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# Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999 *(Continued)*

BOSNIA LANGUAGE

Mr. FEINGOLD. Mr. President, I rise today to comment on the provisions of the Department of Defense authorization bill relating to the United States military mission in Bosnia-Herzegovina. The amendment offered by the Senator from South Carolina (Mr. THURMOND) expresses the sense of the Congress that United States ground troops should not remain in Bosnia indefinitely. The amendment offered by the Senator from New Hampshire (Mr. SMITH) would have required that none of the funding authorized or appropriated for the Bosnia mission under this bill be expended after March 31, 1999, unless both Houses of Congress had voted on the continued deployment of U.S. ground troops in Bosnia.

I supported both of these amendments because I firmly believe that it is of paramount importance for the Senate to go on record at every opportunity with respect to the U.S. mission in Bosnia. It is especially important that the Senate go on record as a part of the Department of Defense authorization bill, which is perhaps the most important piece of defense-related legislation that this body debates each year because it is the framework under which our military will be funded over the next fiscal year.

I have opposed the Bosnia mission since its inception because I did not believe then—and I do not believe now—that the Administration has presented a list of clear, achievable objectives and a definite exit strategy to the American people. To date, taxpayers have paid more than $9 billion for this ill-defined mission.

I am pleased that the second-degree amendment offered by the Senator from Arizona (Mr. MCCAIN) to the Thurmond amendment calls upon the President to submit a report on the status of the Bosnia mission with each future request for additional funding for this mission. To date, the Administration has repeatedly come to the Congress seeking more and more money for this mission and offering little justification in return. The McCain language asks the Administration, with each additional funding request, to provide specific information on the Bosnia mission, including objectives for reaching a self-sustainable peace and a schedule for achieving them, and future cost and risk assessments involved with this mission.

Of course, I support our men and women in uniform and the commendable job they have done to help to implement the Dayton Accords and to achieve a lasting peace in Bosnia. What I cannot accept is the mission creep and uncertainty that these men and women are forced to live with, and the hefty price tag the American people have been forced to pay.

While I supported the Thurmond amendment, I would have liked to see stronger language, including calling on the President to devise an exit strategy that included a date certain for the transfer of chief responsibility for this mission from United States forces to European forces. It is my firm belief that the longer U.S. troops remain in the region, the harder it will be for them to leave. We must call upon our NATO allies to assume responsibility for this mission.

In the past, I have supported both a date certain for troop withdrawal, and efforts to cut funding for this mission. I also have come to the floor to express my concerns about the expanding nature of this mission. I would also like to express again my continuing frustration with the emergency designation for the funding for this mission, which is clearly no longer an emergency.

I regret that the Administration chose to deploy troops to Bosnia in 1995 without seeking prior congressional approval. I also regret that this mission has continued far past its original one-year time frame, and that our troops have been asked once again to continue down an uncertain path toward an ill-defined goal. In December 1997, the President abandoned the purported June 1998 exit date and replaced it with a series of so-called ''benchmarks'' for U.S. withdrawal. Today, on the 25th day of June 1998, the end of this mission is nowhere in sight. I hope that the Administration will hear clearly the sentiments expressed by the Senate through the Thurmond amendment, which has been adopted overwhelmingly by this body.

PROHIBITION ON EXPANSION OF SALE OF ALCOHOL

Mr. BYRD. Mr. President, I am pleased that the Senate adopted the amendment I submitted to S. 2057 that puts the Senate on record in opposition to the attempt being made to increase the number of military stores that sell wine and beer. Although alcohol is available for sale on military bases, it is not for sale in the commissary stores along with the groceries. Specifically, my amendment would prohibit the Secretary of Defense from conducting a survey of commissary patrons to determine whether or not they would support the sale of beer and wine in commissaries. In addition, the amendment would prohibit a demonstration project to evaluate the merit of selling wine and beer in commissary stores at exchange store prices. Mr. President, that is the wrong direction in which to take our military. We should be trying to deglamorize alcohol, not taking steps that tend to promote its use. An expansion of accessibility will likely lead to an increase in the military of all the problems that go hand and hand with alcohol use in civilian life; the negative health consequences, the loss of productivity, the cost to society, the increase in violence and crime, and the increase in sexually transmitted diseases. Why in the world would we want

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



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to embrace such a policy as expansion of access to alcohol as official government policy! Life in the military already has its share of stress—long hours, a rigid hierarchy of command, constant training, travel, and long deployments overseas. Let us not expand the opportunities to pour more fuel on any smoldering embers of alcohol abuse in our population and add to these stresses and strains. Let us keep our soldiers fit and sober, clear-headed and ready to defend our national security interests, and hope that such a policy sets an example which other entities in our society will embrace.

Mr. SANTORUM. Mr. President, the 1999 Defense Authorization bill before us contains a demonstration project that would allow some DoD-eligible retirees to join FEHBP plans, under a separate risk pool. It is my understanding that this ensures that DoD retirees who enroll in this demonstration project are able to choose from competing, private sector FEHBP plans. It is also my understanding that retirees, like other FEHBP-eligibles, will be able to choose among plans that offer fully integrated health care benefits that use market-based competition to control cost and improve quality of care.

Mr. THURMOND. Yes, we fully expect that OPM and DoD will conduct a demonstration project that provides military retirees with the same health care services provided through the same private sector delivery systems that serve today's FEHBP beneficiaries.

Mr. SANTORUM. I thank the Chairman. I appreciate this clarification and I look forward to evaluating the success of the FEHBP demonstration along with the two other demonstration projects included in this bill.

Y–12 PLANT IN OAK RIDGE, TENNESSEE

Mr. THOMPSON. I know the Chairman of the Armed Services Committee agrees with me that nuclear deterrence is the cornerstone of our national defense policy, and we should do everything we can to maintain a strong, viable nuclear deterrent in this country. This requires a robust nuclear weapons program, the ability to ensure that our weapons are both safe and reliable, and the ability to remanufacture any component of any weapon in the stockpile at any given time.

Mr. THURMOND. The Senator from Tennessee is correct. We must preserve our capability to manufacture weapons and weapons components, and we must maintain ongoing weapons surveillance and assessment activities. The four weapons production plants—including the Y–12 plant in the Senator's home state of Tennessee—are key to achieving these goals.

Mr. THOMPSON. As the Chairman knows, production activities at Y–12 were placed in a stand down mode on September 22, 1994, due to procedural and criticality safety concerns identified by the Defense Nuclear Safety Board. Since then, Y–12 has made significant progress improving its operations throughout the plant. Since the stand down, Y–12 personnel have worked tirelessly to restart operations in the following mission areas: Receipt and Shipment, Disassembly and Storage Operations, Depleted Uranium Operations, and Stockpile Surveillance, while continuing to meet all defense mission requirements.

Mr. THURMOND. I agree with the Senator that the staff of Y–12 have worked hard to bring operations back up to full speed. I was very pleased to see that, earlier this month, Y–12 resumed the last of its production missions: Enriched Uranium Operations.

Mr. THOMPSON. The Chairman is correct. On June 8, 1998, Y–12 cast its first enriched uranium part since September, 1994. This achievement is a credit to the dedication and commitment of everyone at Y–12, and is a testament to the leadership and management expertise of Lockheed Martin and their teammates at the Department of Energy. It is also critically important to our national security, because Y–12 operations are crucial to the success of our Stockpile Life Extension Program. In fact, Y–12 is currently involved in the life extension program for the Peacekeeper Missile warhead, called the W87. Initial delivery of key components of this weapon are due at the end of this year, and manufacturing will continue for several years.

I am very pleased that operations at Y–12 are up and running again, so that these critical national security missions can continue on schedule and uninterrupted. In that vein, I want to express my concern about any action on the Department of Energy's part that would disrupt the progress that has been made at Y–12 and jeopardize the timely completion of this very important Stockpile Life Extension project.

Mr. THURMOND. I share the Senator's concern, and I urge the Department to make every effort not to disrupt the tremendous progress that has been made at Y–12. The production activities taking place at the plant are a critical component of our national security policy.

Mr. THOMPSON. I thank the Chairman.

DOD TEACHER QUALITY

Mr. BINGAMAN. When the Armed Services Committee met to mark up the FY 1999 Defense Authorization bill, I introduced a measure designed to encourage the Department of Defense schools to assure the high quality of its faculty in DoD schools. Senator COATS and I have discussed ways to improve the proposal and have agreed on words that we believe would be appropriate to include in the Conference report on the Defense Authorization bill.

Mr. COATS. That's correct, Senator BINGAMAN. I believe the words we have agreed to here will encourage the Department to emphasize hiring high quality instructors for the Department's schools. In my view, the most appropriate vehicle at this point to incorporate this initiative in the defense bill is to seek a provision in the Conference report. Senator THURMOND, would you assist our efforts to do so during the upcoming conference?

Mr. THURMOND. I appreciate your efforts to assure continued high quality education in Department of Defense schools and I'll work to see that the provision you seek is adopted in conference.

COUNTERNARCOTICS MISSION

Mr. DEWINE. Mr. President, in 1989, President George Bush called drugs ''the gravest domestic threat facing our nation today.'' Almost nine years later, that threat still exists.

That same year, President Bush tasked the Defense Department to play an important role in the drug war. Specifically, the Defense Department was tasked to engage in the detection and monitoring of drugs in transit towards the United States. At that time, counter narcotics, and drug interdiction were key components of our nation's drug control strategy. As a member of the House of Representatives at that time, I can recall very well the investments we dedicated toward the international and interdiction components of the war on drugs. These investments made a difference. We made a dent in the drug industry. The price of cocaine increased. Drug use declined significantly.

That was 1989. In 1992, the focus and the level of commitment toward a comprehensive drug control strategy has diminished. The drug threat is as strong as ever, but the same cannot be said for our drug interdiction efforts. It's not just a case of fewer resources, it's a case of diminished priorities. In fact, in its list of priorities, the Defense Department currently ranks counter-narcotics dead last in its mission statement.

This is an unfortunate mistake.

Mr. President, it's time we re-ordered our priorities. That is why last week, my friend and colleague from Florida, Senator GRAHAM, myself and Senator GRASSLEY and Senator HELMS, introduced an amendment to the Defense Authorization bill. This amendment, which was adopted by the Senate last week, simply states that a higher priority should be given within the Defense Department to drug interdiction and counterdrug activities. Specifically, our drug control mission should be ranked at the same level as our peacekeeping operations. I thank my colleagues for accepting my amendment by unanimous consent. It is my hope that the final bill will contain similar language.

The facts bring us to no other conclusion—it's time to make drug interdiction a priority again. In 1988, close to 2 million adolescent Americans were drug users, and by 1992, that number was down by 25%. At that time, we had a balanced drug control strategy—with sufficient investments in the key components: interdiction, treatment, education and law enforcement. During

that same period, marijuana use dropped by over 16 percent and cocaine use was down 35 percent. Our efforts were concentrated and effective—with inspiring results.

Mr. President, that progress ceased in 1992, and since that time, teenage drug use has more than doubled—and the ramifications have been far-reaching. For example, drug-abuse related arrests for those under the age of 18 in 1996 were twice those of 1992. Health costs continue to rise as this plague spreads uncontrollably.

Youth drug use is on the rise because drugs have increasingly become both more available and more affordable. The Office of National Drug Control Policy has reported that small ''pieces'' or ''rocks'' of crack, once sold for ten to twenty dollars, are now available for three to five dollars. The street price of drugs is decreasing and our efforts to limit their supply are failing.

Mr. President, this increase in illicit drug use can be traced in part to the decline in counter-narcotics as a priority for national defense policy. In 1992, Department of Defense funding for counter-narcotics activities in transit areas was over $500 million. A steady trend in decreased funding brought it down to an all-time low of $214 million in 1995. Mr. President, that is more than a 50% decrease in funds. Thankfully, due to efforts by my Senate and House colleagues, last year's allocation was increased to $300 million. However, we are nowhere near the 1992 levels.

In recent years, the Department of Defense has been called upon to support counter narcotics activities in transit areas in the Caribbean. However, assets critical to the drug interdiction effort have been consistently diverted to matters considered a ''higher priority.''

Mr. President, this decrease in funding has had an unfortunate impact on our drug interdiction efforts in the Caribbean. For example, the number of days per year that our ships spend patrolling the Caribbean has shrunk by two-thirds. Some of our key interdiction agencies have reported that the ships and manpower needed for effective interdiction are unavailable. Also, there radar system is less extensive—and even if drug traffickers can be identified, we lack the manpower necessary to intercept and seize the illegal drug imports. In 1996, only half of the known maritime drug events detected resulted in apprehension or seizure. Our defenses are down and the drug lords are taking advantage of this weakness. Added to this decline in resources is the increase in more sophisticated resources utilized by the drug cartels.

According to the State Department, about 760 metric tons of cocaine were produced in South America in 1996. Of that, 608 tons were destined for the United States through the transit zone. U.S. government agencies that deal with cocaine seizures indicated that with additional equipment, annual cocaine seizures can be significantly increased. The Department of Defense, however, has indicated that it will not be able to provide these additional assets because of other priorities.

Mr. President, this attitude was not acceptable in the late 1980's and it should not be acceptable now. It is necessary that we once again implement an effective transit zone operation as an integral measure to limit the availability of illicit drugs to our youth.

It is time to renew drug interdiction efforts, provide the necessary equipment to our drug-enforcement agencies, and make the issue a defense priority again. I thank my colleagues for supporting this amendment and helping turn the tide of the drug crisis in our country.

Mr. ALLARD. Mr. President, I rise today to discuss language in the DoD authorization report contained in the ''Additional Matters of Interest'' section. The language in the DoD Authorization targets an amendment Senator WYDEN and I were able to get accepted during the Superfund markup.

Earlier this year the EPW Committee marked up S. 8, which if passed and signed into law would significantly improve the Superfund program. At markup Senator WYDEN and I proposed an amendment clarifying the waiver of sovereign immunity currently contained in Section 120 of Superfund. A waiver of sovereign immunity basically allows private parties and state and local governments to bring suit against the federal government for noncompliance.

This original waiver was added in 1986 when Superfund was last reformed and was accepted with broad bipartisan support. The intent of Section 120 is clear and unambiguous to those who research the legislative history and read it faithfully. The words are plain and they read: ''Each department, agency, and instrumentality of the United States (including the executive, legislative, and judicial branches of government) shall be subject to, and comply with, this chapter in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under section 9607 of this title.''

My reading of this is that the federal government needs to comply with the law just like any private party or state or local entity.

As Senator Stafford said during passage of the 1986 Superfund amendments, ''. . . the legislation recognizes the reality that, only in unusual cases, th[at] national security may require issuance of circumscribed Executive orders exempting a Federal facility from the requirements of the Superfund Amendments and Reauthorization Act of 1986. In all such cases, Executive orders should adopt the method of protecting legitimate national security interests that maximize compliance with the environmental and health requirements imposed by the legislation. For example, it may be appropriate to require EPA employees reviewing cleanup plans [to] obtain a national security clearance, but it would not be appropriate to exempt such plans from national cleanup standards simply because EPA employees are assigned to ascertain what standards should apply to the cleanup.'' However, the language in the '86 Amendments was not exact enough and wiggle room was left for the Federal government to avoid their environmental responsibilities. Unfortunately, even though our amendment is merely clarifying, some in the Senate would like to maintain dual cleanup standards, one for those who live near a private National Priority List (NPL) site and another for those who live near an NPL site the federal government has responsibility over. Simply put, that should not be happening.

