waiting 30 legislative days or 60 calendar after notifying Congress before executing the realignment.

There is no need to compel the DoD to maintain Cold War infrastructures now that the Cold War has ended. The proposed amendment would make it all but impossible for the DoD to reorganize, consolidate, or close unnecessary small bases. Every excessive base, airfield, depot and station undermines U.S. national security and wastes taxpayer money. We urge you to allow DoD to retain one of the tools it needs to provide the American people with the best possible defense our tax dollars can buy. Vote ''NO'' to the Dorgan/Inhofe Amendment.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. WARNER. Mr. President, I have a few comments.

Ironically, I was the author of the last base closure legislation. I saw right here just a day or so ago Senator DIXON of Illinois. He was my other principal author of that resolution.

I think it is absolutely essential that the United States reduce its infrastructure and enable the Secretary today and the Secretaries of Defense thereafter to husband those funds from the reduction as best they can and channel those needed dollars into readiness and modernization, and all types of things that have a much, much higher priority than so much of the excess that we now have in the military structure.

The last time we considered this BRAC concept in the committee, I voted against it simply because I was so disheartened by some of the procedures with regard to certain bases in California, and then subsequent revelation of letters from an individual in the Secretary of Defense's Office which clearly indicated to me a certain bias.

We just have to get politics out of this process someday. I am not sure when that will be. But as soon as we can come up with some system which guarantees elimination of politics, then you can count on the Senator from Virginia supporting the BRAC process going forward. In the meantime, I register my opposition against my good friend and fellow Member.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. INHOFE. Mr. President, I want to clarify the time of the minority leader.

The PRESIDING OFFICER. The Senator from Michigan controls 5 minutes 45 seconds. The Senator from Oklahoma has 10 minutes.

Mr. LEVIN. I would be happy to yield that 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. Mr. President, I was looking at the amendment. I find it to be very interesting.

First of all, there is a very strongly worded letter from the Secretary of Defense:

> Congress has given me the responsibility to organize and manage the Department's operations efficiently. I need to preserve my existing authority to fulfill that responsibility.

I think Secretary Cohen's words are very important. We should keep them in mind.

Mr. President, I was looking at this amendment. There is a prohibition, and there is a sense-of-the-Senate part of the prohibition which says, ''Notwithstanding any other provision of law, no action may be taken, and no funds appropriated, or otherwise available to the Department of Defense, may be obligated or expended to effect, or implement, the closure of a military installation within 4 years after the completion of a realignment of the installation.''

That alone—''. . . or with other causes, reduce the number of civilian personnel employed at that installation below 225.''

I find that an astonishing clause. First of all, civilian employment seems to be the case here. Second of all, 4 years?

Suppose you had an installation—I ask the Senator from Oklahoma—that had 230 civilian employees, and a contract at the base at the Pentagon was canceled, therefore negating the need for the civilian workers, and reduce them by 6, down from 230, down to 224. Nothing can be done by the Secretary of Defense for 4 years? This is a very unusual restraint that we are attempting to impart on the Secretary of Defense.

Second of all, on the sort of findings here, there is one finding that should be leading of all in this; that is, base closures save money. That is something that we seem to avoid in this debate—that fact. If base closures didn't save money, Mr. President, we made a horrible mistake at the end of World War II. Do you know? We made a terrible mistake at the end of World War II, because there were thousands of bases around America. Do you know what? We closed them. I can't imagine how much that must have cost the taxpayer in order to close those thousands of bases.

I sit here and listen to arguments that closing bases costs money. Of course it costs money in the short term. You are cleaning up an installation. But everybody knows that in the long term it saves money. And, unless we do so, you cannot hope to fund the modernization of the force and all of the other requirements that we need to meet the challenges of the 21st century.

Mr. President, the Department of Defense estimates that they need to close about 50 major facilities and realign 25 others. That is so they can match infrastructure to force size and structure.

I hear many, many hours of debate on the base closing issue, but I don't hear the debate that I think is necessary on the floor of the Senate in order to maintain our national defense capability—the overall question. We are spending less and less on defense. We are putting more money into pork barrel projects, and we are allowing a base to close. The ultimate result is that you reduce the capability of the military force.

Not only did we turn back in committee. I was sorry that the Senator from Virginia chose to vote against the amendment in committee. Not only did we vote in committee against any base closing round anytime in the near future, but now we are going to restrict even the ability of the Secretary of Defense to move people around from one base to another in keeping with the changing mission.

I, frankly, first of all, don't understand the argument that somehow closing bases doesn't save money. As I say, if we did, we made a terrible mistake after World War II and after the Korean war and after the Vietnam war.

The other thing I don't understand is how we can worry about the Congressional Budget Office. The May 1 review is ongoing, and it is for the Congressional Budget Office to take the time necessary to provide a thoughtful and accurate evaluation of DOD's report rather than issue a preliminary and potentially inaccurate assessment.

The Congressional Budget Office, in a remarkable act of courage, says the Congressional Budget Office recommended the Congress could consider authorizing an additional round of base closing if the Department of Defense believes there is a surplus of military capacity.

Is there anybody who thinks that the Department of Defense doesn't believe there is a surplus of military capacity? After all, BRAC rounds have been carried out. This consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

Mr. President, I oppose the amendment.

I ask for an additional minute from the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is out of time.

Mr. MCCAIN. Mr. President, I hope someday that we will address the issues on this floor—like 11,100 military families on food stamps, like men and women who are leaving the military in droves because they do not have the equipment to fight with and operate with, like the incredible long deployments that we are sending these

men and women on, like the fact that we are not prepared to meet the post-cold-war challenges in any reasonable and responsible way. Instead, we seem to spend our time arguing and fighting over a base closing. I think, frankly, it is something we ought to get resolved and behind us. If we never want to close a base, let's do that. But let's not go through this every single year.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I have so much respect for both the Senator from Arizona and the Senators from Michigan and Virginia. I have to say, I am sure the Senator from Arizona would agree that there is no stronger proponent for a strong national defense than I am. We work hard.

One of the big problems I have is that we need to look at the overall picture. All this talk about base closings is important. I support base closures. I made it very clear that we have time on this. If we do not have base closures until the year 2001, there is no reason to be addressing base closures in this bill.

Certainly—I also respond to the Senator from Arizona—what he referred to was a sense-of-the-Senate portion of this bill. It says, ''Notwithstanding any other provision of the law,'' no action would be taken, and no funds appropriated, and so forth, as you read.

However, if we should authorize another BRAC process, that would have precedence over this and this would not be in effect.

It is my understanding that the Senator from Washington has a request for a couple, 3 minutes and I would like to yield to him, and then I will respond to the rest of the comments that have been made.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. GORTON. Mr. President, I do not believe that there has been any more successful and imaginative policy with respect to our military preparedness than the three base-closing rounds that were created by a law imagined by the now majority leader of the House of Representatives, a major contribution to a rational system—at least, Mr. President, a rational system until the last base closure round when, in spite of the fact that everyone felt that this issue had been taken out of politics, the President of the United States poisoned the well by totally politicizing the base-closure process.

The Senator from Virginia, I think, wisely voted against another base-closure process presided over by this President. I agreed with that proposition on the basis that once again it would become a part of the Presidential campaign in the year 2000, and I will not vote for another such process until we can be guaranteed that we will take it out of politics.

I am going to vote for the amendment from the Senator from Oklahoma perhaps for the same reason that the Senator from Virginia is going to vote against it. I am going to vote to emphasize even more forcefully that he has my bitter disappointment in the way in which this important process was politicized. And I think we need to send a message, yes, even to the Department of Defense that we will not permit that kind of thing to happen in the future. And this, it seems to me, is a pretty good way to send that message.

I wish I could have voted this year for another base-closing round. I cannot because of what happened during the course of the last Presidential election, and I will support the Senator from Oklahoma because I think he makes that point even more forcefully.

Mr. INHOFE. I thank the Senator from Washington. I would like to inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma controls 6 minutes 30 seconds.

Mr. INHOFE. Mr. President, first of all, let me clarify something. I do support the process. It happens that I was elected to the other body in 1986, and that is when Representative DICK ARMEY from the State of Texas came out with the whole idea that we have got to close down some of the infrastructure that is no longer needed. We understand that. But we can't do it because of the politics that are there.

So he devised a system, and that system was devised to take the politics out of it, and it worked. If there were time, I would read the statement he made on the floor of the House of Representatives when he found out he had to do something that was bad for his State of Texas, and he was willing to do it to save the system, the integrity of the system that was designed to take politics out of it.

Now, as the Senator from Washington said, politics were reinserted, and when that happened I think several of us felt we had to ensure that did not happen again. And so some of the people, wisely perhaps, said that, well, we can do that by waiting until after this President is no longer in office, 2001.

My concern there is I don't know who is going to be the Republican nominee or who is going to be the Democratic nominee or who will ultimately be the next President of the United States. But if that President should be inclined to do so, it would be a tremendous temptation for him to use the same politics that President Clinton used, because if he doesn't do it, he is not using the full force of his office. That is a precedent that has been set. We are trying to stop that now.

I would like to respond to the distinguished Senator from Michigan. He made the statement about money being saved. I have supported every effort to increase our defense spending. For 15 consecutive years now we have actually reduced defense spending when many people a lot smarter than I am agreed with the statement that I have made when I said that I feel the threat that is facing America is greater today than it was even during the cold war because of the nonpredictability, the unpredictability of the threat that is out there, the proliferation of weapons of mass destruction, the fact there are missiles out there right now that can reach all the way to any city in the United States of America. And it has been recently disclosed by some newspapers that there are, in fact, some missiles, some CSS–4 missiles in China that are targeted at the United States.

Now, I anticipate the President will come back and say, I accomplished the retargeting of these things. However, if you remember the Anthony Lake hearings, we documented the fact that retargeting can take place in as short as 3 minutes.

So anyway, I would say this as far as money being saved by base closures. It is bleeding right now. We need to have as much money right now in order to try to help our defense system survive. Modernization, force strength, quality of life, all of these we are having very serious problems with. We have the lowest retention rate right now we have had in the history of some of the services, including the Air Force. It costs $6 million to put someone in the seat of an F–16 and yet we are losing the pilots. I heard an unofficial report today it is not a retention of 25 percent. It is now down below 20 percent. That is very serious.

But let's look at where we can really fund the services. The first thing I would do, if I were responding to the Senator from Michigan, is get us out of Bosnia. Right now, that was supposed to cost us some $1.2 billion. Now it is over $9 billion direct, and I suggest about twice that much money in reality.

I would also comment that as far as Senator Cohen's statement that this might draw a veto, I find it very difficult to believe that a bill that is supported by the number of Democrats that are supporting this bill, including the minority leader, TOM DASCHLE, is going to draw a veto. This is a threat that is always there. And I would also comment that Secretary Cohen, when he was Senator Cohen, would have been right up here with me supporting this amendment. And if anyone questions that, I can document that.

Thirdly, when you talk about the courage to do a BRAC, yes, we need to do it. We have to first protect the integrity of the system. That is what the Senator from Washington is saying, and that is exactly what I want to do. I want to reduce more infrastructure. I made that statement. I have said that we need to do it professionally and it needs to be done out of politics.

Lastly, when the Senator from Virginia talked about taking politics out of the process, I really think the distinguished Senator from Virginia gave a pretty good argument for my amendment. So I understand that tomorrow

we are going to have—my time has expired, but we are going to have 10 minutes equally divided. Senator DORGAN and some other Senators who are not here tonight have asked to have that time, which I will yield to them tomorrow.

I yield back the remainder of my time and yield the floor.

Mr. WARNER. Mr. President, I think that concludes the number of speakers who desire to address this amendment. I would simply close by saying that I take very seriously the letter by our distinguished former colleague, the Secretary of Defense, William Cohen, and I put my bottom dollar on his integrity to see that this process would work without politics. I really do. I feel strongly about that. So for that reason I strongly oppose the amendment.

Now, Mr. President, I think we go to our distinguished colleague.

The PRESIDING OFFICER. Under the previous order, the Inhofe amendment 2981 is set aside until tomorrow.

Mr. WARNER. Set aside pursuant to the order.

The PRESIDING OFFICER. Pursuant to the order.

Mr. WARNER. I thank you, Mr. President.

The PRESIDING OFFICER. And the Senator from Iowa is recognized to present an amendment upon which there is 1 hour of debate equally divided.

AMENDMENT NO. 2982

(Purpose: To authorize a transfer of funds from the Department of Defense to the Department of Veterans Affairs for health care.)

Mr. HARKIN. Mr. President, I have an amendment I send to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. WELLSTONE, proposes an amendment numbered 2982.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle A of title X, add the following:

SEC. . TRANSFER TO DEPARTMENT OF VETERANS AFFAIRS.

(a) TRANSFER REQUIRED.—The Secretary of Defense is authorized to transfer to the Department of Veterans Affairs $329,000,000 of the amounts appropriated for the Department of Defense pursuant to the authorizations of appropriations in this Act. In the case of any such transfer, the Secretary shall select the funds for transfer, and shall transfer the funds, in a manner that causes the least significant harm to the readiness of the Armed Forces and the quality of life of military personnel and their families.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred pursuant to subsection (a) shall be available for health care programs of the Department of Veterans Affairs.

Mr. HARKIN. Mr. President, for the benefit of colleagues, I do not intend to take anywhere near a half hour on this on my side, and hopefully will yield back a lot of time so we can get out of here at an early hour.

This amendment, pure and simple, is to take some money from the Department of Defense and put it into the medical account of the Department of Veterans Affairs. This amendment would transfer $329 million specifically from the Department of Defense budget to the medical accounts of the Department of Veterans Affairs. Let me be clear that what this amendment will do will not increase the amount of money, really, going to veterans' medical accounts. It will just keep it level in accordance with medical inflation.

Budgets are about priorities. Tight restrictions on discretionary spending over the past several years, and spending caps created last year to balance the budget, have forced some tough choices to be made. But I ask my colleagues, what greater priority can there be than to take care of those who have defended the very right of our country to exist? Our veterans have fulfilled the duty they had to serve their country. Now it is up to this Congress to fulfill our duty, our obligation, our solemn promise to provide for our veterans.

The needs of our veterans are clear. The aging veteran population, rising personnel costs and medical inflation, means that each dollar provided for veterans' health care benefits cannot be stretched as far as it used to be. The 5-year budget plan assumed no increases for the discretionary spending of Veterans Affairs. Let me say that again. The 5-year budget plan assumed no increases for VA discretionary spending; in other words, no taking into account the cost of inflation, and especially medical inflation. The well-being of our veterans must not be subject to second-class status. Veterans' funding deserves to be considered as more than just an afterthought.

My amendment is supported by many veterans and veterans groups. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support for my amendment from the Vietnam Veterans of America, Incorporated; the Blinded Veterans Association and the Paralyzed Veterans of America.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, May 15, 1998.

Hon. TOM HARKIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: On behalf of Vietnam Veterans of America (VVA) I want to convey our appreciation and support for your proposed amendment to S. 1812, the FY 1999 National Defense Authorization Act, aiming to transfer resources from the Department of Defense (DOD) to the Department of Veterans Affairs (VA) to supplement the medical care budget. VVA has long held the principle belief that the health care and benefits needs of veterans are an ongoing cost of our nation's defense. Your amendment will carry forward with assurance of the Nation's commitment to veterans military service related health care needs.

VA medical care, as you know, has been plagued by resource limitations for many years and is currently facing flatline budgets for the next several years. The financial wringer has already squeezed out any opportunities to achieve greater efficiencies. Despite promises from Congress and the Administration to the contrary, the ultimate effect is more restrictive access to medical care because of fewer appropriated dollars. Fewer dollars means fewer veterans will be served, pure and simple. The amendment you are offering would help to counter the effects of increasing medical inflation and personnel costs. Without these additional funds, the only possible effect is denial of services to veterans, many of whom are disabled due to their military service.

Some of your colleagues have argued that attrition of the veterans population through deaths of World War II veterans is an indication that VA needs less money to operate. However, this narrow perspective fails to take into account the rising costs of medical care and more importantly the current demographics of the veteran populations; VA health care users are older and sicker than the overall American public. Vietnam veterans now represent the largest group within the veterans population. Many of the Vietnam veterans and a growing population of Persian Gulf War veterans have complex problems relating to herbicide, chemical and other environmental exposures.

VVA strongly believes that Congress must commit an adequate annual appropriations to VA medical care programs. Your amendment is a very positive recognition of the current circumstances and needs of America's veterans. Thank you for your initiative to attempt redistributing some DOD funds toward VA medical care.

Sincerely,

KELLI WILLARD WEST,
Director of Government Relations.

BLINDED VETERANS ASSOCIATION,
Washington, DC, May 14, 1998.

Hon. TOM HARKIN,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the Blinded Veterans Association (BVA) I am writing to support your proposed amendment to S. 1812, the National Defense Authorization Act for Fiscal Year 1999. This amendment would transfer resources from the Department of Defense to the Department of Veterans Affairs (VA) for medical care for veterans.

VA medical care is facing a crisis, resulting from the provision of inadequate resources. Appropriations for VA medical care are proposed to be frozen. The Administration's FY 1999 budget for VA medical care requests fewer appropriated dollars, and fewer resources. The amendment that you are offering, along with Senator Wellstone, would provide much needed additional resources, to help counter increases attributable to rising personnel costs and medical inflation. Without these additional dollars, these increases would have to be made up from dollars targeted for the health care needs of veterans.

The VA Health Care System has already been peared to the bone and we doubt there are any more efficiencies that can be realized to offset inadequate resources. VA Under Secretary for Health, Dr. Kenneth Kizer has recently acknowledged that without additional resources the VA Health Care System could soon ''hit the wall.'' We must maintain this Nation's commitment to veterans, and your amendment is an important step forward in keeping this commitment.

Sincerely,

ELIZABETH R. CARR,
BVA National President.

PARALYZED VETERANS OF AMERICA,
Washington, DC, May 13, 1998.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the Paralyzed Veterans of America (PVA) I am writing to support your proposed amendment to S. 1812, the National Defense Authorization Act for Fiscal Year 1999, which would transfer resources from the Department of Defense to the Department of Veterans Affairs (VA) for medical care for veterans.

VA medical care is facing a crisis, a crisis resulting from the provision of inadequate resources. Appropriations for VA medical care are proposed to be frozen. Indeed, the Administration's FY 1999 budget for VA medical care requests fewer appropriated dollars, and fewer resources. The amendment that you are offering, along with Senator WELLSTONE, would provide much-needed additional resources, resources to help counter increases attributable to rising personnel costs and medical inflation. Without these additional dollars, these increases would have to be made up from dollars targeted for the health care needs of veterans.

The VA health care system has already been pared to the bone and we doubt there are any more efficiencies that can be realized to offset inadequate resources. VA Under Secretary for Health Dr. Kenneth Kizer has recently acknowledged that without additional resources the VA health care system could soon ''hit the wall.'' Unfortunately, when the system does hit the wall sick and disabled veterans will feel the effect of the collision. We must maintain this Nation's commitment to veterans, and your amendment is a step forward in keeping this commitment.

Sincerely,

KENNETH C. HUBER,
National President.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Mr. HARKIN. I might just quote here from the Vietnam Veterans of America:

VVA has long held the principle belief that the health care and benefits needs of veterans are an ongoing cost of our Nation's defense.

I think that is the problem around here. We have a defense budget, then we have a veterans' affairs budget—as if somehow they are separate and distinct and have no connection with one another. I think this sentence really says it clearly:

. . .the benefits needs of veterans are an ongoing cost of our nation's defense.

We cannot separate the two.

Your amendment will carry forward with assurance of the Nation's commitment to veterans' military service-related health care needs.

The letter from the Vietnam Veterans of America, Incorporated, goes on and says:

Some of your colleagues have argued that attrition of the veterans population through deaths of World War II veterans is an indication that VA needs less money to operate. However, this narrow perspective fails to take into account the rising costs of medical care, and more importantly, the current demographics of the veterans population. VA health care users are older and sicker than the overall American public. Vietnam veterans now represent the largest group within the veterans population. Many of the Vietnam veterans and a growing population of Persian Gulf war veterans have complex problems relating to herbicide, chemical and other environmental exposures.

VVA strongly believes that Congress must commit an adequate annual appropriations to VA medical care programs. Your amendment is a very positive recognition of the current circumstances and needs of America's veterans. Thank you for your initiative to attempt redistributing some DOD funds towards VA medical care.

Sincerely, Kelly Willard West, Director of Government Relations.

The same thing basically follows through on the Blinded Veterans Association and the Paralyzed Veterans Association of America. The Blinded Veterans Association says:

The VA health care system has already been pared to the bone, and we doubt there are any more efficiencies that can be realized to offset inadequate resources.

Fewer dollars means fewer veterans will be served, pure and simple, and that is the truth. Fewer dollars means fewer veterans will be served.

Let me just, right now, refer to this chart for those who think that may be taking $329 million out of a $271 billion defense budget—think about that, $271 billion, and all we are asking for is $329 million, just to get veterans' health care benefits up to meet inflationary needs. If you look at this chart, it shows you how much we are spending on military of our discretionary budget. If you look at our discretionary spending, military consumes half of it. Half of all that we spend in this Congress goes to military spending—half, 50 cents out of every dollar. Out of the other 50 cents, we take agriculture and energy and Social Security, economic development, transportation, science and space, housing, foreign affairs, foreign aid, health, justice, education. We hear all this debate that we are spending too much on education—6 cents out of every dollar; 6 cents for education, 50 cents for military spending.

We are not talking about all these, we are talking about veterans' benefits. Out of this $1 that we spend here every year, how much goes for veterans' benefits? 3½ pennies—3½ pennies, to meet the medical needs of those who risked life and limb to preserve and protect and defend the Constitution of the United States.

I think that we can do a little bit better than 3½ pennies. I think the amendment we are offering brings that to just a little under 4 pennies, if I am not mistaken. Is that too much to ask? It is not too much to ask when we are taking 50 cents out for defense. I think the Vietnam Veterans of America had it right. We should not separate veterans' benefits out of defense. It is part of the ongoing costs of the defense of this country, and we should not separate the two out.

I believe we are meeting our commitments globally. I take a back seat to no one in saying that we are the world's most powerful nation, that we have a lot of commitments globally, that we have to meet those commitments. We are meeting those commitments and we will continue to meet them. And taking $329 million out of the defense budget is not going to harm that one little bit. But what will harm us, if we do not meet this commitment, is that many of our veterans, our Vietnam veterans, now today many of our Korean war veterans and even some of our World War II veterans, they are getting older—they are living longer, just as the demographics of our country are—they are living longer; they are sicker. There are leftover problems that they have that maybe were not indicated when they were in the military, such as herbicide and chemical poisoning and things like that, that now later on they are suffering from.

What happens if we do not meet their medical needs? Aside from the personal suffering and the personal hardship that they and their families have to undergo, what happens is that younger people in their families and their friends look upon them and they say, ''Wait a minute. Here is someone who went to the Persian Gulf. Here is a veteran who fought in Vietnam. Maybe here is someone who was in Korea, and yet they are not being cared for? A lot of the funding has to come out of their own pockets to meet their medical needs?''

I would imagine a lot of younger people would say: Why would I ever want to go in the military? If we promised to meet their health care needs and later on we don't live up to that obligation, what does that say to our younger people who we want to enlist and become active duty members of our armed services?

I think our lack of spending adequate resources to keep up with at least inflation in veterans' health care benefits has a deleterious effect on the security of our Nation. I see this amendment as not just something helping the veterans and meeting the obligation that we have to our present-day veterans, but I see this amendment as really meeting the future security needs of our country by saying to those who come along next, who may be asked to go to some other place in the world to defend this country, to defend our vital national interest, it says to them, ''When you are in that position, we're going to meet your obligations, too.''

I just feel very strongly that this is something that we have to do as a society. I am not trying to goldplate anything. I am not trying to boost veterans' medical benefits' spending way pie high in the sky. I am simply saying at least we ought to keep up with inflation. We do that here. We kept up with inflation in energy and agriculture, national affairs, justice, education—we keep up basically with inflation. Why shouldn't we do this for our veterans, also?

As the Independent Budget Project of the veterans' groups have pointed out, tens of thousands of Americans who now stand in harm's way in Bosnia, the Persian Gulf, and other troubled spots

around the world will be the veterans of tomorrow. It is worth noting that the veterans suffering from the complicated gulf war illnesses may end up being a greater financial strain on the system in the future. What are we going to say to them? Tough luck?

In other words, Mr. President, the demand for VA health care will not diminish in the foreseeable future. Just because there are fewer people doesn't mean we can spend fewer dollars. They are living longer, they are getting older, and they are sicker, and a lot of the illnesses they contracted haven't shown up. We can't just wish it away.

All we are asking is to provide the resources to meet the demand that is there. That is what this amendment does. I urge its adoption as the fair and equitable and the right thing for our country to do for the veterans who fought in World War II, Korea, the Persian Gulf, Vietnam and, yes, in Bosnia, too, and for those younger people who are going to be the veterans of tomorrow, we have to meet this obligation.

I will point out, I offered this amendment last year, and I didn't have all of the figures down—we do this year—keeping up with inflation. This amendment received 41 votes last year on a bipartisan basis. It is less money this year. We are actually asking for less money this year just to keep up with inflation. I am hopeful Senators on both sides can see fit to meet the obligation to our veterans.

I yield the floor and reserve the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is not easy to get up and first say to my good friend, who is a veteran, a naval aviator—he achieved distinction in the Navy which I never achieved. I was a simple radioman, but anyway, I sat in the backseat of some of those planes you flew around in on occasion.

Mr. HARKIN. If the Senator will yield, you were my boss at one time.

Mr. WARNER. I realize that. I am very humble about my small contribution to national security at the tail end of World War II and in Korea. But I was privileged, like so many others, to serve. My contribution was modest. The military did far more good for me than I was able to do in return. Therefore, throughout my career in the Senate, I have tried to look after the men and women in the Armed Forces and, indeed, the veterans, because I find as we grow a little older, we have friends who depart on a regular basis.

There are some 300,000 men and women who served in World War II who consistently die every month now. It is an alarming fact, considering. I would like to ask my good friend a question or two. I studied the amendment. Your first version of the amendment says:

The Secretary of Defense shall transfer to the Department of Veterans Affairs $329 million.

The one that is before the Senate at this time appears to have been changed:

The Secretary of Defense is authorized to transfer to the Department of Veterans Affairs $329 million.

I am curious as to one of the reasons the Senator changed from a clear statement that it would be shifted as a budget matter, to where it now——

Mr. HARKIN. I was informed—if the Senator will yield.

Mr. WARNER. Yes.

Mr. HARKIN. By using that former language, a point of order would have laid against the amendment. To avoid the point of order and, quite frankly, in all legitimacy, since this is an authorizing bill, it really ought to be authorizing language, too.

Mr. WARNER. If I read the amendment which is now before the Senate, and again I will read—''* * * the Secretary of Defense is authorized to transfer * * *''—you are leaving it entirely a discretionary matter with the Secretary of Defense.

Mr. HARKIN. If the Senator will yield.

Mr. WARNER. Mr. President, this is a colloquy. I am delighted to.

Mr. HARKIN. The Senator is right. It would be to the Secretary. However, I think the Secretary would look at how the Senate spoke and how the Congress spoke on this to decide what to do. Obviously, if the Senate voted to do this and it was a strong vote, then I think he would pay attention to it, he or she would pay attention to this.

Mr. WARNER. We place the Secretary, one of our very own for whom we have the absolute highest respect, in an awkward position that now these groups will petition him, and he is faced with the tough choice of deciding between those who once served with great honor and distinction should receive moneys which he feels very strongly today should go—every penny, every penny—to the quality of life, the modernization of weapons, the operational costs of those who are currently in uniform today. It puts the Secretary in a very difficult position. This concerns me.

Mr. HARKIN. There are priorities to be met and, quite frankly, in this $271 billion defense budget, it is my feeling—and I looked at it, I am on Defense Appropriations, I have looked at it and I, quite frankly, believe that the Secretary could find $329 million out of that. I don't think it would do any damage to our readiness, our capabilities overseas or anything else.

Quite frankly, I have some comments I was going to talk about—but I decided not to because the hour is late—in terms of what some of the IG offices found in terms of waste and inefficiencies in procurement, in warehousing and things within the Department of Defense. With a little bit more oversight and control on those, I think they can yield great dividends and can be used on this.

Mr. WARNER. Mr. President, in my 19 years, I have heard that argument of inefficiency and waste in the Department of Defense. All of us recognize that, and I am sure our Secretary, our former colleague, Bill Cohen, is doing his very best to try to bring about every kind of efficiency he can to generate funds.

Frankly, I say to my good friend, Secretary Cohen is desperate for money. So much of the funding that we have authorized for programs in the past has been diverted to take care of the fulfillment of military commitments as directed by President Clinton. Our military today has been deployed more times throughout the world than any other President has ever deployed them beyond our shores. The Bosnia commitment alone has absorbed some $9 billion.

I ask my friend, I listened very carefully to your statement, and I am deeply moved by it. I really think this problem should be addressed, and you are saying that we haven't even covered for the modest increase in inflation the various costs associated with the care of our veterans?

Mr. HARKIN. It is my understanding, I say to my very good friend—I want to make this clear at the outset that I have the highest regard and respect for the Senator from Virginia and his devotion to this country and his devotion to the readiness of our military and also his devotion to our veterans. I would not want anyone to misconstrue that I am saying the Senator from Michigan or the Senator from Virginia have shortchanged it.

I understand the obligations that you are under in terms of meeting our military commitments. I understand that. This amendment is meant only in good faith to try to meet, I think, another commitment that we have. And in some ways I hope to shed some light, hopefully, on one aspect of military spending that could be used for our veterans' affairs.

I say to the Senator that 2 years ago the comptroller general of the Pentagon concluded that the DOD could not account for over $13 billion in spending—just disappeared—$13 billion. Nobody knows where it went. Well, I have more examples of that. But if it is just $1 billion, only one-thirteenth of that, then $329 million is not that much, when you take into account that kind of waste.

Quite frankly, I must tell you that I think Secretary Cohen is doing a great job over there. And they are getting a better handle on this all the time. But there is still a long way to go. I think within the next year they could find some of that money and put that in veterans' benefits.

Now, lastly, I say to the Senator, I would say that the question had to do with, are we not meeting the obligations? And I am saying, when you take into account medical inflation, which is higher than CPI, no, we are not meeting them.

Mr. WARNER. Mr. President, I intend to study further the amendment

by my distinguished friend. But I certainly agree with one thing you said, and that is, the manner in which the United States treats its veterans has a direct impact on whether successive generations will offer themselves to serve proudly in the uniform of our country. I know you are absolutely right about that. There are many, many cases where it is grandfather to father, father to son or daughter, as the case may be, that induces the current generation to proudly come forth and volunteer. That has really been the success of the All Volunteer Force.

And what you point out tonight is a very serious situation. And it impacts directly on that argument. I would have to say to my friend, being a member of the Appropriations Committee, and knowing the chairman of the committee himself is a very distinguished veteran of World War II, an air corps pilot, has my distinguished colleague brought this to his attention? In other words, within the appropriations could this sum of money be found?

My concern is that I am entrusted, and tonight representing the distinguished chairman of the committee, to manage this bill in such a way as we do not open up the opportunity for Senators to come in and take pieces of our authorized amount by the Budget Committee to spend and put it toward other accounts, because if we begin to do that—for instance, if we would accede here tonight to your request, I could anticipate a dozen colleagues coming to the floor tomorrow with requests which they conscientiously feel just as seriously about as you do about yours; and the next thing you know, it would be one after another, to take a piece here and a piece there, and suddenly it would become very significant—not that this isn't a significant sum of money.

We will have to look at this. But I would have to say that I am concerned that we could start a raid on the defense budget here tonight. But I hope that this matter can be addressed here in the Senate somewhere, be it the Appropriations Committee or the Veterans Committee. I commit to you that if you bring this up in another piece of legislation, I will conscientiously see whether or not I can support it.

Mr. HARKIN. Well, I feel for the position of my friend. And, you know, a lot of us, when we establish friendships, we do not like to put people in difficult positions. I do not like to do that.

Mr. WARNER. I do not find the position difficult. I feel very strongly about the defense budget. I support the budget process. Your committee, the Veterans Committee, went through the budget process. Our committee went through the budget process. We have our allocated funds. And I am entrusted by the chairman and other members of the committee to steadfastly defend that allocation given to us by the Budget Committee.

Mr. HARKIN. I understand the responsibility that the Senator has. I understand that responsibility. And I appreciate that. But, again, as the Senator knows, others of us feel that we also have other obligations to try to change some things here and to change some of these budget priorities.

In my opening comments, I said that our budget priorities are not allowing for this. I am trying to correct it. So I agree with the Senator. I do not like the way the budget priorities short-change our veterans' medical benefits. But, again, I also say to my friend, I really believe in what the Vietnam Veterans of America said in their letter, that veterans' medical benefits ought to be considered an ongoing cost of military spending. They are not today.

I have always thought that was odd. I have always thought that was an odd approach we had on that. And they ought to be considered as part and parcel of our military budget. That is why I have offered this amendment, to transfer a small amount of money out of the total—small compared to the total—at least to keep up with medical inflation.

Mr. WARNER. Mr. President, I will conclude just with this observation of our very able staff director, Les Brownlee, who just handed me a note which indicates that the VA increase in the Senate budget process—that is, the account for the committee on veterans here in the Senate—for the fiscal year 1997 to 1998 was a 12.2 percent increase in your budget, and the DOD increase was less than 2.2 percent. So that is a fairly significant increase that this communication indicates to me and that your committee got.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment offered by Senators HARKIN and WELLSTONE to reduce defense spending, and any amendment which lowers defense spending below the levels set in the budget agreement. When the Congress approved the budget agreement, the spending limits for each function were set. The Armed Services Committee's challenge was to develop a defense program, within the limits of the budget agreement, that not only supports the national security strategy, but balances the needs of short-term readiness with that of the modernization of our forces—all within the context of a foreign policy that drives an unprecedented frequency of military deployments.