The Armed Services Committee has expressed concern with our Amendment and has even gone so far as to include report language in their bill commenting on legal language in another bill. Further they have asked for a study on the cost of our amendment.

I provide the above background as context for my reply to the Committee's characterization of our amendment to S. 8. In their report the Armed Services Committee made several claims with which I disagree. They also make claims which can be disputed which are outlined below:

(1) the report states that, ''[t]he amendment would require federal facilities to comply with state and local substantive and procedural requirements, rather than the uniform, national process described in the National Contingency Plan.'' The implication is that federal facilities would no longer be subject to the National Contingency Plan (NCP) and that all cleanups would be done pursuant to state and local law. That is not the case. What our amendment in Committee simply did was allow state, local, and to some extent EPA the authority to enforce compliance with current Superfund and similar State and local laws. Enforce the current Superfund law including its implementing regulations, the NCP, and similar state and local laws against federal facilities just as they would against private parties. I have attempted to make this point clear in the past and I will attempt to do so once again, this amendment would ensure that Federal entities are held to the same standard of compliance as local, state, and private parties. Nothing more, nothing less.

(2) The report also states that, ''[u]nder current law, Federal facilities are already subject to state laws concerning removal and remedial action, including laws regarding enforcement (42 U.S.C. 9620(a)(4)), but state challenges must be brought after remedial action is complete. (42 U.S.C. 9613 (g))[sic]'' The Federal government has not followed this section of law faithfully, in reality they have argued that it merely requires them to comply with

substantive sections of the law, for example, Applicable or Relevant and Appropriate Requirements (ARAR's). As evidence of this is a letter from the Chief Counsel for the National Guard Bureau on September 13, 1996 to Assistant Attorney General Steve Shackman, regarding Duluth Air Force Base State Superfund Site. In this letter Mr. Hise asserts that, ''[c]ompliance with a state CERCLA law's substantive requirements, via the ARAR's process [which includes provisions to waive ARAR's], fulfills CERCLA's legal requirements.''

To state it once again, my concern is that, even though the report asserts that States can take action under 113(h) after remedial action is complete the federal polluters do not acknowledge this section means what it says. Instead, they maintain it only requires them to comply with state standards as ARARs. In fact, the only case in this area, U.S. versus Colorado, held that the federal government could not escape regulation under an authorized state RCRA program merely by listing on the NPL. Clearly, clarification is necessary that Congress intended all federal agencies to comply with this law in substance and procedure.

Beyond the merely incorrect statements in the report there is a fundamental difference in philosophy. In my view the Federal government needs to be held to the same standard as any other entity. If we are going to have a Federal Superfund law then it should apply to everyone. In other words everyone needs to be in the same bath tub with the same scrub brush. I believe this was true when we made all laws applicable to Congress and believe we need to make at the least this law applicable to all Federal agencies.

When I proposed this amendment in Committee it was claimed that it would cost the government too much money. In fact, if we examine what has occurred under RCRA, which has had the same language in effect since 1992, the conclusion is the opposite. A study done by the EPA entitled, The Federal Facility Compliance Act: Enforcement Analysis of RCRA Administrative Orders at Federal Facilities indicates that State governments have been easier on the Federal government than the EPA. The study found the following: while Federal orders averaged 369 days before settlement, state orders averaged 196. Also, during the study period the EPA fined Federal facilities over $9 million while states fined Federal facilities only slightly over $4 million. In other words those who claim the states will gold plate remedies have no basis for that belief.

Finally, I note that the Armed Services Committee has asked for a study which is due at the end of September outlining the additional potential liability a Superfund waiver would incur. I'm not opposed to such a study but I am sending a letter to the President's Council on Environmental Quality bringing it to their attention and asking them to oversee the collection of the data. I am certain that the authors of the amendment wouldn't object to such oversight which would avoid the perception of the fox guarding the chicken house.

Mr. KENNEDY. Mr. President, I support the National Defense Authorization Bill for Fiscal Year 1999. The need for a strong and capable military was clearly demonstrated during the Iraqi crisis over the UN-mandated inspections. Our forward-deployed forces were quickly strengthened by additional personnel as the crisis deepened. The diplomacy of United Nations Secretary General Khofi Annan, backed up by the credible, on-scene forces of the United States Armed Forces, successfully kept the peace.

This bill provides the proper support for our military forces while maintaining a realistic balance between readiness to take care of immediate needs, and the needed investment to develop and procure new systems for the future.

The bill provides for those who serve in uniform today, and those who gave this country so much during their careers in military service. A fully funded and well-deserved 3.1% pay raise for military personnel is included in the bill.

Additionally, the bill includes a provision for the Department of Defense to initiate a comprehensive test plan to evaluate the best way for us to provide health care to retired military personnel and their families who have reached the age of 65. The plan will build on the Medicare test program included in last year's Bipartisan Budget Agreement. The new expanded plan will include test sites for participation in the Federal Employees Health Benefit Plan, the Department of Defense's Tricare health care program, and a mail order pharmacy program to reduce out-of-pocket costs.

The daily operations of our military forces have obvious risks and dangers. All branches of the Armed Forces have made progress in improving safety in the military, but more remains to be done. I commend the Department of Defense for its accelerated installation of needed additional safety systems on military aircraft that carry passengers.

This bill also includes a worthwhile provision to evaluate the way the Pentagon investigates aviation accidents. We must ensure that no stone is left unturned in finding the cause of every accident and taking the necessary corrective action to reduce the risk of future accidents.

The growing frequency and sophistication of attacks on the Pentagon's computer networks highlight the need for improved protection of critical network infrastructures. This bill includes research and development funding for the exploration and development of defenses against cyber attacks. This step will greatly improve the Pentagon's focus on this growing threat.

In the past eight years, the Navy-Marine Corps team has responded to over 90 contingencies—almost one per month. As the Ranking Democrat on the Seapower Subcommittee of the Armed Services Committee, I am pleased that the bill provides the support necessary for our naval forces as they modernize to meet the challenges of tomorrow.

The bill includes the necessary advance procurement funding for Fiscal Year 1999 for the Navy's next aircraft carrier, CVN–77. The Navy's procurement schedule for the next carrier, revised from its budget submission of last year, will be under the cost cap mandated in last year's defense bill. Also, much of the new technology being developed for the next generation aircraft carrier, the CVX, will be included in CVN–77.

The budget request for the Navy's F/A–18E/F Super Hornet and the Marine Corps' MV–22 Osprey tilt-rotor aircraft is fully funded. The Super Hornet combines the outstanding characteristics of earlier F/A–18 models with cutting edge technology in an affordable aircraft with significantly improved performance and endurance. The MV–22 Osprey is a vertical take-off and landing aircraft designed to replace the Marine Corps' aging fleet of CH–46 and CH–53 helicopters.

In contrast to these aspects of this bill, I do have concerns about reductions in the Administration's budget request for the Cooperative Threat Reduction Program, demilitarization of chemical weapons, and the nuclear weapon stockpile stewardship program. I hope that these reductions will be corrected in the final bill.

The Cooperative Threat Reduction program is the most cost-effective program for reducing the dangers of nuclear weapons. Thousands of nuclear warheads remain in the nations of the former Soviet Union. The Cooperative Threat Reduction program plays a key role in the control and dismantling of these weapons. We must continue this all-important program and ensure that every single nuclear warhead is secure, and eventually destroyed.

Funding reductions in the chemical weapons de-militarization program will endanger our ability to comply with the provisions of the Chemical Weapons Conventions Treaty approved last year. As a world leader and the only superpower, we have an obligation to lead the worldwide effort to eliminate chemical weapons. I urge the restoration of these funds.

All of us have grave concerns over the recent nuclear testing in India. Russia and the United States continue to work hard to reduce the world's stockpile of nuclear weapons. India and other nations must also be involved in the reduction and eventual elimination of all nuclear weapons.

The Comprehensive Test Ban Treaty is a major milestone on the road to a nuclear free world. A cornerstone of the implementation of this treaty is the Department of Energy's Stockpile Stewardship Program. We must be able

to certify that our remaining stockpile of nuclear weapons is reliable, while reducing the number of nuclear weapons through START II and, hopefully, a START III treaty.

The Stockpile Stewardship Program is the key component in verification of the reliability of our nuclear weapons. The program has experienced a fundamental shift in policy since the United States ceased live testing of nuclear weapons. The Department of Energy is developing new capabilities to complete this certification without live testing of nuclear weapons. The funding cuts in the budget request will hinder these efforts. I urge the restoration of these funds to the Stockpile Stewardship Program.

In closing, I welcome the opportunity to commend the distinguished services of the members of the Committee, particularly the extraordinary services of the three members who will be leaving the Senate at the end of this Congress. Their efforts have added significantly to this year's Defense Authorization bill. The Airland Subcommittee has benefited from the efforts and insights of Senator GLENN and Senator COATS. Senator KEMPTHORNE's able leadership of the Personnel Subcommittee has ensured that the needs of our service men and women are paramount in this legislation. It has been a privilege to work with these able members of the Committee over the years, and we will miss their leadership in the years ahead.

Mr. BIDEN. Mr. President, I want to say a few words about the admirable work of the Senate Armed Services Committee. For the past two years, we have had budget agreements that have forced the Committee to make tough choices with shrinking resources. Under the able leadership of Chairman THURMOND and the Ranking Member, Senator LEVIN, the Committee has once again enhanced the quality of life for our brave men and women in uniform and have invested in programs vital to our future fighting forces. As the Ranking Member on the Foreign Relations Committee, I am constantly reminded of how vital a strong military is to protecting American interests and security around the world. I have said it before and I'll say it again, for diplomacy to be effective, not only must it be adequately funded, it must also be backed by a strong military and superior intelligence activities.

But, Mr. President, before I say any more about this bill, I want to say a word or two about Chairman THURMOND. His service to this nation has been truly remarkable. From the beaches of Normandy to the halls of the U.S. Senate, he has shown an outstanding dedication and commitment to doing the work of this nation. He and I worked together on the Judiciary Committee for 12 years—he was Chairman for the first 6 years and I was Chairman for the last 6. Then, as now, he has been a leader by example. He is one of the most remarkable individuals I have ever had the privilege of working with. We are not merely colleagues, we are friends.

He has served on the Armed Services Committee for 40 years, the last 4 of which he has been its Chairman. This is his last year as Chairman, so I want to say now what deep respect I have for the Senior Senator from South Carolina's military expertise and for the able manner in which he has worked with Senator LEVIN to keep our military strong. The Committee, the Senate, and the American people have gained from Senator THURMOND's leadership and his willingness to work with Senators from both parties to put America's national security interests ahead of partisan interests.

This bill is an example of that. It includes a 3.1 percent pay raise for military personnel. It also includes an important increase in hazardous duty incentive pay for mid- and senior level air crew personnel. I thank my colleagues for joining me in addressing that concern and showing these experienced personnel that we value their unique and vital contribution to America's national interest.

In addition, there is an important $12 million increase in C–5 airlift squadrons research and development. This money is critically needed by the Air Force to examine the needs of these crucial aircraft as new technology becomes available to improve their performance. As many already know, the C–5 is capable of carrying more cargo than any other aircraft in our military. It has supported military operations from Vietnam to Desert Storm to the current operations in Bosnia and the Persian Gulf. I applaud the Committee's foresight in providing the money necessary to maintain these planes at peak performance levels.

Mr. President, I also want to take a minute to talk about the health care demonstration programs in this bill. With the growth in the number of retired military personnel, the rising costs of health care in general, and the closing of military bases, great strains have been placed on military medical facilities. This, in turn, has placed in some jeopardy the idea of guaranteeing high quality health care to our military retirees.

Last year, Congress recognized this growing problem, and we took a step in fixing it. Last year's Defense Authorization bill included a demonstration project on Medicare subvention—where Medicare reimburses military medical facilities for the treatment of retirees who are also eligible for Medicare. I am pleased that the Dover Air Force Base in Delaware has been selected as one of the six sites for this national demonstration project.

Again, this was a first step. But, there are other ways that might help us to fulfil our commitment to military retirees. And, so I strongly support the three additional health care demonstration projects in this bill—one to allow military retirees to participate in the Federal Employees Health Benefits Program once they reach age 65; one to allow retirees to continue their eligibility for TRICARE and not have to switch to Medicare when they turn 65; and one to allow military retirees who are also eligible for Medicare to continue to participate in the Department of Defense's mail order pharmacy program.

Providing health care is an obligation we owe to our military retirees. It is a promise we made—but a promise that is now in jeopardy. The health care demonstration projects in this bill will not solve the problem we face. They are, after all, only demonstrations. But, hopefully, they—along with last year's Medicare subvention demonstration project—will help point the way to a solution so we can ensure that the federal government upholds its commitment to the men and women who so bravely served our country.

Mr. President, this bill includes an amendment that I joined with four colleagues in voting against yesterday. It was a compromise Sense of Congress resolution offered by Senator LEVIN, Senator COATS, and Senator THURMOND, regarding budgeting for continued participation of United States forces in NATO operations in Bosnia and Herzegovina.

The three cosponsors deserve credit for their hard work in having crafted what was, in the main, a very well thought out amendment. It contained several positive elements. And their compromise amendment was far preferable, in my opinion, to another amendment on U.S. forces in Bosnia, which Senator HUTCHISON and Senator BYRD were considering introducing.

Nonetheless, I voted against the compromise amendment, and I would like briefly to explain the reasoning behind my vote.

First, I agree with the amendment's intent to keep the pressure on our European allies to constitute the bulk of ground forces in the Stabilization Force, known popularly as SFOR. I want to clarify, however, that non-American forces already make up approximately three-quarters of the SFOR total.

Second, I am in complete agreement with the amendment's not giving a date-certain for the withdrawal of United States ground combat forces from Bosnia and Herzegovina. Such a date-certain would constitute the worst kind of micro-management of military affairs by the Congress, and would quite likely endanger the lives of American troops on the ground.

My principal reason for voting against the compromise amendment is that I do not agree that our goal should be a withdrawal of all United States ground combat forces from Bosnia and Herzegovina as long as a NATO-led stabilization force remains in that country.

To be perfectly candid, Mr. President, I believe that such a move would serve to undermine American leadership in NATO. Even Combined Joint

Task Forces, commonly known by their CJTF acronym, should, unless there are exceptional circumstances, have a U.S. ground combat force component. While American air, naval, command and control, logistical, and intelligence support, and even a ready reserve over-the-horizon force in the region would be vital to any future mission, the participation of some American combat ground forces will remain a vital bona fide of U.S. commitment to Alliance operations.

In other words, for the United States to retain control of NATO-led operations, we must be present in all components of missions, including on the ground. This would apply to any follow-on force in Bosnia, whether it is NATO-led or is a CJTF with the Western European Union.

Let me pose a question to my colleagues. If the Bosnia ground operation becomes a purely European affair, do they not think that pretty soon some of our European allies will begin to question whether an American should continue to serve as Supreme Allied Commander Europe (SACEUR)?