The gap between our military capability and our commitments around the world continues to increase. The unprecedented frequency of deployments places hardships on our young service members and their families, producing serious retention and readiness problems. Contingency and ongoing operations, such as those in Bosnia and Iraq, continue to drain needed resources for future force modernization and the current readiness of our forces. Since 1996, the Department of Defense has been forced to offset almost $9.0 billion for such operations. The costs of these ongoing operations, in this fiscal year alone, are expected to exceed more than $4.1 billion. Therefore, I strongly believe—and I have stated this previously—that funding for Bosnia and Southwest Asia operations, and other emerging contingencies, must come from sources other than the defense budget. The funding of such activities should not be allowed to adversely affect modernization efforts or current force readiness.

In the past three years, the Congress has added more than $21 billion to defense budget requests. Even with these increases, defense spending has continued to decline in real terms. This fiscal year the defense request again represents, in real terms, a 1.1 percent decline. Defense spending as a percentage of GDP in fiscal year 1998 is expected to be 3.2 percent falling to 2.8 percent by fiscal year 2003—the lowest figures since 1940. The resource levels, as stated in the Budget Resolution, continue this decline in defense spending. While I continue to support the balanced budget agreement, I am concerned about our ability to modernize our forces and the effects of unbudgeted contingencies and ongoing operations on current readiness.

Testimony and recent visits to our units by both members and staff of the Armed Services Committee have revealed disturbing trends: personnel shortages, lack of spare parts, extremely high unit operating and personnel tempos, and retention problems—especially with our pilots. General Crouch, Vice Chief of Staff of the Army, testified to the Committee;

> In recent years, we have maintained readiness at the expense of our modernization accounts. That is no longer a viable strategy.

Mr. President, we have an obligation to adequately fund for our national security and ensure we provide our servicemen and women with the best equipment available. I grow increasingly concerned when the Armed Services Committee receives testimony from one of our Service Chiefs stating that his funding is inadequate. General Krulak, Commandant of the Marine Corps, has told the Committee:

> I state for the third year running that our budget request is not adequate to meet our needs.

He further stated in a letter to the Committee:

> . . . we are quite literally mortgaging today's health at the expense of tomorrow's wellness—and have been for at least the last eight years—in spite of the critically important congressionally mandated adds to our accounts in the last two years.

Mr. President, there is a price for freedom. There is the price for world leadership. As Secretary Cohen stated:

> Having highly ready forces that can go anywhere at any time really spells the difference between victory and defeat and it also spells the difference between being a superpower and not being one.

Mr. President, as a result of the budget agreement reached last year, non defense discretionary spending received significant increases while defense continued its downward spending

trends—not even keeping pace with inflation. During the fiscal year 1998 appropriations process, the national security appropriations bill had the lowest percentage increase from fiscal year 1997 funding level than any other of the appropriations bills. In fact, military construction appropriations had a negative change over the fiscal year 1997 funding levels, making funding for national defense grow at one-fifth the rate of domestic spending increases.

Mr. President, I am not opposed to increasing the funding for Veterans' health care, but not at the cost of our national security, and I strongly urge all of my colleagues to oppose this amendment and not further aggravate a serious underfunding of our defense.

I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, I yield back the remainder of our time.

Mr. HARKIN. Mr. President, I yield back the remainder of our time.

Mr. WARNER. I think it is important that the Chair state the pending UC order for the purpose of the RECORD here for those listening.

The PRESIDING OFFICER. All time is yielded back.

Mr. WARNER. Mr. President, if I understand it, does the Senator from Washington desire some time on this amendment?

Mr. GORTON. The Senator from Washington would like about 3 minutes as in morning business.

Mr. WARNER. On this amendment?

Mr. GORTON. Not on this amendment.

Mr. WARNER. Fine. At the conclusion of this amendment, and all time having been yielded back, I ask the Chair to recognize the Senator from Washington so that he might speak for 3 minutes.

The PRESIDING OFFICER. All time has been yielded back.

The Senator from Washington will be recognized for 3 minutes as in morning business.

Mr. WARNER. Mr. President, for the information of the Senate, my distinguished colleague, the ranking member of the committee, and I will clear some 20 amendments on behalf of the members of the Armed Services Committee and others, and then we will go into the routine wrapup on behalf of the majority leader and the distinguished Democratic leader.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

MICROSOFT WINS APPEALS COURT DECISION, DOJ LOSES

Mr. GORTON. Mr. President, yesterday a three judge United States Appeals Court panel overturned the preliminary injunction issued against Microsoft last December by U.S. District Court Judge Thomas Penfield Jackson. This ruling by the Appeals Court is a major victory for Microsoft and its supporters. In fact, in my opinion, it is so significant as to make the Department of Justice's current case against Microsoft even more dubious than it was at the time of filing.

The basic question before the panel was whether or not Microsoft violated antitrust law and a 1995 consent decree by integrating its web browser, Internet Explorer, into its Windows 95 operating system. The panel ruled that Microsoft's actions did not violate the consent decree and that Microsoft should indeed be allowed to integrate new and improved features into Windows because such integration benefits consumers.

The Department of Justice has just suffered a major defeat.

The ruling comes only a few weeks after the Antitrust Division of the Department of Justice filed a new case against Microsoft alleging anticompetitive behavior. The central point of the new case is Microsoft's integration of the Internet Explorer into Windows 98.

In the new case, the Department of Justice wants Microsoft either to remove Internet Explorer from Windows 98 or add a competing browser from rival Netscape into that Windows 98 program. Department of Justice lawyers claim that Internet Explorer is a separate product and that its integration into Windows 98 is a violation of antitrust law. Interestingly enough, there are other browser manufacturers, smaller than Netscape, who don't seem to have Department of Justice's ear or sponsorship.

But in the opinion issued yesterday by the Appeals Court panel, the judges ruled that Microsoft's product integration meets the court's requirement that product innovation bring benefits to consumers. The panel calls Microsoft's software design ''genuine integration'' and rules that the inclusion of Internet Explorer in Window's 95 is not a violation of the consent decree.

Further, the panel wrote that, ''Antitrust scholars have long recognized the undesirability of having courts oversee product design, and any dampening of technological innovation would be at cross-purposes with antitrust law.''

It is quite clear from this ruling that the U.S. Appeals Court for the District of Columbia believes that Microsoft is not violating the law by integrating Internet Explorer into its operating system software. That integration is beneficial to consumers and any attempt to stifle such innovations is harmful to consumers.

I see very little difference between the new case and the case just rejected by the Appeals Court. It is time for the Department of Justice to pick up its marbles and go home, Mr. President.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with consideration of the bill.

Mr. WARNER. Mr. President, it has been a long day. If you will bear with us for a minute—I appreciate the Presiding Officer. It has been a very good day, and the chairman of the committee, Mr. THURMOND, and ranking member and others, should be commended. I think we have handled the key issues that will require considerable time for debate. We had extensive debate on important matters. I am optimistic that this bill can be put in a status for final passage tomorrow. We are going to work hard, I say to my good friend.

Mr. LEVIN. I share your enthusiasm and hopefully your optimism, but at least your enthusiasm for completing this.

Mr. WARNER. It is very high at the moment.

Mr. LEVIN. We will have another full day in order to accomplish that.

AMENDMENT NO. 2985

(Purpose: To require a report on leasing and other alternative uses of non-excess military property by the military departments)

Mr. WARNER. Mr. President, I understand that my colleague and I will alternate, so I will start off with an amendment on behalf of Senator THURMOND. I offer an amendment which would require a report on leasing and other alternative uses of nonexcess military property by the military departments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2985.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 347, below line 23, add the following:

SEC. 2833. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense, with the support of the chiefs of staff of the Armed Forces, is calling for the closure of additional military installations in the United States as a means of eliminating excess capacity in such installations.

(2) Excess capacity in Department of Defense installations is a valuable asset, and the utilization of such capacity presents a potential economic benefit for the Department and the Nation.

(3) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(4) Section 2667 of title 10, United States Code, authorizes the Secretaries of the military departments to lease, upon terms that promote the national defense or are in the public interest, real property that is—

(A) under the control of such departments;

(B) not for the time needed for public use; and

(C) not excess to the requirements of the United States.

(b) REPORT.—Not later than February 1, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and

the Committee on National Security of the House of Representatives a report setting forth the following:

(1) The number and purpose of the leases entered into under section 2667 of title 10, United States Code, during the five-year period ending on the date of enactment of this Act.

(2) The types and amounts of payments received under the leases specified in paragraph (1).

(3) The costs, if any, foregone as a result of the leases specified in paragraph (1).

(4) A discussion of the positive and negative aspects of leasing real property and surplus capacity at military installations to the private sector, including the potential impact on force protection.

(5) A description of the current efforts of the Department of Defense to identify for the private sector any surplus capacity at military installations that could be leased or otherwise used by the private sector.

(6) A proposal for any legislation that the Secretary considers appropriate to enhance the ability of the Department to utilize surplus capacity in military installations in order to improve military readiness, achieve cost savings with respect to such installations, or decrease the cost of operating such installations.

(7) An estimate of the amount of income that could accrue to the Department as a result of the enhanced authority proposed under paragraph (6) during the five-year period beginning on the effective date of such enhanced authority.

(8) A discussion of the extent to which any such income should be reserved for the use of the installations exercising such authority and of the extent to which installations are likely to enter into such leases if they cannot retain such income.

Mr. THURMOND. Mr. President, I rise to introduce an amendment that would require the Secretary of Defense to submit a report on the Department of Defense's use of the authority provided by section 2667 of title 10, United States Code.

Mr. President, Secretary Cohen has recommended additional base closures citing 23 percent excess base capacity and the need to achieve savings that could be used for modernization. However, both the House and Senate, for various reasons, have not supported the request, although both acknowledge that there is excess capacity. My amendment suggests that the Department of Defense use its existing authority under section 2667 of title 10, United States Code, to put the excess capacity to beneficial use. Section 2667 permits the lease on non-excess real or personal property to the private sector for financial or in-kind compensation.

Since the Department does have the authority to close or eliminate its excess capacity, the leases authorized by section 2667 would use this capacity while providing some revenue and savings to the Department and the military installations. Additionally, since the property would be under a long-term lease, the services would have it available for future expansion or surge capacity.

Under section 2667, a service secretary may lease property to a lessee under such terms as he considers will promote the national defense or be in the public interest. Additionally, the funds collected from these leases are deposited in a special account in the Treasury. Sums deposited in this account will be available to the military department, as provided in appropriation Act, as follows:—50 percent of such amounts will be available for facility maintenance and repair or environmental restoration at the military installation where the leased property is located. 50 percent of such amounts will be available for facility maintenance and repair and environmental restoration by the military departments concerned.

Mr. President, my amendment would ask the Secretary to report on the following issues regarding the use of section 2667:

The number and purpose of leases entered under 2667; the types and amounts of payment received; the cost, if any, foregone as a result of the leases; the positive and negative aspects of leasing; the efforts to promote these type leases to the private sector; any legislative proposal to enhance the Department's capability to lease to the private sector; an estimate of income that could potentially be accrued because of enhanced leasing capability; and a discussion on retaining any income from these leases at the installation.

Mr. President, I believe the authority provided the service secretaries by section 2667 does not eliminate the need for base closure. It does provide the opportunity to use this property for the benefit of the military installations. I will carefully review the Secretary's report and, if required, include legislation in next year's defense authorization bill to maximize the use of this authority.

Mr. President, I urge the adoption of the amendment.

Mr. LEVIN. The amendment has been cleared.

Mr. WARNER. This amendment has been cleared. I urge passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2985) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2986

(Purpose: To require a plan for addressing problems in Department of Defense management of the department's inventories of in-transit secondary items)

Mr. LEVIN. Mr. President, on behalf of Senator HARKIN, I offer an amendment which would require the Department of Defense to develop a plan to address problems with the Department's inventories of in-transit secondary items.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes an amendment numbered 2986.

Mr. LEVIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. INVENTORY MANAGEMENT OF IN-TRANSIT SECONDARY ITEMS.

(a) REQUIREMENT FOR PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a plan to address problems with Department of Defense management of the department's inventories of in-transit secondary items as follows:

(1) The vulnerability of in-transit secondary items to loss through fraud, waste, and abuse.

(2) Loss of oversight of in-transit secondary items, including any loss of oversight when items are being transported by commercial carriers.

(3) Loss of accountability for in-transit secondary items due to either a delay of delivery of the items or a lack of notification of a delivery of the items.

(b) CONTENT OF PLAN.— The plan shall include, for each of the problems described in subsection (a), the following information:

(1) The actions to be taken to correct the problems.

(2) Statements of objectives.

(3) Performance measures and schedules.

(4) An identification of any resources that may be necessary for correcting the problem, together with an estimate of the annual costs.

(c) GAO REVIEWS.—(1) Not later than 60 days after the date on which the Secretary of Defense submits the plan to Congress, the Comptroller General shall review the plan and submit to Congress any comments that the Comptroller General considers appropriate regarding the plan.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

Mr. WARNER. This amendment is cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2986) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2447, AS MODIFIED

(Purpose: To limit advance billings for working-capital funds of the Department of Defense)

Mr. WARNER. On behalf of Senator THURMOND, I call up amendment numbered 2447 and send a modification to this amendment to the desk. The amendment would require the Department of Defense to limit the practice of advance billings for working-capital funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2447, as modified.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 64, line 7, strike out ''(d)'', and insert in lieu thereof the following:

(3) The waiver authority under paragraph (1) does not apply to the limitation in subsection (d) or the limitation in section 2208(*l*)(3) of title 10, United States Code (as added by subsection (e)).

(d) FISCAL YEAR 1999 LIMITATION ON ADVANCE BILLINGS.—(1) The total amount of the advance billings rendered or imposed for the working-capital funds of the Department of Defense and the Defense Business Operations Fund in fiscal year 1999—

(A) for the Department of the Navy, may not exceed $500,000,000; and

(B) for the Department of the Air Force, may not exceed $500,000,000.

(2) In paragraph (1), the term ''advance billing'' has the meaning given such term in section 2208(*l*) of title 10, United States Code.

(e) PERMANENT LIMITATION ON ADVANCE BILLINGS.—(1) Section 2208(*l*) of title 10, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) The total amount of the advance billings rendered or imposed for all working-capital funds of the Department of Defense in a fiscal year may not exceed $1,000,000,000.''.

(2) Section 2208(*l*)(3) of such title, as added by paragraph (1), applies to fiscal years after fiscal year 1999.

(f)

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2447), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2987

(Purpose: To provide for an assessment of the establishment of an independent entity to evaluate post-conflict illnesses among members of the Armed Forces and the health care provided by the Department of Defense and Department of Veterans Affairs both before and after the deployment of such members)

Mr. LEVIN. Mr. President, on behalf of Senator ROCKEFELLER, I offer an amendment that would require the Secretary of Defense, in conjunction with the National Academy of Science, to assess the need for establishing a military post-conflict health center.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROCKEFELLER, proposes an amendment numbered 2987.

Mr. LEVIN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 157, between lines 13 and 14, insert the following:

SEC. 708. ASSESSMENT OF ESTABLISHMENT OF INDEPENDENT ENTITY TO EVALUATE POST-CONFLICT ILLNESSES AMONG MEMBERS OF THE ARMED FORCES AND HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS BEFORE AND AFTER DEPLOYMENT OF SUCH MEMBERS.

(a) AGREEMENT FOR ASSESSMENT.—The Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences, or other appropriate independent organization, under which agreement the Academy shall carry out the assessment referred to in subsection (b).

(b) ASSESSMENT.—(1) Under the agreement, the Academy shall assess the need for and feasibility of establishing an independent entity to—

(A) evaluate and monitor interagency coordination on issues relating to the post-deployment health concerns of members of the Armed Forces, including coordination relating to outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health-related activities;

(B) evaluate the health care (including preventive care and responsive care) provided to members of the Armed Forces both before and after their deployment on military operations;

(C) monitor and direct government efforts to evaluate the health of members of the Armed Forces upon their return from deployment on military operations for purposes of ensuring the rapid identification of any trends in diseases or injuries among such members as a result of such operations;

(D) provide and direct the provision of ongoing training of health care personnel of the Department of Defense and the Department of Veterans Affairs in the evaluation and treatment of post-deployment diseases and health conditions, including nonspecific and unexplained illnesses; and

(E) make recommendations to the Department of Defense and the Department of Veterans Affairs regarding improvements in the provision of health care referred to in subparagraph (B), including improvements in the monitoring and treatment of members referred to in that subparagraph.

(2) The assessment shall cover the health care provided by the Department of Defense and, where applicable, by the Department of Veterans Affairs.

(c) REPORT.—(1) The agreement shall require the Academy to submit to the committees referred to in paragraph (3) a report on the results of the assessment under this section not later than one year after the date of enactment of this Act.

(2) The report shall include the following:

(A) The recommendation of the Academy as to the need for and feasibility of establishing an independent entity as described in subsection (b) and a justification of such recommendation.

(B) If the Academy recommends that an entity be established, the recommendations of the Academy as to—

(i) the organizational placement of the entity;

(ii) the personnel and other resources to be allocated to the entity;

(iii) the scope and nature of the activities and responsibilities of the entity; and

(iv) mechanisms for ensuring that any recommendations of the entity are carried out by the Department of Defense and the Department of Veterans Affairs.

(3) The report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(B) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

Mr. ROCKEFELLER. Mr. President, as Ranking Member of the Senate Committee on Veterans' Affairs, I have an especially strong interest in the history of illnesses and health concerns that follow military deployments. We have all observed the effects of post-conflict illnesses among our Gulf War veterans who returned with poorly understood, undiagnosed illnesses, and our Vietnam veterans with health problems related to exposure to Agent Orange. This legacy is not just a problem of our most recent conflicts; our Atomic-era veterans are still fighting for recognition of health conditions related to radiation exposures they experienced in service to their country 50 years ago.

If there is any single lesson to be learned from this history, it is that the Department of Defense and the Department of Veterans Affairs have not always been aggressive enough in pursuing the immediate health consequences of military conflicts. Too many times our veterans have had to wait years before post-conflict illnesses are recognized as real problems that require firm commitments of research and treatment programs. These delays have come at a cost to the veterans who have had to fight for this recognition, and they have come at a cost to the government's credibility on this important issue.

I believe it is time to consider establishing an independent entity with the capacity to evaluate government efforts to monitor the health of servicemembers following military conflicts, and to evaluate whether servicemembers are being effectively treated for illnesses that occur following such deployments. There have been suggestions for the need for such an entity within DoD and VA, but I believe that important health expertise outside these agencies is required as well. Indeed, it may be that the best approach is one that pulls together expertise from VA, DoD, and health care professionals and researchers from centers of medical excellence in fields such as toxicology, occupational medicine, and other disciplines.

Therefore, I would like to propose an amendment to the Department of Defense Authorization to require the Secretary to enter into an agreement with the National Academy of Sciences to assess the feasibility of establishing, as an independent entity, a National Center for the Study of Military Health.

The proposed Center for the Study of Military Health would evaluate and monitor interagency coordination on issues relating to post-deployment health concerns of members of the Armed Forces, including outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and

research, health surveillance, and other health-related activities.

In addition, this center would evaluate the health care provided to members of the Armed Services both before and after their deployment on military operations. The proposed center would monitor and direct government efforts to evaluate the health of servicemembers upon their return from military deployments, for purposes of ensuring the rapid identification of any trends in diseases or injuries that result from such operations. Such an independent health center could also serve an important role in providing training of health care professionals in DoD and VA in the evaluation and treatment of post-conflict diseases and health conditions, including nonspecific and unexplained illnesses.

While some have argued that it is time to take some of these responsibilities away from existing agencies, I would suggest that this is a matter for careful study and thoughtful deliberation. Therefore, this amendment would require the National Academy of Sciences to assess the feasibility of such an independent health entity. In their report to the Secretary of Defense, the Academy should provide a recommendation of the feasibility of such an entity and justification for such a recommendation. If such a center is recommended by the Academy, their report should also provide recommendations regarding the organizational placement of the entity; the health and science expertise that would be necessary; the scope and nature of the activities and responsibilities of the entity; and mechanisms for ensuring that the recommendations of the entity are carried out by DoD and VA.

Mr. President, as Ranking Member of the Committee on Veterans' Affairs, there have been too many times when I have heard agency officials testify that poorly understood, unexplained illnesses are a common, inevitable occurrence of every military conflict. With the tremendous advances achieved elsewhere in medical and military technologies, I find the acceptance of these illnesses as an inevitability to be unacceptable. I hope that this amendment will offer an initial step to better prevention and treatment of these post-conflict illnesses.

Mr. WARNER. The amendment is cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2987) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2838

(Purpose: To establish a commission to assess the reliability, safety, and security of the United States nuclear deterrent)

Mr. WARNER. Mr. President, on behalf of Senator KYL, I call up amendment numbered 2838 which would establish a commission to assess the reliability, the safety, and security of U.S. nuclear deterrent and to prepare recommendations on these matters for the Secretaries of Defense and Energy.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, proposes an amendment numbered 2838.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. COMMISSION TO ASSESS THE RELIABILITY SAFETY AND SECURITY OF THE UNITED STATES NUCLEAR DETERRENT.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission for Assessment of the Reliability, Safety, and Security of the United States Nuclear Deterrent''.

(b) COMPOSITION.—(1) The Commission shall be composed of six members who shall be appointed from among private citizens of the United States with knowledge and expertise in the technical aspects of design, maintenance, and deployment of nuclear weapons, as follows:

(A) Two members appointed by the Majority Leader of the Senate.

(B) One member appointed by the Minority Leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) One member appointed by the Minority Leader of the House of Representatives.

(2) The Senate Majority Leader and the Speaker of the House of Representatives shall each appoint one member to serve for five years and one member to serve for two years. The Minority Leaders of the Senate and House of Representatives shall each appoint one member to serve for five years. A member may be reappointed.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(4) All members of the Commission shall hold appropriate security clearances.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

* * * * *

(2) For carrying out its duties, the Commission shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y–12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the Chairman determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet at the call of the Chairman.

(2) Four members of the Commission shall constitute a quorum, except that the Commission may designate a lesser number of members as a quorum for the purpose of holding hearings. The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(3) Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(4) The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. Findings and conclusions of a panel of the Commission may not be considered findings and conclusions of the Commission unless approved by the Commission.

(5) The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out its duties, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(g) PERSONNEL MATTERS.—(1) A member of the Commission shall be compensated at the daily equivalent of the rate of basic pay established for level V of the Executive Schedule under 5316 of title 5, United States Code, for each day on which the member is engaged in any meeting, hearing, briefing, or other work in the performance of duties of the Commission.

(2) A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission.

(3) The Chairman of the Commission may, without regard to the provisions of the title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Upon the request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule and under section 5316 of such title.

(h) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary of Defense and the Secretary of Energy shall furnish the Commission with any administrative and support

services requested by the Commission and with office space within the Washington, District Columbia, metropolitan area that is sufficient for the administrative offices of the Commission and for holding general meetings of Commission.

(i) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each contribute 50 percent of the amount of funds that are necessary for the Commission to carry out its duties. Upon receiving from the Chairman of the Commission a written certification of the amount of funds that is necessary for funding the activities of the Commission for a period, the Secretaries shall promptly make available to the Commission funds in the total amount specified in the certification. Funds available for the Department of Defense for Defense-wide research, development, test, and evaluation shall be available for the Department of Defense contribution. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(j) TERMINATION OF THE COMMISSION.—The Commission shall terminate three years after the date of the appointment of the member designated as Chairman.

(k) INITIAL IMPLEMENTATION.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

Mr. WARNER. It is my understanding this amendment has been cleared on both sides.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2838) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2796

(Purpose: To state the sense of the Senate regarding the memoranda of understanding with the State of Oregon relating to Hanford)

Mr. LEVIN. Mr. President, on behalf of Senator WYDEN and Senator SMITH of Oregon, I call up amendment numbered 2796 which would express the sense of the Senate that the State of Oregon should continue to have access to appropriate information and cleanup activities at the Hanford site located in the State of Washington.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. WYDEN, for himself and Mr. SMITH of Oregon, proposes an amendment numbered 2796.

Mr. LEVIN. I ask unanimous consent that further reading of this amendment be dispensed with, and that further reading of all the amendments be dispensed with after the enumeration of the number by the clerk.

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

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. SENSE OF SENATE REGARDING MEMORANDA OF UNDERSTANDING WITH THE STATE OF OREGON RELATING TO HANFORD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Energy and the State of Washington have entered into memoranda of understanding with the State of Oregon to provide the State of Oregon greater involvement in decisions regarding the Hanford Reservation.

(2) Hanford has an impact on the State of Oregon, and the State of Oregon has an interest in the decisions made regarding Hanford.

(3) The Department of Energy and the State of Washington are to be congratulated for entering into the memoranda of understanding with the State of Oregon regarding Hanford.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) encourage the Department of Energy and the State of Washington to implement the memoranda of understanding regarding Hanford in ways that result in continued involvement by the State of Oregon in decisions of concern to the State of Oregon regarding Hanford; and

(2) encourage the Department of Energy and the State of Washington to continue similar efforts to permit ongoing participation by the State of Oregon in the decisions regarding Hanford that may affect the environment or public health or safety of the citizens of the State of Oregon.

Mr. WYDEN. Mr. President, I have an amendment to encourage the Department of Energy to involve the State of Oregon in decisions about the cleanup of the Hanford Nuclear Reservation. This amendment is needed to protect Oregonians from the unusual and highly dangerous hazards that the Hanford Nuclear Reservation poses for the people of Oregon.

This amendment should be familiar to many members of the Senate because a version of this legislation previously passed the Senate as an amendment to the FY97 Defense Authorization Bill.

Mr. President, there is no other contaminated Federal property in the country that has caused the serious injuries to residents of another State that Hanford has already caused to citizens of Oregon. And no other Federal site currently poses anywhere near as serious a threat to the health and safety of citizens of another State as Hanford does to our citizens.

Because of this special situation, the State of Oregon needs to be involved in decisions about how DOE proposes to clean up the Hanford site.

I want to make clear that recognizing the unique conditions present at Hanford and the immediate danger they pose for Oregonians does not set a precedent for other Federal facilities besides Hanford. It will not turn every military base with a leaking gasoline tank into a multi-state cleanup issue.

Let me put to rest any concern that this amendment will be misconstrued in that way. First, there is simply no facility in this country—Federal or non-Federal—that compares to Hanford. In fact, Hanford is generally considered to be the most contaminated site in the Western hemisphere. You would have to go to the former Soviet Union to find a site as polluted as Hanford.

The extent of the environmental problems are mind boggling:

Over the years, 200 billion gallons of toxic and radioactive liquids from nuclear weapons production were dumped at the site. That's enough to cover Manhattan to a depth of 40 feet.

The Hanford site currently contains 56 million gallons of high-level radioactive wastes in 177 tanks. Some of these tanks are as big as the Capitol Dome. At least 54 of these tanks are known or suspected to be leaking or pose risks of explosion.

The site also is currently storing 2,300 metric tons of high-level nuclear fuel rods in leaking basins located only a quarter mile from the Columbia River.

And these are just a few of the problems that we know about.

Second, there is also no other site in the country that has affected the health and safety of residents in another state the way Hanford has affected the citizens of Oregon.

Oregonians living downwind from Hanford have suffered from thyroid cancers and other medical problems caused by airborne releases of radioactive iodine. Starting in the late 1940s and continuing through the 1950s, these releases average between 100 and 2,000 curies per month. To put that into perspective, the residents around Harrisburg, Pennsylvania were evacuated in 1979 when the Three Mile Island accident released 15–24 curies into the Pennsylvania countryside.

The airborne releases from Hanford were 10 to 100 times what were released from Three Mile Island, and these releases were occurring every month! Ongoing epidemiological studies have linked these releases to increased cases of thyroid cancer and other adverse health effects on Oregonians living near the site. Children drinking milk from farms in the area were the ones most harmed by these releases.

Hanford also poses a serious health threat to the more than 1 million Oregonians who live downstream from the site. Radioactive materials have been released into the Columbia River when water from the River was pumped through the sites nuclear reactors to cool them. Other hazardous and radioactive materials that were dumped at the site have and are continuing to seep into the River. A General Accounting Office report I released earlier this year documents that 900,000 gallons of radioactive wastes have leaked out of the Hanford tanks, contaminated the groundwater and this contaminated water is now heading toward the Columbia River.

The bottom line is many Oregonians are suffering adverse health effects from living near Hanford. And many more are at risk of future harm because of conditions at the site.

Finally, my amendment does not set a precedent for Federal facilities nationwide because it only encourages the Energy Department to continue existing efforts to involve Oregon in cleanup decisions. There is already in effect a Memorandum of Agreement between the State of Oregon and the Department of Energy concerning Oregon's participation in decisions about Hanford cleanup. The linkage to this agreement puts the site into a special category of Federal facility cleanups. It draws a bright line that divide Hanford from the hundreds of other contaminated Federal facilities around the country.

The unique factors involved in the Hanford cleanup justify granting the State of Oregon a greater role in decisions about clean up of the Hanford site.

I urge my colleagues to recognize how Hanford has harmed and continue to pose a serious hazard to the people of Oregon by giving our State the opportunity to play a greater role in cleanup decisions at the site.

Mr. SMITH of Oregon. Mr. President, I rise today to speak on behalf of Amendment No. 2796 to the Defense Authorization bill, a Sense of the Senate Resolution which was introduced by myself and Senator WYDEN. I want to thank the managers of the Defense Authorization bill for allowing us to bring this important amendment to the floor for consideration. This Sense of the Senate speaks to an issue that is a source of great concern to all Oregonians. But not only should it be of importance to citizens of my state, this Sense of the Senate should also be important to any American concerned about having a say in how the federal government handles nuclear waste and other environmental problems partially overseen by the Department of Energy. Simply put, radioactive waste seeping through the soil or being discharged into the air recognizes no state boundary.

Although such situations can be found in other parts of the country, the amendment before us today speaks specifically to the Hanford nuclear reservation, located in the southeastern part of Washington state. Hanford was operated by the federal government as a plutonium development facility for four decades. Today, this site is the worst Department of Energy environmental hazard in the country. Millions of gallons of radioactive waste sits at the Hanford facility, much of it stored in underground tanks that are leaking an unknown amount of material into the soil as I speak.

Currently, there are cleanup efforts underway, jointly operated by the Department of Energy, the Environmental Protection Agency, and the state of Washington. Every year the Congress appropriates money for this cleanup effort, and I am a strong supporter of this funding. However, as an Oregonian, I believe that my state should also be a part of this ongoing process. Although the Hanford site is in Washington state, it is just 35 miles north of Oregon, and it lies next to the mighty Columbia River, which forms much of the border between the two states. Any failure to clean up this facility adequately will be felt not only in Washington but in my state as well. Thousands of Oregonians live within 50 miles of this site. Thousands more live down the Columbia River, which is not only home to countless species of wildlife, but also a key transportation and recreation resource as well.

For these reasons, I am pleased that the Department of Energy and the state of Washington and Oregon entered into memoranda of understanding concerning Hanford last August. With the implementation of this agreement, Oregon will be a participant in the major decisions regarding Hanford that have potential repercussions for the health and safety of Oregonians. The amendment Senator WYDEN and I have introduced simply encourages the continuation of this kind of cooperative decisionmaking regarding the future of the Hanford site. As acknowledged by the Department of Energy and the state of Washington by the memoranda of agreement, Oregon has a huge stake in this process. It is a point worth reiterating, and I urge my colleagues to join me in supporting this important Sense of the Senate resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2796) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

AMENDMENT NO. 2812

(Purpose: To express the sense of Congress concerning the naming of an LPD–17 class amphibious vessel in honor of Lieutenant General Clifton B. Cates, the 19th Commandant of the Marine Corps)

Mr. WARNER. I send an amendment to the desk on behalf of Senator FRIST, numbered 2812 which would express the sense of the Congress that the Secretary of the Navy should remain an LPD–17 class amphibious ship in honor of the 19th Commandant of the Marine Corps, General Clifton B. Cates.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. FRIST, proposes an amendment numbered 2812.

Mr. LEVIN. The amendment has been cleared.

At the end of subtitle B of title X, add the following:

SEC. 1013. SENSE OF CONGRESS CONCERNING THE NAMING OF AN LPD–17 VESSEL.

It is the sense of Congress that, consistent with section 1018 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425), the next unnamed vessel of the LPD–17 class of amphibious vessels should be named the U.S.S. Clifton B. Cates, in honor of Marine General Clifton B. Cates (1893–1970), a native of Tennessee whose distinguished career of service in the Marine Corps included combat service in World War I so heroic that he became the most decorated Marine Corps officer of World War I, included exemplary combat leadership from Guadalcanal to Tinian and Iwo Jima and beyond in the Pacific Theater during World War II, and culminated in Lieutenant General Cates being appointed the 19th Commandant of the Marine Corps, a position in which he led the Marine Corps' efficient and alacritous response to the invasion of the Republic of South Korea by Communist North Korea.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2812) was agreed to.

Mr. WARNER. I ask that at such place as may be necessary that the rank of General Clifton Cates be indicated as a full general. I happened to have served under him. I knew him very well.

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

Mr. WARNER. A very distinguished man.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2988

(Purpose: To provide authority to waive the moratorium on the use of anti-personnel landmines scheduled to begin on February 12, 1999)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2988.

The amendment is as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. AUTHORITY FOR WAIVER OF MORATORIUM ON ARMED FORCES USE OF ANTIPERSONNEL LANDMINES.

Section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 751) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) WAIVER AUTHORITY.—(1) The President may waive the moratorium set forth in subsection (a) if the President determines that the waiver is necessary in the national security interests of the United States.

''(2) The President shall notify the President pro tempore of the Senate and the Speaker of the House of Representatives of the exercise of the authority provided by paragraph (1).''.

Mr. THURMOND. Mr. President, this past March, General Tilelli, Commander, of U.S. Forces in Korea, testified before the Committee on issues faced by his Command. One of the foremost concerns he expressed was the impact of the antipersonnel landmine

moratorium that would be imposed on February 12, 1999. General Tilelli prevailed upon the Committee to provide legislative relief from this requirement.

On May 1, Secretary of Defense Cohen and General Shelton, Chairman of the Joint Chiefs, wrote asking the Committee to include a provision in the defense authorization bill that would allow the Secretary to waive the moratorium for national security interests.

Today, I offer an amendment that would provide the President authority to waive the moratorium on anti-personnel landmines that would go into effect on February 12, 1999.

The potential negative effect of this legislation on the ability of U.S. forces to fight and win battles and to defend U.S. forces and allies, if necessary, is unacceptable, and would not be in the national security interest of the United States.

I am concerned about the impact of this moratorium on the ability to undertake missions, such as the kind of mission that may have been necessary, had Iraq chosen to invade one of our allies in the Gulf, during the most recent standoff with Iraq over the arms control inspections.

I believe it is in the national security interests for U.S. forces to be able to employ self-destructing anti-personnel landmines and self-destructing mixed anti-tank systems to defend themselves and our allies, if necessary. It is for this reason, that I believe the President should have authority to waive the moratorium for national security reasons.

I urge the adoption of my amendment.

Mr. WARNER. Mr. President, this amendment will provide the President the authority to waive the one-year moratorium on the use of anti-personnel landmines by U.S. forces, which goes into effect February 12, 1999. It is my understanding that this amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2988) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2989

(Purpose: Relating to landmines)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, proposes an amendment numbered 2989.

The amendment is as follows:

On page 42, between lines 9 and 10, insert the following:

SEC. 232. LANDMINES.

(a) AVAILABILITY OF FUNDS.—(1) Of the amounts authorized to be appropriated in section 201, $17,200,000 shall be available for activities relating to the identification, adaptation, modification, research, and development of existing and new tactics, technologies, and operational concepts that—

(A) would provide a combat capability that is comparable to the combat capability provided by anti-personnel landmines, including anti-personnel landmines used in mixed mine systems; and

(B) comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) The amount available under paragraph (1) shall be derived as follows:

(A) $12,500,000 shall be available from amounts authorized to be appropriated by section 201(1).

(B) $4,700,000 shall be available from amounts authorized to be appropriated by section 201(4).

(b) STUDIES.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract with each of two appropriate scientific organizations for purposes of identifying existing and new tactics, technologies, and concepts referred to in subsection (a).

(2) Each contract shall require the organization concerned to submit a report to the Secretary and to Congress, not later than one year after the execution of such contract, describing the activities under such contract and including recommendations with respect to the adaptation, modification, and research and development of existing and new tactics, technologies, and concepts identified under such contract.

(3) Amounts available under subsection (a) shall be available for purposes of the contracts under this subsection.

(c) REPORTS.—Not later than April 1 of each of 1999 through 2001, the Secretary shall submit to the congressional defense committees a report describing the progress made in identifying and deploying tactics, technologies, and concepts referred to in subsection (a).

(d) DEFINITIONS.—In this section:

(1) ANTI-PERSONNEL LANDMINE.—The term ''anti-personnel landmine'' has the meaning given the term ''anti-personnel mine'' in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) MIXED MINE SYSTEM.—The term ''mixed mine system'' includes any system in which an anti-vehicle landmine or other munition is constructed with or used with one or more anti-personnel landmines, but does not include an anti-handling device as that term is defined in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

Mr. LEVIN. Mr. President, this amendment would provide legislative authority for the committee's recommendation to fully fund the budget request for alternatives to anti-personnel landmines, which would provide the Secretary of Defense authority to contract with scientific organizations to provide recommendations on research and development of tactics, technologies and concepts as alternatives to antipersonnel landmines.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2989) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, my amendment, which has been accepted by both sides, would authorize funding for the identification and development of atlernatives to anti-personnel landmines, including those used in mixed mine systems. I want to thank Chairman THURMOND and Senator LEVIN for their invaluable assistance, patience and support in getting this amendment adopted.

This is a modest but important amendment. Contrary to what some misinformed people have suggested, it does not ban anti-personnel landmines. There is an international Convention that has been signed by 126 nations, including every one of our NATO allies except Turkey, which bans the use, stockpiling, production, and transfer of anti-personnel mines, but that is not this amendment. I mention it, though, because the White House recently committed the United States Government to sign that Convention when alternatives to anti-personnel mines are available, and to search aggressively for alternatives. They set a target date of 2006 for signing the Convention, and last September President Clinton announced that the United States will stop using anti-personnel mines outside Korea by 2003. It is my hope and expectation that by working together and with the resources to do the job, we can join the Convention by 2003. That is also about the same time that signatories to the Convention must have destroyed their stockpiles of anti-personnel mines, and when our NATO allies have said they want our mines removed from their territory. It is a logical deadline.

As I have said, when the White House announced that the United States will sign the Convention when alternatives are available, they also committed to ''search aggressively'' for alternative tactics, technologies and/or operational concepts to anti-personnel mines that are compliant with the Convention. This amendment simply authorizes the next year of funds to do that—a total of $17,200,000 for fiscal year 1999, and it calls for two separate studies to be done by independent scientific organizations. Although they are not named in the amendment, it is our intention and expectation that the Pentagon will initiate contracts with the National Academy of Sciences and the Rand Corporation to do the studies. Both are widely respected organizations that have done similar types of studies in the past. The National Academy estimates that such a study would take a year to complete and cost approximately $750,000. It is our hope that these studies will assist in steering the Pentagon in the right direction so rapid progress can be made in finding and deploying alternatives.

Mr. President, there are respected, retired military officers who believe

that suitable alternatives already exist. They have done considerable research on existing weapons systems and are convinced that, since an effective minefield must be kept under constant observation, a combination of sensors and smart munitions that can destroy moving armored vehicles can provide a comparable combat capability to our mixed mine systems. Therefore, it may not be necessary to develop new technologies, because tactics, technologies and/or operational concepts may already exist that can be adapted, modified, or otherwise utilized with comparable effect. That is why the amendment refers explicitly to the ''adaptation, modification, and research and development,'' of both ''existing and new tactics, technologies, and operational concepts.'' It is important that the search for alternatives explore all possible options.

It is no secret that I had hoped that the United States would be among the first to sign the Convention when it was opened for signature in Ottawa last December. However, that was not to be, and since then I have sought to find a common approach so the United States could signal to the world our clear intention to join the Convention as soon as practicable. Over a period of months, General Ralston, the Vice Chairman of the Joint Chiefs of Staff, National Security Advisory Sandy Berger and I discussed a number of issues including a way for the United States to join the Convention in a manner that is acceptable to the Pentagon. We now have that commitment, and while it may be some years before the United States signs, there are interim steps we can take to support the Convention.

We should urge other governments that have not yet signed, including Russia and China, to declare their intention to do so as soon as practicable, as we have. They too should undertake to remove whatever obstacles are in the way. We can also use the framework of the Convention to share technology, disclose mine stockpiles, identify mined areas, and support demining and assistance for mine victims.

Mr. President, this has been a long time in coming. President Clinton first called on the Pentagon to search for alternatives to anti-personnel mines back in 1994, and then for two years nothing happened. Then in May 1996 and again last September, he directed the Pentagon to do so. A few million dollars have been spent, but there has not been anything resembling a serious program. The prevailing attitude at the Pentagon has been that there are better uses of time and money, so let's do as little as possible and say we tried.

Obviously, if the Pentagon wants to avoid finding alternatives to landmines they know how to do that. They can try to hold back the money for research, they can say they cannot find alternatives that do absolutely everything landmines do, and they can continue to overstate their need for landmines. This will be a test of their good faith. I would urge them to approach this with the kind of ''can-do'' attitude they like to be known for, and to look closely at the technologies they already have. As I have said before, if we can drive a rover on Mars from a laptop on Earth, we can do this. I am convinced that it is a matter of will and resources.

General Ralston and Sandy Berger have pledged to make every effort to get the job done. Former Chairman of the Joint Chiefs of Staff, General David Jones, accepted President Clinton's offer to monitor the Pentagon's progress in finding alternatives. These are men of their word and I have no doubt that they will do everything possible to see this through. I will support them in every way possible.

Again, I want to thank the managers of the bill, Chairman THURMOND and Senator LEVIN and their staffs.

AMENDMENT NO. 2990

(Purpose: To re-establish the initiative relating to fair trade in automotive parts)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2990.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE ___FAIR TRADE IN AUTOMOTIVE PARTS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Fair Trade in Automotive Parts Act of 1998''.

SEC. ___02. DEFINITIONS.

In this title:

(1) JAPANESE MARKETS.—The term ''Japanese markets'' refers to markets, including markets in the United States and Japan, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese automobiles.

(2) JAPANESE AND OTHER ASIAN MARKETS.—The term ''Japanese and other Asian markets'' refers to markets, including markets in the United States, Japan, and other Asian countries, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese, American, or other Asian automobiles.

SEC. ___03. RE-ESTABLISHMENT OF INITIATIVE ON AUTOMOTIVE PARTS SALES TO JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall re-establish the initiative to increase the sale of United States made automotive parts and accessories to Japanese markets.

(b) FUNCTIONS.—In carrying out this section, the Secretary shall—

(1) foster increased access for United States made automotive parts and accessories to Japanese companies, including specific consultations on access to Japanese markets;

(2) facilitate the exchange of information between United States automotive parts manufacturers and the Japanese automobile industry;

(3) collect data and market information on the Japanese automotive industry regarding needs, trends, and procurement practices, including the types, volume, and frequency of parts sales to Japanese automobile manufacturers;

(4) establish contacts with Japanese automobile manufacturers in order to facilitate contact between United States automotive parts manufacturers and Japanese automobile manufacturers;

(5) report on and attempt to resolve disputes, policies or practices, whether public or private, that result in barriers to increased commerce between United States automotive parts manufacturers and Japanese automobile manufacturers;

(6) take actions to initiate periodic consultations with officials of the Government of Japan regarding sales of United States-made automotive parts in Japanese markets; and

(7) transmit to Congress the annual report prepared by the Special Advisory Committee under section ___04(c)(5).

SEC. ___04. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE ON AUTOMOTIVE PARTS SALES IN JAPANESE AND OTHER ASIAN MARKETS.

(a) IN GENERAL.—The Secretary of Commerce shall seek the advice of the United States automotive parts industry in carrying out this title.

(b) ESTABLISHMENT OF COMMITTEE.—The Secretary of Commerce shall establish a Special Advisory Committee for purposes of carrying out this title.

(c) FUNCTIONS.—The Special Advisory Committee established under subsection (b) shall—

(1) report to the Secretary of Commerce on barriers to sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(2) review and consider data collected on sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(3) advise the Secretary of Commerce during consultations with other governments on issues concerning sales of United States-made automotive parts in Japanese and other Asian markets;

(4) assist in establishing priorities for the initiative established under section ___03, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and

(5) assist the Secretary in reporting to Congress by submitting an annual written report to the Secretary on the sale of United States-made automotive parts in Japanese and other Asian markets, as well as any other issues with respect to which the Committee provides advice pursuant to this title.

(d) AUTHORITY.—The Secretary of Commerce shall draw on existing budget authority in carrying out this title.

SEC. ___05. EXPIRATION DATE.

The authority under this title shall expire on December 31, 2003.

Mr. LEVIN. Mr. President, this amendment would reauthorize a special advisory committee on U.S. trade.

The Auto Parts Advisory Committee (APAC) is an important private sector industry advisory group made up of American auto parts companies that advise the Commerce Department on auto parts trade negotiations with Japan and Asia.

APAC was established by the Fair Trade in Auto Parts Act included in the Omnibus Trade and Competitiveness Act of 1988. It was reauthorized in 1995. APAC's authorization will expire at the end of this year.

At a time of soaring U.S. trade deficits with Japan and the rest of Asia, continued market opening negotiations are critical to removing barriers and achieving deregulation in these automotive markets. The overall U.S. trade deficit with Japan can only be reduced if the automotive portion of that deficit—on average 60 percent of the total—is reduced. We must have the tools at our disposal to do this, including the cooperation and resolve of the private sector to present our trading partners with a united front to advance the U.S. negotiating position. Because of the unfair trade barriers U.S. automotive exports face in a number of Asian markets, this reauthorization language will expand APAC's parameters to allow it to advise the Administration on trade consultations in Japan and other Asian markets.

APAC has done much to focus the attention and will of the U.S. government on finding a results-oriented solution to the auto parts problem with Japan. It has also played an important role in organizing an industry that is made up of thousands of diverse companies, many of them small businesses, to speak more with one voice with regard to the trade debate. This industry directly employs over 700,000. If we can open up foreign markets to U.S. auto parts exports we can create more high paying American manufacturing jobs in the auto parts industry. This is good for American workers, its good for U.S.-based auto parts companies and its good for our economy.

APAC is able to provide our trade negotiators with insight on the U.S. auto parts industry and the specific barriers they confront in Japan and elsewhere in Asia. Often individual U.S. auto parts companies that are trying to enter these markets do not want to speak out individually about protectionist foreign trade barriers that they have encountered for fear that doing so could jeopardize potential business opportunities in the countries in question. That is an understandable concern and that is why the U.S. Government, with input from APAC advising the government as an industry, can and should speak up on behalf of American companies trying to break into foreign markets.

In addition to its advisory role to the Commerce Department, APAC has also issued a number of useful studies and reports on the competitiveness of the United States auto parts industry and on the barriers to trade faced in selling to Japan. It has also issued reports and recommendations to the Commerce Department and the U.S. Congress on what steps must be taken to open Japan's markets to U.S. auto parts.

The U.S. auto parts industry and the Administration support the extension of APAC so that it can continue its contribution to market opening efforts for the sale of U.S. auto parts in Japan and elsewhere in Asia.

We should reauthorize APAC without delay so that its members can continue their good work advising our trade negotiators on auto parts trade in Japan and Asia.

Mr. President, this amendment has been cleared on the other side, I believe.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2990) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2991

(Purpose: To provide for accountability of the Director and Deputy Director of the Naval Home)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 2991.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF THE NAVAL HOME.

(a) APPOINTMENT AND QUALIFICATIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (a) of section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in paragraph (2)—

(A) by striking out ''Each Director'' and inserting in lieu thereof ''The Director of the United States Soldiers' and Airmen's Home''; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) meet the requirements of paragraph (4).'';

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs (3) and (4):

''(3) The Director, and any Deputy Director, of the Naval Home shall be appointed by the Secretary of Defense from among persons recommended by the Secretaries of the military departments who—

''(A) in the case of the position of Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–5;

''(B) in the case of the position of Deputy Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–4; and

''(C) meet the requirements of paragraph (4).

''(4) Each Director shall have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and significant military background.''.

(b) TERM OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (c) of such section is amended—

(1) by striking out ''(c) TERM OF DIRECTOR.—'' and all that follows through ''A Director'' in the second sentence and inserting in lieu thereof ''(c) TERMS OF DIRECTORS.—(1) The term of office of the Director of the United States Soldiers' and Airmen's Home shall be five years. The Director''; and

(2) by adding at the end the following new paragraph:

''(2) The Director and the Deputy Director of the Naval Home shall serve at the pleasure of the Secretary of Defense.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section:

''(1) The term 'United States Soldiers' and Airmen's Home' means the separate facility of the Retirement Home that is known as the United States Soldiers' and Airmen's Home.

''(2) The term 'Naval Home' means the separate facility of the Retirement Home that is known as the Naval Home.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

Mr. WARNER. Mr. President, this amendment would provide for the accountability of the director and deputy director of the Naval Home.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2991) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2992

(Purpose: To ensure continuity in the management of the program for assessing alternative technologies for the destruction of assembled chemical munitions, and to provide for the use of such technologies)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. FORD, for himself and Mr. MCCONNELL, proposes an amendment numbered 2992.

The amendment is as follows:

At the end of subtitle B of title I, insert the following:

SEC. 117. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

(a) PROGRAM MANAGEMENT.—The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to incineration. In performing such function, the program manager shall act independently of the program manager for the baseline chemical demilitarization program and shall report to the Under Secretary of Defense for Acquisition and Technology.

(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment may undertake the activities that are necessary to ensure that an alternative technology for the destruction of lethal chemical munitions can be implemented immediately after—

(A) the technology has been demonstrated successful; and

(B) the Under Secretary of Defense for Acquisition and Technology has submitted a report on the demonstration to Congress.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than June 1, 1999.

(c) INDEPENDENT EVALUATION.—The Under Secretary of Defense for Acquisition and Technology shall provide for two evaluations of the cost and schedule of the Assembled Chemical Weapons Assessment to be performed, and for each such evaluation to be submitted to the Under Secretary, not later than September 30, 1999. One of the evaluations shall be performed by a nongovernmental organization qualified to make such an evaluation, and the other evaluation shall be performed separately by the Cost Analysis Improvement Group of the Department of Defense.

(d) PILOT FACILITIES CONTRACTS.—(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

(A) certifies in writing to Congress is—

(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

(4) In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 107, $18,000,000 shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

(B) Planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, including planning and preparation for—

(i) continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

(v) provision of support at the field office or depot level for deployment of the technology for use; and

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—In this section, the term ''Assembled Chemical Weapons Assessment'' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

Mr. FORD. Mr. President, on July 17, 1996, President Clinton supported legislative language establishing a two-year ''pilot program'' to identify and demonstrate a safe and cost-effective technology for the destruction of chemical weapon munitions stockpiles.

The language signed into law by the President directed the Under Secretary of Defense for Acquisition and Technology to designate a program and appoint an executive officer to carry out the pilot program who was not, nor had been, in direct or immediate control of the Army Baseline Chemical Incineration Demilitarization program.

The legislation further prohibited the obligation of funds at two chemical weapons stockpile sites—Lexington Blue Grass Army Depot in Kentucky and the Pueblo Depot in Colorado—pending the outcome of the two-year research program.

It is Senator MCCONNELL'S and my understanding that the Assembled Chemical Weapons Assessment (ACWA) program has been a success in its initial stages. The management team for ACWA has just completed selecting seven technology teams who will conduct further evaluations toward a possible demonstration phase later this year. Based on information received, I am encouraged that at least two of the non-incineration technologies will be available for full scale testing by fiscal year 2000.

I am also very impressed with the very effective ''dialogue'' process including local citizens, state regulators, environmental organizations, tribal representatives, and many others in building a consensus in the ACWA program. I'm hopeful this open exchange will help in the eventual deployment and operation of a non-incineration facility, ensuring the days of delay and distraction that have plagued the chemical demilitarization program will soon be over.

Because of this success, I believe the ACWA ''dialogue'' will continue as a central part of the decision-making and consensus building in the Chemical Weapons Destruction program.

Mr. President, the amendment we introduce today does many things in the area of chemical demilitarization. It directs that the ACWA program must continue its independence from the baseline incinerator program through the next phase of pilot and full scale development. This will prevent any break or pause in the ACWA program by disallowing any transfer of responsibility for the program while making sure it meets the Chemical Weapons Convention Treaty (CWC) deadlines.

The program will stay under the direct supervision of the Under Secretary of Defense for Acquisition and Technology. The ACWA program manager will continue to act independently of the program manager for the Baseline Chemical Demilitarization Program.

This amendment also provides $18 million additional dollars so the Program manager of ACWA can move forward to meet the CWC deadline of 2007, which can be expanded until the year 2012. The additional funds authorized for chemical demilitarization for fiscal year 1999 will not come from the funds for the alternative technologies ''Bulk Pilot Program.''

Mr. President, I want to thank the leadership of the Senate Armed Services Committee for accepting this amendment. I would also like to thank Ms. Monica Chavez and Mr. Richard Fieldhouse of the committee staff for working with my staff in developing this amendment. Also, Mr. Billy Piper, Senator MCCONNELL's military legislative assistant, should be commended for a job well done.

Mr. MCCONNELL. Mr. President, I rise today to join my colleague from Kentucky in support of an amendment to the Department of Defense Authorization Bill. I would like to thank the Senator for his support and assistance on this important initiative. In addition, I would like to thank the distinguished managers of the bill for their assistance.

In 1996, I offered and the Senate accepted an amendment to the Department of Defense Appropriations bill which created the Alternative Technology Program. The mission of the program is to study alternative to incineration for destruction of our chemical weapons stockpiles.

The amendment Senator FORD and I offer today continues this program, and ensures that it will remain independent and fully capable of carrying out its intended mission.

Typically, when Senators offer amendments they rise to inform the body what their intentions are—what will their proposals do. I would like to take the opposite tack today, and tell the Senate what our amendment will not do.

The Ford-McConnell amendment is not designed to delay or prevent the destruction of chemical weapons. The Senate ratified, and I supported, the chemical weapons convention which established a deadline by which all weapons must be destroyed. This amendment would not alter that agreement.

In fact, the amendment says that alternative technologies must be able to complete the destruction in the same timeframe as incineration.

The Ford-McConnell amendment is not designed to scuttle the incineration program. Consistent with the legislation Congress passed in 1996, this measure continues the study and implementation of alternative technologies. At sites where incinerators are under construction or operating, that work will continue.

What, then, does this amendment accomplish?

First, it ensures that the Program Manager for the Assembled Chemical Weapons Assessment (ACWA) continues to operate independently of the incineration program, reporting directly to the Under Secretary of Defense for Acquisition and Technology. This is important in order to maintain the integrity of the program and protect the Program Manager's ability to make decisions in an efficient manner. To date, all involved have reported to both Senator FORD and me that ACWA has been successfully run. There has been a tremendous amount of citizen involvement. The result has been consensus not only on the direction the program is headed, but the methods it has employed.

Equally important, the amendment makes it clear that the Program Manager for ACWA can move toward implementation of technology which meets several clearly defined criteria. These criteria include that the technology selected is at least as safe and cost-effective as incineration. We have included a reporting requirement for both the Under Secretary for Technology and Acquisition as well as the Cost Analysis Improvement Group of the Department of Defense, to report to Congress on the cost and schedule of potential implementation.

As for the timing of the amendment, it clearly states that no alternative technology may be implemented unless it can be determined that it will lead to the destruction of stockpiles no later than the date by which incineration could do so. This is an important point, Mr. President. Senator FORD and I have no desire to prolong the schedule for destruction of our stockpiles, we merely ask that any alternatives to incineration be held to the same standards as are currently in place.

Mr. President, why have Senator FORD and I taken the Senate's time with this amendment? Quite simply, I remain disappointed with the Army's incineration program. It is grossly over budget and behind schedule. If it is possible to develop an alternative to incineration which is safe, and can accomplish the goals of our current program, then I believe Congress should support that endeavor.

Finally, and most importantly, Senator FORD and I rise on behalf of our constituents in central Kentucky. They live every day with the knowledge that thousands of rockets containing lethal nerve agents are stored just minutes from their homes. We owe it to these Kentuckians to exhaust every option in order to eliminate these weapons in the safest manner possible.

Mr. WARNER. Mr. President, this amendment would maintain the current program manager for the assembled chemical weapons assessment program, as well as provide authority for the ACWA program manager to undertake the necessary activities to conduct demonstrations and pilot-scale testing of alternative technologies for destruction of lethal chemical munitions. The amendment would also provide for valuations of the alternative technologies by nongovernmental organizations and would make available $18 million from funds authorized to the chemical demilitarization program.

I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2992) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2993

(Purpose: To authorize the President to advance Benjamin O. Davis, Jr., to the grade of general on the retired list of the Air Force)

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN and LIEBERMAN, I offer an amendment that would authorize the President to promote Benjamin O. Davis, Jr., to the rank of general on the retired list.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 2993.

The amendment is as follows:

At the end of subtitle C of title V, add the following:

SEC. 531 ADVANCEMENT OF BENJAMIN O. DAVIS, JUNIOR, TO GRADE OF GENERAL.

(a) AUTHORITY.—The President is authorized to advance Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—An advancement of Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the said Benjamin O. Davis, Junior.

Mr. MCCAIN. Mr. President, today, we have a historic opportunity to honor one of America's truly heroic pioneers. Lieutenant General Benjamin O. Davis, Jr., United States Air Force (ret), has earned a hallowed place in the history of our armed forces, the history of our great nation, and arguably, the history of mankind.

Today, in order to pay a just and fitting tribute to the exceptional contributions of Lt. General Davis, I offer this amendment that would authorize the President of the United States to promote Benjamin O. Davis, Jr., to the rank of General on the retired list of the United States Air Force. This promotion would not entail any additional pay or benefits for General Davis or his family.

Lt. General Benjamin Davis's life has epitomized sustained superior performance in the face of singularly distinctive challenges. Though given the ''silent treatment,'' he graduated 35th in a class of 276 as the first African American graduate of the 20th century from the United States Military Academy at West Point. He was the first African American officer in the Army Air Forces, and was a member of the first African American pilot training class held at Tuskegee Army Airfield, Alabama. He led the 99th Pursuit Squadron and 332nd Fighter Group—known as the Tuskegee Airmen—into air combat over many locations in the European Theater of Operations.

Following the integration of the Air Force, Colonel Davis held several significant commands. He was Commander of the 51st Fighter Interceptor Wing, Suwon, Korea. After promotion to Brigadier General in 1954, he served as director of operations and training at headquarters, Far East Air Forces, Tokyo, Japan. Brigadier General Davis was the first and only African American General Officer from 1954 through the 1970s.

General Davis was promoted to Major General in 1959 and Lieutenant General in 1965. Lt. General Davis retired from the active Air Force in 1970. He later served as Assistant Secretary of Transportation from 1971 to 1975.

Lt. General Davis holds five honorary doctorate degrees, has served on numerous public and private panels, and has been the deserving recipient of numerous other distinguished honors.

Though Lt. General Benjamin Davis's record is replete with laudable accomplishments, those accomplishments are all the more inspiring and significant when viewed against the backdrop of the time in America's history in which they occurred.

His perseverance against the prejudices of his day showed his great depth of character. His unqualified successes in the face of those prejudices not only were a credit to himself, but they served as catalysts for societal change—change that not only has directly impacted the life of every American, but change that has arguably affected the world. America owes him a great debt of gratitude.

Mr. President, the singularly distinctive accomplishments of Benjamin O. Davis Jr., make him uniquely qualified to receive this tremendous honor, an honor I do not propose lightly. I ask my colleagues' unanimous support for this amendment. There is no one more deserving, and no better way to express the gratitude of a grateful nation.

Mr. LEVIN. The amendment has been cleared on this side, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2993) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I ask unanimous consent that I be added as a cosponsor on this amendment.

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

Mr. WARNER. Mr. President, I likewise wish to be added as a cosponsor to that amendment for the very distinguished officer in our military.

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

AMENDMENT NO. 2994

(Purpose: To require a report regarding the savings and effect of personnel reductions in the Army Materiel Command)

Mr. LEVIN. Mr. President, on behalf of Senators TORRICELLI and LAUTENBERG, I offer an amendment which would require the Department of Defense to provide a report to Congress on the readiness impact of proposed personnel reductions of the Army Materiel Command.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. TORRICELLI and Mr. LAUTENBERG, proposes an amendment numbered 2994.

The amendment is as follows:

At the end of subtitle E of title III, add the following:

SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.

Not later than March 31, 1998, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the Quadrennial Defense Review's proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the projected cost savings from such reductions and the manner in which such savings are expected to be achieved.

Mr. WARNER. This amendment has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2994) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2995

(Purpose: To authorize a land conveyance, Naval Air Reserve Center, Minneapolis, Minnesota)

Mr. WARNER. Mr. President, on behalf of Senators GRAMS and WELLSTONE, I offer an amendment which would authorize the land conveyance, without consideration from the Naval Air Reserve Center in Minneapolis, MN, to the Minneapolis-St. Paul Metropolitan Airports Commission.

I believe this has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMS and Mr. WELLSTONE, proposes an amendment numbered 2995.

The amendment is as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, NAVAL AIR RESERVE CENTER, MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without any consideration other than the consideration provided for under subsection (c), to the Minneapolis-St. Paul Metropolitan Airports Commission, Minnesota (in this section referred to as the ''Commission''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 32 acres located in Minneapolis, Minnesota, and comprising the Naval Air Reserve Center, Minneapolis, Minnesota. The purpose of the conveyance is to facilitate expansion of the Minneapolis-St. Paul International Airport.

(b) ALTERNATIVE LEASE AUTHORITY.—(1) The Secretary may, in lieu of the conveyance authorized by subsection (a), elect to lease the property referred to in that subsection to the Commission if the Secretary determines that a lease of the property would better serve the interests of the United States.

(2) Notwithstanding any other provision of law, the term of the lease under this subsection may not exceed 99 years.

(3) The Secretary may not require any consideration as part of the lease under this subsection other than the consideration provided for under subsection (c).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), or the lease under subsection (b), the Commission shall—

(1) provide for such facilities as the Secretary considers appropriate for the Naval Reserve to replace the facilities conveyed or leased under this section—

(A) by—

(i) conveying to the United States, without any consideration other than the consideration provided for under subsection (a), all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the conveyance authorized by subsection (a); or

(ii) leasing to the United States, for a term of 99 years and without any consideration other than the consideration provided for under subsection (b), a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the lease authorized by subsection (b); and

(B) assuming the costs of designing and constructing such facilities on the parcel conveyed or leased under subparagraph (A); and

(2) assume any reasonable costs incurred by the Secretary in relocating the operations of the Naval Air Reserve Center to the facilities constructed under paragraph (1)(B).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a), or enter into the lease authorized by subsection (b), until the facilities to be constructed under subsection (c) are available for the relocation of the operations of the Naval Air Reserve Center.

(e) AGREEMENT RELATING TO CONVEYANCE.—If the Secretary determines to proceed with the conveyance authorized by subsection (a), or the lease authorized by subsection (b), the Secretary and the Commission shall enter into an agreement specifying the terms and conditions under which the conveyance or lease will occur.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), or leased under subsection (b), and to be conveyed or leased under subsection (c)(1)(A), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Commission.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), or the lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

Mr. GRAMS. Mr. President, my amendment will accomplish two important goals. It will provide the Naval Air Reserve with new facilities to better meet its training needs and will facilitate the development of the Minneapolis/St. Paul International Airport to serve all Minnesotans.

This amendment authorizes the Secretary of the Navy to convey or lease a parcel of property which includes the current Naval Air Reserve Center to the Minnesota Airports Commission. In return, the Minnesota Airports Commission will assume the costs of designing and constructing facilities that the Secretary of the Navy considers appropriate for the Naval Air Reserve as well as any reasonable relocation expenses.

Mr. President, it is my understanding that the Navy, the Minnesota Airports Commission, and the Federal Aviation Administration support this amendment. This is a win-win proposition for the Navy and the traveling public.

Mr. LEVIN. The amendment has been cleared, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2995) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2996

(Purpose: To authorize a land conveyance, Army Reserve Center, Peoria, Illinois)

Mr. LEVIN. Mr. President, on behalf of Senator DURBIN, I offer an amendment which would convey, without consideration, a former Army Reserve Center in Peoria, IL, to the Peoria School District for educational purposes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. DURBIN, proposes an amendment numbered 2996.

The amendment is as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, ARMY RESERVE CENTER, PEORIA, ILLINOIS

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Peoria School District #150 of Peoria, Illinois (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) comprising the location of the Army Reserve Center located at 1429 Northmoor Road in Peoria, Illinois, for the purposes of staff, student and community education and training, additional maintenance and transportation facilities, and for other purposes.

(b) DESCRIPTION OF PROPERTY.—the exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with subsection (a), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2996) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Let the record reflect the amendment was agreed to on both sides.

AMENDMENT NO. 2997

(Purpose: To authorize a land conveyance, Skaneateles, New York)

Mr. WARNER. Mr. President, on behalf of Senator D'AMATO, I offer an amendment which would convey as a public benefit conveyance of approximately 147 acres of excess property in the town of S-K-A-N-E-A-T-E-L-E-S, NY, for recreational use.

I believe this amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. D'AMATO, proposes an amendment numbered 2997.

The amendment is as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, SKANEATELES, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of Skaneateles, New York (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 147.10 acres in Skaneateles, New York, and commonly known as the ''Federal Farm''. The purpose of the conveyance is to permit the Town to develop the parcel for public benefit, including for recreational purposes.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town in accordance with that subsection, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

Mr. LEVIN. Mr. President, the amendment has been cleared.

On behalf of Senator D'AMATO, I will make an effort at pronouncing the town of Skaneateles.

Mr. WARNER. I thank my good friend and colleague.

Mr. LEVIN. I hope I didn't blow it.

Mr. WARNER. I will work diligently to try to get that proper pronunciation. I thought I would be of assistance to those taking down the notes if I spelled it out.

Mr. LEVIN. I think the reporter appreciated your effort a lot more than the folks in New York appreciated my efforts.

Mr. WARNER. That is correct. You got the votes. I will pick up what is left.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2997) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2874, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of Senator WYDEN, I call up an amendment No. 2874, as modified, which would require the General Accounting Office to report on methods used to calculate overhead costs at the Department of Energy cleanup sites.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. WYDEN, proposes an amendment numbered 2874, as modified.

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. REVIEW OF CALCULATION OF OVERHEAD COSTS OF CLEANUP AT DEPARTMENT OF ENERGY SITES.

(a) REVIEW.—(1) The Comptroller General shall—

(A) carry out a review of the methods currently used by the Department of Energy for calculating overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.

(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

(b) REPORT.—Not later than January 31, 1999, the Comptroller General shall submit to Congress a report setting forth the findings of the Comptroller as a result of the review under subsection (a). The report shall include the recommendations of the Comptroller regarding means of standardizing the methods used by the Department for allocating and reporting overhead costs associated with the cleanup of Department sites.

Mr. WARNER. Mr. President, this amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2874), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2998

(Purpose: To revise authorities relating to a Department of Defense officer designated as a member of the Panama Canal Commission supervisory board by the Secretary of Defense)

Mr. WARNER. Mr. President, on behalf of Senator COATS, I offer an amendment which provides authority to the Secretary of Defense to designate a Department of Defense official to be a Member of the Panama Canal Commission supervisory board.

I believe this amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes an amendment numbered 2998.

The amendment is as follows:

At the end of title XXXV, add the following:

SEC. 3513. OFFICER OF THE DEPARTMENT OF DEFENSE DESIGNATED AS A MEMBER OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.

(a) AUTHORITY.—Section 1102(a) (22 U.S.C. 3612(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: ''The Commission shall be supervised by a Board composed of nine members. An officer of the Department of Defense designated by the Secretary of Defense shall be one of the members of the Board.''; and

(2) in the last sentence, by striking out ''Secretary of Defense or a designee of the Secretary of Defense'' and inserting in lieu thereof ''the officer of the Department of Defense designated by the Secretary of Defense to be a member of the Board''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 302 of Public Law 105–18 (111 Stat. 168) is repealed.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2998) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2809

(Purpose: To require an annual GAO review of the F/A–18E/F aircraft program)

Mr. LEVIN. Mr. President, on behalf of Senator FEINGOLD, I call up amendment 2809 which would require a study of the F/A–18E/F.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FEINGOLD, proposes an amendment numbered 2809.