I for one think the answer is yes. The compromise amendment, against which I voted, may, I fear, begin to set in motion a process that will severely erode American leadership in NATO.

Lest anyone thinks that my fears are far-fetched, I would remind my colleagues that France has already called for a European to take over command of Allied Forces Southern Europe (AFSOUTH) in Naples and that initially the French were supported by several other European allies.

Keeping a contingent of U.S. ground combat troops in all NATO and NATO-led missions is a powerful symbol of American leadership and is recognized as such by allies and potential foes alike. We should think long and hard before advocating a change in that policy.

Mr. President, I will conclude where I began. I compliment the managers of this bill and the Armed Services Committee for providing a bill that continues to strengthen our nation's national security. It enhances the quality of life of our loyal and dedicated men and women in uniform. It addresses important weapons systems needs and takes steps toward finding the best way to meet our health care obligations. While I disagree with the Bosnia provision added for the reasons I've already mentioned, I think this bill gives America the strong military it needs to support our diplomatic work and to promote our national security interests.

Mr. MCCAIN. Mr. President, every year I come down to the floor of the Senate and ruminate over the propensity of Members of Congress to add programs to spending bills solely, or at least primarily, for parochial reasons. The majority of us in Congress who supported the line-item veto were ostensibly doing so as an overdue reaction to the profligate spending practices that, over time, resulted in a $5.5 trillion federal deficit. The fact that we have a balanced budget for the first time since 1969 should not detract from the fact that we continue, as a result of past spending practices, to pay as much per year in interest on the federal debt as we do for national defense.

The practice of adding programs to spending bills for parochial reasons has not abated, as a review of the ISTEA legislation reminds us. For many of us in the Senate, however, there has been a growing consensus that inadequate resources are being allocated for national defense, and that the financial burden associated with foreign operations like those in Bosnia and Southwest Asia, the funding for which is repeatedly ignored in Administration preparation of annual budget submissions, is seriously exacerbating readiness and modernization problems stemming from the combination of shrinking force structure and expanding commitments. When the stress from these conflicting trends is combined with the fact that no funding was added by Congress to the national defense portion of the federal budget for the first time since President Clinton took office, the seeds of a further, serious degradation in the state of our Armed Forces are firmly planted.

Because Congress did not add to the Administration's request for national defense, it would have seemed to be incumbent upon Members to act with a modicum of responsibility and not perpetuate funding problems with a business as usual approach. Unfortunately, we have once again failed to live up to that relatively minor expectation. The bill before us is one more example of why the President's failure to adequately exercise his line-item veto authority last year has provided Members every incentive to manipulate the budget process for the good of individual districts or states and, often, at the expense of what is best for the Armed Forces.

In my remarks last year, I was highly critical of the politicization of the services' unfunded priorities lists. That concern remains to some degree. My comments today include items that were added to the Administration's request and are on the unfunded priorities list both because of my concerns about the integrity of the process through which those lists are produced and because the lists were always submitted in the past within the context of congressionally-implemented additions to the defense budget. As additions to the budget request this year had to be offset within the 050 account, I have included projects added by Members even if they are on the lists because, in some instances, they are displacing funding from higher priority programs.

I commend the chairman of the Acquisition and Technology Subcommittee for his valiant effort at minimizing the usual considerable damage to science and technology programs that are the seed corn of our future. Senator SANTORUM deserves credit for the manner in which he has balanced the need to preserve high priority science and technology spending with the usual onslaught of frivolous pet projects inserted into the budget to mollify this university or that laboratory. It is unfortunate that he could not be spared the onerous and wasteful task of nevertheless finding funding for a number of highly questionable projects. Spending $1.5 million to study the effects on missile components of high frequency vibrations sounds reasonable. The only problem is, we have been studying that issue with regard to every missile and rocket designed since the dawn of the missile age. It is inclusive in the development of every such weapon system. This is not a better mousetrap; it s a classic waste of scarce resources.

Similarly, the $3 million added to the budget for research into stainless steel double hull technologies ignores the fact that privately-owned shipyards seeking to profit from the oil pollution act, which mandated that all future oil tankers be double hulled, have already conducted ample research into that area with financial incentives courtesy of the Title XI loan guarantee program. Additionally, what can the Navy learn from this project that it doesn't already know from its years of experience with high strength, light weight steels such as are used in the construction of submarines? Mr. Chairman, this is precisely the type of spending the majority party was supposed to oppose—the kind that helped create a huge federal deficit while diverting funding from higher priority programs.

No better example of Congress operating at its fiscal worst exists than the inclusion in the budget of more C–130J aircraft. The Air Force has repeatedly emphasized its huge surplus of C–130s, yet is forced to buy more completely irrespective of requirements and funding priorities. The annual addition to the defense budget of C–130Js—and we are buying enough of them to house the homeless in brand-new fuselages—is fiscally irresponsible in the extreme. To see four new aircraft added to the bill when the accompanying report is highly critical of the C–130J due to cost overruns and developmental problems sets a new standard for absurdity. What if we said, ''we don't need the Sergeant York air defense gun, it was a developmental nightmare, we can't afford it, it was canceled by the Reagan Administration, so let's add the purchase of some to this budget?'' It would be the only thing more incomprehensible than the continued acquisition of unrequested C–130s.

Lest anyone think that I exaggerate the budgetary impact of purchasing four unrequested, unneeded C–130J airframes, consider this: The cost of those aircraft is over $200 million. That is a lot of money at a time when we are struggling to pay for important quality of life programs and maintain readiness. Yet, this is not even the most

egregious example of unnecessary, unrequested spending in the budget. This bill also includes a $50 million down payment on a $1.5 billion amphibious assault ship that was not requested by the Navy.

The defense authorization and appropriations bills cannot continue to be the vehicle for pumping tax dollars into favored districts and states. There are $2.5 billion in Member-adds in this bill, a bill, to reiterate, that did not enjoy an increase in its top line. That means that the funding for these programs had to be found within the Defense Department s request. It means that the priorities of the military were ignored in favor of channeling dollars toward projects of low or nonexistent priority. How much more should we provide to the flat panel display industry, which should be funding its own research? With all due respect to Norway, a NATO ally, how long are we going to allow it to leverage its weapons purchases from the United States against our purchase of Penguin missiles, which the Navy has not requested?

Mr. President, there are a number of programs inserted into the budget by Members of Congress that bear little or no relation to the mission of providing for the common defense. There are programs that arguably will, over time, contribute to our national security. I further recognize that Congress does not exist to perfunctorily bless whatever recommendations emerge from the federal agencies we are tasked to oversee. The Constitution of the United States vests Congress with the authority to raise and support Armies. That is a responsibility some of us take very seriously. The practice of adding and earmarking funding for programs and activities that marginally contribute to the national defense in order to protect jobs, however, represents an abuse of that authority we should not countenance. We should take no pride in the fact that the Army was forced to accept the National Automotive Center as the focal point for the development of automotive technology. Why should the public not think the worst of us when they see their tax dollars handled so cavalierly?

These statements, which I make on every spending bill, get tiresome after a while. My colleagues don't like to hear them, and I certainly don't win any popularity contests on account of them. I would like to wax poetic about charging windmills, but I am under no illusions that my Dulcinea waits outside the chamber or that a final reward awaits me in the great beyond. All I ask is for it to stop. Adding ships, planes, helicopters and the usual myriad of arcane research and development projects to a defense bill at a time when the state of the Armed Forces continues to suffer from high operational rates and contracting force structure, when we struggle to provide military retirees the medical care they were promised when they enlisted, when the services are repeatedly telling us that they don't need what we insist they buy, does not speak well of Congress as an institution. I urge my colleagues to heed the warning not of me, but of the combatant commanders and the men and women in the field who are tired and leaving the military because we cannot get our priorities in order.

Mr. President, I will keep coming to the floor to rail against wasteful federal spending because I believe it is warranted, and not just a little cathartic. I thank you for indulging me once again and I ask unanimous consent that this list of programs added to the budget, most for the kind of questionable reasons to which I referred, be printed in the RECORD.

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

| *Program* | *In millions* |
|---|---|
| Army procurement: | |
| Aircraft procurement: | |
| US–35 air transport aircraft (3 A/C) | 15.9 |
| UH–60 Blackhawk Helicopters (8 A/C)[1] | 78.5 |
| Modification of aircraft: | |
| C–12 flight maintenance system | 6.0 |
| Apache longbow AH–64 training devices and modifications[1] | 40.2 |
| Weapons and other combat vehicles: | |
| M249 armor machine gun 7.62mm[1] | 6.5 |
| MK–19 grenade launcher[1] | 3.0 |
| Tactical and support vehicles: | |
| Family of medium tactical vehicles (600 units)[1] | 88.0 |
| High mobility multi-purpose wheeled vehicle[1] | 65.7 |
| Medium truck extended program (1,085 units)[1] | 63.9 |
| Combat communications: | |
| Army data distribution system (ADDS)[1] | 28.0 |
| SINCGARS tactical radio (reserves)[1] | 61.9 |
| ACUS modernization program (WIN–T/T)[1] | 47.8 |
| Electronic equipment—tactical survival: | |
| Night vision devices[1] | 13.5 |
| Navy procurement: | |
| Combat aircraft: | |
| F–14 lantirn targeting PODS[1] | 8.0 |
| AH–1W night targeting system[1] | 11.0 |
| EP–3 spares | 2.0 |
| P–3C ANIT—surface warface improvement | 2.2 |
| Weapons procurement: | |
| Drones and decoys: 70 improved tactical air launched decoys | 10.0 |
| Penguin missile | 7.5 |
| Surface mode upgrade: close in weapons system | 10.0 |
| MOD 4 rotatable gun pool for cruiser conversions | 15.0 |
| Shipbuilding and conversion: | |
| LHD advance procurement | 50.0 |
| Air-cushioned landing craft life extention[1] | 16.0 |
| Other procurement: | |
| AN/WSN–7 inertial navigation system | 12.0 |
| AN/BPS–154 surface search radar | 9.0 |
| Space warfare system center | 2.0 |
| Submarine acoustic off-the-shelf processor insertion[1] | 25.0 |
| Aegis support, computer lesson system | 8.0 |
| DDG–51 Smartship equipment | 12.0 |
| NUKLA assembly qualification | 1.0 |
| Communications automation equipment (IT–21)[1] | 20.0 |
| Submarine connectivity equipment[1] | 15.0 |
| Naval shore communications equipment | 20.0 |
| Night vision goggles[1] | 22.6 |
| Marine Corps Procurement: | |
| MOD kits for tracked vehicles[1] | 4.6 |
| Night vision equipment[1] | 11.1 |
| Carrier, electronics infrastructure, Marine email & year 2000 fix[1] | 84.1 |
| Light Tactical vehicle (buys 672 units)[1] | 37.0 |
| Avenger FLIR upgrade | 7.6 |
| Maritime technology | 5.0 |
| Material handling equipment (forklifts)[1] | 10.4 |
| New generators (1,311)[1] | 9.5 |
| Shop equipment contact maintenance[1] | 5.4 |
| Air Force Procurement: | |
| Combat aircraft: | |
| C–130J aircraft (2 aircraft) | 157.5 |
| WC–130J aircraft (1 aircraft) | 75.4 |
| EC–130J aircraft (1 aircraft) | 85.0 |
| Trainer aircraft: | |
| Joint Primary aircraft training system—JPATS (3 A/C) | 9.1 |
| Other aircraft: | |
| E–8C JSTARS aircraft advanced procurement | 72.0 |
| Modification of in-service aircraft: | |
| F–15 aircraft (engine replacement)[1] | 25.0 |
| F–15 aircraft (ALQ–135 countermeasures set)[1] | 25.0 |
| F–16 aircraft reconnaissance system[1] | 13.3 |
| Other aircraft: | |
| DARP—Defense Airborne Reconnaissance Program | 56.0 |
| National Guard and Reserve Equipment: | |
| $10 million per service | 60.0 |
| Modifications of in service missiles: | |
| Minuteman III missile modifications | 46.0 |
| Organization and base equipment: | |
| Theater deployable communications[1] | 17.7 |
| Army Research Development, Test & Evaluation | |
| Army missile defense systems integration: | |
| Tactical high energy laser (THEL) | 10.0 |
| Space and missile defense battle lab | 7.0 |
| Aluminum metal matrix research and development | 3.0 |
| Future missile technology integration | 6.0 |
| RAH–66 Comanche helicopter, prototype #2 acceleration[1] | 24.0 |
| All source analysis system: Software integration | 2.2 |
| Firefinder-accelerate software | 0.9 |
| Passive adjunct sensor capability | 4.0 |
| Advanced field artillery tactical data system (AFATDS)[1] | 12.5 |
| Combat vehicle improvement programs: Flat panel display improvement program | 7.0 |
| Materials technology: Hardened materials | 3.0 |
| Missile technology: | |
| Scramjet technology | 3.0 |
| Acoustics effects | 1.5 |
| Environmental quality tech: | |
| National Defense Center for Environmental Excellence | 24.0 |
| Radford Environmental Development and Management Program (REDMAP) | 3.5 |
| Plasma Energy Pyrolis System (PEPS) | 5.0 |

| Program | In millions |
|---|---|
| Computer software technology: | |
| Software security | 0.5 |
| Military engineering technology: | |
| Cold Regions Research Laboratory | 1.2 |
| Medical advanced tech: Nutrition research | 2.0 |
| Weapons & munitions advanced technology: Precision guided mortar munitions | 4.5 |
| Advanced tactical computer science & sensor technology: Digital intelligence technology | 2.5 |
| Army technological test instrumentation & targets[1] | 7.0 |
| Survivability/Lethality analysis: | |
| Intelligence and warning vulnerability assessment | 4.0 |
| DOD high energy laser test facility, solid state laser[1] | 8.0 |
| Navy research, development test & evaluation: | |
| Space and electronic warfare: Advanced communications and information technology | 3.0 |
| Space and electronic warfare: Global C4ISR visualization | 4.0 |
| Precision strike and air defense technology | 5.0 |
| Joint strike fighter demonstration/validation: Alternate engine program | 15.0 |
| Integrated defense electronic counter measures (IDECM) | 10.0 |
| Air & surface launched weapon technology: Pulse detonation engine technology | 1.0 |
| Ships, submarine & logistics technology: Stainless steel double hull | 3.0 |
| Materials, electronics and computer technology: Thermal management materials | 1.5 |
| Materials, electronics and computer technology: Electronic propulsion technology | 2.0 |
| Materials, electronics and computer technology: Carbon/carbon heat shield | 2.5 |
| Medical development: Freeze dried blood research | 1.0 |
| Non-lethal weapons demonstration/validation | 13.3 |
| Medical development: Voice instructional devices | 1.0 |
| Air Force research development, test & evaluation: | |
| Ballistic missile technology | 5.0 |
| Advanced spacecraft technology: | |
| Range improvements for liquid upper stage[1] | 5.0 |
| Micro—SAT | 10.0 |
| Solar orbital transfer vehicle | 10.0 |
| National polar-orbiting operational environmental satellite system: | |
| Satellite survivability | 30.0 |
| Enhanced global positioning system—block IIF (space) | 44.0 |
| Space test program: Maneuver vehicle | 10.0 |
| Theater missile defenses: TAWS | 12.0 |
| Information systems security program | 10.0 |
| Electronic combat precision location and identification (PLAID) | 14.0 |
| Variable stability in-flight simulator test aircraft (VISTA) | 7.0 |
| Electronic warfare development: EC–130H | 20.0 |
| Target systems development: Big Crow program office | 10.0 |
| Theater battle management system | 5.0 |
| Manned reconnaissance systems: U–2 upgrade | 17.0 |
| Aircrew laser eye protection | 5.5 |
| Materials: Friction welding | 1.5 |
| Aerospace propulsion: Variable displacement vane pump | 2.0 |
| Phillips Lab: HAARP | 9.0 |
| Crew systems & personnel protection technology: Night vision technology | 3.0 |
| Defense-wide Research Development, Test & Evaluation | |
| Support technologies: Wide band electronics | 14.0 |
| Explosive demilitarization technology: | |
| Blast chamber tech | 4.0 |
| Portable blast chamber tech | 1.5 |
| Counter terror tech support: PFNA | 5.0 |
| Counter proliferation support: HAARP | 3.0 |
| Support technologies: | |
| Atmospheric interceptor tech | 22.0 |
| Space based laser demonstrator | 94.0 |
| Scorpius | 5.0 |
| Excaliber | 5.0 |
| Navy Theater Wide Missile Defense System: | |
| Navy upper tier acceleration | 70.0 |
| High power discriminator | 50.0 |
| Ballistic missile defense technical operations: Advanced Research Center | 5.0 |
| International cooperative programs: Arrow Interoperability | 12.0 |
| Counter proliferation support | 4.0 |
| Advanced sensor applications | 2.0 |
| Endurance U.A.V. (Global Hawk) | 32.5 |
| Chem-BIO Defense Program: Sensors | 5.0 |
| Medical free electron laser | 7.0 |
| Biological warfare defense: Multimedia technology | 1.5 |
| Chem-Bio Defense Program: Light weight detectors | 5.0 |
| Chem-BIO Defense Programs: Safeguard | 4.0 |
| Integrated C2 technology: High definition system, flat panel display | 8.0 |
| Materials & electronics technology: Mixed mode electronics | 6.0 |
| Weapons of mass destruction related technology: | |
| Core competencies | 10.0 |
| Deep digger | 3.0 |
| Electro magnetic pulse | 2.0 |
| Advanced electronic technology: Lithography | 10.0 |
| Generic logistics R&D demands: Computer assisted technology transfer (CATT) | 4.0 |
| High Performance Computer Modernization Program: High performance technology | 20.0 |
| High performance computer modernization program: High performance VIZ technology | 3.0 |
| CALS initiative: IDE | 2.0 |
| Joint robotics program | 6.0 |
| Joint simulation system | 4.5 |
| Defense technology analysis: Commodity management technology | 2.0 |
| Total | 2,494 |

[1] Items were included on service unfunded priorities lists.

Mr. CONRAD. Mr. President, I rise in support of the bill before us.

In this bill the Armed Services Committee has—under unprecedented fiscal austerity—ably worked to balance the many important yet competing needs for scarce funding, maintaining a first-class military and providing important benefits for personnel, their dependents, and retirees.

Allow me to highlight several particularly good provisions in this bill, for which Chairman THURMOND and Senator LEVIN should be congratulated.

First, this measure wisely has full funding for National Missile Defense for FY99. Treaty-friendly, affordable, effective NMD has always had my strong support.

I am also pleased that funds have been added to begin to make up the readiness funding deficit of the Army National Guard. The Guard Bureau informs me these accounts were more than half a billion dollars short in the FY99 budget request. I hope the funding added by the Committee can be supplemented during conference.

Third, an additional $46 million has been included for Minuteman III ICBM upgrades. The Minuteman III force will be service for decades to come, and modernization must go forward. The Committee acted wisely regarding the Guidance Replacement Program.

The Committee has also moved to accelerate key military construction projects for North Dakota. These include $8.5 million for repair of the taxiway at Minot AFB, and $3.65 million for renovation of a supply shop for the North Dakota Air National Guard. George Lauffer and Mike McCord on the Committee staff deserve thanks for their work on these items.

Additionally, the Authorization bill calls for demonstration programs regarding allowing Medicare-eligible military retirees to enroll in the Federal Employee Health Benefits Program.

Finally, but very importantly, I am pleased that the Senate has approved an amendment bringing the pay raise in this bill up to the level in the House bill, 3.6 percent.

However, there are a number of matters in this bill of great concern.

First, the Committee's bill would call for a cut of nearly $100M to the Air Force's budget request for the Airborne Laser, a revolutionary theater missile defense program, and top priority for the USAF.

Second, this bill provides inadequate funding for the B–52H bomber force. Although I will not discuss this matter in detail at this time, let me say this: today's thoroughly upgraded B–52H can deliver a greater quantity and diversity of conventional and nuclear munitions a greater distance at a lower cost than any other airborne combat platform in the world today. Cutting the B–52 force doesn't make good national security or fiscal sense, and I applaud Senator STEVENS and Senator INOUYE—the distinguished leadership of the Defense Appropriations Subcommittee—for acting to fund all 94 B–52s in the FY99 Defense Appropriations Bill.

I hope that ABL and B–52 funding can be addressed in conference. Even so, I am pleased to support this bill, especially in light of the Committee's acceptance of my amendment regarding Russian tactical nuclear weapons.

Mr. President, at this point I would like to speak briefly about the amendment.

The recent nuclear tests by India and Pakistan serve as an unsettling reminder that nuclear weapons continue

to be sought for their terrible destructive power and prestige. An equally serious, if not greater, nuclear threat still lies to the north of the Indian subcontinent, however—in Russia's enormous, ill-secured, and potentially destabilizing non-strategic, or ''tactical,'' nuclear arsenal.

As my colleagues may be aware, Russia's tactical nuclear stockpile could be larger than ours by a factor of eight-to-one, and is not covered by any arms control accord.

I believe it is time for the Congress to do three things.

First, go on record as concerned about the significant ''loose nuke'' dangers associated with Russia's tactical stockpile, and the growing strategic relevance of Moscow's tactical arsenal.

Additionally, we must call for the Russians to make good on the 1991 and 1992 Gorbachev and Yeltsin promises to deeply reduce tactical weapons, just as the US has followed through in good faith on President Bush's similar promises in September 1991.

And finally, the Congress needs a detailed report, and the benefit of the analysis of the Defense Department, the Intelligence Community, and the US Strategic Command.

Today, I wish to thank the Armed Services Committee for accepting my amendment earlier this week that does just these things.

I also wish to thank the following distinguished Members of the Armed Services Committee, who have cosponsored my amendment: Senators KEMPTHORNE, KENNEDY, BINGAMAN, and LEVIN. Glen Tait, Menda Fife, Bill Monahan, and Madelyn Creedon, in addition to Monica Chavez with the committee—deserve thanks for their good work.

Before asking unanimous consent that the full text of my amendment be included after my statement, I would call the Senate's attention to the testimony of the Commander in Chief of the United States Strategic Command, Gen. Eugene Habiger. Gen. Habiger, testifying before the Armed Services Subcommittee on Strategic Forces, responded to a question regarding Russia's tactical nuclear stockpile by Senator KEMPTHORNE—a cosponsor of my amendment—by stating that ''it is time for us to get very serious about tactical nuclear weapons.''

My amendment responds to the General's sage advice, advancing the cause of getting deep reductions to Russia's non-strategic nuclear arsenal. At the very least, we should ask them to come down to our level—and prove it to us.

Before closing, Mr. President, I would like to emphasize that my amendment should be properly viewed in context with the funding for the vital Nunn-Lugar Cooperative Threat program in the FY99 Defense Authorization bill. Senate passage of my amendment ensures that we send to Russia a message of concern and cooperation.

Let me be clear: continuing the Nunn-Lugar program is absolutely critical. I can think of no better investment of national security dollars than simply expending money for the destruction of horrible weapons capable of killing millions of Americans.

Continuing and fully funding the CTR program is especially important in light of the Russian tactical nuclear dangers I have discussed. Although there are arms control agreements requiring Russian strategic force reductions, there are no arms control agreements requiring reductions to Russia's tactical nuclear stockpile.

In addition to the diplomatic pressure called for in my amendment, continuing and possibly expanding work under Nunn-Lugar on tactical nuclear weapons is the best bet we've got to put this aspect of the Russian nuclear genie back in the bottle. Funding for Nunn-Lugar is vital, and I congratulate the committee for fully supporting this program in their bill.

Again, Mr. President, I would thank my colleagues for approving my amendment, and the amendment's cosponsors for their support. This is a good bill—but a better bill because we have taken this initial step toward eliminating the tactical nuclear dangers from the former Soviet Union.

Mr. KERREY. Mr. President, the Senate is now in the process of creating arguably the most important legislation we produce all year, the Defense Authorization Bill. We are authorizing the activities of government which keep Americans free and safe, and we are authorizing activities which are carried out by young Americans in a spirit of courage and selfless service. So there is no more serious legislation than this. My purpose today is to ask my colleagues as they deliberate on this bill to consider the threats to our country as they are and as they likely will be in the decade ahead, so we authorize armed forces which will be able to deter or defeat those threats.

The arms forces we authorize in this bill keep America safe mainly by their credible potential for overwhelming, focused, sustained violence. We allocate the funds by categories such as training, operations and maintenance, quality of life, readiness, but in actuality these funds are to support the credibility of that potential for violence. It is a potential to counter and, if necessary, defeat the threats which put at risk our national life, the lives of Americans, and in some cases the livelihoods and interests of Americans. It is a potential which is an essential element of our national power.

Our colleagues on the Armed Services Committee have taken on the daunting task of measuring the forces the President has requested against the threats we face. I say this is a daunting task because while the threats are dynamic, there is a normal human trait to see the threats as static, particularly when we are already heavily invested in a technology or a family of weapons that have proven successful against a particular threat in the past. It is our duty, Mr. President, to resist that trait, to see the world as it is and to try our best to see it as it will be. In our analysis our most useful tool is the information produced by our Intelligence Community.

Let's look out across the world of the present and near future. We see Russian nuclear forces, still deployed, still on alert, still capable of killing scores of millions of Americans. We see growing indiscipline in the way Russian nuclear weapons are stored and maintained, combined with a hunger for plutonium and weapons-grade uranium among the world's weapons proliferators. In China we see a much smaller but still deadly Chinese nuclear force, reportedly with its weapons targeted on the U.S. We depend heavily on the intelligence community to monitor Russia's and China's nuclear status, for the reason we always did: because our national survival could be at stake.

In Russia we see conventional forces in steep decline and in China conventional forces which appear to be outmoded and immobile, compared with U.S. forces. Looking more broadly, we see a small and diminishing number of countries with capable conventional land or naval forces, but an increasing number of countries and movements trying to develop weapons of mass destruction. In the case of India and Pakistan, we see vividly how successful proliferation efforts add to global danger. We also see non-national and multi-national threats such as terrorist movements and drug cartels posing greater threats to the safety of Americans than the threats posed by the conventional military forces of the few isolated, weak rogue states who claim to be our adversary. Looking more broadly, past the ability of our potential adversaries to do violence, we see a new world in which people increasingly do not look to their national governments as the sole means of accomplishing their goals in international matters. The age of imperialism, in which national governments invaded each other's territory to extend their power, seems a distant memory. Saddam Hussein's attack on Kuwait eight years ago and the current nuclear tension between India and Pakistan are two indicators that we must keep a sharp eye on relations between states, and if our policymakers choose to intervene in such conflicts, we must have armed forces capable of doing so. But we are in a world in which nonnational actors—individuals as well as corporations and movements have taken international relations into their own hands.

The global nature of the Internet and the global, not national, outlook of the world's dominant corporations, are well known to all. Daimler-Benz' recent purchase of a company which less than twenty years ago we were bailing out as a patriotic duty, and the lack of concern in this country about that purchase, underscores the point. At the

other, individual end of the scale, we see individual Irish citizens, both north and south, looking beyond their governments and the borders created by governments and seeing the advantage of direct personal and commercial relationships, the advantage not just of peace but of lower barriers. The relentless integration of Europe, most recently marked by the introduction of a common currency, is a sharp contrast to the conflicts and ancient rivalries which marked and divided Europe for centuries. European conflict called forth the greatest armies America ever raised, twice in this century. Today we are concerned with residual ethnic disputes in isolated corners of Europe and in the case of Bosnia even deploy military force in an effort to stabilize and contain the conflict. But large-scale conventional conflict in Europe, for the first time since the invention of gunpowder, is unthinkable.

Outside Europe, we see economic integration throughout Asia and in our own hemisphere, and we see economic integration leading cultural integration. The national boundaries are blurring. In this metropolitan area, for example, there are cable TV stations broadcasting in Spanish, Arabic, Japanese, and other languages. Even in Pakistan and India, the elites who rattle nuclear weapons at each other are part of the same global culture; their children are studying in American universities.

There are exceptions to the trend of global integration. There are pockets of recalcitrance: dictatorships who retain power by force, immature democracies in which crime rivals legitimate business and creates internal civil wars, unscrupulous leaders in places like the Middle East, South Asia, and the former Yugoslavia who manipulate ethnic rivalries as a tool to retain power. These are the places likely to generate conflicts which threaten our safety or our interests. These are the places which, especially if economic disparity is added to ethnic or religious differences, from which violence will emanate. These are the places in which U.S. intelligence ought to provide policymakers and warfighters the edge. Given that such places exist, and given the enduring strategic threat we also face from Russia, what should our armed forces be able to do?

First, our forces should be able to deter the threat of Russian and Chinese nuclear weapons, along with the growing threat posed by regional nuclear programs. The Wall may have fallen, but until verifiable arms control agreements bring this nuclear episode of military history to an end, we need modern, robust nuclear forces and we need the intelligence to closely watch not just Russia and China, but also the nuclear activities of proliferating countries. Good intelligence is inextricably linked to a sound strategic defense, and it is not cheap. Strong nuclear forces in the absence of nuclear testing means a dependable Stockpile Stewardship Program. We and the world must have absolute confidence in our nuclear capabilities. I will therefore support the efforts of the Senator from New Mexico to restore full funding to the Stockpile Stewardship Program.

Defending America from nuclear threats also means preventing fissile materials from falling into the hands of those aspiring to develop nuclear weapons, be they aspiring countries or terrorists. The Indian-Pakistani attainment of nuclear weapons does not cease our efforts; it means we should redouble them. In this sense, the security of Russia's vast nuclear arsenal is very much in our interest. The Armed Services Committee has long recognized this fact through the Nunn-Lugar program, and I will support restoration of full funding for Nunn-Lugar in this bill. Beyond the nuclear threat, the increasingly interconnected world I described presents little likelihood of a clash of large conventional forces. In addition to globalization, we see a reduction in conventional forces of most countries. With the vitally important exception of the United States, I also see a decline in recent years in the fighting spirit in the remaining large conventional forces in the world. All these trends suggest we will not see our military engaged in a major conventional conflict in the foreseeable future. Certainly the example of the Gulf War should dissuade other countries from putting a large armored force into the field against the United States. Large-scale conventional modernization can therefore safely be a lower priority for us. However, smaller, highly mobile, highly ready conventional forces will be a necessity.