The amendment is as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. ANNUAL GAO REVIEW OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REVIEW AND REPORT REQUIRED.—Not later than June 15 of each year, the Comptroller General shall review the F/A–18E/F aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress with each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(b) CONTENT OF REPORT.—The report submitted on the program each year shall include the following:

(1) The extent to which engineering and manufacturing development and operational test and evaluation under the program are meeting the goals established for engineering and manufacturing development and operational test and evaluation under the program, including the performance, cost, and schedule goals.

(2) The status of modifications expected to have a significant effect on the cost or performance of the F/A–18E/F aircraft.

(c) DURATION OF REQUIREMENT.—The Comptroller General shall submit the first report under this section not later than June 15, 1999. No report is required under this section after the full rate production contract is awarded under the program.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of Defense and the prime contractors under the F/A–18E/F aircraft program shall timely provide the Comptroller General with such information on the program, including information on program performance, as the Comptroller General considers necessary to carry out the responsibilities under this section.

Mr. COATS. Mr. President, the amendment from the Senator from Wisconsin directs a study of the F/A–18E/F program. I recommended that we accept his amendment as a courtesy, and to move the Defense Authorization Bill along. Accepting the amendment in no way diminishes the committee's support for the program and its demonstrated performance in over 2,900 hours of test flying.

Mr. President, the F/A–18E/F program has a history of providing audit agencies with unlimited access to all personnel and data required. The F/A–18E/F program is now entering its last year of Engineering and Manufacturing Development (EMD). The development program continues its unprecedented success: on schedule, on cost, and meeting or exceeding specified performance. Approximately 70% of the EMD flight test program is complete. Besides successful developmental tests, three successful Operational Testing periods were completed between January 1996 and March 1998.

The Department of Defense has a structured process for providing oversight on acquisition programs. The process includes Working Level Integrated Product Teams (WLIPTs), Integrated Integrating Product Teams (IIPT) and Overarching Integrated Product Teams (OIPTs). These teams, made up of members from the Navy, Joint Chiefs of Staff and Office of the Secretary of Defense staffs, have worked well to keep Defense Department leadership, as well as Congress, apprised of the progress.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2809) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. The record should reflect we concur, Mr. President.

AMENDMENT NO. 2826

(Purpose: To authorize the conveyance of the ex-U.S.S. *Lorain County* (LST–1177) to the Ohio War Memorial, Inc., Sandusky, Ohio)

Mr. WARNER. Mr. President, on behalf of Senators DEWINE and GLENN, I call up amendment 2826 which would authorize the Secretary of Transportation to convey at no cost to the Government a surplus National Defense Reserve Fleet Ship, the ex-U.S.S. *Lorain County*, to a nonprofit organization for use as a memorial to Ohio veterans.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DEWINE, for himself, and Mr. GLENN, proposes an amendment numbered 2826.

The amendment is as follows:

On page 204, below line 22, add the following:

SEC. 1014. CONVEYANCE OF NDRF VESSEL EX-USS LORAIN COUNTY.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the Federal Government in and to the vessel ex-USS LORAIN COUNTY (LST–1177) to the Ohio War Memorial, Inc., located in Sandusky, Ohio (in this section referred to as the ''recipient''), for use as a memorial to Ohio veterans.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance of from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

Mr. DEWINE. Mr. President, I am pleased to join with my colleague from Ohio, Senator GLENN, to offer an amendment to restore a piece of history for our veterans. This may be the last opportunity we have to bring an Ohio-built ship back to the state of Ohio—where so many U.S. Navy ships were built. Our amendment would allow for the restoration of the tank landing ship, the U.S.S. *Lorain County* (LST–1177), so that it may be restored and serve as a memorial to Ohio veterans.

A number of individuals deserve credit for this initiative. First, I commend my friend and colleague Congressman PAUL GILLMOR. Congressman GILLMOR is a true friend of Ohio Veterans. He took the lead in adding similar legislation to the House of Representatives' version of the Defense Authorization Bill. Secondly, I would like to recognize the efforts of the members of Ohio War Memorial, Inc. Their patriotic devotion to this memorial is very worthwhile and highly admirable.

The U.S.S. *Lorain County* was built during the 1956–58 time period by Lorain County's American Shipbuilding Company. She spent 14 years on active duty as a part of the U.S. Navy's Amphibious Force in the Atlantic, Mediterranean, and the Caribbean. She completed distinguished service and was decommissioned in 1972.

The *Lorain County* is presently in Virginia and she is intact and in good condition. Without this amendment, she likely will be sold for scrap metal. So this is our last opportunity to save and utilize this ship as a memorial to all of those who not only built the mighty ships of the U.S. Navy, but to those dedicated veterans who served on them as well.

This amendment would not impose any cost to the Federal Government and would allow Ohio War Memorial, Inc., a private, nonprofit citizens group, enoght time to raise the funds needed to return the ship to Ohio, renovate it, and turn it into a memorial that every veteran from, or visiting the state of Ohio would be proud to see.

Mr. President, I ruge my colleagues to support this effort to save this piece of history.

Mr. LEVIN. The amendment has been cleared, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The Amendment (No. 2826) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2999

(Purpose: To guarantee the long-term national security of the United States by investing in a robust Defense Science and Technology Program)

Mr. LEVIN. Mr. President, on behalf of Senators BINGAMAN, SANTORUM, LIEBERMAN, LOTT and FRIST, I offer an amendment which would express the sense of the Senate there should be a 10-year objective for the Secretary of Defense for increasing funding for science and technology programs and a 10-year objective for the Secretary of Energy for increasing funding of nonproliferation science and technology programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. LOTT and Mr. FRIST, proposes an amendment numbered 2999.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

"SEC. 1064. SENSE OF THE CONGRESS ON THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

''(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

''(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

''(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—It is the sense of the Congress that the following should be key objectives of the Defense Science and Technology Program—

''(A) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

''(B) the education and training of the next generation of scientists and engineers in disciplines that are relevant to future Defense systems, particularly through the conduct of basic research; and

''(C) the continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and universities and minority institutions.

''(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.

''(A) It is the sense of the Congress that in supporting projects within the Defense Science and Technology Program, the Secretary of Defense should attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

''(B) It is the sense of the Congress that funds made available for projects and programs of the Defense Science and Technology Program should be used only for the benefit of the Department of Defense, which includes—

''(i) the development of technology that has only military applications;

''(ii) the development of militarily useful, commercially viable technology; or

''(iii) the adaption of commercial technology, products, or processes for military purposes.

''(3) SUNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—It is the sense of the Congress that the Secretary of Defense may allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program. This flexibility is not intended to change the allocation of funds in any fiscal year among basic and applied research and advanced development.

''(c) DEFINITIONS.—In this section:

''(1) The term ''Defense Science and Technology Program'' means basic and applied research and advanced development.

''(2) The term ''basic and applied research'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activities 1 or 2.

''(3) The term ''advanced development'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activity 3.''.

On page 398, between lines 9 and 10, insert the following:

"SEC. 3144. SENSE OF THE CONGRESS ON FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY

''(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year over the budget for those activities for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

''(b) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES DEFINED.—In this section, the term ''nonproliferation science and technology activities'' means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

''(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security;

''(2) Projects under the ''Technology and Systems Development'' element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security.

''(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

''(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological emergencies, and related terrorist threats, under the Office of Defense Programs.''.

Mr. WARNER. The amendment is cleared on this side. I urge its adoption.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 2999) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2448, AS MODIFIED

(Purpose: To add disposal receipts objectives for three additional fiscal years; to clarify the authority relating to the disposal of chromium ferroalloy; to add a condition to the authority to dispose of certain strategic and critical materials in the National Defense Stockpile; and to authorize use of funds in the National Defense Stockpile Transaction Fund for certain environmental activities)

Mr. WARNER. Mr. President, on behalf of Senator THURMOND, I call up amendment 2448, and I send a modification to the desk which would require a deposit of revenues into the Treasury from the sales of materials from the National Defense Stockpile would be subject to appropriations. The modified amendment would also authorize the use of funds within the National Defense Stockpile Transaction Fund for environmental remediation if required by Federal law or agreement.

The clerk will report.

The Legislative Clerk read as follows:

The Senator from Virginia (Mr. WARNER) for Mr. THURMOND proposes an amendment No. 2448, as modified.

The amendment is as follows:

Beginning on page 400, line 10, strike out ''$100,000,000'' and all that follows through page 401, line 12, and insert in lieu thereof the following:

$103,000,000 by the end of fiscal year 1999 and $377,000,000 by the end of fiscal year 2003.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Metal, vacuum cast	227 short tons
Chromium Metal—EL	8,511 short tons
Columbium Carbide Powder	21,372 pounds contained
Columbium Ferro	249,395 pounds contained
Columbium Concentrates	1,733,454 pounds contained
Chromium Ferroalloy	92,000 short tons
Diamond, Stones	3,000,000 carats
Germanium Metal	28,198 kilograms
Indium	14,248 troy ounces
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces
Tantalum Carbide Powder	22,681 pounds contained
Tantalum Metal Powder	50,000 pounds contained
Tantalum Minerals	1,751,364 pounds contained
Tantalum Oxide	122,730 pounds contained
Tungsten Ferro	2,024,143 pounds
Tungsten Carbide Powder	2,032,954 pounds
Tungsten Metal Powder	1,898,009 pounds
Tungsten Ores & Concentrates	76,358,230 pounds.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) AUTHORIZATION OF SALE.—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts of $100,000,000 of the amount specified for fiscal year 1999 in subsection (a) by the end of that fiscal year shall be effective only to the extent provided in advance in appropriation Acts.

SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION, RESTORATION, WASTE MANAGEMENT, AND COMPLIANCE ACTIVITIES.

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

(1) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

''(J) Performance of environmental remediation, restoration, waste management, or compliance activities at locations of the stockpile that are required under a Federal law or are undertaken by the Government under an administrative decision or negotiated agreement.''.

Mr. WARNER. I understand this amendment has been cleared. I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The amendment, as modified, is agreed to.

The amendment (No. 2448) as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3000

(Purpose: To express the sense of Congress regarding the homeporting of the U.S.S. *Iowa* battleship at the Port of San Francisco)

Mr. LEVIN. Mr. President, on behalf of Senators FEINSTEIN and BOXER, I offer an amendment which would express the sense of Congress that the battleship, U.S.S. *Iowa*, should be homeported in the Port of San Francisco.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, for herself and Mrs. BOXER, proposes an amendment numbered 3000.

The amendment is as follows:

At the end of subtitle B of title X, and the following:

SEC. 1014. HOMEPORTING OF THE U.S.S. IOWA BATTLESHIP IN SAN FRANCISCO.

It is the sense of Congress that the U.S.S. Iowa should be homeported at the Port of San Francisco, California.

Mr. WARNER. The RECORD should reflect I concur in this amendment. I worked with these two Senators in developing this amendment, and I hope very much that the objective can be eventually achieved.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3000) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2822, AS MODIFIED

(Purpose: To improve the process for designating defense property for demilitarization and to further penalize acts involved in unlawful export of certain merchandise)

Mr. WARNER. On behalf of Senator GRASSLEY, I offer an amendment which would require the Secretary of Defense to assign demilitarization codes to DOD equipment to ensure that it is properly disposed of. The amendment would also make it a violation of criminal law to knowingly engage in the exportation of equipment, where the exportation of that equipment is restricted. I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRASSLEY, proposes an amendment numbered 2822, as modified.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. DEMILITARIZATION AND EXPORTATION OF DEFENSE PROPERTY.

(a) CENTRALIZED ASSIGNMENT OF DEMILITARIZATION CODES FOR DEFENSE PROPERTY.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following:

''§ 2573. Demilitarization codes for defense property

''(a) AUTHORITY.—The Secretary of Defense shall—

''(1) assign the demilitarization codes to the property (other than real property) of the Department of Defense; and

''(2) take any action that the Secretary considers necessary to ensure that the property assigned demilitarization codes is demilitarized in accordance with the assigned codes.

''(b) SUPREMACY OF CODES.—A demilitarization code assigned to an item of property by the Secretary of Defense under this section shall take precedence over any demilitarization code assigned to the item before the date of enactment of the National Defense Authorization Act for Fiscal Year 1999 by any other official in the Department of Defense.

''(c) ENFORCEMENT.—The Secretary of Defense shall commit the personnel and resources to the exercise of authority under subsection (a) that are necessary to ensure that—

''(1) appropriate demilitarization codes are assigned to property of the Department of Defense; and

''(2) property is demilitarized in accordance with the assigned codes.

''(d) REPORT.—The Secretary of Defense shall include in the annual reports submitted to Congress under section 113(c)(1) of this title in 1999 and 2000 a discussion of the following:

''(1) The exercise of the authority under this section during the fiscal year preceding the fiscal year in which the report is submitted.

''(2) Any changes in the exercise of the authority that are taking place in the fiscal year in which the report is submitted or are planned for that fiscal year or any subsequent fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'demilitarization code', with respect to property, means a code that identifies the extent to which the property must be demilitarized before disposal.

''(2) The term 'demilitarize', with respect to property, means to destroy the military offensive or defensive advantages inherent in the property, by mutilation, cutting, crushing, scrapping, melting, burning, or altering the property so that the property cannot be used for the purpose for which it was originally made.''.

(2) The table of sections at the beginning of such chapter 153 is amended by inserting after the item relating to section 2572 the following:

''2573. Demilitarization codes for defense property.''.

(b) CRIMINAL OFFENSE.—(1) Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Violations of regulated acts involving the exportation of United States property

''(a) Any person who—

''(1) fraudulently or knowingly exports or otherwise sends from the United States (as defined in section 545 of this title), or attempts to export or send from the United States any merchandise contrary to any law of the United States; or

''(2) receives, conceals, buys, sells, or in any manner facilitates, the transportation, concealment, or sale of any merchandise prior to exportation, knowing that the merchandise is intended for exportation in violation of Federal law;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) The penalties under this section shall be in addition to any other applicable criminal penalty.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''554. Violations of regulated acts involving the exportation of United States property.''.

Mr. GRASSLEY. Mr. President, I rise today to offer an amendment to this year's Defense bill to address the unexcusably lax procedures for disposing of surplus military equipment which currently exist. There have been several media reports indicating that these procedures are unacceptably loose. To examine this issue, I chaired a hearing on the proper disposal of military surplus before the Judiciary subcommittee on Administrative Oversight and the Courts. I was alarmed at the ease with which hostile foreign nations like China can purchase classified military items from depots right here in America.

Mr. President, my amendment makes several much-needed reforms. First, the amendment requires the Secretary of Defense to assign codes to military equipment. These codes determine whether the equipment can later be resold to the public as surplus or if the equipment must be destroyed before it can be resold as surplus. Further, the amendment gives the Secretary of Defense the authority to take whatever steps he deems necessary to fulfill this responsibility. Finally, my amendment creates a new export control law which closes loopholes in current law which arms smugglers use to avoid prosecutions for exporting military surplus. Importantly, this new export control law has the support of the administration.

The problem of lax disposal procedures isn't new. The first congressional hearings on this topic were conducted in the early 1970s. At that time, Congress received testimony that the Pentagon's program for ensuring the proper disposal of surplus items was in shambles.

Mr. President, after my hearing, I can say that the disposal process is still badly in need or reform. My hearing showed that there is a cavalier attitude toward the disposal of surplus equipment that presents a real danger to our national security and to the safety of the American people. In one case, the Pentagon lost track of surplus equipment valued at 39 million dollars. That's a lot of stuff to lose in just one transaction.

It seems to me that disposing of tanks or missiles or classified military equipment in a way that keeps them out of the hands of hostile foreign nations or terrorists is really central to the military mission, and so I hope my colleagues will support this amendment.

Under current practice, the Pentagon has decided the answer to the question of what to do with surplus parts is to sell them to the highest bidder, with practically no controls in place. The few controls that are in place, which are supposed to make sure that military-grade surplus doesn't end up with terrorists or hostile nations, continue to be an abject failure by any reasonable standard.

Mr. President, the depots which sell sensitive military surplus have become thriving terrorist flea markets. In fact, the Pentagon even has a world wide web homepage to advertise military surplus for sale—some of it classified. Who knows, right now some of Saddam Hussein's henchmen could be browsing this homepage looking for spare parts or new weapons.

One way to measure whether an agency takes a problem seriously is to look at how that agency disciplines its own employees when their misconduct contributes to that problem in other words, how does the Pentagon react when one of its own employees breaks the rules on disposing or dangerous military surplus? By that standard, it appears to this Senator that the Defense Department doesn't take security breaches at military depots very seriously. For instance, it's my understanding that the chief of a depot in Crane, Indiana was not seriously reprimanded for allowing over 70 grenade launchers to be sold without being properly destroyed. To date, only about 30 of those launchers have been recovered. What's the result? Every once in a while, law enforcement seizes one of these missing grenade launchers from a gang of criminals. Pentagon sloppiness is making criminals even more dangerous and well-armed.

In another case which caused problems for law enforcement, the Justice Department had to drop illegal export charges against an arms smuggler who had tried to send armored personnel carrier parts to Iran. The Justice Department had to drop the charges because the defense logistics agency had assigned the wrong code to the equipment.

Another indication that the Pentagon doesn't take the issue of properly disposing of surplus very seriously is that no one from the office of the Secretary of Defense would come to testify at my hearing—despite repeated requests that someone appear who could speak for the Defense Department as a whole. That's why my amendment puts the responsibility for disposing of surplus in the office of the Secretary of Defense. Congress needs to have someone to look to if there is to be genuine accountability.

Finally, I'd like to sum up the situation we have here. Despite congressional oversight going back to Senator McLellan's 1972 hearings, nothing has really changed. Therefore, it's clearly time for Congress to step up to the plate and take action. That's why I am offering this amendment to the DOD authorizations bill to give law enforcement an enhanced ability to catch arms smugglers who are targeting military surplus.

But helping law enforcement is only part of the solution that's merely reactive. What we really need is for the Pentagon to get its house in order and prevent this problem from happening in the first place. So, my amendment requires the office of the Secretary of Defense to take control of the surplus issue.

I think it's fair to say that if classified or highly sensitive military technology is being sent to foreign nations and terrorists, we have a clear threat to national security. We have dangerous weapons going from our own military depots into the hands of criminals. My amendment would give law enforcement the tools they need and would hold the Department of Defense accountable for solving this problem. I urge my colleagues to vote for this amendment, and I yield the floor.

Mr. WARNER. Mr. President, I understand the amendment has been cleared. I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2822), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2860

(Purpose: To prohibit evaluation of the merit of selling malt beverages and wine in commissary stores as exchange store merchandise)

Mr. LEVIN. Mr. President, on behalf of Senator BYRD, I offer an amendment that would prohibit the Secretary of Defense from conducting a survey to determine patron interest in having the commissary system sell malt beverages and wine; or, to conduct a demonstration project to evaluate the merit of selling malt beverages or wine in the commissary.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BYRD, proposes an amendment numbered 2860.

The amendment is as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. PROHIBITIONS REGARDING EVALUATION OF MERIT OF SELLING MALT BEVERAGES AND WINE IN COMMISSARY STORES AS EXCHANGE SYSTEM MERCHANDISE.

Neither the Secretary of Defense nor any other official of the Department of Defense may—

(1) by contract or otherwise, conduct a survey of eligible patrons of the commissary store system to determine patron interest in having commissary stores sell malt beverages and wine as exchange store merchandise; or

(2) conduct a demonstration project to evaluate the merit of selling malt beverages and wine in commissary stores as exchange store merchandise.

Mr. WARNER. This amendment is cleared. I join the Senator in urging its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2860) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3001

(Purpose: To provide a substitute that clarifies that additional museums may be designated as ''America's National Maritime Museum'')

Mr. WARNER. Mr. President, on behalf of myself and Senator MOYNIHAN, I offer an amendment which designates the Mariner's Museum in Newport News, VA, and the South Street Seaport Museum in New York City as America's National Maritime Museum.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. MOYNIHAN, proposes an amendment numbered 3001.

The amendment is as follows:

At the appropriate place, insert:

SEC. 1064. DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.

(a) DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.—The Mariners' Museum building located at 100 Museum Drive, Newport News, Virginia, and the South Street Seaport Museum buildings located at 207 Front Street, New York, New York, shall be known and designated as ''America's National Maritime Museum''.

(b) REFERENCE TO AMERICA'S NATIONAL MARITIME MUSEUM.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in subsection (a) shall be deemed to be a reference to America's National Maritime Museum.

(c) LATER ADDITIONS OF OTHER MUSEUMS NOT PRECLUDED.—The designation of museums named in subsection (a) as America's National Maritime Museum does not preclude the addition of any other museum to the group of museums covered by that designation.

(d) CRITERIA FOR LATER ADDITIONS.—A museum is appropriate for designation as a museum of America's National Maritime Museum if the museum—

(1) houses a collection of maritime artifacts clearly representing America's maritime heritage; and

(2) provides outreach programs to educate the public on America's maritime heritage.

Mr. WARNER. I believe this amendment has been cleared by the other side. I urge its adoption.

Mr. LEVIN. The amendment has been cleared on this side, Mr. President.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 3001) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, at this time I would like to thank particularly Senator KENNEDY, the ranking member of the Seapower Subcommittee, for his assistance in developing this amendment, and other Senators who likewise concurred in the merits of the amendment.

Mr. LEVIN. Mr. President, I just want to thank my good friend from Virginia and congratulate him on that last amendment, and Senator MOYNIHAN, I know how hard he works on those matters. It is always a pleasure working with him.

I thank the Chair for his usual courtesies.

SKANEATELES, NEW YORK

Mr. WARNER. Mr. President, before we step down and proceed to do the closing business for the Senate—Senator ENZI, I think, will take over. But we are fortunate that one of our most valued senior staff members of the Armed Services Committee, a fine woman who has served many, many years in the Senate, is familiar with this particular town. And the proper pronunciation is—what is it? Phonetically, it is written out as Skaneateles. I think that is it.

How close your rendition was, I know not.

Mr. LEVIN. A lot closer than I feared. Apparently it is Skaneateles.

Mr. WARNER. Skaneateles.

Mr. LEVIN. We have reached another consensus in the U.S. Senate.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Wyoming.

MORNING BUSINESS.

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

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

JUDICIAL NOMINEES DESERVE FAIR TREATMENT

Mr. DASCHLE. Mr. President, we are in the midst of a disturbing slowdown in the confirmation of judicial nominations, especially when the nominees are women or minorities. A few days ago, on June 22, the Senate finally confirmed, by a vote of 56 to 34, Susan Oki Mollway, a Japanese-American nominated by President Clinton almost 3 years ago to serve on the U.S. District Court for the District of Hawaii.

Ms. Mollway was first nominated in the 104th Congress and was renominated again in the 105th Congress. She was favorably reported out of the Judiciary Committee, not once but twice. It took 3 years for Republicans to bring her nomination to the Senate floor despite the fact that a judicial emergency was declared in her district.

I am particularly concerned about the lack of progress in the consideration of Hispanic judicial nominees before the Senate Judiciary Committee. Of the 36 judges confirmed in 1997, none were Latino, although six Latinos had been nominated. Thus far in 1998, 2 of the 26 judges confirmed were Latino and five are currently awaiting confirmation. It took the Senate 32 months to confirm Ms. Hilda Tagle, the only Hispanic woman the Senate confirmed this year. Why are the nominations of these qualified individuals taking so long? These nominees and the American people deserve an explanation.

The nominations of Emilio Cividanes, Richard Paez, Jorge Rangel, Annabelle Rodriguez, and Sonia Sotomayor have been pending before the Senate for months. Two of these 5 nominees had to be renominated this Congress because their nominations expired in the 104th Congress without Senate action.

Sonia Sotomayor, a nominee for Second Circuit Court of Appeals, was reported out of committee on March 5, 1998. Nominee Richard Paez for the Ninth Circuit was reported out of committee on March 19, 1998. No Senate action has been taken or scheduled on either nominee, and no explanation of the delay has been forthcoming. My colleague, XAVIER BECERRA, Chairman of the Congressional Hispanic Caucus, said it best when he stated, ''This is a crisis. . . . Only two Latino judges have been confirmed this Congress out of a total of 62 confirmations.''

The Ranking Member of the Judiciary Committee, Senator PATRICK LEAHY, has come to the floor 3 times in the past month to demand Senate Republican action. He pointed out that ''We are having hearings at the rate of one a month, barely keeping up with attrition and hardly making a dent in the vacancies crisis . . . confronting the judiciary.''

The Chief Justice of the Supreme Court, William Rehnquist, calls that ''vacancy crisis'' a ''most serious problem.'' He warns that ''vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.''

We cannot wait for the judicial system to collapse before the Senate acts. I call upon Senate Republicans to reject partisan politics and significantly

accelerate the pace of scheduled judicial confirmations before the Senate adjourns in October.

COMMUNITY OPPORTUNITIES, ACCOUNTABILITY, TRAINING, (AND EDUCATION) SERVICES (COATS) ACT

Mr. WARNER. Mr. President, I rise today to pay tribute to a colleague who serves with me on the Senate Committee on Labor and Human Resources and on the Armed Services Committee. This morning, at the Labor Committee's mark-up of S. 2206, the Human Services Reauthorization Act of 1998, I offered an Amendment to rename the legislation after the author of the bill, Senator DAN COATS of Indiana, which the Committee approved unanimously. As you know, Senator COATS will retire at the end of this Congress after serving in the Senate since 1988. Senator KENNEDY, Senator DODD, and Senator JEFFORDS, Chairman of the Committee, joined me in offering the Amendment.

Senator JEFFORDS renamed the legislation the ''COATS'' Act—the Community Opportunities, Accountability, Training, (and Education) Services Act. S. 2206 reauthorizes and makes improvements to the Head Start program, the Community Services Block Grant program, the Low-Income Home Energy Assistance Program, and it creates the new Assets for Independence Act.

In the past, legislation has often been identified by ''legislative shorthand''—identifying legislation by the author instead of by the title. This began in the late nineteenth century with tariff bills named after either the Chairman of the Senate Finance Committee or the Chairman of the House Ways and Means Committee, or whichever body would report and pass the legislation first. One example is the 1890 McKinley Tariff legislation, named after Congressman William McKinley, then Chairman of the House Ways and Means Committee and later President of the United States.

In the twentieth century, naming legislation after a Senator became more commonplace and lent legislative standing and prestige to both the bill and to its author. For instance, in 1935, the Wagner Labor Act was named after Senator Robert Wagner from New York. Another Labor bill in 1947, the Taft-Hartley Act, was named after Senator Robert Taft from Ohio.

Today, however, it is not as easy or as common to have a Senator's name formally placed on a bill. Only in cases of special recognition for service, or to honor an accomplishment is this done. Throughout his Senate career, Senator COATS has been recognized and identified as a leader on issues dealing with children and families. It is an honor for me along with Senator KENNEDY, Senator JEFFORDS, and Senator DODD to suggest renaming S. 2206 the COATS Act, and I am pleased the Labor Committee unanimously agreed. I cannot think of a finer Senator to name this legislation after than DAN COATS of Indiana who has worked so tirelessly on these issues.

Mr. JEFFORDS. Mr. President, as Chairman of the Senate Labor and Human Resources Committee, it is my pleasure to come to the floor of the Senate today to inform my colleagues of something very special that happened this morning during the committee's mark-up of S. 2206, the Human Services Reauthorization Act.

The Human Services Act, as many of my colleagues know, authorizes a number of important programs, such as Head Start and the various activities under the Community Services Block Grant that provide services to families and communities in need. For the past 30 years, the State, local and federal governments have worked jointly under this program to help lift our most vulnerable citizens out of poverty and into self-sufficiency—one of the most noble goals of a responsible government. Moreover, the programs in the Human Services Act has done this effectively, and with widespread community involvement.

In the Labor and Human Resources Committee, the Subcommittee on Children and Families—which is chaired by our colleague, Senator DAN COATS of Indiana—has been responsible for much of the heavy lifting that has to be done as these programs make their way through our committee for the fifth time in the last twenty years. The Human Services Act is a large and very important act, so its reauthorization is never an easy process, especially in a committee as diverse as ours. While broad bipartisan support for the reauthorization bill is always a desirable goal, it is never a given. And this year, Senator COATS worked overtime to make sure that his bill would not only responsibly reauthorize the Human Services Act, but would also do so in a way which accommodated the concerns and requests of members on both sides of the aisle. Consequently, the Labor and Human Resources Committee approved the reauthorization of the Human Services Act by a unanimous vote of 18 to 0.

But Mr. President, I am not here today to make my pitch for the reauthorization of the Human Services Act—that will come soon enough. Rather, I want to highlight Senator COATS' hard work on this legislation. It is yet another illustrative example of the years of service that Senator DAN COATS has committed to strengthening families, strengthening children, and strengthening communities. It is typical of Senator COATS that he does so in a manner that is always tenacious, but never brash. While he is always accommodating, he never loses sight of the ultimate goal of helping families and communities. And with his quiet demeanor and a wit that I think sometimes surprises even him, Senator COATS is always a pleasure to work with, especially when it is for a common goal, as it was in this morning's mark-up.

As we all know, Senator COATS has announced he will not be returning to this body when his term expires at the end of the 105th Congress. However, his departure does not mean his voice on behalf of children and families will be any quieter. Senator COATS will move into a new leadership role as President of Big Brothers/Big Sisters of the USA. This is a program that I know is very near to Senator COATS' heart, and the Senate's loss is clearly Big Brothers/Big Sisters' gain.

In the Labor Committee, and in the Senate as a whole, we will miss DAN COATS. We will miss his leadership, and we will miss his friendship. When someone who is such a good friend leaves, it is sometimes difficult to know just what to give that friend of yours as a token of your affection. Well, Mr. President, at this morning's mark-up of the Human Services reauthorization, we gave it a try.

It is with real pleasure that I inform the Senate that this morning the Labor and Human Resources Committee unanimously agreed to name the 1998 reauthorization of the Human Services Act as the ''Community Opportunities, Accountability, Training and Educational Services Act,'' or, as we prefer to call it, the COATS Act. We did this in recognition of all that Senator COATS has done not only on this bill, but for children and families throughout his career.

Mr. President, I know there will be more time later to honor Senator COATS for all that he has done here in the Senate. But sometimes time gets away from us and we never let some of our colleagues know how much they mean to us. The action by the Labor Committee this morning is a modest gesture, but a sincere one. I think Senator COATS knows that it is from all of our hearts. We shall miss you, Senator.

DEATH OF A GREAT IRISH-AMERICAN—PAUL O'DWYER

Mr. KENNEDY. Mr. President, I was greatly saddened to learn of the death today of Paul O'Dwyer of New York City. To all of us who knew him and worked with him and loved him, he was a great friend, a great champion of democracy and civil rights, a great friend of working families, and a great friend of Ireland. He will be dearly missed.

Paul was born in County Mayo in Ireland, and immigrated to the United States in 1924 at the age of seventeen. He put himself through law school at night, and formed his lifelong commitment to the political and social causes which were so important to him and for which we all admired him.

He was a proud supporter of Ireland all his life. He was a hero to the people of Ireland and Northern Ireland, and to Irish Americans as well. At the same time, he recognized the importance of reaching out to the Protestant community in Northern Ireland to achieve

peace and reconciliation in that troubled land, and he always insisted on meeting with Protestant leaders visiting this country.

Paul was elected to a number of offices in his long and brilliant career, including President of the New York City Council. Once, when asked about his decision to come to America as an immigrant, Paul said ''I thought of going back, but something that grips you as an immigrant is the sense of freedom here.'' As few individuals have ever done, he worked hard and long and well to provide that freedom for all Americans. We will miss his leadership, and we will miss his friendship.

PASSAGE OF A+ SAVINGS ACCOUNT BILL

Mr. DOMENICI. Mr. President, I was necessarily absent this morning and I missed the vote on the Conference Report for H.R. 1882 the A+ Savings Account for Public and Private Schools.

I am pleased that this bill was approved by the Senate by a vote of 59–36. This legislation has my wholehearted support.

Several significant reforms in the bill are based, in part, on findings of a Senate Task Force on Education that I was privileged to be a part of. These include testing and merit pay incentives of teachers, and tax incentives for parents who save for their children's K–12 education needs.

The President should look at the merits of this bill and sign it into law. It is time that the federal government stops enabling an entrenched education bureaucracy that resists every attempt at exponential change.

New Mexicans, I believe, are ready to embrace such change, and this legislation is the vehicle to begin making our schools ready for the twenty-first century.

I am pleased this bill includes a provision to provide incentive funds to states that establish periodic assessments of elementary and secondary school teachers, including a merit pay system to reward teachers based on merit and proven performance. The provision permits the use of federal education dollars to establish and administer these programs.

Teacher testing and merit pay is an important philosophical shift. It is reasonable to expect teachers to know the subject matter they are responsible for imparting to our young people.

The centerpiece of the bill is the establishment of tax-free savings accounts that can be used for qualified education expenses from kindergarten through twelfth grade.

Main provisions in the bill, beyond the merit pay and block grant provisions, are:

A+ Savings Accounts.—These accounts are similar to the current Education IRA for college tuition. Under this bill, the annual contribution limit will be increased from $500 to $2,000 a year. This gives millions of famlies the opportunity to save tax-free for their children's education.

Extend employer-provided education benefits to 1 million employees—The bill extends this popular provision that allows employees to accept employer-provided education assistance without having to declare it as income (up to $5,250 a year). The tax exclusion will apply to assistance for undergraduate courses.

Allow 1 million students to benefit from tax-free state pre-paid tuition plans—Many states have established pre-paid tuition plans to make it more affordable to attend state colleges in the future, and to help families save for this important expenses. The bill goes a step beyond tax deferral of such savings as currently allowed—this bill makes such savings tax-free. (The New Mexico legislature is expected to consider a pre-paid tuition plan.)

School Construction: Assists local governments in issuing tax-exempt bonds for school construction by increasing the small-issuer exception from $10 million to $15 million, provided that at least $10 million of the bonds are issued to finance public schools.

Health Scholarships: Provides tax-free treatment for National Health Corps Scholarships. In addition, the conferees extended tax free treatment to Hebert Armed Forces Health Professions Scholarships.

Student Improvement Incentive Awards: Allows State education agencies to make awards to public schools that demonstrate a high level of academic achievement.

State Incentives for Teacher Testing and Merit Pay: Authorizes the Department of Education to provide awards to states that test their K–12 teachers every three to five years in the subjects they teach and that have a merit pay program.

Same Gender Schools and Classrooms: Allows federal funding for education reform projects that provide same-gender schools and classrooms, as long as comparable opportunities are afforded both sexes.

Reading Excellence: Authorizes a literacy program that focuses on training teachers to teach reading using scientifically proven methods such as phonics. The President supports the program and $210 million was appropriated by Congress last year to establish a literacy program.

Safer Schools: Includes language providing that weapons brought to school are admissible as evidence in any internal school disciplinary proceedings.

I genuinely hope that the President will sign this bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 23, 1998, the federal debt stood at $5,500,927,020,489.88 (Five trillion, five hundred billion, nine hundred twenty-seven million, twenty thousand, four hundred eighty-nine dollars and eighty-eight cents).

One year ago, June 23, 1997, the federal debt stood at $5,332,782,000,000 (Five trillion, three hundred thirty-two billion, seven hundred eighty-two million).

Five years ago, June 23, 1993, the federal debt stood at $4,302,429,000,000 (Four trillion, three hundred two billion, four hundred twenty-nine million).

Ten years ago, June 23, 1988, the federal debt stood at $2,527,068,000,000 (Two trillion, five hundred twenty-seven billion, sixty-eight million).

Fifteen years ago, June 23, 1983, the federal debt stood at $1,303,239,000,000 (One trillion, three hundred three billion, two hundred thirty-nine million) which reflects a debt increase of more than $4 trillion—$4,197,688,020,489.88 (Four trillion, one hundred ninety-seven billion, six hundred eighty-eight million, twenty thousand, four hundred eighty-nine dollars and eighty-eight cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3853. An act to promote drug-free workplace programs.

H.R. 4105. An act to establish a national policy against state and local interference with interstate commerce on the Internet, to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the internet, to establish a national policy against Federal and State regulation of Internet access and online services, and for other purposes.

The message also announced the House has passed the following bill, without amendment:

S. 2069. An act to permit the mineral leasing Indian land located within the Fort Berthold Indian Reservation in any case in which there is a consent from a majority interest in the parcel of land under consideration for lease.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate,

was read the first and second times by unanimous consent and referred as indicated:

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft; to the Committee on Commerce, Science, and Transportation.

The following bill was read the first and second times by unanimous consent and referred as indicated:

H,R. 3853. An act to promote drug-free workplace programs; to the Committee on Small Business.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 4105. An act to establish a national policy against state and local interference with interstate commerce on the Internet, to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, to establish a national policy against Federal and State regulation of Internet access and online services, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5671. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–400 Gliders'' (Docket 98–CE–13–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5672. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Industrie Aeronautiche e Meccaniche Midel Piaggio P–180 Airplanes'' (Docket 98–CE–21–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5673. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model H.P. 137 Mk1, Jetstream Series 200, and Jetstream Model 3101 Airplanes'' (Docket 95–CE–53–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5674. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737, 747, 757, 767, and 777 Series Airplanes'' (Docket 98–NM–156–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5675. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mitsubishi Heavy Industries Ltd. Model YS–11 and YS–11A Series Airplanes'' (Docket 97–NM–71–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5676. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Allied Signal Inc. (formerly Textron Lycoming) Model T5313B, T5317A, and T53 [Military) Turboshaft Engines'' (Docket 97–ANE–38–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5677. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Mystere-Falcon 200, Fan Jet Falcon, and Mystere-Falcon 20 Series Airplanes'' (Docket 98–NM–25–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5678. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM56–2, –2A, –2B, –3, –3B, and –3C Series Turbofan Engines'' (Docket 98–ANE–46–AD) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5679. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Daytona Beach, FL'' (Docket 98–ASO–6) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5680. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D Airspace; MacDill AFB, FL'' (Docket 98–ASO–4) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5681. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Fernandina Beach, FL'' (Docket 98–ASO–3) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5682. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Removal of Class E Airspace; Atlanta, GA'' (Docket 98–ASO–2) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5683. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hohenwald, TN'' (Docket 98–ASO–1) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5684. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Transfers of Stock or Securities by U.S. Persons to Foreign Corporations and Related Reporting Requirements'' (RIN1545–AP81; 1545–AI32) received on June 18, 1998; to the Committee on Finance.

EC–5685. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the ruling practice under the expatriation tax provisions (Notice 98–34) received on June 22, 1998; to the Committee on Finance.

EC–5686. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule regarding hospital provisions on organ donation and transplantation under Medicare and Medicaid (RIN0938–AI95) received on June 22, 1998; to the Committee on Finance.

EC–5687. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Open Access Same-Time Information System and Standards of Conduct'' (Docket RM95–9–003) received on June 22, 1998; to the Committee on Energy and Natural Resources.

EC–5688. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding the development and administration of performance-based contracting concepts for major operating contracts (AL98–08) received on June 22, 1998; to the Committee on Energy and Natural Resources.

EC–5689. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding the establishment, operation, and management of the Department's advisory committees (DOE M 510.1–1) received on June 22, 1998; to the Committee on Energy and Natural Resources.

EC–5690. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Personnel Security Activities'' (DOE O 472.1B) received on June 22, 1998; to the Committee on Energy and Natural Resources.

EC–5691. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation regarding the housing loan program for veterans; to the Committee on Veterans Affairs.

EC–5692. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule regarding educational-assistance and educational-benefit regulations of the Department of Veterans Affairs (RIN2900–AI88) received on June 22, 1998; to the Committee on Veterans Affairs.

EC–5693. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Approving Flight Courses for Educational Assistance Programs'' (RIN2900–AI76) received on June 22, 1998; to the Committee on Veterans Affairs.

EC–5694. A communication from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting, pursuant to law, the annual report of the Secretary for fiscal year 1997; to the Committee on Veterans Affairs.

EC–5695. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule regarding the receipt and disposition of foreign gifts and decorations received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5696. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Minimum Financial Requirements for Futures Commission Merchants'' received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5697. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rulemaking Permitting Futures-Style Margining of Commodity Options'' received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5698. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''License Applications for Certain Items Containing Byproduct Material'' (RIN3150–AF76) received on June 22, 1998; to the Committee on Environment and Public Works.

EC–5699. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the approval of revisions to a transportation control measure in Georgia (FRL6115–1) received on June 22, 1998; to the Committee on Environment and Public Works.

EC–5700. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the Iowa State Implementation Plans (FRL6113–1) received on June 22, 1998; to the Committee on Environment and Public Works.

EC–5701. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Implementation Plans: Washington; Correcting Amendments'' (FRL6110–7) received on June 22, 1998; to the Committee on Environment and Public Works.

EC–5702. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Recodification of Certain Tolerance Regulations'' (FRL5783–6) received on June 22, 1998; to the Committee on Environment and Public Works.

EC–5703. A communication from the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Services Center Coastal Change Analysis Program'' (RIN0648–ZA43) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5704. A communication from the Director of the Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding cost-share requirements and bonuses to operate Minority Business Development Centers (RIN0640–ZA03) received on June 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5705. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Southeastern States; Increased Assessment Rate'' (Docket FV98–953–1 IFR) received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5706. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property'' (Rev. Rul. 98–33) received on June 18, 1998; to the Committee on Finance.

EC–5707. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 98–33) received on June 22, 1998; to the Committee on Finance.

EC–5708. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule regarding funding for rehabilitation research and training centers received on June 23, 1998; to the Committee on Labor and Human Resources.

EC–5709. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''A Study of Benefits for Head Start Employees''; to the Committee on Labor and Human Resources.

EC–5710. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5711. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Tribal Demonstration Program on Direct Billing For Medicare, Medicaid, and Other Third-Party Payors; to the Committee on Indian Affairs.

EC–5712. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Fees for Federal Meat Grading and Certification Services'' (RIN0581–AB44) received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5713. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Revision in Container Regulations'' (Docket FV98–922–1 IFR) received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5714. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Decreased Assessment Rate'' (Docket FV98–958–1 FR) received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5715. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule regarding records and information practice received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–496. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION NO. 61

Whereas, The attainment of United States citizenship is recognized by many legal immigrants as a key to full participation in civic life; and

Whereas, There presently exists a backlog of 700,000 naturalization applications in California awaiting processing—some for as long as two years; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California encourages the Commissioner of the Immigration and Naturalization Service, the President, and the Congress of the United States to ensure that available resources are directed, and any additional funds as needed are appropriated, in order to eliminate, within 10 months, the current backlog in naturalization applications; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Commissioner of the Immigration and Naturalization Service, the President, and the Congress of the United States to ensure that, without harm to the integrity of the naturalization process, all future applicants for naturalization will receive a determination within six months of their date of application; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Commissioner of the Immigration and Naturalization Service, the President, and the Congress of the United States to refrain from the consideration of any increase in naturalization fees until such time as the present backlog is eliminated and resources are committed to ensure that future applications will be processed within six months of their date of application; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Commissioner of the Immigration and Naturalization Service, the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 1999'' (Rept. No. 105–221).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.J. Res. 54: A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S.J. Res. 40: A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DODD, Mr. DASCHLE, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. LEVIN, Mr. ROBB, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. TORRICELLI, Mr. BRYAN, Mr. KERRY, Mr. AKAKA, Mr. GLENN, Mr. BINGAMAN, and Ms. MIKULSKI):

S. 2209. A bill to reduce class size in the early grades and to provide for teacher quality improvement; to the Committee on Labor and Human Resources.

By Mr. DURBIN:

S. 2210. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2211. A bill to amend title 5, United States Code, to provide for Congressional review of rules establishing or increasing

taxes, and for other purposes; to the Committee on Governmental Affairs.

By Mr. REID (for himself and Mr. BRYAN):

S. 2212. A bill to amend title V of the Trade Act of 1974 to include unwrought titanium as an article that may not be designated as an eligible article under the Generalized System of Preferences; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. WYDEN, Mr. KERREY, Mr. DEWINE, Mr. GLENN, Mr. KEMPTHORNE, Mr. FORD, Mr. HELMS, Mr. GRASSLEY, Mr. ROTH, Ms. COLLINS, and Mr. SMITH of Oregon):

S. 2213. A bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act; to the Committee on Labor and Human Resources.

By Mr. LOTT (for himself, Mr. COVERDELL, Mr. CRAIG, Mr. THURMOND, Mr. COATS, Mr. INHOFE, Mr. STEVENS, Mr. GRAMM, Mr. MCCONNELL, Mr. THOMAS, Mr. KEMPTHORNE, Mr. BURNS, Mr. CAMPBELL, Mr. HUTCHINSON, Mr. KYL, Mr. ABRAHAM, Mr. ALLARD, Mr. COCHRAN, Mr. GREGG, Mr. SMITH of New Hampshire, Mr. GRAMS, Mr. ROBERTS, Mr. THOMPSON, Mr. ASHCROFT, Mr. MACK, Mr. HAGEL, Mr. D'AMATO, Mr. MCCAIN, Mr. BENNETT, Mr. FRIST, Mr. HATCH, Mr. GRASSLEY, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 2214. A bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA:

S. Res. 254. A resolution expressing the sense of the Senate that the United States has enjoyed the loyalty of the United States citizens of Guam, and that the United States recognizes the centennial anniversary of the Spanish-American War as an opportune time for Congress to reaffirm its commitment to increase self-government consistent with self-determination for the people of Guam; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. Con. Res. 105. A concurrent resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DODD, Mr. DASCHLE, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. LEVIN, Mr. ROBB, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. TORRICELLI, Mr. BRYAN, Mr. KERRY, Mr. AKAKA, Mr. GLENN, Mr. BINGAMAN and Ms. MIKULSKI):

S. 2209. A bill to reduce class size in the early grades and to provide for teacher quality improvement; to the Committee on Labor and Human Resources.

CLASS-SIZE REDUCTION AND TEACHER QUALITY ACT OF 1998

Mrs. MURRAY. Mr. President, today I send to the desk legislation to help school districts hire 100,000 well-prepared teachers to combat overcrowding in our nation's classrooms. Few issues are more important to the American family than the quality of our public schools. With challenges like illiteracy, poor work and study skills, and the threat of student violence, what we need are strategies that work to produce results for all students. Increasing the number of well-qualified teachers to reduce class size is an effort that works.

The research is clear, and the research only backs up what our school communities have long known, that class size reduction improves student achievement. Unlike vouchers and tax schemes that don't provide the benefits for schools or students that they claim—class size reduction works, and it benefits all students.

Public education is important to the American people, and has been since the beginning of our nation. The public school is one of the most effective self-betterment tools in the history of this country.

But this bastion of democracy is threatened when public expectation changes, and the public school is not allowed to follow the public will. There was a time not long ago when people with a high school diploma or people who had not graduated from high school could still participate meaningfully in our economy. Those times have changed.

Americans expect public schools to educate all students to a higher standard, and expect a high school diploma to be accurate assurance that a graduate knows and can do what it takes to succeed in higher education and in today's economy. Most teachers in most classrooms do a good job—and some are clearly gifted.

But many teachers, excellent in other ways, lack the training, preparation, and know-how to teach reading in ways that reflect the best research. Many otherwise skilled teachers need help to teach today's skills with today's technology. And any teacher has a difficult time getting youngsters ready for today's world when there are more than 30 children in a classroom.

So the class size reduction bill I'm introducing today puts the funds in the hands of local school districts to train teachers in effective practices, to get uncertified teachers up to certification standards, to provide mentor teachers for teachers who need it, and to improve teacher recruiting.

Improving class size is an investment in our future that we know will pay dividends. This proposal is still building momentum in Congress. Twice now, this class size proposal has been voted on this year, and the last time it was one vote away from passage. The public is aware that efforts such as the Coverdell IRA proposal do not provide results even for the few students they are targeted to help. Ask any parent or student, and they'll tell you class size reduction works for all students.

The President had originally talked about funding class size reduction with tobacco revenues, but class size improvement was left out of the bill that left the Commerce Committee.

With or without a tobacco bill, we can pass the class size improvement initiative and keep a balanced budget. In the President's budget request, there are still more than $20 billion in mandatory and tax offsets we have not yet used. There are several ways to fund a class size initiative, keep a balanced budget, and provide in one action real results for all students.

Also, as I've mentioned before, this really is an issue of priorities. Yesterday, the House Appropriations Committee took a meat cleaver to social programs, such as elimination of the summer jobs for teenagers, and winter heating assistance for elderly people in harsh winter climates. This year, thanks to the tough decisions I and others here made in 1993 and other factors, we are looking at a balanced budget.

Now more than ever, the American people priorities are what matter, and they must be reflected in our funding decisions. These are their federal tax dollars we are investing, and education is a much higher priority to most Americans than the two percent of spending it currently holds.

We have been sending out and continue to send funds to communities so they can hire 100,000 police officers. The communities which have hired these officers have responded with enthusiasm. Allowing school districts to hire 100,000 teachers to school districts will do the same thing—invigorate both the local school district they affect, and the state governments who can fund class size improvement on a greater scale.

The American people want their national investments to be common sense solutions that work. They want to see national initiatives jump-start real improvements in their local school. They want better teachers, and smaller class sizes. They want to know that when their child goes to school next fall, they are going to get good answers to their perennial questions: ''Who's your teacher, and how many kids are in your class?''

By Mr. DURBIN:

S. 2210. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

NURSING RELIEF FOR DISADVANTAGED AREAS ACT OF 1998

• Mr. DURBIN. Mr. President, Today I introduce the Nursing Relief for Disadvantaged Areas Act of 1998. Today,

some of our nation's poorest rural and inner-city communities face a crisis—they may soon have inadequate or no hospital health care because nurses are unwilling to work in these neighborhoods. The Nursing Relief Act will ensure that hospitals located in these desperately under served areas can continue to provide adequate health care to our most needy communities.

Hospitals located in underprivileged areas often experience severe difficulty in attracting nurses. These hospitals operate in the middle of some of the harshest poverty and crime in our country. The employees of these hospitals often treat the worst and most troubling cases.

And, the condition of the surrounding area imperils the ability of these hospitals to recruit and maintain an adequate nursing staff. These circumstances have pushed some hospitals into a financial crisis, threatening the quality of health care to those most in need.

For the past eight years, this problem has been addressed by the H(1)(a) visa program which has allowed these hospitals to hire nonimmigrant nurses. Unfortunately, the H(1)(a) visa program sunset last fall, and so once again such hospitals are in crisis. By replacing the H(1)(a) visa, the Nursing Relief Act will alleviate this crisis.

The true beneficiary of this program will not be the hospitals, but the underprivileged communities which rely on the hospitals' services. Let me tell you a story about the role that this program can play in the health of a community. The story is about St. Bernard hospital on the South Side of Chicago.

St. Bernard Hospital is the only remaining hospital in the Englewood community on the south side of Chicago, one of the poorest and most crime ridden neighborhoods in the country. Over the years, St. Bernard has become indispensable to its community. Even though it has not been designated as a trauma center, St. Bernard receives the second highest number of ambulance runs from the Chicago Fire Department. St. Bernard also provides free vision exams and free screening for blood pressure, cholesterol, diabetes, and sickle cell anemia. In addition, schoolchildren receive free physicals and inoculations, and the hospital sponsors numerous health fairs throughout the area.

St. Bernard also offers a great number of outreach and community services. A food pantry is stocked, and clothes are made available for patients in need. St. Bernard is sponsoring a project for affordable housing in the community. The hospital has opened four family clinics in Englewood to provide safe and easy access to health care for community residents. Physicians from St. Bernard visit senior housing facilities on a regular basis, and the hospital has been recognized by Catholic Charities for its work with senior housing and health care.

In addition, St. Bernard is the largest employer in the Englewood area. When the hospital faces a crisis, many jobs in the community are placed at risk.

Even though the health of Englewood relies on this hospital, St. Bernard almost had to close its doors in 1992. Even after aggressive recruitment efforts, the hospital was unable to attract enough health care professionals to maintain its services. The hospital was especially in need of registered nurses.

The problem had been solved in part by hiring foreign nurses through the H(1)(a) visa program. The hospital had gone through great lengths to hire domestic nurses, and was using the h(1)(a) program only as a last alternative to closing its doors.

In the first half of 1997, for example, the hospital placed want ads in the Chicago Tribune and received approximately 200 responses. However, almost 75 percent of the respondents declined to interview when they learned where the hospital was located. St. Bernard has also tried to hire nurses through nurse registries. However, the rates of the registries would cost the hospital more than $2 million each year, an unsustainable expense for an already financially burdened hospital.

Clearly, the H(1)(a) visa program had been offering St. Bernard a way to maintain its service to the community when no other option was available. This past fall, even that option was eliminated.

My measure, the Nursing Relief Act, will ensure that hospitals like St. Bernard can keep their doors open to the public and continue to support their community. In addition, however, my bill has been designed to protect the jobs of domestic nurses and to ensure that hospitals use the visa program faithfully and only as a last resort solution.

I have therefore drafted the Nursing Relief Act to be more narrowly targeted than the old H(1)(a) visa program. My measure ensures that nurses can only be brought into the United States by hospitals that have no other alternative. In short, we have made every effort to ensure that no American nurse will lose his or her job as a result of my bill. While we want to assure that these hospitals have an adequate nursing staff, we must also guarantee that foreign nurses are not taking away jobs from domestic nurses.

Let me tell you what my bill does:

It establishes a nonimmigrant classification for nurses in health professional shortage areas. The program provides non-immigrant visas for 500 nurses each year to work in hospitals where there are severe nursing shortages.

The Nursing Relief Act protects the jobs of domestic nurses in three separate ways:

First, my measure requires that a hospital must certify that it has gone through great lengths to hire and retain domestic nurses before it can use this visa program to hire non-immigrant nurses.

Second, my measure requires that nonimmigrant nurses must be paid the same wages and work under the same conditions as domestic nurses. In addition, nonimmigrant nurses cannot be hired in order to disrupt the activities of labor unions. These provisions ensure that hospitals cannot undercut the working conditions of domestic nurses.

And third, my measure limits the number of nonimmigrant nurses who may enter the United States in any given year. The Act provides spaces for only 500 nonimmigrants each year, and it caps the number of nurses who may enter each state.

In addition, the Nursing Relief Act provides for serious penalties for abuse, thus ensuring that hospitals will not misuse this new visa category. Moreover, my bill guarantees that hospitals use this program faithfully by narrowly defining the hospitals which are eligible. In order to hire nonimmigrant nurses through this visa program, hospitals must fulfill four strict requirements:

First, the hospital must be located in an area which has been defined by the Department of Health and Human Services as having a shortage of health care professionals.

Second, the hospital must have at least 190 acute care beds.

Third, the hospital must have at least 35 percent of its in-patient days reimbursed by Medicare.

Fourth, the hospital must have at least 28 percent of its in-patient days reimbursed by Medicaid.

All of these measures ensure that the Nursing Relief Act will serve as a relief to our communities rather than a loophole in the immigration laws.

Thank you, Mr. President, for the opportunity to introduce this important and very timely initiative. I hope that my colleagues will join me and support the Nursing Relief for Disadvantaged Areas Act of 1998 so that every hospital can maintain an adequate nursing staff regardless of its location.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 2210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the ''Nursing Relief for Disadvantaged Areas Act of 1998.''

SECTION 2. REQUIREMENTS FOR ADMISSION OF NON-IMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREA DURING 4-YEAR PERIOD.

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking ''; or'' at the end and inserting the following: '', or (c) who is coming temporarily

to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or''

(b) REQUIREMENTS—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

''(m)(1) The qualifications referred to in section 101(a)(15)(H)(i)(c), with respect to alien who is coming to the United States to perform nursing services for a facility, are that the alien—

''(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States;

''(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

''(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

''(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

''(i) The facility meets all the requirements of paragraph (6).

''(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

''(iii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

''(iv) The facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses.

''(v) There is not a strike or lockout in the course of a labor dispute, the facility has not laid off registered nurses within the previous year other than termination for cause, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

''(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed at the facility through posting in conspicuous locations.

''(vii) The facility will not, at any time, employ a number of aliens issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) that exceeds 33 percent of the total number of registered nurses employed by the facility.

''(viii) The facility will not, with respect to any alien issued a visa or otherwise provided non-immigrant status under section 101(a)(15)(H)(i)(c)—

''(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

''(II) transfer the place of employment of the alien from one worksite to another.

Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998. A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of the filing.

''(B) For purposes of subparagraph (A)(iv), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

''(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

''(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

''(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area.

''(iv) Providing adequate support services to free registered nurses from administrative and other non-nursing duties.

''(v) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv). Nothing in this subparagraph shall require a facility to take more than one step if the facility can demonstrate, and the Attorney General determines, that taking a second step is not reasonable.

''(C) Subject to subparagraph (E), an attestation under subparagraph (A)—

''(i) shall expire on the date that is the later of

''(I) the end of the one-year period beginning of the date of its filing with the Secretary of Labor; or

''(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

''(ii) shall apply to petitions filed during the one-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each such petition that it continues to comply with the conditions in the attestation.

''(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

''(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

''(ii) The Secretary of Labor shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether an attestation is expired or unexpired at the time a complaint is filed.

''(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

''(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

''(v) In addition to the sanctions provided for under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(iii) (relating to payment of registered nurses at the prevailing wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

''(F)(i) The Secretary of Labor shall impose on a facility filing an attestation under subparagraph (A) a filing fee, in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

''(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

''(iii) The collected fees in the fund shall be available to the Secretary of Labor, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

''(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be 3 years.

''(4) The total number of nonimmigrant visas issued pursuant to petitions granted under section 101(a)(15)(H)(i)(c) in each fiscal year shall not exceed 500. The number of petitions granted under section 101(a)(15)(H)(i)(c) for each State in each fiscal year shall not exceed the following:

''(A) For States with populations of less than 10,000,000 based upon the 1990 decennial census of population, 25 petitions.

''(B) For States with populations of 10,000,000 or more, based upon the 1990 decennial census of population, 50 petitions.

''(5) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility.

''(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility;

''(B) shall require the nonimmigrant to work hours commensurate with those of nurses similarly employed by the facility; and

''(C) shall not interfere with the right of the nonimmigrant to join or organize a union.

''(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term 'facility' means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that meets the following requirements;

''(A) As of March 31, 1997, the hospital was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

''(B) Based on its settled cost report filed under title XVIII of the Social Security Act for its costs reporting period beginning during fiscal year 1994—

''(i) the hospital has not less than 190 licensed acute care beds;

''(ii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were entitled to benefits under part A of such title is not less than 35 percent of the total number of such hospital's acute care inpatient days for such period; and

''(iii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, is not less than 28 percent of the total number of such hospital's acute care inpatient days for such period.''.

(c) REPEALER.—Clause (i) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking subclause (a).

(d) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (b)).

(e) LIMITING APPLICATION OF NONIMMIGRANT CHANGES TO 4-YEAR PERIOD.—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the 4-year period beginning on the date that interim or final regulation are first promulgated under subsection (d).

SEC. 3. RECOMMENDATIONS FOR ALTERNATIVE REMEDY FOR NURSING SHORTAGE

Not later than the last day of the 4-year period described in section 2(e), the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit to the Congress recommendations (including legislative specifications) with respect to the following:

(1) A program to eliminate the dependence of facilities described in section 212(m)(6) of the Immigration and Nationality Act (as amended by section 2(b)) on nonimmigrant registered nurses by providing for a permanent solution to the shortage of registered nurses who are United States citizens or aliens lawfully admitted for permanent residence.

(2) A method of enforcing the requirements imposed on facilities under sections 101(a)(15)(H)(i)(c) and 212(m) of the Immigration and Nationality Act (as amended by section 2) that would be more effective than the process described in section 212(m)(2)(E) of such Act (as so amended).●

By Mr. ASHCROFT:

S. 2211. A bill to amend title 5, United States Code, to provide for Congressional Review of rules establishing or increasing taxes, and for other purposes; to the Committee on Governmental Affairs.

TAXPAYER'S DEFENSE ACT

● Mr. ASHCROFT. Mr. President, today I introduce the Taxpayer's Defense Act. Quite simply, this bill prohibits any agency from establishing a tax on the American people.

Mr. President. As we all know, the United States was founded on one simple and fundamental principle—no taxation without representation.

''In the Second Treatise of Government,'' John Locke said, ''if anyone shall claim a power to lay and levy taxes on the people . . . without . . . consent of the people, he thereby . . . subverts the end of government.'' According to Locke, consent required agreement by a majority of the people, ''either by themselves or their representatives chosen by them.'' The Declaration of Independence listed, among the despotic acts of King George, his ''imposing taxes on us without our consent.''

The Boston Tea Party remains the symbol of Americans' opposition to taxation without representation. The Constitutional authority—given only to Congress—to establish federal taxes is clear. Its reasoning also is clear. It is the Congress that represents the people. Only Congress considers and weighs every issue that rises to national importance. While Federal agencies consider their own priorities to be paramount, only Congress can determine which goals merit a tax on the American people.

The modern era of restricted federal budgets, however, threatens to erode the essential principle of ''no taxation without representation.'' In many subtle and often hidden ways, federal agencies are receiving from Congress the power to tax.

They tax by adding unnecessary charges to legitimate government user fees. They tax through federal mandates. These taxes pass the cost of government on to the American people—without their knowledge.

The worst example of administrative taxation is the Federal Communications Commission's Universal Service Tax. ''Universal service'' is the idea that everyone should have access to affordable telecommunications services. It originated at the beginning of the century when the first national telecommunications service was still being created. This idea was expanded in the Telecommunications Act of 1996, which allowed the FCC to extend universal service funds to provide ''discount telecommunications services'' to schools, libraries, and rural health care facilities.

Most importantly, the Act gave the FCC the power to decide the level of ''contributions''—taxes—that telecommunications companies would have to pay to support universal service. The FCC now determines how much must be collected in taxes that subsidize a variety of 'universal service' spending programs. Long distance providers pass the costs on to consumers in the form of higher telephone bills. In the first half of 1998, the tax was $625 million, and the Clinton Administration's budget projects it will rise to $10 billion per year. This administrative tax is already out of control.

This is possible because Congress delegated its authority to tax. The FCC is able to collect taxpayer dollars at levels it sets—without approval from Congress or the people. The FCC can defy Congress and the people because it has the power to levy taxes.

Mr. President, some people thought the tax and spend liberals had left Washington. Not so. Washington interest groups who want to feed at this new federal trough already are geared up to accuse the Republican Congress of cutting funding for education and health care if any attempt is made to rein in the FCC. They will frame the issue as a matter of federal entitlements for sympathetic causes and groups.

The most sympathetic group is the American taxpayer, whose money is being taken, laundered through the Washington bureaucracy, and returned for purposes set by unelected Washington Bureaucrats. This is why the FCC must be required to get the approval of Congress before setting future tax rates.

Should tax dollars be used for federal universal service programs and what amounts or should Americans spend what they earn on their own, real, local priorities? Requiring Congress to review any administrative taxes would answer this question.

My bill would create a new section to the Congressional Review Act for mandatory review of certain agency rules. Any rule that establishes or raises a tax would have to be submitted to and receive the approval of Congress before taking effect. In essence, the Act would disable agencies from setting taxes, but would allow them to formulate proposals under existing rulemaking procedures.

Once submitted to Congress, a taxing regulation would be introduced in both the House and Senate by the Majority Leader. The rule would then be subject to expedited procedures, allowing a prompt decision on whether or not to approve a rule. The rule would have to be approved by both Houses and signed by the President.

Congress must not allow a federal agency—unelected and unaccountable federal bureaucrats—to determine the amount of taxes hardworking Americans must pay. The Taxpayer's Defense Act will require Congress to stand up and face the American people when it decides to tax. The cry of ''no taxation without representation'' has gone up in the land before, and today we are hearing it again. It is time that we respond.●

By Mr. FRIST (for himself, Mr. WYDEN, Mr. KERREY, Mr.

DEWINE, Mr. GLENN, Mr. KEMPTHORNE, Mr. FORD, Mr. HELMS, Mr. GRASSLEY, Mr. ROTH, Ms. COLLINS, and Mr. SMITH of Oregon):

S. 2213. A bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act; to the Committee on Labor and Human Resources.

THE EDUCATION FLEXIBILITY AMENDMENTS OF 1998

● Mr. FRIST. Mr. President, today I introduce, with my colleague from Oregon, Senator WYDEN, the Education Flexibility Amendments of 1998. This bipartisan measure will expand the immensely popular and highly successful Ed-Flex program to all 50 states in the country. As you may know, Ed-Flex is currently a demonstration program, available only to 12 states. Under the Frist-Wyden bill, all states would be allowed to participate in the program and the 12 original states would be permitted to expand Ed-Flex waiver authority to include programs under the Adult Education and Technology for Education Acts.

As the Chairman of the Senate Budget Committee Task Force on Education, formed by Budget Chairman PETE DOMENICI, I heard first-hand accounts of the success of the Ed-Flex program and the need for flexibility for our states that are overburdened by federal requirements. The Commissioner of the Florida Department of Education, Frank Brogan, told the Task Force that it takes 297 state employees to oversee and administer $1 billion in federal funds. In contrast, only 374 employees oversee approximately $7 billion in state funds. Thus, it takes six times as many people to administer a federal dollar as a state dollar.

Brogan went on to say:

> We at the State and Local level feel the crushing burden caused by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible, categorical Federal programs that divert precious dollars away from raising student achievement.

This must change.

Secretary Riley told the Task Force that, ''through our Ed-Flex demonstration initiative, we are giving State-level officials broad authority to waive federal requirements that present an obstacle to innovation in their schools.'' The Department of Education further notes, '' Ed-Flex can help participating states and local school districts use federal funds in ways that provide maximum support for effective school reform based on challenging academic standards for all students.''

The National Governors Association has expressed its strong support for the expansion of Ed-Flex. At the NGA Winter Meeting, the Governors expressed their interest in expanding Ed-Flex to all 50 states. At this same meeting, President Clinton also expressed his support for Ed-Flex expansion.

I pose the following question to my colleagues: who isn't for expanding Ed-Flex?

Numerous articles have highlighted the innovative reform efforts underway in the Chicago Public School System and have extolled its early successes. Illinois is an Ed-Flex state. Cozette Buckney of the Chicago School System attributes much of the Chicago success to flexibility—the very flexibility offered to states and localities by Ed-Flex. She pleaded, ''Let us be accountable to you for getting the results, but give us the flexibility to do it the way that works best for us.''

According to other Chicago officials:

> One of the frustrating things with Federal assistance that has come in through this process is we oftentimes find our way saying how can we do what we want to do and how can we use federal funding so that we can make sure that it is happening. Most of our initiatives are locally based, locally funded, locally developed by people who have been working in Chicago for many years. We know the system, and we believe we know the things that it needs to have happen in order to improve. So the more flexibility that we have with federal and states funds, the easier it is to make those changes.

During another Education Task Force hearing, we heard from Texas that they have granted over 4,000 waivers, largely to streamline the paperwork associated with administering and applying for the various federal programs. According to Texas Education Official Madeleine Manigold:

> Ed-Flex has allowed Texas to foster the coordination of programs and streamlining of administration of programs that are actually operated by the United States Department of Education, while maintaining the underlying purpose of the covered federal programs.

Rest assured, though I support the concept of block grants to states as a means to achieve even greater flexibility, Ed-Flex expansion is NOT a block grant proposal. States may NOT pool funds from various federal education programs, and they must ensure that the underlying purposes of the program in question will continue to be met. Ed-Flex simply allows states some relief from the burgeoning mass of bureaucratic federal regulations and requirements in administering designated federal education programs.

It's time to bring some common sense to education reform. Ed-Flex is a good first step toward granting states and localities more flexibility in using federal funds in the most effective and efficient way possible. Our states and localities are the engines of change—let's give all of our states the freedom and capability to meet the challenges of education with innovation and creativity.

Mr. President, I believe that passage of this legislation is a strong first step for improving our public education system. Let's give states and localities the flexibility that they need to address the many needs of our students. I strongly urge passage of this bill. Mr. President, I unanimous consent that a letter of support from the National Governors' Association be printed in the RECORD.

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

NATIONAL GOVERNORS' ASSOCIATION,
NATIONAL CONFERENCE OF STATE LEGISLATURES

June 18, 1998.

Hon. BILL FRIST,
Hon. RON WYDEN,
United States Senate, Washington, D.C.

DEAR SENATORS FRIST AND WYDEN: We write on behalf of the nation's Governors and state legislatures to express our strong support for your efforts in the Senate to expand the highly successful Ed-Flex demonstration program to all fifty states during this Congress. States that participate in Ed-Flex have found that this program has been helpful in moving education reform forward in the 12 states that currently participate. Under the Wyden-Frist proposal, states currently participating in Ed-Flex would receive additional waiver authority and the bill would permit all states to become Ed-Flex states. We strongly support the expansion of this successful program.