Ethnic conflict will continue to erupt on the peripheries of global integration. Because of America's unique power and because, as the performance of our NATO allies in Bosnia prior to our arrival there showed, other countries' militaries will not take forceful action without an American example, we will be called upon for future deployments much like the Bosnian mission. Certainly we cannot answer every call. But if a conflict threatens a wider war which would require an even greater American involvement, we must deploy to nip some conflicts in the bud. It is an obligation of leadership. If we do it right, others will imitate us and we will have to deploy less often.

In designing our forces we should bear in mind the characteristics of the ideal deployable forces: highly capable (packing a strong punch), highly mobile, highly trained, well maintained, closely connected to national and theater intelligence, integrated with the command and control systems of the allies with whom we will operate, rapidly transportable to the theater of deployment, and supported by tailored logistics. These forces should operate in an environment in which we control the coasts and sea lanes in the vicinity and the airspace over the vicinity, for purposes of support, surveillance, and air strikes if necessary.

Beyond regional deployments, we face non-national threats such as weapons proliferation, terrorism, and the casualties we continually suffer from drug trafficking. As with the Russian nuclear threat, the first line of defense against these threats is the best possible intelligence. We require military forces that can respond to the intelligence when policy makers so direct: agile, superbly trained and equipped special operations forces. Increasingly the military future belongs to the sophistication and stealth of the special operator, rather than the armored masses of the past. Maintaining such forces in all the services should be among our highest priority.

Mr. President, a new threat has materialized in recent years, the threat of electronic attack against the communications systems and computer networks which are increasingly the fundamental infrastructure of our country. Recent Defense Department exercises have helped size the potential problem and the Administration has a number of agencies developing a response. As with every threat, intelligence plays a key role in warning against and countering this threat. In developing our defenses, we need units with great knowledge, the best equipment, technically sophisticated people, and speed in both decision and execution. Fortunately, these are American traits. In fact, those who contemplate attacking us in the realm of information operations are really attacking into one of our greatest national strengths. But we should not be over confident. We need to defend in cyberspace, and the forces authorized in this bill should do so.

The Armed Services Committee was faced with a tight budget and difficult choices. I propose reviewing those choices with this criterion: how does this or that program help create or sustain the kind of military forces I have described, forces responsive to the threats and global realities we face? We simply cannot afford to allocate these scarce resources on the basis of other criteria. It is not enough to state a particular class of equipment is wearing out or should be replaced, we have always had that class of equipment, so we should get a new modern version. We must ask: how does that class of equipment respond to the threats we face and will face? It is not enough to state, the defense plant in my state will lack work if we do not buy a particular item. It is not enough to state, the military base in my state must continue to operate at or above its current level of manning, regardless of the national need. It is unfair to our service members and their families, it is unfair to taxpayers, but above all it is unfair to the nation we are pledged to defend, to force precious defense funds to be spent on a basing system which is reportedly over twenty percent larger than the nation requires.

Mr. President, I will be looking closely at this legislation in terms of its contribution to the forces we require. It is far more agreeable to stay the course and stick with the traditional weapons and organizations and bases which helped win the Cold War. With an institution as large and complex as the Defense Department, change is also a lengthy process. But we must lead change and make the defense choices to align our forces with the world as it is and will be. Our fighting men and women deserve it and our country should expect it of us.

Ms. SNOWE. Mr. President, I rise in support of the Fiscal Year 1999 Defense Authorization Act. This legislation focuses on the military of tomorrow by establishing priorities that will allow American forces to prepare for the conflicts of the 21st Century.

We consider this measure under the leadership of a remarkable Senator whose personal sacrifice and professional insight have contributed to the molding of the military in our time. The public life of STROM THURMOND has reflected the evolution of conflict and war fighting capabilities in the last half-century. Emerging as a Colonel from World War II, he persevered through the traumas of Korea and Vietnam; the turbulent ''hollow force'' years of the 1970s; the recovery of our might under President Reagan; the collapse of imperial communism; and the computer-age attacks during the Persian Gulf War.

Today, he manages a bill that capitalizes on the lessons of the military history to which he contributed. The FY99 Defense Authorization Act increases the speed, precision, and analytical capacity of soldiers who will face post-Soviet adversaries as determined or dictatorial, but more numerous, than those whom we have confronted in the past.

While he steps down at the end of the year as Committee Chairman, his leadership will resonate in our deliberations and hearings for years to come. He brings an authorization before the Senate this week having groomed three generations of successors in the byzantine ways of defense legislation.

Mr. President, this bill includes several programs that enhance the readiness and modernization of the military. Our Committee has worked diligently during the 1990s to control the bleeding of funds from next-generation procurement systems and the stress on our forces from escalating peacekeeping commitments. President Clinton's out-year budget projections bring defense outlays as a percentage of GDP to 2.7 percent, the lowest level in almost 50 years. The President targets the military as the only federal function that sustains deep outlay decreases between 1993 and 2003. While mandatory domestic expenditures will increase over time by 23.6 percent, those for national defense fall by exactly the same level.

In modernization accounts—those for weapons procurement—funding has fallen by 67% since 1985. This trend, in constant dollars, means that at the height of the Reagan build-up thirteen years ago, the Pentagon obligated $138.7 billion for procurement. This spending fell to its lowest point—$44.2 billion—in FY97. The FY99 budget finally increases the account to $48.7 billion, and I commend Secretary Cohen for submitting the first budget by this administration that brings procurement back to the annual average threshold of $60.1 billion, as recommended by the Joint Chiefs of Staff, starting in 2001.

Exploding expenditures for peacekeeping operations since the end of the Persian Gulf War directly threaten spending for procurement and modernization. To confirm this point, we only need to read the Quadrennial Defense Review (QDR). Among all Pentagon programs, the QDR singled out ''incremental costs of unplanned deployments and smaller-scale contingencies'' as the ''least predictable operating expenses'' which ''displace funding previously planned for procurement.''

America's 29 contingency operations since the end of the Persian Gulf War have cost us a total of $18 billion. Our Bosnia commitment alone has consumed $7.2 billion. Even excluding Bosnia, the American taxpayers gave another three billion dollars just to support U.N. peacekeeping programs throughout the 1990's. The administration, however, has never offered us a comprehensive readiness and mission assessment of U.S. Contingency Operations (CONOPS) policy to justify or rationalize the expenditure of this $21 billion, or eight percent of the whole defense budget.

The Committee, therefore, supported an amendment that I offered along with Senator CLELAND during the mark-up session making the Pentagon statutorily responsible for providing all congressional defense committees with a Contingency Operations budgetary, mission, and readiness assessment by January 31, 1999. We did not establish the deadline by coincidence. I strongly believe that the Committee should consider any CONOPS authorization or supplemental appropriations requests next year only with the benefit of the president's strategic analysis of how and why the Armed Services will obligate their peacekeeping budgets.

This amendment subsequently directs the department to address five issues: the effects of ongoing CONOPS on Service retention and reenlistment rates; whether they cause sustained or significant shortages of military personnel and equipment in other regions of the world; the specific programmatic accounts on which the department has relied to underwrite CONOPS deployments; what clear objectives guide each of these undertakings; and the conditions, based on such objectives, that would define the end of each operation.

Presidential Decision Direction 25 of May 1994, Mr. President, outlined the scope and purpose of the administration's CONOPS policy. It promised the application of strict standards to determine whether the U.S. should participate in any overseas peace operation.

The reporting categories specified by my amendment intentionally overlap with this directive. PDD–25 specifically declared that potential CONOPS commitments would depend on whether our participation advanced U.S. interests, the ''unique and general risks'' to American personnel, if ''clear objectives'' could determine the role of our forces, and the identification of an ''endpoint.''

We would not impose an unfair burden on the Defense Department by mandating a pre-posture hearing or pre-budget request report on the steps that the administration has taken to implement its own plan.

This year, the Committee received Posture Statements from the Navy and the Air Force that contained warnings of potential negative readiness impacts as a result of long CONOPS deployments. Secretary Dalton cited the ''requirements of the Unified Commands''—those that participate heavily in peacekeeping missions—as effecting the readiness of non-deployed fleet units.

The number of Air Force personnel dedicated to contingency operations grew fourfold since 1989 from 3,400 to 14,600 by FY97. ''Caution indicators,'' as the report characterized it, have emerged in the areas of retention, reenlistment, and depleted inventories of spare parts.

In addition, by October 1999, the Army, the Service most involved in peacekeeping, could lack the heavy armored divisions designed for rapid deployment to crisis areas. Two of the divisions that train full time for this mission may have one-third of their troops on duty in Bosnia or Kuwait.

Four years ago, the Army had 541,000 active duty soldiers and no commitments in Bosnia. The Armed Services Committee, according to former Chairman Nunn, considered this level the minimum necessary for responding to two regional crises. Yet today, the Army faces the challenge of preparing for two Major Theater Wars at a reduced force strength of 491,000, coupled with a deployment in Bosnia.

Consider the exorbitant contingency operations costs that the Army absorbed in just one fiscal year. The amount, $1.5 billion, represented more than one-fifth of the entire research and development budget for the Service. It exceeded the total Army aircraft procurement line by almost two hundred million dollars. If we take these examples of the strains imposed by peacekeeping commitments on Army research and hardware programs, how can the administration state that it has adequately weighed the ''unique and general risks'' of these missions, as required under PDD–25, to our people in uniform?

Despite the alarming budgetary trends, the QDR predicts that contingency efforts will dominate the Pentagon's planning agenda over the next two decades. The law, Mr. President, must also move in this direction by requiring a CONOPS policy rationale with a CONOPS budget request. My amendment supports this transition by mandating the first pre-budget report to Congress on the national security and OPTEMPO implications of our increased contingency commitments.

Whether for contingency operations or more traditional missions, naval modernization programs will remain vital to the overseas projection of American forces. As a result, I salute the Chair of the Seapower Subcommittee—Senator WARNER—for this support of the $2.680 billion continuation of the DDG–51 multi-year destroyer procurement, the $2.003 billion going to produce the second ship of the New Attack Submarine class, and the $639 million going for the next LPD–17 Amphibious Transport Ship. In addition, I am pleased that the Subcommittee fully authorized the Navy's $85 million DD–21 land-attack destroyer Research and Development request to keep this new effort on schedule and within budget.

These four programs meet the Navy's requirements for the type of warfare that will dominate our military strategy of the future: littoral operations near coastal plains. Littoral engagements require the Navy to maneuver ''close enough to influence events on shore if necessary.'' This post-Soviet mission continues to match our force structure with our security interests since 80 percent of the world's population lives near the coastal areas and waterways that open into the littorals.

Littoral concepts of war stem directly from the changing worldwide political environment in which the United States operates. Soviet power no longer threatens the open plains of Central Europe. Soviet ships and submarines no longer prepare for platform-to-platform battles on the open seas. For the first time since the end of World War II, a Pentagon planning document, the QDR, steered the military in the direction of deterring conflict and instability wherever it might occur rather than containing a single enemy force.

The surface ship and submarine programs authorized in this bill will provide the Navy more firepower and endurance at a lower cost. Smooth and modular construction materials will deceive the enemy radars that can detect the hard angles of older vessels. Electronic integrators will give ships and submarines split-second systems for communications and munitions targeting. A new series of rapid transporters will bring unprecedented levels of forces and weapons to the shorelines of instability or humanitarian rescue. From safe distances at sea, smaller crews will program missiles for strategic inland targets.

A littoral Navy, Mr. President, also corresponds with lower life-cycle costs. Carriers and surface combatants will carry more firepower and fewer people. This development, in addition to a greater reliance on commercial ''off-the-shelf'' technologies, holds the promise of decreasing maintenance expenditures by between 50 and 70 percent.

We also cannot forget that political limitations as well as political changes shape the new Navy. The visible and invisible forward presence provided by the Fleet assumes greater importance in an age when we no longer enjoy permanent bases throughout Europe or Southern Asia. As a result, the administration will increasingly rely on the Navy as a key agent of force behind our diplomacy.

For this reason, I was honored to participate in a Subcommittee markup that also expanded naval air programs. To stabilize the transition from the *Nimitz*-class of nuclear aircraft carriers to the new-generation CVX system, the Subcommittee allocated $124.5 million for acceleration of advance procurement and component construction of the CVN–77 system. We furthermore instructed the Navy to invest carrier research and development budgets in a way that will directly enhance the planned capabilities of the CVX. Our mark-up also placed the P–3 Orion Anti-Surface Warfare Improvement Program on an efficient 12-month modification track.

The changing mix of threats to our national security represented by these maritime and other high-technology defense programs finally influenced the Committee vote against authorizing another base closure (BRAC) round.

This amendment tried to address two of the many problems with the BRAC process: the fact that no law guarantees the proper investment of any quantifiable returns from base closures, and the president's temptation to manipulate commission rulings in his own political interest.

But the Committee rejected the BRAC amendment because it did not, nor could it, solve the fatal flaws in the process. No base closure round, Mr. President, has yielded the taxpayers any clear or proven savings. We do not need to rely on the claims of congressional BRAC opponents to demonstrate this point. We only need to consider the conclusion of the leading advocate of BRAC: The Department of Defense. DoD's April 1998 base closure report to Congress states explicitly that ''no audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC.''

We can also turn to the findings of independent evaluators. Last summer, the GAO flatly told us that ''DoD accounting systems are not designed to track savings.'' The Congressional Budget Office concluded in December 1996 that the Pentagon ''is unable to report actual spending and savings for BRAC actions.'' Accounting uncertainties, Mr. President, have made apparent base closure savings a frustrating mystery rather than a confirmed fact.

The Defense Department cannot continue to decide which installations to downsize or close by making arbitrary comparisons to personnel reductions. The standard should not focus, as DoD contends, on closing 36% of our bases if 36% of all people in uniform have left the military since the peak of the Cold War. The standard must remain the adaptation of infrastructure to new or developing security threats. But as it did last year, the administration rests the argument for more base closures on the premise that facility cuts have lagged behind those in personnel by 15 percent.

A simple percentage, Mr. President, cannot answer the questions that should determine the future of domestic military bases. What depots, for example, do we require to provide competition with the private sector and to insure the precision and endurance of fighter aircraft?

What shipyards can provide the Navy with a diversified industrial base to sustain the next-generation modular vessels that will maneuver in littoral waters?

What air bases must stay active to support our long-range power projection capabilities now that we have a diminished forward presence in Europe and Southern Asia?

These questions do not exhaust the list. But I raise them as examples of the factors absent in most of the base closure assessments that have come to Congress from the Pentagon.

Page one of the April base report estimates that the military could save 21 billion dollars between 2008 and 2015 if we approve two more BRAC rounds. Even if the Committee had accepted this projection, the QDR acknowledges that it could re-capture $18 billion of this amount in three ways: by following through with DoD management reforms and technology upgrades, providing consistent guidance to the Services on budget priorities, and controlling the costs of contingency operations.

The QDR indicated that this $18 billion dollar loss as from three specific causes, came exclusively from procurement accounts. It therefore has three specific plans, *all* of which relate to policy changes and internal reforms, and none of which relate to base closures, for restoring funds to modernization. The April base closure report even admits that if the Pentagon could quantify BRAC savings, there would be no guarantee that procurement programs might gain from the extra dollars because the four separate Services make their own investment decisions.

To assert that the department cannot save $18 billion dollars through rigorous budget management, Mr. President, is to assert that it cannot follow the mandates of the QDR, which called for ''reducing unneeded standards and specifications,'' and the ''leveraging of commercial technology.''

And how unreasonable or impractical is it to control the level of unplanned expenditures on Bosnia through clear

policy objectives? According to the administration, while it predicts extensive U.S. involvement in contingency operations beyond 2015, our engagement ''must be selective, depending largely on the interests at stake and the risk of major aggression elsewhere.''

The Clinton Administration advertises a commitment to multi-billion dollar defense management reforms while asking for base closures to generate savings that it can neither find nor re-invest. At the same time, it has submitted very real Bosnia bills that now exceed seven billion dollars and freeze our forces in a political vacuum.

By rejecting the BRAC amendment, the Committee invited the administration to provide us with a more compelling plan that links facility to mission needs. In the meantime, DoD can also realize billions of dollars of savings through firm policy decisions about our overseas strategic interests, internal reforms, and Service programmatic goals. The Defense Department must continue to work directly with Congress on the issues that will improve the military of the next decade instead of shifting them to yet another panel for which we can claim no responsibility.

Mr. President, the FY99 Authorization Bill accelerates the modernization of the Armed Services while recognizing the strong evidence of the degrading impact of open-ended contingency Operations on Personnel Tempos and unit readiness. It ultimately holds the Pentagon accountable for documented savings through policy and management reforms rather than accepting the unproven promises of BRAC savings that would come 15 years away. I therefore urge all of my colleagues to vote in favor of this responsible legislation.

U.S. NON-PROLIFERATION POLICY AND CONDEMNATION OF TESTING IN SOUTH ASIA

Mr. DOMENICI. Mr. President, my support for this amendment must be qualified. I too am concerned about proliferation. However, I do not welcome the potentially negative consequences relying strictly on U.S. unilateral sanctions in this case. I strongly urge we combine sanctions with engagement. This engagement must be based on comprehensive, calculated non-proliferation policies.

I believe that the proliferation of weapons of mass destruction poses an imminent threat to U.S. and international security. The geopolitical strings that contained states' individual aspirations of mass destruction capabilities have been severed. The emerging multipolar world—in which the U.S. is, without question, the dominant economic, military and cultural power—creates new threats and offers new opportunities.

Capitalizing on opportunities requires U.S. leadership. No other nation has the wherewithal to facilitate the creation and implementation of thoughtful and deliberate strategies to counter threats to U.S. and international security. No other nation parallels the power the U.S. can bring to bear in creating a stable international order. There is no doubt that we live in an increasingly interdependent world. Most major problems—economic, environmental, military—cannot be handled by the U.S. alone, despite our dominant position.

The proliferation of weapons of mass destruction is one such problem. This threat cannot be stemmed by unilateral U.S. actions. The dangers of weapons of mass destruction proliferation—whether by rogue nations or terrorist organizations—poses a threat to the U.S. military and U.S. civilians, as well as the future of humanity. In light of the changed global circumstances and the U.S. position as the global power, we urgently need to rethink antiquated doctrines of defense and provide a coherent approach to non-proliferation policies.

Our nuclear reality has radically changed in the past weeks. Recent rumblings from the detonation of nuclear devices in Southeast Asia should awaken us to a few simple realities: our non-proliferation policies have failed; any country desirous of nuclear capability can attain it; and sanctions alone are an inadequate deterrent and potentially dangerous approach.

Sanctions alone will not suffice in deterring would-be proliferators. When leaders of a country are willing to state that the people ''will eat grass'' in order to obtain weapons of mass destruction capability, this should be a sign of the relative impotence of U.S. unilateral attempts to alter their behavior.

The Nuclear Non-Proliferation Treaty—the lynchpin of nuclear control—is under assault. North Korea, Iraq, India and Pakistan sent clear signals—nuclear proliferation is a threat now. How obvious do the warning signs have to be to evoke an effective response?

The U.S. should be taking the lead in formulating national and multilateral efforts to contain proliferation. If not contained, the recent events in India and Pakistan will become a common occurrence in the world of the near future.

As stated by Secretary of Defense William Cohen in recent defense Appropriation hearings, India's actions could set off a chain reaction—not solely of a fissile nature but nonetheless having similar cataclysmic ramifications. Without swift and multilateral intervention this chain reaction could easily lead to a nuclear arms race between India and Pakistan that would spillover into other countries' strategic calculations.

More ominous is that Indian and Pakistani defiance will set the tone for other less developed states. It is clearly in the U.S. interest to prevent uncontrolled proliferation. A U.S. response proportionate to the threat would involve bringing all the policy tools we can bring to bear in reducing that threat. In sum, this requires a reasonable, consistent and aggressive non-proliferation strategy.

I would like to take a minute to look at India as an example of the failures in U.S. non-proliferation policies. India's tests resulted from international and domestic concerns. The international issues point to problems in the form of lack of consistency in U.S. non-proliferation policies.

First, India's strategic concerns are most succinctly formulated as follows: China, Pakistan, and the former's assistance to the latter. India has fought three wars in the last 50 years with Pakistan. These two states' relations with one another at their best are more perilous than U.S. relations with the Soviet Union were leading up to the Cuban Missile Crisis.

Moreover, India enjoys front row seats to observe how the existing non-proliferation regimes fail to check China's transfer of controlled technologies to Pakistan as well as another potential enemy, Iran. If China enjoys unimpeded export of missile technologies to Pakistan, and Pakistan proceeds to demonstrate its missile capabilities, why should India refrain from flexing its nuclear muscle?

Second, India has repeatedly indicated its frustration with lack of progress toward global nuclear disarmament. As my colleague, Senator MOYNIHAN, former U.S. Ambassador to India, recently suggested, India rejects the discriminatory nature of the existing non-proliferation regimes. Perhaps due to their frustration with the lack of progress on disarmament, India believes that these tests would lend urgency to the process.

The domestic dimension boils down to the nationalist and isolationist inclinations of the political leaders in India at present. The election manifesto of India's BJP states that it ''rejects the notion of nuclear apartheid and will actively oppose attempts to impose a hegemonistic nuclear regime.'' India will not have its matters of security or its exercise of the nuclear option dictated to it. Nor would any other sovereign state.

While the world was generally appalled by India's actions, the reaction among Indians bordered on euphoria. Even though only four members of the BJP made the decision to test, that choice obviously enjoys widespread support. We witnessed similar domestic jubilation for Pakistan's response.

I agree with my colleague, Senator MOYNIHAN, who suggested that the U.S. should attempt to engage India and provide it with incentives to join international non-proliferation regimes. The current government in India only welcomes our sanctions. To approach the situation with India by invoking sanctions only plays into the aims of the strong nationalist and isolationist currents in that country.

Invoking sanctions on Pakistan raises even more serious concerns. Pakistan is a poor and unstable country. Should our sanctions push it over

the brink and induce a collapse—we would have nuclear weapons in the possession of a desperate regime. As Henry Kissinger astutely observed, non-democratic regimes often use external conflict to coalesce support in the face of domestic unrest. Our sanctions may only force Pakistan's hand.

The U.S. should temper its sanctions with constructive engagement. And we should make the lifting of those sanctions contingent on India and Pakistan's willingness to negotiate their entry into non-proliferation regimes as is suggested in this amendment.

A comprehensive and effective non-proliferation policy would include several elements.

The recent call made by the five nuclear powers for these states to freeze their weapons development is a step in the right direction. The U.S. must ensure that these multilateral efforts get the sustained and clear commitment requisite to turn the tide of proliferation.

Our objectives should be clear:

First, we need to induce relations between India and Pakistan with the objective of preventing an arms race on the Subcontinent. We must convince them that their security is NOT enhanced by the weaponization or deployment of these devices.

Second, we should capitalize on recent overtures made by these countries to negotiate their entry into numerous non-proliferation regimes. We should focus particular attention on a fissile materials cutoff agreement as well as India and Pakistan's commitment to cease testing.

Third, the negotiations among the nuclear powers must take bold actions to address the discriminatory nature of the existing Nuclear Non-Proliferation Treaty. This reality was a longstanding and central reason for India remaining outside of the regime. We must assume that other nations recognize the discrimination codified in this regime, and we must begin to address it.

The implementation of these policies will be anything but easy, but they are critical to international stability and security. To be successful, U.S. non-proliferation policy must utilize the full array of policy tools available; it must be consistent and aggressive; and it must take into account other nations' perspectives and cost-benefit calculations. Imposing sanctions and muddling through simply will not suffice.

Meeting U.S. security needs in the 21st Century will require renewed commitment and more complex strategies than those that sufficed for the last several decades. Make no mistake about it though, these issues must be addressed now, and our commitment must be unwavering.

I concur with Senator MOYNIHAN in one other important respect. In the case of India, we should not be focusing on the intelligence failure, but rather the major failure in our statecraft, or lack thereof.

Statecraft in the form of addressing these problems as a leader, as the dominant global power. If the U.S. does not step up to the plate, the new millenium will be characterized by nations—both hostile and friendly—being armed with weapons of mass destruction and the means to deliver those weapons to our doorstep.

The 21st century will either witness widespread proliferation of mass destruction capabilities or the building of international norms and consensus to scale back incentives to acquiring costly and dangerous weaponry. The U.S. is the only country in a position to take a leaderhip role in defining the course and shape of the future international order.

If we don't act now, the 21st Century will, indeed, be the era of weapons of mass destruction. Mr. President, I support the amendment currently before the Senate. However, this support is qualified. I do not assume that our condemnation and unilateral economic sanctions will be adequate to turn the tide. I support the provisions centered on reduing tensions between India and Pakistan, urging multilateral efforts to address proliferation threats and expressing the need for U.S. leadership. We must act now. We must be consistent and vigilant. And we must utilize all policy tools available to achieve our aims.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3010

(Purpose: To permit recipients of Naval Reserve Officers' Training Corps scholarships to attend the participating college or university of their choice)

Mr. GRAMM. Mr. President, I send an amendment to the desk 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 Texas [Mr. GRAMM] proposes an amendment numbered 3010.

Mr. GRAMM. Mr. President, I ask unanimous consent that 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, add the following:

**SEC. . ATTENDANCE OF RECIPIENTS OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AT PARTICIPATING COLLEGES OR UNIVERSITIES.**

Section 2107 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) Notwithstanding any other provision of law or any policy or regulation of the Department of Defense or of the Department of the Navy, recipients of Naval Reserve Officers' Training Corps scholarships who live in the state which has more scholarships awardees than slots available under the Navy quotas in their state colleges or universities may attend any college or university of their choice in their state to which they have been accepted, so long as the college or university is a participant in the Naval Reserve Officers' Training Corps program.

''(2) The Department of Defense and the Department of the Navy are prohibited from setting maximum limits on the number of Naval Reserve Officers' Training Corps scholarship students who can be enrolled at any college or university participating in the Naval Reserve Officers' Training Corps program in such state.''

Mr. GRAMM. Mr. President, this amendment is a very important amendment, at least to this Senator. I would like to very briefly outline the problem I am trying to deal with. I have narrowed the solution to this problem so we might get a place holder in the bill. Then, our conferees can fix the Nation's problem in conference.

We cannot get an agreement on a final solution now. I think my colleagues, when they hear my argument, will agree to my amendment. I simply want a place holder, so this problem can be fixed in every school in every State in the Union.

Mr. President, what is happening is that the Navy is engaged in setting quotas in allowing students to attend colleges and universities under Naval ROTC scholarship programs. It is interesting, because the quotas are very similar to the problem we have with having more facilities than we have military personnel and functions. This is really very similar to the whole base closing crisis that we have faced.

The basic problem is we have 69 colleges and universities that participate in the Navy ROTC scholarship program. Many of these schools are schools that do not have large numbers of students who would like to attend them. Historically, the selection process, which has not changed, is a process whereby young men and women, the best and the brightest in America, apply for a Navy ROTC scholarship.

Here is how the system works, here is the change that has been made, here is the problem, and here is my proposed beginning of a solution. I hope my colleagues on both sides of the aisle will take this amendment.

Under our current program, a young man or woman who graduated from high school in America, who has excellent SAT scores, extremely high grades, and who has taken a strong scientific curriculum in high school, can apply for a scholarship through the Navy ROTC scholarship program. The selection is made by the Navy on a national basis. For example, for this coming year, 206 young men and women from my State have been selected by the Navy to receive a Navy ROTC scholarship—206.

Now, the way the Navy ROTC scholarship program worked prior to the implementation of quotas was that a young man or woman received a Navy ROTC scholarship and then chose to attend one of the 69 colleges that participated in the program. As the Navy has reduced the number of people participating in the ROTC scholarship program, rather than evaluating university programs and shutting down those

programs that enroll literally two or three students per year, what the Navy is doing is setting a scholarship cap on each university's Navy ROTC program. The Navy ROTC scholarship programs that has been historically popular have been the program at MIT, the program at Notre Dame, the program at Purdue, the program at Texas A&M. The Navy has said, if we let students choose, 250 students would go to MIT and 250 students would go to Texas A&M.

Now, I fail to see the problem. Here is the point—by setting a cap of 25 students who can attend any one of the participating colleges, what happens in my State is two things. No. 1, we have 206 young men and women who have just won a Navy ROTC scholarship, one of the biggest things ever to happen to them in their lives.

Mr. MCCAIN. Will the Senator yield?

Mr. GRAMM. Yes.

Mr. MCCAIN. If the Senator dispenses pretty quick, we will accept the amendment and move on.

Mr. LEVIN. Apparently, Senator BYRD wants to be heard. Will you withhold?

Mr. GRAMM. Then I will continue.

Basically, the problem I am trying to deal with is the following problem.

Mr. MCCAIN. Senator BYRD does not wish to talk on your amendment.

Mr. GRAMM. I have completed my remarks.

I thank my colleagues.

Mr. MCCAIN. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The Senator from Texas has an amendment pending.

Mr. BYRD. That amendment is open to an amendment in the second degree?

The PRESIDING OFFICER. The Senator is correct. The amendment is open for a second degree.

Mr. BYRD. Mr. President, I will have an amendment in the second degree. First, I will talk about my amendment.

Mr. President, earlier this month, Secretary of Defense William Cohen announced a plan that he believes will improve initial entry training programs and policies of the U.S. military services. Secretary Cohen's plan will implement about 95 percent of the recommendations put forth by the Kassebaum-Baker panel. The 95 percent I refer to is not an exact mathematical term here. It is just a figure of speech to indicate that the great majority of the recommendations that were recommended by the Kassebaum panel will be put into effect.

This was a panel directed to assess the current training programs and policies, with an eye to correcting the structural problems that had allowed truly scandalous situations to occur involving the harassment of female recruits. The membership of former Senator Kassebaum's panel was selected directly by Secretary Cohen himself.

While many of the policies under the Secretary's plan are to be commended, debate has been brewing over those core recommendations that remain and that were not put into effect by Secretary Cohen. That deviation pertains to Secretary Cohen's support, in the face of the report of the Kassebaum Commission to the contrary, for continuing the practice of men and women undergoing basic training together, and allowing coed barracks. Not only does this stance counter specific recommendations made by the Kassebaum/Baker panel, but it counters legislative provisions approved by the House of Representatives. In my view, it also counters plain common sense.