While Ed-Flex is perceived to be a positive program because it provides states with greater flexibility, some members of Congress have questioned whether there are immediate benefits that Ed-Flex can provide to states. Some members have suggested a delay in expanding the Ed-Flex program to all fifty states until Congress reauthorizes the elementary and secondary programs in the next Congress. We know that this program has helped states and schools by giving them some limited waiver authority. With experiences of the 12 current Ed-Flex states as evidence, we know that the adverse predictions made about the Ed-Flex program when it was originally created have not materialized. With the Secretary of Education's guidance, this program has helped states and school districts do a better job. We need Ed-Flex now.

By expanding Ed-Flex during this congress, all states would have the opportunity to identify and waive regulations, and in the process, identify aspects of the statutes and the regulations that need to be changed or eliminated when the elementary and secondary education bills are reauthorized next year.

We applaud your current efforts and look forward to working with you toward the enactment of this legislation.

Sincerely,

GOVERNOR GEORGE V. VOINOVICH,
Chair, National Governors' Association.
GOVERNOR THOMAS R. CARPER,
Vice Chair, National Governors' Association.
DONNA SYTEK,
Speaker, New Hampshire House of Representatives,
Chair, National Conference of State Legislatures Assembly on Federal Issues.
LINDA FURNEY,
Assistant Minority Leader, Ohio Senate
Chair, National Conference of State Legislatures Committee on Education, Labor and Job Training.●

● Mr. WYDEN. Mr. President, I join together with Senator FRIST and ten other colleagues today to introduce bipartisan education reform legislation, based on a simple proposition: the federal government should liberate schools from the federal government's mandated bureaucratic water torture in return for schools committing to improve student performance. This bill is an invitation to innovation, an opportunity to develop home grown, locally

driven solutions to Americans biggest education challenges.

This legislation would empower states to get out from under burdensome federal education regulations, by expanding the enormously popular ''Ed-Flex'' demonstration program—in which 12 states already participate—into a nationwide effort. Ed-Flex is the program that allows states to waive out of certain federal regulations if they come up with a plan to show how they can do a better job. A State has to waive their own set of education regulations, develop high academic standards for their students and hold schools accountable for results.

Here is a brief example of how Ed-Flex works: In the past, federal funds have allowed schools to purchase computers for students with disabilities, but the rules prevented others from using the equipment when the students weren't using it. So in an Oregon school district, in return for committing to using the idle computers to improve adult education, the State got a waiver to use the computer for this extra use as well as for the disabled students.

Ohio uses a teacher training program that, without a waiver, can only be used to train teachers in math and science. Ohio wanted to use it where the greatest academic need is. They now have an Ed-Flex waiver and can tailor their teacher training program to the needs of the students, not to the needs of the federal government. In exchange, Ohio will have better prepared teachers in the classroom to help students improve in those areas.

My state also uses Ed-Flex to allow school districts to team up with community colleges to better prepare kids to go into the workforce. Using the Carl Perkins Vocational and Applied Technology Act program, Oregon students can earn college credit or learn a practical skill without worrying about whether a credit will transfer or if they have to file several different pieces of paperwork.

And even more kids will be able to benefit if we can expand Ed-Flex to allow school districts to streamline bureaucracies even further and eliminate waste. The bill Senator FRIST and I are introducing today will expand Ed-Flex from a pilot program in just a few states to every place from Maine to Honolulu. The bill will also provide a unique opportunity for current Ed-Flex states to experience more flexibility in their adult literacy and educational technology programs.

Let me give you an example of how the new flexibility will benefit my state. According to the National Adult Literacy Survey, Oregon has one of the highest literacy levels in the country. In fact, 75 percent of Oregonians have basic reading skills; that is, they can proficiently read, write and speak in English, whereas 55 percent of all adults in the nation achieved that level. Yet, for Oregonians, less than 100 percent is not good enough. We want all of our adults to have basic literacy skills. Under the Adult Education Act, a State can only use 20 percent of the funds to prepare people to make high school equivalency tests. That may work for a state that has a very low literacy level, but it does not work for Oregon.

Oregon would like to develop a waiver to use the funds to help all illiterate or semi-literate adults earn a GED (general education development) or other high school equivalency measure. The more people with a GED, the more valuable our workforce becomes. Under our Ed-Flex bill, Oregon would be eligible to apply for that waiver.

Mr. President, this bill grows out of the work of the Senate Budget Committee's Education Task Force, which Senator FRIST chaired, and on which I served. Together, in hearing after hearing, we listened to States tell us that they can do a better job. They said they could balance flexibility and accountability and they we ready to be judged by results, not process. We know as well that Ed-Flex has strong support from the Administration, and our bill has strong bipartisan support in the Senate and from the National Governors Association.

Oregon was the first state to participate in Ed-Flex, and people in Oregon are convinced that regulatory flexibility and school accountability work. It is time to expand that approach nationwide.●

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 1046

At the request of Mr. JEFFORDS, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1046, a bill to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

S. 1147

At the request of Mr. WELLSTONE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1147, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from Louisiana [Ms. LANDRIEU], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1734

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1734, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1825

At the request of Mrs. MURRAY, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1825, a bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes.

S. 1862

At the request of Mr. DEWINE, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1917

At the request of Mr. DURBIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1917, a bill to prevent children from injuring themselves and others with firearms.

S. 1927

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1927, a bill to amend section 2007 of the Social Security Act to provide grant funding for 20 additional Empowerment Zones, and for other purposes.

S. 1929

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1929, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 1971

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 1971, a

bill to amend the American Folklife Preservation Act to permanently authorize the American Folklife Center of the Library of Congress.

S. 1976

At the request of Mr. DEWINE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1976, a bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 2078

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2092

At the request of Mr. SMITH, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Maine [Ms. SNOWE], the Senator from Maine [Ms. COLLINS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. SESSIONS], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Connecticut [Mr. DODD], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2092, a bill to promote full equality at the United Nations for Israel.

S. 2130

At the request of Mr. GRAMS, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 2196

At the request of Mr. GORTON, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2196, a bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes.

S. 2204

At the request of Mr. KYL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2204, a bill to provide for the wiaver of fees in the case of certain visas, to modify the schedule for implementation of certain border crossing restrictions, and for other purposes.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. COVERDELL], the Senator from Utah [Mr. BENNETT], and the Senator from Wyoming [Mr. ENZI] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

SENATE RESOLUTION 210

At the request of Mr. WARNER, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Resolution 210, a resolution designating the week of June 22, 1998 through June 28, 1998 as ''National Mosquito Control Awareness Week.''

SENATE RESOLUTION 237

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Resolution 237, a resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

AMENDMENT NO. 2403

At the request of Mr. INHOFE the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of amendment No. 2403 intended to be proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2793

At the request of Mr. REID the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of amendment No. 2793 intended to be proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2826

At the request of Mr. DEWINE the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of amendment No. 2826 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2934

At the request of Mr. REID the names of the Senator from Nevada [Mr. BRYAN], the Senator from Nebraska [Mr. KERREY], the Senator from Oregon [Mr. WYDEN], the Senator from Washington [Mrs. MURRAY], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Illinois [Mr. DURBIN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of amendment No. 2934 intended to be proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 105—EXPRESSING THE SENSE OF CONGRESS REGARDING THE CULPABILITY OF SLOBODAN MILOSEVIC FOR WAR CRIMES IN THE FORMER YUGOSLAVIA

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 105

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas ''ethnic cleansing'' has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the ''Tribunal''), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a

number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the amount of $54,000,000 in assessed payments and more than $11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should publicly declare that it considers that there is probable cause to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (Serbia and Montenegro), has committed war crimes, crimes against humanity and genocide;

(2) the United States should make collection of information that can be supplied to the Tribunal for use as evidence to support an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, and genocide a high priority;

(3) any such information concerning President Slobodan Milosevic already collected by the United States should be provided to the Tribunal as soon as possible;

(4) the United States should provide a fair share of any additional financial or personnel resources that may be required by the Tribunal in order to enable the Tribunal to adequately address preparation for, indictment of, prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo;

(5) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of information any such state may hold relating to allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo, and press such states to promptly provide all such information to the Tribunal;

(6) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of measures to be taken to apprehend indicted war criminals and persons indicted for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the Tribunal;

(7) the United States should urge the Tribunal to promptly review all information relating to President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic; and

(8) upon issuance of an indictment of President Slobodan Milosevic for war crimes or crimes against humanity by the Tribunal, the United States should adopt a policy of having no dealings with President Milosevic at any level in any context other than as a defendant before the Tribunal, and should make every effort to support his immediate apprehension.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

• Mr. D'AMATO. Mr. President, today I submit a resolution that calls for President Slobodan Milosevic of the rump Federal Republic of Yugoslavia to be indicted publicly by the International Criminal Tribunal for the Former Yugoslavia (the War Crimes Tribunal), under its jurisdiction over war crimes, crimes against humanity and genocide committed on the territory of the former Yugoslavia on or after January 1, 1991. This step is long overdue.

As early as December 1992, then-Secretary of State Lawrence Eagleburger publicly identified Milosevic as one of several individuals who could and should be held personally accountable for war crimes. I am confident that Secretary Eagleburger, in making this serious charge, was fully informed of the underlying facts that would form the basis of a prima facie case against Milosevic and which could be used to support his indictment.

Still, there are some who have questioned whether a case against Milosevic can really be established. This issue was addressed in testimony before the Helsinki Commission in 1995 by Cherrif M. Bassiouni, who headed the U.N.'s Commission of Experts, the body first tasked with examining war crimes in the former Yugoslavia. Professor Bassiouni's work set the stage for the establishment of the International Criminal Tribunal for the Former Yugoslavia.

Professor Bassiouni's Commission had exhumed numerous mass grave sites, interviewed thousands of victims of rape and torture, and examined overwhelming quantities of other evidentiary materials. Based on this far-reaching study of the first two years of the Yugoslav conflict, Professor Bassiouni stated:

> At first, many thought that this was a sort of haphazard type of situation. We subsequently found that this was not haphazard, particularly in Bosnia, as you know, but also throughout most of the territory of the former Yugoslavia . . . there is no doubt that, in a large territorial expanse, over a significant period of time, the same patterns of behavior occurred, and the same administrative organization characterized the acts of ethnic cleansing—who did it, and how it was done . . . Particularly interesting is the way ethnic cleansing was done. It was done with plausible deniability in mind.

When Professor Bassiouni was explicitly questioned about the possibility of indicting Milosevic and Radovan Karadzic—Karadzic was also named by Eagleburger and has since been publicly indicted, not once but twice—Professor Bassiouni said ''It is unlikely that a number of similar incidents occurring over long periods of time, which were so well-publicized, could not have been known to the senior political leadership as well.'' Since then, the evidence against Milosevic has only mounted, particularly as cases have proceeded before the Tribunal in The Hague.

In spite of the overwhelming evidence of war crimes in this conflict and the clear command responsibility of Milosvic for his agents, no public indictment against him has yet been issued. In fact, it has been suggested by some that Milosevic has been granted de facto immunity based on a misguided belief that he is necessary for the implementation of the Dayton Accords. Nothing could be further than the truth.

Under Milosevic's leadership, the situation in Kosovo has deteriorated dramatically, demonstrating the same fact pattern that we have already seen in Bosnia: systematic attacks against civilians, reported that rape is once again being used as a form of warfare, and mass displacement of men, women and children. Milosevic is not part of the solution, he is part of the problem. Significantly, the War Crimes Tribunal has made it clear that, under its statute, it also has responsibility for the war crimes in Kosovo.

Mr. President, we know that the War Crimes Tribunal has issued an unknown number of sealed indictments; in a few instances, the existence of these indictments have become public when the indictee has been arrested. Certainly, there are cases where it may facilitate the arrest of an individual if his indictment remains sealed. In the case of Milosevic, however, I can see no such benefits. Indeed, the failure to indict him publicly may have emboldened him in Kosovo. The time has come to indict Slobodan Milosevic for the atrocities that have been committed—and continue to be committed in Kosovo—under his leadership as head of the Federal Republic of Yugoslavia, and to issue that indictment publicly.

Accordingly, the resolution I am submitting today calls on the United States to collect and supply to the International Criminal Tribunal for the Former Yugoslavia, on a priority basis, evidence to support an indictment and trial of Slobodan Milosevic for war crimes, crimes against humanity, and genocide; calls on the United States to provide a fair share of any

additional financial or personnel resources that may be required by the International Criminal Tribunal for the Former Yugoslavia in The Hague, the Netherlands, in order to enable the Tribunal to adequately address preparation for, indictment of, prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against Yugoslav President Slobodan Milosevic and any other person arising from the conflict in the Former Yugoslavia, including in Kosovo; calls on the United States to engage with our NATO allies and others in a discussion of measures to be taken to apprehend indicated war criminals and persons indicated for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the International Criminal Tribunal for the Former Yugoslavia in The Hague, the Netherlands; calls on the United States to urge the International Criminal Tribunal for the Former Yugoslavia in The Hague, the Netherlands, to promptly review all information relating to Yugoslav President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the Former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic; and calls upon the United States to adopt a policy of having no dealings with Milosevic at any level in any context other than as a defendant before the International Criminal Tribunal for the Former Yugoslavia in The Hague, the Netherlands and to make every effort to support his immediate apprehension.

Mr. President, I urge my colleagues to join me in this sense of the Senate resolution, to demonstrate once again that we are not blind to the suffering that Milosevic continues to inflict on innocent people in the Balkans, for no reason other than to secure his own political power. By supporting and seeking prompt enactment of this resolution, we will show that Milosevic cannot act with impunity, that the world will hold him accountable, and that the United States is prepared to take a leadership role in obtaining justice for those killed, maimed, or injured as this man pursues his political ambitions.●

SENATE RESOLUTION 254—EXPRESSING THE SENSE OF THE SENATE RECOGNIZING 100 YEARS OF GUAM'S LOYALTY AND SERVICE TO THE UNITED STATES

Mr. AKAKA submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 254

Whereas the Chamorro people have inhabited Guam and the Mariana Islands for at least 4,000 years and developed a unique and autonomous seafaring agrarian culture, governing themselves through their own form of district government;

Whereas in 1565 the Kingdom of Spain claimed the islands of the Chamorro people, which were named the Ladrones by Ferdinand Magellan in 1521 and renamed the Marianas by the Jesuit missionary Diego Luis de San Vitores in 1668, to secure the trans-Pacific route of the Manila-Acapulco Galleon Trade, then, upon San Vitores's death in 1672, the islands were placed under military governance;

Whereas in 1898 the United States defeated the Kingdom of Spain in the Spanish-American War and acquired Guam, Puerto Rico, and the Philippines by virtue of the Treaty of Paris;

Whereas in signing the treaty, the United States Government accepted responsibility for its new possessions and agreed that Congress would determine the civil rights and political status of the native inhabitants, as stated specifically in Article IX;

Whereas, President William McKinley, by Executive Order 108–A on December 23, 1898, placed the island of Guam under the administration of the United States Navy, which administered and governed the island, initially as a coaling station, then as a major supply depot at the end of World War II;

Whereas a series of rulings popularly known as the ''Insular Cases'', issued by the United States Supreme Court from 1901 to 1922, defined Guam as an ''unincorporated territory'' in which the United States Constitution was not fully applicable;

Whereas the United States Naval Government of Guam was forced to surrender the island of Guam to the invading forces of the Japanese Imperial Army on December 10, 1941, after which Japanese occupation and control of Guam lasted until the United States Forces recaptured the island in 1944;

Whereas Guam is the only remaining United States territory to have been occupied by Japanese forces during World War II, the occupation lasting for 32 months from 1941 to 1944;

Whereas the people of Guam remained loyal to the United States throughout the Japanese occupation, risked torture and death to help clothe and feed American soldiers hiding from enemy forces, and were subjected to forced labor, ruthless executions, and other brutalities for their support of the United States;

Whereas upon liberation of the people of Guam, the island was returned to United States Navy governance, which, like its prewar predecessor, limited the civil and political rights of the people, despite numerous appeals and petitions to higher authorities and Congress for the granting of United States citizenship and relief from military rule;

Whereas in 1945, upon establishment of the United Nations, the United States voluntarily listed Guam as a nonself-governing territory, pursuant to Article 73 of the United Nations Charter, and today Guam continues to be included in this list;

Whereas on March 6, 1949, the House of Assembly, the lower house of the popularly elected 9th Guam Congress, which was merely an advisory body to the Naval Governor of Guam, adjourned in protest over the limitation of its legislative rights granted to it by the United States Department of the Navy in 1947 and refused to reconvene until the United States Congress enacted an organic act for Guam;

Whereas the Organic Act of Guam (64 Stat. 384) passed by Congress and signed by President Truman on August 1, 1950, statutorily decreed Guam's status as an ''unincorporated territory'', established a three-branched civilian government patterned after the Federal model, and conferred United States citizenship upon the people of Guam;

Whereas since the granting of American citizenship, the people of Guam have greater participation in the American democratic processes and some measure of self-government;

Whereas the people of Guam, who strongly adhere to the belief that a government should derive power and right from the governed, successfully gathered enough support to push for the passage of the Elective Governor Act (Public Law 90–497) on September 11, 1968, and in which Congress granted the people of Guam the right to elect their own governor and lieutenant governor;

Whereas the Congress enacted the Guam-Virgin Islands Delegate bill on April 10, 1972, allowing for Guam to have a nonvoting delegate in the United States House of Representatives, and although the delegate is not accorded a vote on the floor of the House of Representatives, it is still one of the benchmarks in Guam's political evolution and heightens Guam's visibility in the national arena;

Whereas although Congress authorized in Public Law 94–584, the formation of a locally drafted constitution, the subsequent Guam Constitution, it was not ratified by Guam's electorate through a referendum on August 4, 1979;

Whereas concerns regarding Guam's political status led the Twelfth Guam Legislature to create the first political status commission in 1973, known as the Status Commission, the Thirteenth Guam Legislature in 1975 created another commission, known as the Second Political Status Commission, to address Guam's political status issue and explore alternative status options, and in 1980, the existing Guam Commission on Self-Determination (CSD) was created to identify and pursue the status choice of the people of Guam, and in 1996 the Twenty-Fourth Guam Legislature created the Commission on Decolonization to continue pursuing Guam's political status;

Whereas the CSD, after conducting studies on 5 Guam political status options, proceeded to conduct a public education campaign, which was followed by a status referendum on January 12, 1982 in which 49 percent of the people of Guam voted for Commonwealth, 26 percent for Statehood, 10 percent for Status Quo, 5 percent for Incorporated Status, 4 percent for Free Association, 4 percent Independence, and 2 percent for other options;

Whereas on September 4, 1982, a runoff was held between commonwealth and statehood, the top options from the January referendum, with the outcome of the runoff resulting in 27 percent voting for statehood and 73 percent of Guam's electorate casting their votes in favor of a close relationship with the United States through a Commonwealth of Guam structure for local self-government;

Whereas in 1988 the people of Guam first presented the Guam Commonwealth Act to Congress to meet the various aspirations of the people of Guam, which bill has been reintroduced by Guam's Congressional delegates since 1988 until the present;

Whereas Congress has continued to enact other measures to address the various aspirations of the people of Guam, while considering legislative approaches to advance self-government without precluding Guam's further right of self-determination, consistent with the national political climate that emphasizes decentralization of the decision making process from Washington to the local governments and a relationship with the Federal Government that is based on mutual respect and consent of the governed; and

Whereas the people of Guam are loyal citizens of the United States and have repeatedly demonstrated their commitment to the American ideals of democracy and civil rights, as well as to American leadership in times of peace as well as war, prosperity as well as want: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes 100 years of Guam's loyalty and service to the United States; and

(2) will use the centennial anniversary of the 1898 Spanish-American War to reaffirm its commitment to the United States citizens of Guam for increased self-government, consistent with self-determination for the people of Guam.

● Mr. AKAKA. Mr. President, I rise to submit a resolution to commemorate the centennial anniversary of U.S. relations with the territory of Guam, which was acquired by the United States as a result of the Spanish-American War in 1898. The Philippines and Puerto Rico were acquired at the same time under the terms of the Treaty of Paris, but the Philippines has since become an independent nation and Puerto Rico is a U.S. Commonwealth. The island of Guam remains an unincorporated U.S. territory and is geographically located in the western Pacific.

As we commemorate this historic moment in U.S.-Guam relations, I think it is fitting that we recognize the contributions and sacrifices that the people of Guam have made to our country, and the strategically significant role that Guam continues to play in the western Pacific. Guam is the only remaining U.S. territory that was occupied by Japan during World War II from 1941 to 1944, and served as a significant staging area for our military conflicts in World War II, the Korean War, the Vietnam War, and the Persian Gulf War. The people of Guam also served our nation well in assisting our efforts to resettle thousands of refugees affected by these conflicts. The island continues to be used by the U.S. military as a strategic post in the Pacific. We need to commend the people of Guam for their loyalty and their sacrifice to our country.

Because of Guam's great distance from the continental United States and close proximity to Asia, it is often difficult for Americans to remember that Guam is even a part of the United States and her people are U.S. citizens. Moreover, given Guam's history, isolation and small size, it is not easy for Americans and Congressional policymakers to understand the aspirations of the people of Guam and the issues confronting her political leaders.

That is why I am pleased that President Clinton recently acknowledged that the federal government has a duty to fully consider the unique situation Guam faces on political status and land issues. I wholeheartedly agree with the President and urge that we engage the Government of Guam in a constructive discussion on Guam's quest for commonwealth status and the return of federal excess lands. One point I would like to make clear, however, is that I believe that federal excess land issues can be addressed separately from commonwealth negotiations. The resolution of Guam's political status should not hinder the federal government's efforts to redress longstanding land issues. In fact, last year the Senate passed S. 210, an omnibus territories bill, which includes a provision which provides for the transfer of certain federal excess lands in Guam. With one third of the land in Guam controlled by the Defense Department, I think that the people of Guam have more than shouldered their burden as part of U.S. national security in the Asia-Pacific region. The federal impact on land use planning is more evident if you consider that Guam is just 30 miles long and nine miles wide. Let's recognize this year's centennial by enacting S. 210 and show that we do care about Guam's needs.

Mr. President, for the past 100 years, the people of Guam have served as loyal citizens to our country. They have worked hard to develop a private sector to supplement the jobs created by the presence of our U.S. military bases. They have done their best to promote economic self-sufficiency. They have been there for us all these years and I think it is time that we recognize this and show our appreciation. I believe that the United States should take this opportunity to give back to the people of Guam by seriously engaging them in political status and land issues. It is the last we can do for all that Guam has done for our country.●

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

TORRICELLI (AND LAUTENBERG) AMENDMENT NO. 2973

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title III, add the following:

SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.

Not later than March 31, 1999, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the Quadrennial Defense Review's proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the likelihood that the cost savings projected to occur from such reductions will actually be achieved.

DOMENICI (AND OTHERS) AMENDMENT NO. 2974

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. COCHRAN, Mrs. BOXER, and Mr. ROBERTS) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 219. SCORPIUS LOW COST LAUNCH DEVELOPMENT PROGRAM.

Of amounts authorized to be appropriated under section 201, $20,000,000 shall be available for the Scorpius Low Cost Launch Development program, as follows:

(1) Of the amount authorized to be appropriated by section 201(3) for the Air Space Technology program, $15,000,000.

(2) Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization Follow-on and Support Technology program, $5,000,000.

THURMOND (AND OTHERS) AMENDMENT NO. 2975

Mr. THURMOND (for himself, Mr. LEVIN, Mr. COATS, and Mr. REED) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING CONTINUED PARTICIPATION OF UNITED STATES FORCES IN OPERATIONS IN BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the people of the United States and other nations have, in large measure, resulted in the suspension of fighting and alleviated the suffering of the people of Bosnia and Herzegovina since December 1995.

(2) the people of the United States have expended approximately $9,500,000,000 in tax dollars between 1992 and mid-1998 just in support of the United States military operations in Bosnia to achieve those results.

(3) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved some success in accordance with the Dayton Agreement.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) There is, however, no accurate estimate of the time needed to accomplish the civilian implementation tasks outlined in the Dayton Agreement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States ground combat forces should not remain in Bosnia and Herzegovina indefinitely in view of the world-wide commitments of the Armed Forces of the United States;

(2) the President should work with NATO allies and the other nations whose military forces are participating in the NATO-led Stabilization Force to withdraw United States ground combat forces from Bosnia and Herzegovina within a reasonable period of time, consistent with the safety of those forces and the accomplishment of the Stabilization Force's military tasks;

(3) a NATO-led force without the participation of United States ground combat forces in Bosnia and Herzegovina might be suitable for a follow-on force for Bosnia and

Herzegovina if the European Security and Defense Identity is not sufficiently developed or is otherwise considered inappropriate for such a mission;

(4) the United States may decide to provide appropriate support to a Western European Union-led or NATO-led follow-on force for Bosnia and Herzegovina, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform the European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for establishing a Western European Union-led or a NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult closely with the congressional leadership and the congressional defense committees with respect to the progress being made toward achieving a sustainable peace in Bosnia and Herzegovina and the progress being made toward a reduction and ultimate withdrawal of United States ground combat forces from Bosnia and Herzegovina.

(c) DAYTON AGREEMENT DEFINED.—In this section, the term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

HUTCHINSON (AND OTHERS) AMENDMENT NO. 2976

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself, Mr. HELMS, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Add at the end the following new title:

TITLE —RADIO FREE ASIA

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Radio Free Asia Act of 1997''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the ''Interim Internet Management Rules'', which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the Internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 7 hours a day in the Mandarin dialect, 2 hours a day in Tibetan, and 2 hours a day in Cantonese.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin, 2 hours a day in Tibetan, and 1 hour a day in Cantonese.

(7) Radio Free Asia and Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Radio Free Asia'' $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—

(A) Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one time capital costs.

(B) Of the funds under paragraph (1), $700,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA AND NORTH KOREA.—In addition to such sums as are otherwise authorized to be appropriated for ''International Broadcasting Activities'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''International Broadcasting Activities'' $10,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China and North Korea.

(C) Of the funds under paragraph (1), $100,000 is authorized to be appropriated for each of the fiscal years 1998 and 1999 for additional personnel to staff Hmong language broadcasts.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—

(1) AUTHORIZATON OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for ''Radio Construction'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''Radio Construction'' $10,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China.

(2) LIMITATION.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

(d) ALLOCATION.—Of the amounts authorized to be appropriated for ''International Broadcasting Activities'', the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(e) ALLOCATION OF FUNDS FOR NORTH KOREA.—Of the funds under subsection (b), $2,000,000 is authorized to be appropriated for each fiscal year for additional personnel and broadcasting targeted at North Korea.

SEC. 4. REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, in consultation with the Broadcasting Board of Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

SEC. 5. UTILIZATION OF UNITED STATES INTERNATIONAL BROADCASTING SERVICES FOR PUBLIC SERVICE ANNOUNCEMENTS REGARDING FUGITIVES FROM UNITED STATES JUSTICE.

The Voice of America shall produce and broadcast public service announcements, by radio, television, and Internet, regarding fugitives from the criminal justice system of the United States, including cases of international child abduction.

MCCAIN AMENDMENT NO. 2977

Mr. MCCAIN proposed an amendment to amendment No. 2975 proposed by Mr. THURMOND to the bill, S. 2057, supra; as follows:

After subsection (b) of the amendment insert the following:

(c) ONE-TIME REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than September 30, 1998, a report containing a discussion of the likely impact on the security situation in Bosnia and Herzegovina and on the prospects for establishing self-sustaining peace and stable local government there that would result from a phased reduction in the number of United States military personnel stationed in Bosnia and Herzegovina under the following alternatives:

(A) A phased reduction to 5,000 by February 2, 1999, to 3,500 by June 30, 1999, and to 2,500 by February 2, 2000.

(B) A phased reduction by February 2, 2000, to the number of personnel that is approximately equal to the mean average of—

(i) the number of military personnel of the United Kingdom that are stationed in Bosnia and Herzegovina on that date;

(ii) the number of military personnel of Germany that are stationed there on that date;

(iii) the number of military personnel of France that are stationed there on that date; and

(iv) the number of military personnel of Italy that are stationed there on that date.

(2) Not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

(d) REPORT TO ACCOMPANY EACH REQUEST FOR FUNDING.—(1) Each time that the President submits to Congress a proposal for funding continued operations of United States forces in Bosnia and Herzegovina, the President shall submit to Congress a report on the missions of United States forces there. The first report shall be submitted at the same time that the President submits the budget for fiscal year 2000 to Congress under section 1105(a) of title 31, United States Code.

(2) Each report under paragraph (1) shall include the following:

(A) The performance objectives and schedule for the implementation of the Dayton Agreement, including—

(i) the specific objectives for the reestablishment of a self-sustaining peace and a stable local government in Bosnia and

Herzegovina, taking into account (I) each of the areas of implementation required by the Dayton Agreement, as well as other areas that are not covered specifically in the Dayton Agreement but are essential for reestablishing such a peace and local government and to permitting an orderly withdrawal of the international peace implementation force from Bosnia and Herzegovina, and (II) the benchmarks reported in the latest semi-annual report submitted under section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (revised as necessary to be current as of the date of the report submitted under this subsection); and

(ii) the schedule, specified by fiscal year, for achieving the objectives.

(B) The military and non-military missions that the President has directed for United States forces in Bosnia and Herzegovina in support of the objectives identified pursuant to paragraph (1), including a specific discussion of—

(i) the mission of the United States forces, if any, in connection with the pursuit and apprehension of war criminals;

(ii) the mission of the United States forces, if any, in connection with civilian police functions;

(iii) the mission of the United States forces, if any, in connection with the resettlement of refugees; and

(iv) the missions undertaken by the United States forces, if any, in support of international and local civilian authorities.

(C) An assessment of the risk for the United States forces in Bosnia and Herzegovina, including, for each mission identified pursuant to subparagraph (B), the assessment of the Chairman of the Joint Chiefs of Staff regarding the nature and level of risk of the mission for the safety and well-being of United States military personnel.

(D) An assessment of the cost to the United States, by fiscal year, of carrying out the missions identified pursuant to subparagraph (B) for the period indicated in the schedule provided pursuant to subparagraph (A).

(E) A joint assessment by the Secretary of Defense and the Secretary of State of the status of planning for—

(i) the assumption of all remaining military missions inside Bosnia and Herzegovina by European military and paramilitary forces; and

(ii) the establishment and support of forward-based United States rapid response force outside of Bosnia and Herzegovina that would be capable of deploying rapidly to defeat military threats to a European follow-on force inside Bosnia and Herzegovina, and of providing whatever logistical, intelligence, and air support is needed to ensure that a European follow-on force is fully capable of accomplishing its missions under the Dayton Agreement.

Redesignate subsection (c) of the amendment as subsection (e).

BROWNBACK (AND BYRD) AMENDMENT NO. 2978

Mr. BROWNBACK (for himself and Mr. BYRD) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out section 527, and insert in lieu thereof the following:

SEC. 527. REQUIREMENTS RELATING TO RECRUIT BASIC TRAINING.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Army shall require that access by drill sergeants and other training personnel to a barracks floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

"CHAPTER 602—TRAINING GENERALLY

''Sec.
''6931. Recruit basic training: separate housing and privacy for male and female recruits.

"§ 6931. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Navy shall require that access by recruit division commanders and other training personnel to a barracks floor on which Navy recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit division commanders and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... **6931".**

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Air Force shall require that access by drill sergeants and other training personnel to a dormitory floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(d) IMPLEMENTATION.—(1) The Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force shall implement section 4319, 6931, or 9319, respectively, of title 10, United States Code (as added by this section), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(2)(A) If the Secretary of the military department concerned determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with the requirement for separate housing at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of the requirement with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with the requirement for separate housing.

(B) If the Secretary of a military department grants a waiver under subparagraph (A) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

(3) In this subsection:

(A) The term ''requirement for separate housing'' means—

(i) with respect to the Army, the requirement set forth in section 4319(a) of title 10, United States Code, as added by subsection (a);

(ii) with respect to the Navy and the Marine Corps, the requirement set forth in section 6931(a) of such title, as added by subsection (b); and

(iii) with respect to the Air Force, the requirement set forth in section 9319(a) of such title, as added by subsection (c).

(B) The term ''basic training'' means the initial entry training program of an armed force that constitutes the basic training of new recruits.

(e) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Defense for fiscal year 1999 for actions necessary to carry out this section and the amendments made by this section, including military construction projects (which projects are hereby authorized), in the total amount of $166,000,000.

SNOWE (AND CLELAND) AMENDMENT NO. 2979

Mr. LEVIN (for Ms. SNOWE for herself and Mr. CLELAND) proposed an amendment to amendment No. 2978 proposed by Mr. BROWNBACK to the bill, S. 2057, supra; as follows:

Beginning on the first page, strike out all after SEC. . and insert in lieu thereof the following:

MORATORIUM ON CHANGES OF GENDER-RELATED POLICIES AND PRACTICES PENDING COMPLETION OF THE WORK OF THE COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

Notwithstanding any other provision of law, no official of the Department of Defense are prohibited from implementing any change of policy or official practice in the department regarding separation or integration of members of the Armed Forces on the basis of gender that is within the responsibility of the Commission on Military Training and Gender-Related Issues to review under subtitle F of title V of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1750), before the date on which the commission terminates under section 564 of such Act.

HUTCHISON AMENDMENT NO. 2980

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 219. H–1 ROTARY WING AIRCRAFT UPGRADE.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized to be appropriated under section 201(2), funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Navy for research, development, test, and evaluation in the additional total amount of $23,400,000.

(b) AMOUNT FOR UPGRADE.—Of the total amount authorized to be appropriated under section 201(2) and subsection (a), $121,942,000 shall be available for upgrade of H–1 rotary wing aircraft.

(c) OFFSET.—The total amount authorized to be appropriated under section 101(5), and, within such amount, the total amount authorized to be appropriated for the family of medium tactical vehicles, are each hereby reduced by $23,400,000.