Similar to recommendations in the Kassebaum report, the House of Representatives' Fiscal Year 1999 Department of Defense (DOD) Authorization Bill includes provisions that would require separate living facilities for men and women during basic training; prohibit after-hours access to barracks by the opposite sex, including drill sergeants; and separate training of men and women at the basic level. Senator BROWNBACK yesterday offered an amendment to the Senate Defense Authorization Bill that would require separate barracks for men and women, and limit access to these barracks by members of the opposite sex.

Secretary Cohen has announced that he is strongly opposed to the House provisions. But regardless of the Secretary's position in the debate, one looming fact remains: Sex scandals are plaguing our military training facilities. The papers are filled with headlines involving sexual misconduct in the services—misconduct involving extensive investigations and trials, and high-profile ends to military careers. This is a serious situation, a situation that, in all probability, must have negative ramifications for our overall national security. That is what we should be concerned about, not political correctness, not social engineering, not social theory, not social planning—not political correctness, but the military security of our country. That is why we have a military.

While some may claim that most of the sexual misconduct is not occurring during basic training but during follow-on training programs, that claim misses the point. It is my opinion that day 1 of training is a good place to start—day 1. I strongly support a policy that directly states the rules and values of our military services to new recruits on day 1. This policy should clearly dictate to new recruits that the U.S. military is about service, honor, and integrity.

The sad sagas in the press about sexual misconduct in the military and the sorry disrespect on the part of some members for the dignity of and the courtesies owed to other members of the military, including women recruits, can only serve to undermine the appeal of the U.S. military to our young men and women.

If we want the brightest and the best recruits, we must be committed to ensuring that the U.S. military service delivers on its recruiting promises of outstanding career opportunities. The best and the brightest will demand no less.

But that is only part of the issue, as far as I am concerned. While we must implement policies that attract cream-of-the-crop recruits and that carry through on the promise of providing them with world-class training, we must also remember that the objective of military service is the defense of the Nation. That is the objective of the military service. That is what it is all about. That defense, that security, must be the paramount aim of the Military Establishment. All other goals must be secondary to the goal of establishing the best fighting force that our Nation can field.

I have grave concerns—particularly in light of the Kassebaum report—that our current policy is failing to keep its eye on that paramount concern.

The Kassebaum panel stated:

> There is no more valuable military resource than its personnel, making training indisputably a top priority.

The panel further noted:

> The principal objective of the military's training programs is to produce an effective, efficient, and ready force. In order to achieve this objective, the training programs must, first and foremost, emphasize and instill discipline.

I heartily agree with those conclusions. And the Kassebaum report's recommendations supporting separate barracks for men and women during basic training, as well as calling for some same-gender platoons, seem to me to be in the best interest of the troops, as well as providing the right atmosphere for sound and serious training. I believe we need to do what is best for our national security and what is best for the men and women who join our military forces and whose very lives depend upon the quality of the training they receive.

Mr. President, last year, I worked with Senator KEMPTHORNE on the Senate Armed Services Committee. I joined with him on an amendment to the fiscal year 1998 defense authorization bill that created an independent blue-ribbon body to thoroughly examine, review, and evaluate the reasons for the ongoing number of sex scandals in training commands. This blue-ribbon panel is also chartered to examine fraternization and adultery issues. This panel has been created with unquestioned credentials. I believe that the report generated from this group will be a significant contribution to the body of work on gender policy. I regret that that report will not be completed until next year. And if its recommendations mirror, or reflect, those of Kassebaum-Baker, it is likely also to be ignored by the powers that be.

I also favor the language included in the House of Representatives fiscal year 1999 Department of Defense authorization bill that provides for the separation of men and women in training at the basic level. Echoing my priority in this regard, the Kassebaum report concludes:

> . . . separating the recruits at the operational training unit level should provide a better environment for teaching military values, including professional relations.

Again, the bottom line must be about ensuring that military service is a profession of service, honor, and integrity. Let us also remember this—let me say it again—the purpose of our Military Establishment, which costs us scores of billions of dollars, is to protect the national security of these United States, the security interests of the United States of America.

Our military is not an equal employment opportunity commission. It does not exist to ensure perfect political correctness by responding affirmatively to the demands of this group or that interest group or some other interest group. It is the ultimate protector of the sovereignty of this mighty Nation and the ultimate protector of the freedoms of her people. That is quite a heavy responsibility and one that needs the most conscientious and vigilant attention to be adequately addressed.

Mr. President, I urge my colleagues to join me in taking a constructive first step towards cleaning up the mess in the military and putting some common sense back into the service training regime. I like the way the Marines do it. And I think we ought to take a page out of their book.

Mr. President, I will have more to say possibly on this amendment. As of now, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, in the debate on the Brownback amendment yesterday some Armed Services Committee members observed that the Brownback amendment would adopt recommendations of the Kassebaum/Baker commission report by passing the Senate's own commission created last year. It was said that doing so makes a ''mockery'' of the Senate's own action, and wastes the time of the 10 members of the commission.

Well, Mr. President, Secretary Cohen has flouted the recommendations of the Kassebaum/Baker report that he himself commissioned. He has promised to implement the easiest recommendations in that report while publicly repudiating its core recommendations. He has not waited for the Senate commission's report either. He got out in front of it.

Senator BROWNBACK's amendment, and the amendment that I have prepared, would say if you are in for a penny, you are in for a pound. If the report has merit—and Secretary Cohen has acknowledged that at least parts of it do have merit in his estimation—then we ought not to reject those parts of the report that do not seem politically correct. In fact, the Kassebaum/Baker report notes that ''the committee has made recommendations regarding gender integration in training where appropriate, but has also made recommendations regarding the large number of other issues that we concluded have an impact on the effectiveness of the overall training program. It is the committee's intention that its recommendations be viewed as a complete package since training is a building-block process beginning with the quality of the recruit.''

Other Members have reported the objections of senior military officials to the recommendations in the Kassebaum/Baker report. And they have stated their strong support for keeping mixed-gender training just the way it currently is.

I would remind those officials and my colleagues that not so long ago the military trained women completely separately from men. It was only since the early to mid-1980's that the military began mixing the sexes during the early training phases. I believe, if I recall it correctly, that Army women were trained together at Fort McClellan, which is now closing as a part of the base realignment and closure process.

The great social experiment of putting men and women together from day 1 in the training process is not, therefore, some hallowed military tradition. It is a policy, and if that policy gets in the way of a process that is designed to remold these undisciplined young individuals into focused disciplined soldiers, then we should not hesitate to change it.

Our focus must be on national security—not political correctness; not social policy. And the basic safety and security of our recruits should not be compromised.

Mr. President, I ask unanimous consent that my amendment may be temporarily laid aside so that others may call up other amendments.

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

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

## PROVIDING FOR AN ADJOURNMENT OF BOTH HOUSES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 297, the adjournment resolution, which was received from the House.

I further ask consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 297) was agreed to.

The concurrent resolution is as follows:

H. CON. RES. 297

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, June 25, 1998, it stand adjourned until 12:30 p.m. on Tuesday, July 14, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when Senate recesses or adjourns at the close of business on Friday, June 26, 1998, Saturday, June 27, 1998, or Sunday, June 28, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, July 6, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we are working on a unanimous consent agreement, and orally we have at least agreed that Senator FEINGOLD would speak on his amendment for about 20 minutes, and Senator ABRAHAM wants to speak for 10 minutes. We are proceeding with the unanimous consent agreement. We think we can get things done in about an hour and a half, and final passage. We are moving forward on that.

We will be voting on Senator BYRD's amendment pretty much after he feels that everyone has spoken. But at the moment, we should move forward, I think, with the Feingold amendment.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I thank the senior Senator from Arizona. I will use some of the 20 minutes that I have been allocated at this time and then reserve some of it in order to respond to whatever arguments are made about the position of the amendment.

Mr. BYRD. Mr. President, will the Senator yield just very briefly without losing his right to the floor?

Mr. FEINGOLD. I will be happy to yield.

AMENDMENT NO. 3011 TO AMENDMENT NO. 3010

(Purpose: To require separate training platoons and separate housing for male and female basic trainees, and to ensure after-hours privacy for basic trainees)

Mr. BYRD. Mr. President, I call up my amendment and ask for its reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 3011 to amendment No. 3010.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be waived.

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

The amendment is as follows:

At the end of the amendment insert the following:

SEC. ____. (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 platoons and separate housing for male and female recruits**

''(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

''(1) male recruits shall be assigned to platoons consisting only of male recruits; and

''(2) female recruits shall be assigned to platoons consisting only of female recruits.

''(b) 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.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army 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 subsection (b) 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 subsection (b) 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 subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) 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.

''(d) 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 platoons and separate housing for male and female recruits.''.

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), 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.

(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 small units and separate housing for male and female recruits.

**"§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits**

''(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

''(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

''(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

''(b) 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.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy 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 subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) 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 subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) 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.

''(d) 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".**

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), 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 16, 1999.

(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 flights and separate housing for male and female recruits**

''(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

''(1) male recruits shall be assigned to flights consisting only of male recruits; and

''(2) female recruits shall be assigned to flights consisting only of female recruits.

''(b) 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.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force 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 subsection (b) 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 subsection (b) 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 subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) 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 dormitory or other troop housing facility.

''(d) 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 flights and separate housing for male and female recruits.''.

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), 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.

SECTION 527 NOT TO TAKE EFFECT.—Section 527 shall not take effect.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment may be temporarily laid aside.

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

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2808

(Purpose: To terminate the Extremely Low Frequency Communications System program of the Navy)

Mr. FEINGOLD. Mr. President, I call up amendment No. 2808 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending Gramm amendment also be set aside at this time.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 2808.

Mr. FEINGOLD. 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 B of title II, add the following:

**SEC. . TERMINATION OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM PROGRAM.**

(a) TERMINATION OF PROGRAM.—The Secretary of the Navy shall terminate the Extremely Low Frequency Communication System program.

(b) PAYMENT OF TERMINATION COSTS.—Funds that are available on or after the date of the enactment of this Act for the Department of Defense for obligation for the Extremely Low Frequency Communication System program of the Navy may be obligated for that program only for payment of the costs associated with the termination of the program.

(c) USE OF SAVINGS FOR NATIONAL GUARD.—Funds referred to in subsection (b) that are not necessary for terminating the program under this section shall be transferred (in accordance with such allocation between the Army National Guard and the Air National Guard as the Secretary of Defense shall direct) to funds available for the Army National Guard and the Air National Guard for operation and maintenance for the same fiscal year as the funds transferred, shall be merged with the funds to which transferred, and shall be available for the same period and purposes as the funds to which transferred.

Mr. FEINGOLD. Mr. President, my amendment terminates the Navy's Extremely Low Frequency Communications System and uses the savings from it to offset funding increases for our National Guard. I am very pleased to be joined in introducing this amendment by our senior Senator from Wisconsin, Mr. KOHL.

Mr. President, the amendment would limit funds appropriated in this bill for the Navy's Extremely Low Frequency Communications System or, as is it called, Project ELF, and it involves the termination of this program. It is time to mothball the project and use the savings to correct a significant shortfall that we have in this authorization bill in the funding for the National Guard's operations and maintenance account. Project ELF is in Wisconsin, but it is an ineffective, unnecessary, outdated, cold-war relic that is not wanted by most residents of our State.

The members of the Wisconsin delegation have consistently fought for years to close down this Project ELF. I have introduced legislation during each Congress that I have been here to terminate it. And I have also attempted and have, in fact, recommended it for closure to the Defense Base Closure and Realignment Commission.

This project has been opposed by residents of Wisconsin since its inception, but for years we were told that the national security considerations of the cold war outweighed our concerns about having this installation in our State. As we continue our efforts to reduce the Federal budget deficit and as the Department of Defense continues to struggle to meet a tighter budget, it is just absolutely clear that Project ELF should be closed down. If enacted, this amendment would save approximately $12 million a year.

Project ELF is simply a one-way, primitive messenger system designed to signal to but not actually communicate with deeply submerged Trident submarines, so it is really just a bell-ringer. It is like a pricy beeper system used to tell the submarine when it should rise to the surface to get the actual detailed message through real communications systems. This was designed a long time ago. It was designed when the threat and consequences of detection to our submarines was real. But ELF was never developed to an effective capability, and the demise of the Soviet threat has certainly rendered at least this program unnecessary.

With the end of the cold war, Project ELF has become harder and harder to justify. Trident submarines no longer need to take this extra precaution against Soviet nuclear forces. They now can surface on a regular basis with less danger of detection or attack. They also receive more complicated messages through very low frequency, or VLF, radio waves or lengthier messages through satellite systems if it can be done more cheaply.

During the 103d Congress, Mr. President, I worked with our former colleague, Senator Nunn from Georgia, and included an amendment in the National Defense Authorization Act for Fiscal Year 1994 that required a report by the Secretary of Defense on the benefits and the costs of continued operation of this Project ELF. The report issued by DOD was particularly disappointing because it basically argued that because Project ELF may have had a purpose during the cold war, it should somehow continue to operate after the cold war as part of the complete complement of command and control links that were configured with the cold war in mind.

So if the question is, Did Project ELF play a role in helping to minimize the Soviet threat? Perhaps. Did it do so at risk to the community? Perhaps. But does it continue to play a vital security role to this Nation? No, it doesn't. It does not have that role.

In the 1995 rescissions bill, the Senate, as a whole, recommended the termination for Project ELF. Somehow again, though, the program survived when some conference committee members claimed to have ''newly released, highly classified justifications'' for the program's continuation. When I looked into these claims and was assured by the Navy and Strategic Command that no new classified justifications existed, I continued my effort to try to get rid of this program. Again, the Senate cut funding for the program in 1996 in the DOD authorization bill but somehow it was again resurrected in conference.

I would like you to know that both congressional representatives who have ELF installations in their areas, Representatives OBEY and STUPAK, support getting rid of this project. Also, former commander in chief of the Strategic Command, General George Lee Butler, called for an end to the cold-war nuclear weapons practices, of which Project ELF is a harrowing reminder.

Additionally, the Center for Defense Information called for ending the program, noting that ''U.S. submarines operating under present and foreseeable worldwide military conditions can receive all necessary orders and instructions in timely fashion without need for Project ELF.''

As I mentioned, Mr. President, the savings from terminating this Project ELF would offset increases for National Guard operations and maintenance, O&M. As we all know, the National Guard expects this year a $594 million budget shortfall for the coming year, almost a $600 million shortfall for our National Guard, and this follows fast on the heels of a $743 million shortfall for the National Guard during the current fiscal year.

According to the National Guard, these shortfalls are, in fact, compromising the Guard's readiness levels, capabilities, force structure, and end strength. The National Guard's O&M account shortfall directly affects surface operations tempo, real property maintenance, depot maintenance, information and telecommunications management, and medical support.

The President's 1999 budget request leaves the National Guard's O&M account a significant $450 million below what it really must be in order to meet the needs of the Guard and, therefore, the needs of our military and our country. The shortfalls have increasingly greater effect given the National Guard's increased operations burdens. This is a result of new missions and increased deployments and training requirements, including the National Guard's critical role in places like Bosnia, the Iraq situation, Haiti and Somalia.