INHOFE (AND OTHERS) AMENDMENT NO. 2981

Mr. INHOFE (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. LOTT, Ms. SNOWE, Mr. BENNETT, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. SHELBY, Mr. SESSIONS, Mr. HATCH, Mr. DOMENICI, Mr. CONRAD, and Mr. CLELAND) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place in Title XXVIII of the bill, insert the following:

SEC. . MODIFICATION OF LIMITATIONS ON GENERAL AUTHORITY RELATING TO BASE CLOSURES AND REALIGNMENTS.

(a) ACTIONS COVERED BY NOTICE AND WAIT PROCEDURES.—Subsection (a) of section 2687 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs (1) and (2):

''(1) the closure of any military installation at which at least 225 civilian personnel are authorized to be employed;

''(2) any realignment with respect to a military installation referred to in paragraph (1) if such realignment will result in an aggregate reduction in the number of civilian personnel authorized to be employed at such military installation during the fiscal year in which notice of such realignment is submitted to Congress under subsection (b) equal to or greater than—

''(A) 750 such civilian personnel; or

''(B) the number equal to 40 percent of the total number of civilian personnel authorized to be employed at such military installation at the beginning of such fiscal year; or''.

(b) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (3), by inserting ''(including a consolidation)'' after ''any action''; and

(2) by adding at the end the following:

''(5) The term 'closure' includes any action to inactivate or abandon a military installation or to transfer a military installation to caretaker status.''.

SEC. . PROHIBITION ON CLOSURE OF A BASE WITHIN FOUR YEARS AFTER A REALIGNMENT OF THE BASE.

(a) PROHIBITION.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following:

''§2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases

''(a) PROHIBITION.—Notwithstanding any other provision of law, no action may be taken, and no funds appropriated or otherwise available to the Department of Defense may be obligated or expended, to effect or implement the closure of a military installation within 4 years after the completion of a realignment of the installation that, alone or with other causes, reduced the number of civilian personnel employed at that installation below 225.

''(b) DEFINITIONS.—In this section, the terms 'military installation', 'civilian personnel', and 'realignment' have the meanings given such terms in section 2687(e) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2687 the following:

''2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases.''.

(b) CONFORMING AMENDMENT.—Section 2687(a) of such title is amended by inserting ''(other than section 2688 of this title)'' after ''Notwithstanding any other provision of law''.

SEC. . SENSE OF THE SENATE ON FURTHER ROUNDS OF BASE CLOSURES.

(a) FINDINGS.—The Senate finds that:—

(1) While the Department of Defense has proposed further rounds of base closures, there is no need to authorize in 1998 a new base closure commission that would not begin its work until three years from now, in 2001;

(2) While the Department of Defense has submitted a report to the Congress in response to Section 2824 of the National Defense Authorization Act for Fiscal Year 1998, that report—

(A) based its estimates of the costs and savings of previous base closure rounds on data that the General Accounting Office has described as ''inconsistent'', ''unreliable'' and ''incomplete'';

(B) failed to demonstrate that the Defense Department is working effectively to improve its ability to track base closure costs and savings resulting from the 1993 and 1995 base closure rounds, which are ongoing;

(C) modeled the savings to be achieved as a result of further base closure rounds on the 1993 and 1995 rounds, which are as yet incomplete and on which the Department's information is faulty; and

(D) projected that base closure rounds in 2001 and 2005 would not produce substantial savings until 2008, a decade after the federal government will have achieved unified budget balance, and 5 years beyond the planning period for the current congressional budget and Future Years Defense Plan;

(3) Section 2824 required that the Congressional Budget Office and the General Accounting Office review the Defense Department's report, and—

(A) The General Accounting Office stated on May 1 that ''we are now conducting our analysis to be able to report any limitations that may exist in the required level of detail. . . . [W]e are awaiting some supporting documentation from the military services to help us finish documentation from the military services to help us finish assessing the report's information.'';

(B) The Congressional Budget Office stated on May 1 than its review is ongoing, and that ''it is important that CBO take the time necessary to provide a thoughtful and accurate evaluation of DoD's report, rather than issue a preliminary and potentially inaccurate assessment.'';

(4) The Congressional Budget Office recommended that ''The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DoD and independent analysts examine the actual impact of the measures that have been taken thus far.''

(b) SENSE OF THE CONGRESS.—It is the Sense of Congress that:

(1) Congress should not authorize further rounds of base closures and realignments until all actions authorized by the Defense Base Closure and Realignment Act of 1990 are completed; and

(2) The Department of Defense should submit forthwith to the Congress the report required by Section 2815 of Public Law 103–337, analyzing the effects of base closures and realignments on the ability of the Armed Forces to remobilize, describing the military construction projects needed to facilitate such remobilization, and discussing the assets, such as air space, that would be difficult reacquire in the event of such remobilization.

HARKIN (AND WELLSTONE) AMENDMENT NO. 2982

Mr. HARKIN (for himself and Mr. WELLSTONE) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle A of title X, add the following:

SEC. . TRANSFER TO DEPARTMENT OF VETERANS AFFAIRS.

(a) TRANSFER REQUIRED.—The Secretary of Defense is authorized to transfer to the Department of Veterans Affairs $329,000,000 of the amounts appropriated for the Department of Defense pursuant to the authorizations of appropriations in this Act. In the case of any such transfer, the Secretary shall select the funds for transfer, and shall transfer the funds, in a manner that causes the least significant harm to the readiness of the Armed Forces and the quality of life of military personnel and their families.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred pursuant to subsection (a) shall be available for health care programs of the Department of Veterans Affairs.

CLELAND AMENDMENT NO. 2983

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 41, below line 23, add the following:

SEC. 219. PASSIVE MILLIMETER WAVE CAMERA.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(4), $4,000,000 shall be available for Special Operations Advanced Technology Development for activities relating to the Passive Millimeter Wave Camera.

(2) The amount available for Special Operations Advanced Technology Development under paragraph (1) is in addition to any other amounts available under this Act for Special Operations Advanced Technology Development.

(b) OFFSET.—The amount available under section 201(2) for S. 3 Weapons System Improvement is hereby reduced by $4,000,000.

KYL AMENDMENT NO. 2984

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of title IX, add the following:

SEC. 908. DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY.

(a) ESTABLISHMENT OF POSITION.—Section 134 of title 10, United States Code, is amended by adding at the end the following:

''(d)(1) There is a Deputy Under Secretary of Defense for Technology Security Policy in the Office of the Under Secretary. The Deputy Under Secretary serves as the Director of the Defense Security Technology Agency.

''(2) The Deputy Under Secretary has only the following duties:

''(A) To supervise activities of the Department of Defense relating to export controls.

''(B) To develop for the Department of Defense policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States.

''(3) The Deputy Under Secretary may report directly to the Secretary of Defense on the matters that are within the duties of the Deputy Under Secretary.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall complete the actions necessary to implement section 134(d) of title 10, United States Code (as added by subsection (a)), not later than 45 days after the date of the enactment of this Act.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the plans of the Secretary for implementing section 134(d) of title 10, United States Code, as added by subsection (a). The report shall include the following:

(1) A description of any organizational changes that are to be made within the Department of Defense to implement the provision.

(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense after the provision is implemented, together with a discussion of how that role compares to the Chairman's role in those activities before the implementation of the provision.

(d) LIMITATION.—Unless specifically authorized and appropriated for such purpose, funds may not be obligated to relocate any office or personnel of the Defense Technology Security Administration.

THURMOND AMENDMENT NO. 2985

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 347, below line 23, add the following:

SEC. 2833. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense, with the support of the chiefs of staff of the Armed Forces, is calling for the closure of additional military installations in the United States as a means of eliminating excess capacity in such installations.

(2) Excess capacity in Department of Defense installations is a valuable asset, and the utilization of such capacity presents a potential economic benefit for the Department and the Nation.

(3) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(4) Section 2667 of title 10, United States Code, authorizes the Secretaries of the military departments to lease, upon terms that promote the national defense or are in the public interest, real property that is—

(A) under the control of such departments;

(B) not for the time needed for public use; and

(C) not excess to the requirements of the United States.

(b) REPORT.—Not later than February 1, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth the following:

(1) The number and purpose of the leases entered into under section 2667 of title 10, United States Code, during the five-year period ending on the date of enactment of this Act.

(2) The types and amounts of payments received under the leases specified in paragraph (1).

(3) The costs, if any, foregone as a result of the leases specified in paragraph (1).

(4) A discussion of the positive and negative aspects of leasing real property and surplus capacity at military installations to the private sector, including the potential impact on force protection.

(5) A description of the current efforts of the Department of Defense to identify for the private sector any surplus capacity at military installations that could be leased or otherwise used by the private sector.

(6) A proposal for any legislation that the Secretary considers appropriate to enhance the ability of the Department to utilize surplus capacity in military installations in order to improve military readiness, achieve cost savings with respect to such installations, or decrease the cost of operating such installations.

(7) An estimate of the amount of income that could accrue to the Department as a result of the enhanced authority proposed under paragraph (6) during the five-year period beginning on the effective date of such enhanced authority.

(8) A discussion of the extent to which any such income should be reserved for the use of the installations exercising such authority and of the extent to which installations are likely to enter into such leases if they cannot retain such income.

HARKIN AMENDMENT NO. 2986

Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. INVENTORY MANAGEMENT OF IN-TRANSIT SECONDARY ITEMS.

(a) REQUIREMENT FOR PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a plan to address problems with Department of Defense management of the department's inventories of in-transit secondary items as follows:

(1) The vulnerability of in-transit secondary items to loss through fraud, waste, and abuse.

(2) Loss of oversight of in-transit secondary items, including any loss of oversight when items are being transported by commercial carriers.

(3) Loss of accountability for in-transit secondary items due to either a delay of delivery of the items or a lack of notification of a delivery of the items.

(b) CONTENT OF PLAN.— The plan shall include, for each of the problems described in subsection (a), the following information:

(1) The actions to be taken to correct the problems.

(2) Statements of objectives.

(3) Performance measures and schedules.

(4) An identification of any resources that may be necessary for correcting the problem, together with an estimate of the annual costs.

(c) GAO REVIEWS.—(1) Not later than 60 days after the date on which the Secretary of Defense submits the plan to Congress, the Comptroller General shall review the plan and submit to Congress any comments that the Comptroller General considers appropriate regarding the plan.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

ROCKEFELLER AMENDMENT NO. 2987

Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 157, between lines 13 and 14, insert the following:

SEC. 708. ASSESSMENT OF ESTABLISHMENT OF INDEPENDENT ENTITY TO EVALUATE POST-CONFLICT ILLNESSES AMONG MEMBERS OF THE ARMED FORCES AND HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS BEFORE AND AFTER DEPLOYMENT OF SUCH MEMBERS.

(a) AGREEMENT FOR ASSESSMENT.—The Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences, or other appropriate independent organization, under which agreement the Academy shall carry out the assessment referred to in subsection (b).

(b) ASSESSMENT.—(1) Under the agreement, the Academy shall assess the need for and feasibility of establishing an independent entity to—

(A) evaluate and monitor interagency coordination on issues relating to the post-deployment health concerns of members of the Armed Forces, including coordination relating to outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health-related activities;

(B) evaluate the health care (including preventive care and responsive care) provided to members of the Armed Forces both before and after their deployment on military operations;

(C) monitor and direct government efforts to evaluate the health of members of the

Armed Forces upon their return from deployment on military operations for purposes of ensuring the rapid identification of any trends in diseases or injuries among such members as a result of such operations;

(D) provide and direct the provision of ongoing training of health care personnel of the Department of Defense and the Department of Veterans Affairs in the evaluation and treatment of post-deployment diseases and health conditions, including nonspecific and unexplained illnesses; and

(E) make recommendations to the Department of Defense and the Department of Veterans Affairs regarding improvements in the provision of health care referred to in subparagraph (B), including improvements in the monitoring and treatment of members referred to in that subparagraph.

(2) The assessment shall cover the health care provided by the Department of Defense and, where applicable, by the Department of Veterans Affairs.

(c) REPORT.—(1) The agreement shall require the Academy to submit to the committees referred to in paragraph (3) a report on the results of the assessment under this section not later than one year after the date of enactment of this Act.

(2) The report shall include the following:

(A) The recommendation of the Academy as to the need for and feasibility of establishing an independent entity as described in subsection (b) and a justification of such recommendation.

(B) If the Academy recommends that an entity be established, the recommendations of the Academy as to—

(i) the organizational placement of the entity;

(ii) the personnel and other resources to be allocated to the entity;

(iii) the scope and nature of the activities and responsibilities of the entity; and

(iv) mechanisms for ensuring that any recommendations of the entity are carried out by the Department of Defense and the Department of Veterans Affairs.

(3) The report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(B) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

THURMOND AMENDMENT NO. 2988

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. AUTHORITY FOR WAIVER OF MORATORIUM ON ARMED FORCES USE OF ANTIPERSONNEL LANDMINES.

Section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 751) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) WAIVER AUTHORITY.—(1) The President may waive the moratorium set forth in subsection (a) if the President determines that the waiver is necessary in the national security interests of the United States.

''(2) The President shall notify the President pro tempore of the Senate and the Speaker of the House of Representatives of the exercise of the authority provided by paragraph (1).''.

LEAHY AMENDMENT NO. 2989

Mr. LEVIN (for Mr. LEAHY) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 42, between lines 9 and 10, insert the following:

SEC. 232. LANDMINES.

(a) AVAILABILITY OF FUNDS.—(1) Of the amounts authorized to be appropriated in section 201, $17,200,000 shall be available for activities relating to the identification, adaptation, modification, research, and development of existing and new tactics, technologies, and operational concepts that—

(A) would provide a combat capability that is comparable to the combat capability provided by anti-personnel landmines, including anti-personnel landmines used in mixed mine systems; and

(B) comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) The amount available under paragraph (1) shall be derived as follows:

(A) $12,500,000 shall be available from amounts authorized to be appropriated by section 201(1).

(B) $4,700,000 shall be available from amounts authorized to be appropriated by section 201(4).

(b) STUDIES.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract with each of two appropriate scientific organizations for purposes of identifying existing and new tactics, technologies, and concepts referred to in subsection (a).

(2) Each contract shall require the organization concerned to submit a report to the Secretary and to Congress, not later than one year after the execution of such contract, describing the activities under such contract and including recommendations with respect to the adaptation, modification, and research and development of existing and new tactics, technologies, and concepts identified under such contract.

(3) Amounts available under subsection (a) shall be available for purposes of the contracts under this subsection.

(c) REPORTS.—Not later than April 1 of each of 1999 through 2001, the Secretary shall submit to the congressional defense committees a report describing the progress made in identifying and deploying tactics, technologies, and concepts referred to in subsection (a).

(d) DEFINITIONS.—In this section:

(1) ANTI-PERSONNEL LANDMINE.—The term ''anti-personnel landmine'' has the meaning given the term ''anti-personnel mine'' in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) MIXED MINE SYSTEM.—The term ''mixed mine system'' includes any system in which an anti-vehicle landmine or other munition is constructed with or used with one or more anti-personnel landmines, but does not include an anti-handling device as that term is defined in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

LEVIN AMENDMENT NO. 2990

Mr. LEVIN proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, insert the following new title:

TITLE FAIR TRADE IN AUTOMOTIVE PARTS

SEC. 01. SHORT TITLE.

This title may be cited as the ''Fair Trade in Automotive Parts Act of 1998''.

SEC. 02. DEFINITIONS.

In this title:

(1) JAPANESE MARKETS.—The term ''Japanese markets'' refers to markets, including markets in the United States and Japan, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese automobiles.

(2) JAPANESE AND OTHER ASIAN MARKETS.—The term ''Japanese and other Asian markets'' refers to markets, including markets in the United States, Japan, and other Asian countries, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese, American, or other Asian automobiles.

SEC. 03. RE-ESTABLISHMENT OF INITIATIVE ON AUTOMOTIVE PARTS SALES TO JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall re-establish the initiative to increase the sale of United States made automotive parts and accessories to Japanese markets.

(b) FUNCTIONS.—In carrying out this section, the Secretary shall—

(1) foster increased access for United States made automotive parts and accessories to Japanese companies, including specific consultations on access to Japanese markets;

(2) facilitate the exchange of information between United States automotive parts manufacturers and the Japanese automobile industry;

(3) collect data and market information on the Japanese automotive industry regarding needs, trends, and procurement practices, including the types, volume, and frequency of parts sales to Japanese automobile manufacturers;

(4) establish contacts with Japanese automobile manufacturers in order to facilitate contact between United States automotive parts manufacturers and Japanese automobile manufacturers;

(5) report on and attempt to resolve disputes, policies or practices, whether public or private, that result in barriers to increased commerce between United States automotive parts manufacturers and Japanese automobile manufacturers;

(6) take actions to initiate periodic consultations with officials of the Government of Japan regarding sales of United States-made automotive parts in Japanese markets; and

(7) transmit to Congress the annual report prepared by the Special Advisory Committee under section ____04(c)(5).

SEC. 04. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE ON AUTOMOTIVE PARTS SALES IN JAPANESE AND OTHER ASIAN MARKETS.

(a) IN GENERAL.—The Secretary of Commerce shall seek the advice of the United States automotive parts industry in carrying out this title.

(b) ESTABLISHMENT OF COMMITTEE.—The Secretary of Commerce shall establish a Special Advisory Committee for purposes of carrying out this title.

(c) FUNCTIONS.—The Special Advisory Committee established under subsection (b) shall—

(1) report to the Secretary of Commerce on barriers to sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(2) review and consider data collected on sales of United States-made automotive

parts and accessories in Japanese and other Asian markets;

(3) advise the Secretary of Commerce during consultations with other governments on issues concerning sales of United States-made automotive parts in Japanese and other Asian markets;

(4) assist in establishing priorities for the initiative established under section ____03, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and

(5) assist the Secretary in reporting to Congress by submitting an annual written report to the Secretary on the sale of United States-made automotive parts in Japanese and other Asian markets, as well as any other issues with respect to which the Committee provides advice pursuant to this title.

(d) AUTHORITY.—The Secretary of Commerce shall draw on existing budget authority in carrying out this title.

SEC. 05. EXPIRATION DATE.

The authority under this title shall expire on December 31, 2003.

LOTT AMENDMENT NO. 2991

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF THE NAVAL HOME.

(a) APPOINTMENT AND QUALIFICATIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (a) of section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in paragraph (2)—

(A) by striking out ''Each Director'' and inserting in lieu thereof ''The Director of the United States Soldiers' and Airmen's Home''; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) meet the requirements of paragraph (4).'';

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs (3) and (4):

''(3) The Director, and any Deputy Director, of the Naval Home shall be appointed by the Secretary of Defense from among persons recommended by the Secretaries of the military departments who—

''(A) in the case of the position of Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–5;

''(B) in the case of the position of Deputy Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–4; and

''(C) meet the requirements of paragraph (4).

''(4) Each Director shall have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and significant military background.''.

(b) TERM OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (c) of such section is amended—

(1) by striking out ''(c) TERM OF DIRECTOR.—'' and all that follows through ''A Director'' in the second sentence and inserting in lieu thereof ''(c) TERMS OF DIRECTORS.—(1) The term of office of the Director of the United States Soldiers' and Airmen's Home shall be five years. The Director''; and

(2) by adding at the end the following new paragraph:

''(2) The Director and the Deputy Director of the Naval Home shall serve at the pleasure of the Secretary of Defense.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section:

''(1) The term 'United States Soldiers' and Airmen's Home' means the separate facility of the Retirement Home that is known as the United States Soldiers' and Airmen's Home.

''(2) The term 'Naval Home' means the separate facility of the Retirement Home that is known as the Naval Home.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

FORD (AND MCCONNELL) AMENDMENT NO. 2992

Mr. WARNER (for Mr. FORD for himself and Mr. MCCONNELL) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title I, insert the following:

SEC. 117. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

(a) PROGRAM MANAGEMENT.—The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to incineration. In performing such function, the program manager shall act independently of the program manager for the baseline chemical demilitarization program and shall report to the Under Secretary of Defense for Acquisition and Technology.

(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment may undertake the activities that are necessary to ensure that an alternative technology for the destruction of lethal chemical munitions can be implemented immediately after—

(A) the technology has been demonstrated successful; and

(B) the Under Secretary of Defense for Acquisition and Technology has submitted a report on the demonstration to Congress.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than June 1, 1999.

(c) INDEPENDENT EVALUATION.—The Under Secretary of Defense for Acquisition and Technology shall provide for two evaluations of the cost and schedule of the Assembled Chemical Weapons Assessment to be performed, and for each such evaluation to be submitted to the Under Secretary, not later than September 30, 1999. One of the evaluations shall be performed by a nongovernmental organization qualified to make such an evaluation, and the other evaluation shall be performed separately by the Cost Analysis Improvement Group of the Department of Defense.

(d) PILOT FACILITIES CONTRACTS.—(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

(A) certifies in writing to Congress is—

(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

(4) In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 107, $18,000,000 shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

(B) Planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, including planning and preparation for—

(i) continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

(v) provision of support at the field office or depot level for deployment of the technology for use; and

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—In this section, the term ''Assembled Chemical Weapons Assessment'' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

MCCAIN (AND OTHERS) AMENDMENT NO. 2993

Mr. WARNER (for Mr. MCCAIN for himself, Mr. LIEBERMAN, and Mr. LEVIN) proposed an amendment to the bill,l S. 2057, supra; as follows:

At the end of subtitle C of title V, add the following:

SEC. 531. ADVANCEMENT OF BENJAMIN O. DAVIS, JUNIOR, TO GRADE OF GENERAL.

(a) AUTHORITY.—The President is authorized to advance Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—An advancement of Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the said Benjamin O. Davis, Junior.

TORRICELLI (AND LAUTENBERG) AMENDMENT NO. 2994

Mr. LEVIN (for Mr. TORRICELLI for himself and Mr. LAUTENBERG) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.

Not later than March 31, 1999, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the Quadrennial Defense Review's proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the projected cost savings from such reductions and the manner in which such savings are expected to be achieved.

GRAMS (AND WELLSTONE) AMENDMENT NO. 2995

Mr. WARNER (for Mr. GRAMS for himself and Mr. WELLSTONE) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, NAVAL AIR RESERVE CENTER, MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without any consideration other than the consideration provided for under subsection (c), to the Minneapolis-St. Paul Metropolitan Airports Commission, Minnesota (in this section referred to as the ''Commission''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 32 acres located in Minneapolis, Minnesota, and comprising the Naval Air Reserve Center, Minneapolis, Minnesota. The purpose of the conveyance is to facilitate expansion of the Minneapolis-St. Paul International Airport.

(b) ALTERNATIVE LEASE AUTHORITY.—(1) The Secretary may, in lieu of the conveyance authorized by subsection (a), elect to lease the property referred to in that subsection to the Commission if the Secretary determines that a lease of the property would better serve the interests of the United States.

(2) Notwithstanding any other provision of law, the term of the lease under this subsection may not exceed 99 years.

(3) The Secretary may not require any consideration as part of the lease under this subsection other than the consideration provided for under subsection (c).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), or the lease under subsection (b), the Commission shall—

(1) provide for such facilities as the Secretary considers appropriate for the Naval Reserve to replace the facilities conveyed or leased under this section—

(A) by—

(i) conveying to the United States, without any consideration other than the consideration provided for under subsection (a), all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the conveyance authorized by subsection (a); or

(ii) leasing to the United States, for a term of 99 years and without any consideration other than the consideration provided for under subsection (b), a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the lease authorized by subsection (b); and

(B) assuming the costs of designing and constructing such facilities on the parcel conveyed or leased under subparagraph (A); and

(2) assume any reasonable costs incurred by the Secretary in relocating the operations of the Naval Air Reserve Center to the facilities constructed under paragraph (1)(B).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a), or enter into the lease authorized by subsection (b), until the facilities to be constructed under subsection (c) are available for the relocation of the operations of the Naval Air Reserve Center.

(e) AGREEMENT RELATING TO CONVEYANCE.—If the Secretary determines to proceed with the conveyance authorized by subsection (a), or the lease authorized by subsection (b), the Secretary and the Commission shall enter into an agreement specifying the terms and conditions under which the conveyance or lease will occur.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), or leased under subsection (b), and to be conveyed or leased under subsection (c)(1)(A), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Commission.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), or the lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

DURBIN AMENDMENT NO. 2996

Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, ARMY RESERVE CENTER, PEORIA, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Peoria School District #150 of Peoria, Illinois (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) comprising the location of the Army Reserve Center located at 1429 Northmoor Road in Peoria, Illinois, for the purposes of staff, student and community education and training, additional maintenance and transportation facilities, and for other purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with subsection (a), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

D'AMATO AMENDMENT NO. 2997

Mr. WARNER (for Mr. D'AMATO) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, SKANEATELES, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of Skaneateles, New York (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 147.10 acres in Skaneateles, New York, and commonly known as the ''Federal Farm''. The purpose of the conveyance is to permit the Town to develop the parcel for public benefit, including for recreational purposes.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town in accordance with that subsection, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

COATS AMENDMENT NO. 2998

Mr. WARNER (for Mr. COATS) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title XXXV, add the following:

SEC. 3513. OFFICER OF THE DEPARTMENT OF DEFENSE DESIGNATED AS A MEMBER OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.

(a) AUTHORITY.—Section 1102(a) (22 U.S.C. 3612(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: ''The Commission shall be supervised by a Board

composed of nine members. An officer of the Department of Defense designated by the Secretary of Defense shall be one of the members of the Board.''; and

(2) in the last sentence, by striking out ''Secretary of Defense or a designee of the Secretary of Defense'' and inserting in lieu thereof ''the officer of the Department of Defense designated by the Secretary of Defense to be a member of the Board''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 302 of Public Law 105–18 (111 Stat. 168) is repealed.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2999

Mr. LEVIN (for Mr. BINGAMAN for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. LOTT, and Mr. FRIST) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

''SEC. 1064. SENSE OF THE CONGRESS ON THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

''(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

''(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.—

''(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—It is the sense of the Congress that the following should be key objectives of the Defense Science and Technology Program—

''(A) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

''(B) the education and training of the next generation of scientists and engineers in disciplines that are relevant to future Defense systems, particularly through the conduct of basic research; and

''(C) the continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and university institutions.

''(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.—

''(A) It is the sense of the Congress that in supporting projects within the Defense Science and Technology Program, the Secretary of Defense should attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

''(B) It is the sense of the Congress that funds made available for projects and programs of the Defense Science and Technology Program should be used only for the benefit of the Department of Defense, which includes—

''(i) the development of technology that has only military applications;

''(ii) the development of military useful, commercially viable technology; or

''(iii) the adaption of commercial technology, products, or processes for military purposes.

''(3) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—It is the sense of the Congress that the Secretary of Defense may allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program. This flexibility is not intended to change the allocation of funds in any fiscal year among basic and applied research and advanced development.

''(c) DEFINITIONS.—In this section:

''(1) The term ''Defense Science and Technology Program'' means basic and applied research and advanced development.

''(2) The term ''basic and applied research'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activities 1 or 2.

''(3) The term ''advanced development'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activity 3.''.

On page 398, between lines 9 and 10, insert the following:

''SEC. 3144. SENSE OF THE CONGRESS ON FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY

''(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year over the budget for those activities for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

''(b) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES DEFINED.—In this section, the term ''nonproliferation science and technology activities'' means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

''(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security;

''(2) Projects under the ''Technology and Systems Development'' element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security.

''(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

''(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological emergencies, and related terrorist threats, under the Office of Defense Programs.''.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3000

Mr. LEVIN (for Mrs. FEINSTEIN for herself and Mrs. BOXER) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1014. HOMEPORTING OF THE U.S.S. IOWA BATTLESHIP IN SAN FRANCISCO.

It is the sense of Congress that the U.S.S. Iowa should be homeported at the Port of San Francisco, California.

WARNER (AND MOYNIHAN) AMENDMENT NO. 3001

Mr. WARNER (for himself and Mr. MOYNIHAN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, insert:

SEC. 1064. DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.

(a) DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.—The Mariners' Museum building located at 100 Museum Drive, Newport News, Virginia, and the South Street Seaport Museum buildings located at 207 Front Street, New York, New York, shall be known and designated as ''America's National Maritime Museum''.

(b) REFERENCE TO AMERICA'S NATIONAL MARITIME MUSEUM.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in subsection (a) shall be deemed to be a reference to America's National Maritime Museum.

(c) LATER ADDITIONS OF OTHER MUSEUMS NOT PRECLUDED.—The designation of museums named in subsection (a) as America's National Maritime Museum does not preclude the addition of any other museum to the group of museums covered by that designation.

(d) CRITERIA FOR LATER ADDITIONS.—A museum is appropriate for designation as a museum of America's National Maritime Museum if the museum—

(1) houses a collection of maritime artifacts clearly representing America's maritime heritage; and

(2) provides outreach programs to educate the public on America's maritime heritage.

ABRAHAM AMENDMENT NO. 3002

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ADDITIONAL PROCEDURES FOR MAKING DOD RECOMMENDATIONS FOR BASE CLOSURE AND REALIGNMENTS

Section 2903(c)(2) of the Defense Base Closure and Realignment Act of 1990 (Part A of Title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after the first sentence, ''Each recommendation shall also contain the written coordination of all DoD agencies (to include the National Guard) with organizations collocated at that installation, along with an analysis of the impact of the proposed closure or realignment upon that organization's ability to complete its assigned mission. Furthermore, each recommendation shall identify the most likely gaining installation(s) which will receive organizations not proposed for disestablishment as part of the closure or realignment proposal, the most likely facilities which will be utilized by the relocated organization at the new installation(s), and the estimated cost for the relocated organization to move to and operate at the new installation.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on

Wednesday, June 24, 1998, to conduct a hearing on H.R. 10, the ''Financial Services Act of 1998.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 24 for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9;30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 24, 1998 at 10:00 am and 4:00 pm to hold two hearings.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, June 24, 1998, at 10:00 a.m. for a hearing on Computer Security Vulnerabilities and the Threat to National Security.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 24, 1998 at 2:30 p.m. to conduct a business meeting to markup S. 1925, to make technical corrections to laws relating to Native Americans and; S. 1998, to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, to be followed immediately by a joint hearing with the Subcommittee on Water and Power of the Committee on Energy and Natural Resources on S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act and S. 1899, the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reservation Water Rights Settlement Act of 1998. The meeting/hearing will be held in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Wednesday, June 24, 1998, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, June 24, 1998, at 9:30 a.m.

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

COMMITTEE ON INTELLIGENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 24, 1998 at 10:00 a.m. and 2:30 p.m. to hold a closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, June 24, 1998 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''The H–2A Program: Is It Working?''

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

SUBCOMMITTEE ON WATER AND POWER

Mr. THURMOND. Mr. President, I ask unanimous consent that the Water and Power Subcommittee of the Committee on Energy and Natural Resources and the Committee on Indian Affairs be granted permission to meet during the session of the Senate on Wednesday, June 24, for purposes of conducting a joint committee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1711, a bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; and S. 1899, the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998.

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

ADDITIONAL STATEMENTS

CHILDREN'S SCHOLARSHIP FUND

● Mr. COVERDELL. Mr. President, I rise today to commend the recent actions of two businessman and philanthropists, Mr. Ted Forstmann and Mr. John Walton.

On Tuesday, June 9, 1998, the two men launched the Children's Scholarship fund with an initial contribution of one hundred million dollars. This fund is going to provide scholarships to help families of modest means send their children to private or parochial schools where they will face strong academic challenges.

As this body, indeed this nation, continues to debate the future of education, one fact is clear—a good education is the key to a promising future. The best way to help young people is to ensure that they have a solid education that challenges their minds and helps them reach their full potential. Mr. Forstmann and Mr. Walton are helping many children along the path by giving their hard-working parents a helping hand.

Through grass roots initiatives such as the Children's Scholarship Fund, we will we ensure that our country remains the world's leader.

I would like to wish the Children's Scholarship Fund the best of luck over the next several months as they look for people across America willing to serve as partners in this effort. The fund has already contacted more than 300 mayors and community leaders to seek their partnership with the fund and provide scholarships in their communities. Also, I would like to offer my assistance in contacting cities and other municipalities in my home state of Georgia.

Once again, Mr. Forstman and Mr. Walton should be commended for their commitment to the education of our nation's youth, and I thank them for their generosity.●

NOMINATION OF DR. JANE HENNEY FOR THE COMMISSIONER OF FOOD AND DRUGS

● Mr. DODD. Mr. President, I rise today in strong support of the nomination of Dr. Jane Henney for the Commissioner of Food and Drugs.

In November, 1997, President Clinton signed legislation charging the Food and Drug Administration with the responsibility for bringing lifesaving drugs and medical devices to the American people more quickly and efficiently, without compromising safety or effectiveness. This legislation requires the FDA to rethink many of its old models and to work collaboratively with the public and with drug and device manufacturers to improve the certainty of the product review process, to provide patients with better access to investigational therapies, and to encourage manufacturers to test the safety and efficacy of their products for children. Such responsibilities require strong, innovative leadership—leadership that Dr. Henney can clearly provide.

Dr. Henney is a distinguished physician, a cancer specialist, and a nationally recognized academic leader and public health administrator who has served in the Carter, Reagan, Bush, and Clinton Administrations. She served as Deputy Commissioner for Operations at the FDA from 1992 to 1994 and is thoroughly familiar with FDA's responsibilities, having managed the agency's daily activities and six operating centers.

Dr. Henney has also proven her ability to manage in a challenging environment. At the University of New Mexico, she led the Health Sciences Center

to increase its efforts to stabilize local health care delivery systems and to engage in extensive reorganization initiatives. Earlier, as a Deputy Commissioner at the FDA, Dr. Henney reorganized and improved the efficiency of the FDA's centers, recruiting new directors for five of the six centers. She also played a principal role in the enactment of the Prescription Drug User Fee Act of 1992, which revitalized the agency's drug and biologics review system.

The position of Commissioner of Food and Drugs has been vacant for more than 14 months, leaving without leadership a federal agency that arguably has a more direct and significant impact on the lives of the American people that any other. The foods we serve our family, the medicines we take when we're sick, and even the drugs we give our pets, are all approved and monitored by the FDA. One quarter of every dollar spent by consumers goes to products regulated by the FDA. Jane Henney's innovative managing skills as well as her medical reputation make her the ideal candidate to shoulder the responsibility for leading the Food and Drug Administration into the next century. I encourage the Senate to act expeditiously and support Dr. Henney's well-deserved nomination.●

TRIBUTE TO FOSTER'S DAILY DEMOCRAT ON ITS 125TH BIRTHDAY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Foster's Daily Democrat on its 125th birthday.

On June 18, 1873, Foster's first paper proclaimed, ''We shall devote these columns mainly to the vital interests of Dover and vicinity. Whatever may tend to benefit this people and enhance their prosperity, will receive our warm and enthusiastic support.''

Our nation and indeed the world has changed many times since that day 125 years ago when Foster's first made that commitment to its readers. Ulysses Grant was president and the United States had just gone through the most destructive and divisive war in its history. Since then, the United States has fought two world wars, an economic depression and the Cold War.

Yet in over 125 years, one thing has always stayed the same: Foster's commitment to truth, journalistic integrity and its readers. It is that unyielding commitment that has made Foster's Daily Democrat the nation's longest continuously managed and owned newspaper by direct family descendants of its founder in the United States. As the paper itself eloquently states, ''When your family's name is at the top of every page, you try a lot harder.''

Foster's has also been a leader in applying technological advancements to the field of newspaper publishing. In 1964, it became the first newspaper in New Hampshire to use offset printing as a way to produce brighter and sharper newspapers.

At a time in our nation's history when journalists and the media in general are often accused of fostering cynicism, the people at Foster's have been reporting news to the men and women of New Hampshire while never sacrificing the principles of Joshua Lane Foster, the paper's founder. Congratulations to current publisher Robert Foster and all the other hard working men and women at Foster's Daily Democrat on your 125th birthday. It is an honor to represent you in the United States Senate.●

COLONEL JAMES HANLEY

● Mr. INOUYE. Mr. President, today I have the sad duty of announcing to this chamber that America has lost a hero, and a friend who had a large impact on my life. On June 20, 1998, Col. James Hanley died in Palo Alto, California after living a life marked by service to his country and commitment to the ideals for which this nation stands.

I had the privilege of serving with Col. Hanley in battle during WWII. He was the Commanding Officer of the 2nd Battalion, 442nd Regimental Combat Team, of which I am proud to have been a member. Those trying days seem like yesterday and I can recall Col. Hanley being a source of strength for us. He was admired and respected by his men.

The story of the 442nd is rich and dramatic, but mostly it paints a picture of bravery and courage. When America learned of the news that Pearl Harbor had been bombed by the Empire of Japan on December 7, a widespread distrust of anyone of Japanese ancestry began to grow. Despite a prejudice which had many of them and their families incarcerated in concentration camps, brave Japanese American soldiers volunteered for military service following the attack. Those courageous volunteers were kept together and eventually became the 442nd Regimental Combat Team and Col. Hanley became one of its leaders.

To give you a flavor for Col. Hanley's leadership, sensitivity, and wisdom, I would like to read for the record a letter he wrote to a newspaper editor when that individual made ethnic slurs against the Japanese. Keep in mind that the letter is dated March 10, 1945, when the war with Japan was at its bloodiest.

DEAR CHARLIE: Just received the Pioneer of Jan. 20 and noted the paragraph enclosed.

Yes, Charlie, I know where there are some GOOD Japanese Americans—there are some 5,000 of them in this unit. They are American soldiers—and I know where some of them are buried. I wish I could show you some of them, Charlie. I remember one Japanese American. He was walking ahead of me in a forest in France. A German shell took the right side of his face off. I recall another boy, an 88 had been trying to get us for some time—finally got him. When they carried him out on a stretcher, the bloody meat from the middle of his thighs hung down over the end of the stretcher and dragged in the dirt—the bone parts were gone.

I recall a sergeant—a Japanese American, if you will—who had his back blown in two—what was he doing? Why, he was lying on top of an officer who had been wounded, to protect him from the shell fragments during a barrage.

I recall one of my boys who stopped a German counterattack single handed. He fired all his BAR ammunition, picked up a German rifle, emptied that—used a German Lugar pistol he had taken from a prisoner.

I wish I could tell you the number of Japanese Americans who have died in this unit alone.

I wish I could tell you the number of wounded we have had, the sightless eyes, missing limbs, broken minds.

I wish I could tell you the decorations we have won.

I wish the boys in the ''Lost Battalion'' could tell you what they think of Japanese Americans.

I wish all the troops we have fought beside could tell you what they know.

The marvel is, Charlie, that these boys fight at all—they are good soldiers in spite of the type of racial prejudice shown by your paragraph.

I know it makes a good joke—but is the kind of joke that prejudice thrives upon. It shows a lack of faith in the American ideal. Our system is supposed to make good Americans out of anyone—it certainly has done so in the case of these boys.

You, the Hood River Legion Post, Hearst, and a few others make one wonder just what we are fighting for. I hope it isn't racial prejudice.

Come over here, Charlie, I'll show you where ''some good Japanese Americans'' are buried.

J.M. HANLEY,
Hgq. 442nd Inf. APO 758.

Mr. President, in conclusion, I offer my deepest sympathy for Col. Hanley's family and his dear wife, Joan. I want them to know of my deepest admiration for him, as they reflect on his significant life.●

HONG KONG ONE YEAR LATER

● Mr. BAUCUS. Mr President, as the first chapter of the Analects of Confucius says, ''is it not a great joy when friends come from far away?″

This week we have had the pleasure to welcome two good friends to Washington—President Kim Dae-jung of the Republic of Korea, and Chief Secretary Anson Chan of the Hong Kong Special Administrative Region.

And today, as President Clinton prepares to make the first visit of any sitting President to Hong Kong, I would like to offer some thoughts on the events of the past year in Hong Kong.

Let me begin with some context. When we speak about Hong Kong, we are really talking about three different Hong Kongs.

One Hong Kong is Hong Kong itself: a city of six million people on China's southern coast. It is a place of hard work, good humor and open debate; one of our major Asian trading partners; the site of $15 billion in direct American investment and the base for much of our business in China; a site for 60 Navy port calls a year; a place many of

us have visited and where our country has many friends.

A second Hong Kong is part of China. This Hong Kong, emerging from 150 years as a Crown Colony to become the Hong Kong Special Administrative Region, can play a unique part in China's future history. It combines a living western intellectual and legal heritage with a Chinese identity, and as such offers Chinese reformers a model for the rule of law and an open society, as well as for economic and financial management. And of course Hong Kong also plays a unique part in our own broader relationship with China.

And a third Hong Kong is the financial and management hub of a vast productive region which extends from southern China to Southeast Asia. And so Hong Kong is also bound up with our economic and trade relationship with most of Asia—and in particular the financial crisis which afflicts so many Asian nations this year.

In summary, history has placed a very heavy responsibility on Hong Kong and its people—for the management of their own city; for China's future; and for Asia's prosperity.

How have they managed these responsibilities since the Union Jack went down and the Bauhinia went up last July 1st?

Here I will quote the very succinct view of an American businessman based in Hong Kong, who came to see me back in February:

''Everything we thought might be a problem is not a problem. Everything we assumed would be fine has become a problem.''

He was referring, of course, to politics and economics. Last year at this time, many were worried about Hong Kong's political future, asking whether Chinese sovereignty would mean a controlled press and repression of political debate. Few saw any threat to its economic future. And what have we seen since?

Hong Kong residents retain and exercise their rights. The Hong Kong Alliance holds regular commemoration of the Tiananmen Square massacre. Han Dongfang's China Labor Bulletin and the Human Rights Monitor operate just as before. All are freely and widely covered in the Hong Kong press—as are American China policy debates, the recent interview given by the Chinese political reform advocate and former political prisoner Bao Tong, and much more.

Hong Kong's elections of May 24th went off more freely and its results were more interesting than anyone might have expected. Turnout rose from 35% in 1995 to 55% this year. The Democratic Party, along with the other parties which opted out of the Provisional Legislature, participated and did brilliantly. Equally interesting, the success of the Democratic Alliance for the Betterment of Hong Kong, traditionally identified as a ''pro-Beijing'' party, may point toward the eventual establishment of a two-party system in Hong Kong.

And China has, as far as I can tell, kept its promises to stay out of the Hong Kong government.

These facts, I believe, disprove two theories. After this election, nobody can now pretend that Hong Kong people are indifferent to political rights and elections and care only about money. Likewise, after the election, the view that China has malevolent intentions and will inevitably crack down on Hong Kong seems naive at best. And although one year is a short time in which to judge, the facts also tend to show that the one-country, two-systems idea may work. And it is a disappointment, but not a surprise, to see that none of last year's doomsayers have stepped up to the plate and admitted they sold Hong Kong—and China—short.

Unfortunately, what they should have been selling short was not Hong Kong—nor its government, nor its citizens, nor the Chinese government—but the Hang Seng Index. And those of us who were optimistic about Hong Kong's prospects last year should also admit that we didn't get it quite right. The things we felt would not be a problem—Hong Kong's economy—has become not only a problem but a crisis.

I last visited Hong Kong in May of 1997, as the last stop on a trip that also included Seoul, Pyongyang and Beijing. At that time, the Koreans were worrying about a slowdown in growth rates—maybe to 5.5% or 6%—and some scandals in the chaebols. And The Economist magazine ran a cover story on financial problems in Bangkok. And in Hong Kong, I asked a few people what might show that the transition was going wrong—and a few said that one clue might be a speculative boom in the Hong Kong markets. Not a single person I met—and that includes American diplomats, tycoons, civil servants, Chinese dissidents, legislators from the Democratic Party, the Citizens Party and the Liberal Party—predicted that the economy might go wrong.

What has happened since?

We need no longer worry about a speculative boom in the markets. The Hang Seng is down from nearly 16,000 then to below 8,000 this week.

Hong Kong is in its first recession ever, with growth at negative 2% so far this year. Some predict that the contraction could be 5% or worse.

Unemployment is already at 4% and will rise in the months ahead.

This, ironically enough, has overshadowed the political divisions in the new Legislative Council, to the point that the Democrats, the DAB, the Liberals and other parties have come together to criticize the government's budget and push for emergency economic relief.

Why has this happened? The answer is obvious. The problem is not the Hong Kong economy per se—its properties may have been overvalued, but the real problem is the crisis affecting every country around Hong Kong. When a typhoon blows, everyone feels the wind and rain.

In summary, Hong Kong is a territory whose politics are in better shape, and whose economy is in worse shape, than anyone guessed last year would be possible. And with that let me now turn from the lessons of the past year to the issues we must address, together with Hong Kong, in the next.

Our interest is clear: a prosperous, healthy Hong Kong whose politics are free and open, which integrates peacefully with China, and which continues to play its part as the center of a prosperous Asian economy. And to secure this interest, we need three things: first, a solution to the Asian financial crisis; second, a working relationship with China, especially in the field of economics and trade; and third, a continued good relationship with Hong Kong's government, political leaders and people.

And let me begin with the first of these. When a typhoon blows, people feel the wind and the rain. But they also tend to see, perhaps more than they might in easier times, that they need to work together. We see that in Hong Kong's Legislative Council today. And we see it on a larger scale, as the crisis has brought together the countries hardest hit by the crisis, Hong Kong and China, Japan, and we ourselves.

The affected countries—particularly Thailand and Korea—have acted with a great deal of courage and good sense. And as bad as the times may be, their approach is working. In the last few months their currencies have stabilized and capital flight ended. The task now is no longer stopping a panic, but restoring financial health, enduring recession and protecting the most vulnerable people. Indonesia, with an even more difficult economic situation and a weaker political system,thus far, has weathered an even more difficult situation with a weaker political without descending into violence.

China and the Hong Kong Special Administrative Region have responded admirably. Hong Kong's refusal to devalue the dollar last October did more than any single other action, anywhere in the world, to prevent the crisis in Southeast Asia and Korea from becoming a meltdown. And China's refusal to devalue the yuan since then has allowed markets to recover and begin acting more rationally. The proof is that the revolution in Indonesia, as earthshaking an event as that is, has not created a new currency panic. And continued commitment by China and Hong Kong will make sure that the worst-affected countries can get back on their feet.

This will impose tremendous strain on China in the months to come, because China is in no way immune to the crisis itself. The Central Bank Governor, Dai Xianglong, said yesterday that while China will stick to its commitment not to devalue:

''The economic adjustment in Southeast Asia and the sluggish Japanese

economy, particularly the depreciation of the yen, have all produced a very negative impact on China's imports, exports and inflow of investment funds, and increased pressure on the restructuring of our country's economic system.''

This points to the need for rapid action in Japan to pass its fiscal stimulus package and perhaps to go further to prevent recession. In this crisis, Japan should be importing and growing; if it slumps and devalues its currency we can expect the situation to worsen.

And we in the United States must act sensibly and seriously. Our open market is as important to recovery as the currency commitments by China and Hong Kong. So far, we have not given in to fears or temptations to reduce imports as our exports to Asia have fallen, and that should continue. We must pass our IMF replenishment, as the Senate has done. And we should give a strong endorsement to China's MFN status. As Ms. Chan said on arrival to the United States, revoking MFN status:

''[W]ould not only deal a devastating blow to business confidence in Hong Kong when we are grappling with the fallout from the regional turmoil, it would also undermine our ability to continue to play the role of firewall in the Asian financial crisis. Eventually it would take away a powerful line of defense in the economies of the region. None of us, including the United States, can afford another wave of uncertainty.''

As this comment indicates, our annual debate over MFN status has become a pointless and essentially destructive affair. It does nothing to promote human rights, political reform or better security policies in China; instead it threatens jobs here and economic stability in Hong Kong and China. And that brings me to the second point: our economic relationship with China, and in particular to China's accession to the WTO.

As Governor Dai's comments indicate, China is by no means immune from this crisis. Its growth rate has fallen; its export growth rates dropped by nearly half; and foreign investment in China is off. These are some of the early warning signs we saw in Southeast Asia two years ago. And that should worry us—because today's China is not so different from yesterday's Southeast Asia.

China has some advantages that its neighbors lacked. It has more fixed investment, less short-term debt, and larger foreign currency reserves than its neighbors. But it also has many of the problems they had before the crisis. We see a level of bad debts about the same, or even higher, as Thailand had before a year ago. We see nepotism, corruption and intimate ties between big business and the state; politically directed loans to unnecessary industrial policy projects in fiber optics, semiconductors, autos, and other areas; property bubbles in the big cities; foreign investment dropping; and early signs of an economic slowdown that could worsen if the Asian crisis deepens. And all this is combined with a brittle political system, intolerant of opposition and with only a weakly developed rule of law, that in the event of crisis may not offer China the flexibility it needs to get through economic difficulties without a social upheaval.

Part of the answer must be political reform. China has a good example, inside its own political borders, with Hong Kong's strong rule of law and open society in a Chinese society; and when the one-country, two-systems formula comes to an end in 2047, political development in China may be its most important legacy. but in the short term, the economic reforms WTO accession will bring are equally crucial for China's economic health.

WTO accession, on the commercially meaningful basis we should expect, will reduce subsides and break the links between ministries and their semi-privatized profit-making offspring. Promote open competition at the expense of rigged markets. And strengthen the rule of law. This will produce a more rational economy which is more open to imports; has less interference by ministries in the market; which is run more by the rule of law than by informal connections; and offers more freedom for ordinary Chinese to determine their own future. And in the long run it will help ensure that China has a stable, sustainable economy.

So as President Clinton's state visit approaches—and in its aftermath if necessry—we should push as hard as we can to reach a commercial meaningful agreement. We must not accept less than we should; that would be unfair to our own country and it would mean little to China. But we should work hard to get the job done right. And of course, when it happens we should live up to our responsibilities by granting China permanent MFN status.

Finally, let me turn back to the first Hong Kong—the one that is simply a city.

A year after the transition, Hong King faces and extraordinary array of challenges. It is at the eye of an economic storm worse that any Asia has faced since the Vietnam War. It is adapting to a political role unique in China and probably unique in the world. And its own government and constitution are very new.

These challenges might bring a lesser city to its knees. But Hong Kong has handled them about as well as anyone could have. And beyond that—as far as I can tell from ten thousand miles away—it has grown because of them.

Last May's election, to me, indicates that the ordinary Hong Kong people understand how important a responsibility history has given them this year. The qualities we have always associated with Hong Kong—hard work, good humor, honest government—have been amplified by growing civic responsibility, democratic participation and political maturity.

In summary, a year after the transition, Hong Kong has defended its rights; acted to good effect in an economic crisis; and can look ahead with confidence. And as President Clinton prepares for the first visit any sitting American President has ever made to Hong Kong, he is going to a city whose future is bright.●

RETIREMENT OF GENERAL EUGENE E. HABIGER

● Mr. KERREY. Mr. President, the country has recently lost to retirement its commander in chief of the United States Strategic Command, General Eugene E. Habiger, USAF, and his wife, Barbara. General Habiger has taken the United States and the U.S. Strategic Command into a new world environment. With the end of the Cold War, two rivals were uncertain how to proceed. Under General Habiger's leadership, the former Soviet Union and United States strategic forces have developed a trusting, confident understanding of the other's capabilities and operations.

During his tenure, General Habiger's insightful leadership and visionary initiatives revolutionized the readiness and flexibility of the Nation's strategic deterrent force in support of the National Command Authorities and regional combatant commanders. He made major contributions to the national security of the United States by establishing parameters for future strategic forces; by leading a stable drawdown of nuclear forces; by fostering mutual understanding and cooperation with Russia; and by shaping the process by which the United States maintains the long-term safety and reliability of its nuclear weapons stockpile. New tools and concepts developed under General Habiger's leadership ensured strategic forces remained safe, effective, ready and responsive to changing world needs.

As stated in a letter from General Henry H. Shelton, Chairman, Joint Chiefs of Staff, General Habiger ''helped Americans more fully appreciate the important strategic mission, improved the relationship with Russia, and molded future leaders who will ably take the USSTRATCOM mission into the 21st Century.'' From the early days as a student pilot at Williams Air Force Base, Arizona, to commander of the 325th Bombardment Squadron, General Habiger was an outstanding aviator and leader. A command pilot with more than 5,000 flying hours, he flew combat missions in support of ARC LIGHT operations in Southeast Asia from October 1969 to April 1970. The general's varied and vast contributions to the nation's strategic defense and his many critical command positions helped secure peace through strength and make the U.S. Air Force the world's best.

We also lose a tremendous supporter and friend in his wife, Barbara. Barbara's extraordinary voluntary contributions to the community of Omaha,

Nebraska contributed to the well being of countless military and civilian families in the area. As an active member of the Salvation Army Advisory Board, her efforts touched thousands through dollars raised during the Tree of Lights and Bell Ringers programs. Her work with the Nebraska Council for Drug and Alcohol Abuse Prevention and the Western Heritage Museum helped ensure the effectiveness and success of these vital organizations. The Henry Doorly Zoo benefitted from Barbara's volunteerism, as she led efforts to help raise nearly one million dollars for the care and feeding of the zoo's animals.

General and Mrs. Habiger leave the military after a distinguished 39 year career serving their nation. The people of the United States salute General and Mrs. Habiger and wish them well as they begin their lives after military service.●

THE 150TH ANNIVERSARY OF THE CHURCH OF ST. JOSEPH-ST. THOMAS

● Mr. MOYNIHAN. Mr. President, I rise to offer my congratulations on the occasion of the 150th Anniversary of the oldest Catholic church in continuous existence on Staten Island, the Church of St. Joseph-St. Thomas. Evolving out of a small Catholic community in Rossville, the church has improved New York's quality of life for generations and is an integral part of the Staten Island community.

The impact this parish has had on its community is remarkable. Both in times of prosperity and in times of despair, the contributions of the pastors and congregants of St. Joseph-St. Thomas have profoundly affected the residents of Staten Island. The parish has provided education for children, held community gatherings and helped the disadvantaged.

The leaders of St. Joseph-St. Thomas have been responsible for much of this tradition of community involvement. Though I will not name all of the former pastors here, I would like to mention two. Father Edward A. Dunphy's established child-care programs for immigrants during the 19th century. These first Catholic child-care facilities helped maintain the devotion to Catholicism within Staten Island's immigrant community. During the Great Depression, Father Thomas S. Magrath cut church expenses to relieve parishioners' fiancial burdens. All the while, he developed projects and programs to feed and shelter the suffering.

Today this spirit of helping those in need lives on with Monsignor Peter G. Finn and the church's involvement in such programs as Project Hospitality and the St. Vincent De Paul Society.

With appreciation and admiration I extend my best wishes to the Church of St. Joseph-St. Thomas. Its 150th Anniversary is cause for much celebration and anticipation of even greater accomplishments to come.●

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that my legislative assistant, Mr. Spear, be granted the privilege of the floor for the remainder of the evening.

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

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION COMPLIANCE ASSISTANCE AUTHORIZATION ACT

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2864, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2864) to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

The Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2864) was read the third time and passed.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2877, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2877) to amend the Occupational Safety and Health Act of 1970.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I would like to ask my colleague from Wyoming to help me clarify the intent of H.R. 2877 as it relates to evaluating the performance of employees. Several States with OSHA-approved State plans have expressed concern that the language regarding ''the results of enforcement activities'' could prevent them from considering the quality of an enforcement officer's reports or recommendations; the percentage of cases which are upheld or overturned in legal proceedings; the timeliness of case completion; the comprehensiveness of evaluations; and other legitimate means of evaluating employee performance.

Contrary to this very broad interpretation, it is important to point out that the authors of the bill read much more narrowly the language prohibiting OSHA from evaluating employees based on ''the results of enforcement activities, such as the number of citations issued or penalties assessed.'' When H.R. 2877 was originally introduced, it prohibited the Secretary of labor from establishing ''any performance measures for any subordinate'' within OSHA ''with respect to the number of inspections conducted, citations issued, or penalties assessed.'' After the administration expressed concerns that the language could adversely impact the ability of OSHA supervisors to assign inspection work and ensure employee productivity and accountability, new language was negotiated. The intent of that language, which is contained in the version of H.R. 2877 that we are about to pass, was intended to prevent OSHA from establishing any quota or goal requiring OSHA inspectors to assess a specific number or amount of penalties. Clearly, Congress would not want to prevent OSHA from ensuring that the penalties actually assessed by its inspectors are legally valid, based on true and accurate information, and issued in a timely, professional manner.

Does the Senator agree with me that the ''results'' referred to in the legislation refer to whether an OSHA inspector is evaluated on a specific quota or goal regarding the number of citations issued or penalties assessed, rather than the other means I have outlined?

Mr. ENZI. Yes, I agree with the analysis of my colleague from Massachusetts.

Mr. KENNEDY. I would like to present my colleague with three examples to illustrate the intent of H.R. 2877. First, assume an OSHA inspector uses falsified inspection results to justify and recommend the issuance of citations and penalties against one or more employers. Does the language in H.R. 2877 allow OSHA to negatively evaluate the inspector and proceed to dismiss him or her?

Mr. ENZI. Absolutely. OSHA must have the right to discipline such an employee and evaluate him or her accordingly.

Mr. KENNEDY. What about an inspector who, in the course of a year, conducts one tenth of the inspections conducted by the average inspector? The inspector finds no violations in any of the inspections he or she conducts, leading the inspector's supervisor to suspect that the inspector may be failing to identify serious hazards in at least some of those workplaces. Does H.R. 2877 allow OSHA to examine these circumstances to ascertain whether the employee is adequately performing his or her duties?

Mr. ENZI. Yes, it does. Such evaluations are fundamental to measuring employee performance.

Mr. KENNEDY. If an inspector's citations and penalties are consistently

being overturned in legal proceedings, would H.R. 2877 inhibit OSHA's ability to use that experience to evaluate how well that employee is doing his or her job?

Mr. ENZI. No, it would not, Senator.

Mr. KENNEDY. I thank the Senator.

Mr. ENZI. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2877) was read the third time and passed.

Mr. ENZI. Mr. President, the two bills just passed by the Senate were authored by my good friend, Congressman BALLENGER.

H.R. 2864, the Occupational Safety and Health Administration Compliance Assistance Authorization Act, and H.R. 2877, a bill to eliminate the imposition of quotas in the context of OSHA's enforcement activities, are intended to help increase the joint cooperation of employees, employers, and OSHA in the effort to ensure safe and healthful working conditions. These bills are the first in a series of efforts to modernize the Occupational Safety and Health Act of 1970, a law which has only been amended one time, in 1990, and that amendment was simply an effort to raise the amount of the fines. So this is the first substantial change in 27 years.

Since its inception, OSHA has consistently relied upon an adversarial approach rather than placing a greater emphasis on a collaborative strategy geared toward increasing worker safety and health. Agency officials have admitted that 95 percent of the employers in the country do their level best to try to voluntarily comply with the law. Unfortunately, OSHA inspectors still treat employers as adversaries, issuing them citations for what they haven't done and not assisting them in complying with regulations to make the workplace safer.

Positive changes in the relationship that exists between employers and OSHA are long overdue. It is not productive to threaten employers with fines for noncompliance when millions of safety-conscious employers don't know how they are supposed to comply. Nor is it effective to burden employers with more compliance materials than they can possibly digest or understand.

To achieve a new cooperative approach, the vast majority of employers who are concerned about worker safety and health must have compliance assistance programs made more accessible to them. Creating true partnerships between businesses and OSHA will ultimately empower the honest employers to improve worker safety while allowing OSHA to concentrate its enforcement efforts on the small number of employers who constitute the ''bad actors.'' I firmly believe that H.R. 2864 is a good first step in accomplishing just that.

H.R. 2877 would eliminate enforcement quotas for OSHA compliance inspectors. This language would prohibit OSHA from establishing a specific number of citations issued or the amount of penalties collected. I believe that inspectors must not face institutional pressure to issue citations or to collect fines but, rather, they should work to identify potential hazards and assist the employer in abating them. OSHA's success must depend upon whether the Nation's workforce is safer and healthier and not upon meeting or surpassing goals for inspection citations or penalties.

Congress' approach to OSHA is different this session. During my tenure in the Senate, I have committed much of my time to the advancement of workplace safety and health. This commitment is shared by my House colleagues, Representatives BALLENGER and TALENT, who are both authors of other commonsense incremental legislation. It is our belief that OSHA has operated since its inception as a reactionary regulator, inspecting work sites primarily after a fatality or injury has occurred. In 1994 and early 1995 alone, three-quarters of the work sites in the United States that were the scene of serious accidents had never—had never—been inspected by OSHA during the decade. Even more troubling is that OSHA officials acknowledge that their inspectors do not investigate most lethal work sites until after accidents occur. Thus, a worker essentially has to get hurt or killed in order for OSHA to act.

We all want prevention. We don't want accidents. We don't even want near misses. A near miss is an accident about to happen.

While it is important for OSHA to retain its ability to enforce law and to respond to employee complaints in a timely fashion, the agency must begin to broaden its preventive initiatives in an effort to bring more workplaces into compliance before accidents and fatalities occur. These bills are the first of several rational, incremental steps in making OSHA a preventive regulator, not a reactionary regulator.

As the Senate author of S. 1237, the Safety Advancement for Employees Act, or SAFE Act, it is my hope that this important legislation will also be considered in the same sensible light. This bill was derived from the thoughts, suggestions, and good ideas of employees, employee representatives, employers, and certified safety and health professionals prior to even its original draft—comments that helped us keep out a number of past contentious provisions.

I listened carefully to these concerns, and, as a result, the SAFE Act was crafted to promote and enhance workplace safety and health rather than dismantle it. What is left out of that bill may be as important as what is in the bill.

The contentious parts from the past are not there. The two provisions that we passed tonight are there. The spirit of cooperation must overpower polarization if true improvements in occupational safety and health are to be achieved. It is essential that stereotypical rhetoric be set aside, with the understanding that an overwhelming majority of employers cherish their most valuable assets: their employees. Without the employee, management would ultimately have no production, no profits, and no business. It is logical to surmise that by promoting cooperation, good business will ultimately prevail. We cannot rest as long as there are injuries or deaths on the job. We need everyone involved in safety.

I urge my Senate colleagues to continue along this path. Much remains to be done in the area of workplace safety and health. There are currently 6.2 million American work sites being inspected by 2,451 Federal and State OSHA inspectors. Under these conditions, it will take OSHA 167 years to visit every workplace before an accident or fatality occurs. That is entirely unacceptable. We must continue to advocate cooperative compliance initiatives, incentives to the employers to look at the job before an accident happens, initiatives that are strictly in line with preventive regulation.

We must see that OSHA does not get an IRS image. We must see that everyone goes home whole. I will continue to advocate this type of an approach in the coming weeks when additional measures will be considered. I urge my colleagues to both note the change in attitude on the House side and the Senate side on the work being done on OSHA, and I urge my Senate colleagues to help us work on these bills.

I thank Senator FRIST, who is the subcommittee chairman, and Senator WELLSTONE, who is the subcommittee ranking member. I thank the chairman of the Labor Committee, Senator JEFFORDS, and the ranking member of the committee, Senator KENNEDY. I, in fact, thank all of the Labor Committee members on both sides of the aisle for the time and care and interest that they have shown in the OSHA issue.

I give special mention, of course, to Congressman TALENT, who has taken the SAFE Act on the House side and worked diligently on it and held hearings and just been a great promoter of the new attitude on improving workplace safety. I also congratulate Chairman BALLENGER on the first change in the OSHA Act in 27 years.

I would be remiss if, last but not least, I did not thank my excellent staff for the diligence, care, and persistence that they have put into all of the research and all of the meetings we have had with any group that was willing to meet with us across the entire country. That is what has resulted in being able to take this first step and what will result in future steps.

Thank you, Mr. President.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 654. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Louis Caldera, of California, to be Secretary of the Army.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL CHARACTER COUNTS WEEK

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 418, S. Res. 176.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 176) proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week''.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements regarding the legislation appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 176) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 176

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of our Nation and to recognize that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, ''Effective character education is based on core ethical values which form the foundation of democratic society.'';

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, ''The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.'';

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of October 18 through October 24, 1998, as ''National Character Counts Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

NATIONAL BONE MARROW REGISTRY REAUTHORIZATION ACT OF 1998

Mr. ENZI. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 2202, and further that the Senate precede to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I ask unanimous consent that the bill be considered, read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 2202) was considered, read the third time, and passed.

NATIONAL DROUGHT POLICY ACT OF 1998

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 416, H.R. 3035.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3035) to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. I ask unanimous consent that the bill be considered, read a third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 3035) was considered, read the third time, and passed.

Mr. DOMENICI. Mr. President, I am very pleased that the Senate today has passed the National Drought Policy Act of 1998. I introduced the National Drought Policy Act of 1997 a year and a half ago in response to the devastating drought suffered in New Mexico and the rest of the Southwest in 1996. The Senate passed that legislation, and Representative SKEEN introduced H.R. 3035. The time is indeed ripe to send this legislation now to the President, as once again the Southwest may face devastating drought conditions.

The drought of 1996 was a natural disaster that cost $5 Billion in the Western United States. Already this year,

drought conditions in Texas are parching farming and grazing lands that will cost an estimated $1.7 Billion in crop and livestock losses. Drought conditions are also being reported in areas throughout the South. And the summer of 1998 has not yet officially begun.

Every region in the United States can be hit by these catastrophes. Yet, while drought is so pervasive and affects the economic and environmental well-being of the entire nation, the United States is poorly prepared to deal with serious drought emergencies. As a result of the hardships being suffered in every part of my state last year, I convened a special Multi-State Drought Task Force of federal, state, local, and tribal emergency management agencies to coordinate efforts to respond to the drought. The Task Force was ably headed up by the Federal Emergency Management Agency, and included every federal agency that has programs designed to deal with drought.

Unfortunately, what the Task Force found was this: although the federal government has numerous drought related programs on the books, we have no integrated, coordinated system of implementing those programs. Drought victims in this nation do not know who to turn to for help, and when they finally do find help, it is too late and totally inadequate. The gradual nature of drought devastation underscores the need for drought management rather than drought response.

This legislation will be the first step toward finally establishing a coherent, effective national drought policy. The House-passed bill only slightly modifies my original language which passed the Senate in November. The National Drought Policy Act of 1998 creates a commission comprised of representatives of those federal, state, local, and tribal agencies and organizations that are most involved with drought issues. S. 222 charges the commission with providing recommendations on a permanent and systematic Federal process to address this particular type of devastating natural disaster.

Unfortunately, drought conditions are a way of life in my region of the country. But better planning on our part, and with the recommendations of the Drought Commission established by this legislation, may limit some of the damage. I look forward to the President's prompt signing of this important legislation.

ORDERS FOR THURSDAY, JUNE 25, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 25. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 2057, the defense authorization bill.

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

PROGRAM

Mr. ENZI. Mr. President, for the information of all Senators, the Senate will reconvene on Thursday at 9:30 a.m. and resume consideration of the defense authorization bill. Under the previous order, Senator WELLSTONE will immediately be recognized to offer an amendment regarding DOD schools under a 30-minute time agreement. At the expiration of the debate time, the Senate will proceed to vote on or in relation to the Wellstone amendment.

Following that vote, there will be 10 minutes for closing remarks with respect to the Inhofe amendment regarding BRAC, with a vote occurring following the debate. There will then be 10 minutes for closing remarks with respect to the Harkin amendment relative to VA health care, followed by a vote in relation to that amendment.

Therefore, three votes will occur beginning at 10 a.m.

Mr. President, I now ask unanimous consent that the previously mentioned debate times be equally divided in the usual form.

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

Mr. ENZI. Mr. President, following those votes, it is hoped that the Members will come to the floor during Thursday's session to offer and debate amendments, with the understanding that the bill will be concluded during Thursday's session.

Also, the Senate could be asked to consider, under short time agreements, the clean needles bill, the reading excellence bill, the drug czar reauthorization bill, any available appropriations bills, and any other legislative or executive items that may be cleared for action.

Also, the Senate can be expected to consider, prior to the Independence Day recess, the higher education bill. Therefore, Members can expect a busy session Thursday and Friday of this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:27 p.m., adjourned until Thursday, June 25, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 24, 1998:

THE JUDICIARY

BARRY P. GOODE, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE CHARLES E. WIGGINS, RETIRED.

ROBERT BRUCE KING, OF WEST VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE KENNETH K. HALL, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA V. ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 27, 2001, VICE DANIEL GUTTMAN.

CONFIRMATION

Executive nomination confirmed by the Senate June 24, 1998:

DEPARTMENT OF DEFENSE

LOUIS CALDERA, OF CALIFORNIA, TO BE SECRETARY OF THE ARMY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 24, 1998, withdrawing from further Senate consideration the following nomination:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

DANIEL GUTTMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001, VICE EDWIN G. FOULKE, JR., TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 1997.