Just to give my colleagues some background, as of now the Army National Guard represents 34 percent of all—total Army forces, including 55 percent of combat divisions and brigades, 46 percent of the combat support, and 25 percent of combat service support. And, yet, despite these very high figures of the critical and central role of the National Guard, the National Guard just gets 9.5 percent of the Army's funding.

In total numbers, the National Guard receives just 71 percent of its requested funding as opposed to the Active Army getting 80 percent and the Army Reserves getting 81 percent.

It is time we moved toward giving the National Guard adequate and equal funding. While this amendment would certainly not achieve funding equity for the National Guard, it is a step in the right direction. It does increase funding for the nation's only constitutionally mandated defense force, the National Guard.

Finally, I would like to briefly mention the public health and environmental concerns that have sometimes been associated with Project ELF. For almost two decades, we have received

inconclusive data on this project's effects on Wisconsin and Michigan residents. In 1984, a U.S. district court ordered the project be shut down because the Navy paid inadequate attention to the system's possible health effects and violated the national environmental policy. Interestingly, that decision was overturned because U.S. national security at the time, Mr. President—at the time—prevailed over public health and environmental concerns. Obviously, at that time the cold war was still occurring.

More than 40 medical studies point to a link between electromagnetic pollution and cancer and abnormalities in both animal and plant species. Metal fences near the two transmitters must be grounded to avoid serious shock from the presence of high voltages.

Mr. President, I would like to bring to the attention of my colleagues this article from this morning's Washington Post. An international committee, convened by the National Institutes of Environmental Health Sciences undertook the study of electric and magnetic fields as a possible cause of cancer. Project ELF produces the same kind of electric and magnetic fields cited by this distinguished committee, and the committee's announcement seems to confirm some of the fears of many Wisconsinites.

At this point, I ask unanimous consent to have this article printed, also to follow my remarks in the RECORD.

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

(See Exhibit 1.)

Mr. FEINGOLD. Earlier this year, a coalition of fiscal conservatives and environmentalists targeted, among other programs, Project ELF, because it harms both the Federal budget deficit and the environment. The coalition which includes groups like the Concord Coalition, Taxpayers for Common Sense, the National Wildlife Federation and Friends of the Earth, took aim at about 70 wasteful and dangerous programs, and this was one of them. I hope we heed their suggestion and end this program.

This amendment achieves two vital goals of many of my colleagues here. It terminates a wasteful and unnecessary cold-war era program, while providing funding increases for the National Guard. It is truly a win/win situation and I hope my colleagues will support this amendment.

EXHIBIT 1

HEALTH PANEL URGES POWER LINE STUDIES—ELECTRIC, MAGNETIC FIELDS TERMED ''POSSIBLE HUMAN CARCINOGEN''

(By Curt Suplee)

The kind of electric and magnetic fields (EMFs) that typically surround electric power lines should be regarded as a ''possible human carcinogen,'' a federally sponsored advisory panel concluded yesterday.

The 29-member international committee, convened by the National Institute of Environmental Health Sciences and meeting outside Minneapolis, voted 19 to 9 to consider power-line EMFs as a possible cause of cancer. Eight members found that the fields could not be classified as causing cancer, and one decided that EMFs are probably not carcinogenic in humans.

In a statement, NIEHS said that the majority was most influenced by epidemiological studies that ''showed a slight increase in childhood leukemia risk from power-line/residential exposures, and an increase in chronic leukemia risk in adults in electricity-intensive industries.''

The possible link between EMFs and cancer is highly controversial. Some other advisory groups, including panels of the National Cancer Institute and National Academy of Sciences, have noted the same association but found it inconclusive.

The panel's recommendation will be included in a report that NIEHS, which is part of the National Institutes of Health, is scheduled to present to Congress and regulatory agencies in coming months.

''This report does not suggest that the risk is high,'' said committee chairman Michael Gallo of the University of Medicine and Dentistry of New Jersey-Robert Wood Medical School. ''It is probably quite small, compared to many other public health risks. However, I strongly believe that additional . . . research should be pursued to reduce uncertainties in this arena.''

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 40 seconds remaining.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

Mr. KOHL. Mr. President, I rise today as a cosponsor of this amendment to eliminate the Extremely Low Frequency or ELF System, and transfer these funds, some $12 million, to the National Guard. I commend my colleague from Wisconsin, Senator FEINGOLD, for his persistent efforts to kill this cold war relic.

It is amazing to me that no matter how many times the Senate votes in favor of eliminating this little known and obsolete system, it continues to reemerge in conference. In an era of tight budgets, with pressures to fund operations abroad and maintain modernization efforts at home, we need to take a closer took at the ELF System and recognize that we have far more compelling needs even within the defense budget.

Project ELF was conceived solely to launch and win a nuclear war. It was designed to protect submerged submarines from Soviet detection. Unfortunately, ELF's capabilities are minimal and, given the end of the cold war, its rationale is dubious. ELF is a communications system for sending one-way pre-formatted messages from shore commands to submarines operating at high speeds and depth without exposing antennae on the ocean surface. ELF's message capability is very limited and very slow—three letters take 15 minutes to transmit—so a submarine must still surface to retrieve communications. This poses serious questions about the protection ELF can provide to our submarine fleet.

ELF's transmitting facilities are located in Clam Lake, WI and Republic, MI. The two antennae work together to strengthen the signal. The Clam Lake antenna is 28 miles long with two sets of wires strung on telephone poles. The wires form an X running several miles out in four directions from the center.

The existence of this large antenna in Wisconsin has raised health and environmental questions over the years. At best the data on the risks posed by this facility are inconclusive. At worst, more than 40 medical studies point to a link between electromagnetic pollution and cancer. The people of Wisconsin would rather not have this question mark hanging over their heads.

Directing ELF's funding to the National Guard would be a much better use of these funds. The National Guard has been under funded in the FY99 budget request and the trend continues in that direction: Unfunded requirements for the Army National Guard could exceed $1.2 billion by 2002 if current trends continue. Our amendment will help address this shortfall.

Let me just conclude by noting that people of Wisconsin do not want this system in their borders. For years now, we have been working with the members of Congress in whose districts this system is based to shut it down. We almost succeeded in 1995 when the Senate Appropriations Committee rescinded funding for ELF in the Defense supplemental. At that time, I was told that the Navy wasn't interested in funding ELF anymore. Furthermore, when the Strategic Command was asked about the ELF program, it was lukewarm in its support, indicating that they would like to see ELF funded but they couldn't possibly fund it out of their own budget. Yet, at the last minute in conference, the House announced that there was new and classified information that supposedly revealed that ELF is essential to national security. The Defense Department has since weighed in with a letter saying it would like to keep ELF.

Our inability to kill ELF is a perfect example of how we can't seem to shed the Cold War infrastructure that has shaped our defense budgets for so many years. We pay much lip service to ''defense reform'' and making defense spending relevant to threats of the future, but when we have a small opportunity to demonstrate our resolve in this area, we cower at the thought of dismantling even one small system.

Mr. President, let's not hesitate this time. Let's eliminate this anachronism once and for all. I thank my colleague from Wisconsin for his leadership on this issue.

Mr. THURMOND. Mr. President, I rise to oppose the Feingold amendment to terminate the Navy's Extremely Low Frequency communications system.

The so-called Project ELF is a vital communications system that allows

the United States to send messages to submarines that are traveling in very deep water. These messages tell submarines to come closer to the surface to receive more detailed communications. ELF is the only way to get a message to attack and ballistic missile submarines when they are at their normal operating depths.

Contrary to the argument made by the Senator from Wisconsin, Project ELF is not a cold war relic. The system remains as vital as ever. The need for the United States to have a survivable submarine force remains essential. ELF is not only needed to send messages to U.S. ballistic missile submarines but also to attack submarines.

In the post-Cold Ware era, the United States will place even greater emphasis on the submarine force for strategic deterrence. A survivable Trident submarine force is essential. This was reaffirmed in the Administration's Nuclear Posture Review, which recommended the retention of 14 Trident submarines for the foreseeable future. In a letter to the Armed Services Committee the Commander-in-Chief of the U.S. Strategic Command, wrote the following: ''Both ELF communications sites, operating simultaneously, are needed to meet our worldwide requirements. Dismantling this critical system would unacceptably impact the survivability and flexibility of our submarine force.'' Just this week the nominee to be the next Commander-in-Chief of Strategic Command, Admiral Richard Mies, reaffirmed STRATCOM's strong support for the ELF system.

The need for a survivable U.S. submarine force did not end with the Cold War. Russia retains an aggressive anti-submarine warfare program designed to develop advanced capabilities to track and destroy all types of U.S. submarines. The United States continues to invest billions of dollars to maintain and modernize our submarine force. Other countries, such as Iran, are also acquiring an attack submarine force.

Congress continues to strongly support development of a New Attack Submarine. This important submarine modernization program is justified, in part, by Russia's aggressive ASW program. If the Senate is willing to sustain such programs, we should sustain Project ELF. If we terminate this communications program we will save approximately $10 million per year, but put at risk a multi-billion dollar investment in our submarine force.

The assertion has also been made that the ELF system may pose a public health threat. There is no evidence to substantiate this assertion. This question has been extensively studied. Each assessment has concluded that there is no risk to public safety.

The Department of Defense opposes the Feingold legislation to terminate project ELF. In a letter dated May 7, 1997, the DOD General Counsel wrote that: ''The Department of Defense, Joint Staff, the Department of the Navy, and U.S. Strategic Command all agree on the necessity of maintaining the ELF system.'' The letter also stated that: ''ELF is the only communications system available that ensures the maintenance of these critical communication links. Costly new research and development would have to be done to provide another communications path to our submarines to ensure our ability to communicate at speed and depth.''

Mr. President, in summary, this amendment would jeopardize the security of the entire U.S. submarine force. There is no benefit to canceling this program and the risk of doing so is extremely high. I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will use a bit more of the time I am allotted. I would like to briefly respond to the distinguished chairman. He indicated, first of all, the distinguished Senator from Michigan, who is a member of the Armed Services Committee, has been a critic of the Project ELF program long prior to the time I was serving in the Senate. Surely the Senator from Michigan would not support such a termination if it truly was a threat to our entire submarine system and our national security.

In particular, Mr. President, there were apparently, at least arguably, benefits to this program at one point. But these justifications that have just been identified no longer can be defended. I tried very hard for 5 years to find exactly what it is that is so critical that this system does, and I can't find it. Let me review briefly what the problem is with this ELF program.

It is an unsophisticated technology which is designed to only signal to, not actually substantively communicate with, a deeply submerged Trident submarine. It is entirely ineffective in communicating anything of substance. While Project ELF may provide an additional form of communication, it is really just redundant over the communications systems we now have at this time.

Any benefit from this is just marginal. It cannot communicate messages. It can just give phonetic-letter-spelled-out messages at the rate of 1 pulse per 5 minutes. And wartime messages, except messages to strike, presumably would require more sophisticated methods.

We are dismantling our first-strike capability. In order to act in combat, submarines have to come to the surface anyway, Mr. President, in order to receive messages and to launch missiles. So they are at risk of detection anyway at precisely the moment that we are talking about. Even in its optimum construction, Project ELF has no nuclear survivability; it has no nuclear dependability and, thus, it really doesn't have any wartime efficacy.

The justifications that have been given again here are the old ones. They do not fit the reality of the post-Soviet submarine era, and that is the reason why there is a justification for this amendment. It saves money, and it provides funding for our National Guard that desperately needs the help.

This is what is sometimes so frustrating about trying to ask the Defense Department just to give up something that they don't need. I understand criticisms of proposals for across-the-board cuts that mindlessly say, ''Let's just cut out a percentage of the defense budget.'' That can't possibly be a reflection of the needs of our national security. But when a careful effort has been made over many years by Members of both bodies of our Congress to identify a specific program as outdated and is a cold-war relic, it seems to me it is our job in this body to say, ''Wait a minute; this $12 million a year is wasted.''

I am not even asking in this amendment that it be put into some other area of Government. I am asking that it be put into our National Guard, which I can tell you, having visited several armories in Wisconsin recently, the National Guard in Wisconsin has inventory problems. They can't get the training they need, and they don't have the personnel they need. They are, unlike Project ELF, critical to our national security.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 45 seconds.

Mr. FEINGOLD. I reserve the remainder of my time and yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to add my voice to those who have already spoken in support of the defense authorization bill. Providing for the common defense is the single most important responsibility of a national government. If we fail in this regard, all the other aspects of our public policy become irrelevant. I am particularly pleased with the significant role that my own State of Maine plays in our national defense.

The legislation brought to us by the Armed Services Committee—and I commend the leaders of the committee for their tremendous efforts—recognizes Maine's contributions in a number of ways. Perhaps none is more significant than the contribution of the State of Maine in the field of naval shipbuilding. This is where the skill and the dedication of Maine workers at Bath Iron Works provide the U.S. Navy with state-of-the-art *Arleigh Burke* class destroyers, the backbone of our destroyer fleet. Fortunately, this bill ensures this will be true for years to come, because the legislation continues the Navy's multiyear procurement program for the *Arleigh Burke* class.

The bill also provides funding for the new LPD–17 amphibious ship which will be built in Bath and will help the Marine Corps maintain its local reach for years to come.

Moreover, this bill provides continued funding for the Navy's next generation of destroyers, the DD–21. With the

DD–21, Mainers will continue to play a pivotal role on the cutting edge of American sea power through Bath's participation in the ''shipbuilding alliance'' that will construct this powerful and innovative new ship for our 21st-century Navy.

Other provisions of importance to my State increase funding to modernize and reconfigure the Navy's P–3 maritime patrol aircraft. This should permit these tried-and-true workhorses of naval aviation, operating out of bases such as the Brunswick Naval Air Station in Maine, to continue protecting our security for years to come. This bill also recognizes and supports the contributions of a number of very important defense contractors in Maine, including Saco Defense, Pratt & Whitney and Fiber Materials International of Biddeford.

Furthermore, having learned a great deal about the extraordinary high-tech chemical and biological sensor laboratory at the University of Maine, I am also proud of the groundbreaking role Maine is playing in this crucial field. Recent events in Iraq and elsewhere illustrate the grave threats posed by the proliferation of chemical and biological weapons, the so-called poor man's atomic bomb. If we are to protect Americans against such threats, our troops in the field and our citizens at home need access to small, portable, state-of-the-art sensors capable of detecting such threats quickly and efficiently. I am proud that the University of Maine and Maine companies, such as Sensor Research & Development, are playing such an important role in preparing to meet this need and that this legislation supports funding for this important research program and other very significant defense projects at the University of Maine.

Maine will also contribute to our national defense in the development of advanced composite materials—a field in which Fiber Materials International, of Biddeford, Maine, is a world leader. From structural skin elements of advanced NASA spacecraft to the nose tips and other components for a whole generation of high-tech missile systems, FMI provides this country with the very best in fiber composite materials. Another world leader from Maine is the Pratt & Whitney plant in South Berwick, Maine, which produces engine components for the F–15 Eagle.

I should also note that this bill also aims to help ensure that the Defense Finance and Accounting Service meets its cost-cutting goals in a responsible manner—by requiring a careful study of how best to balance DFAS infrastructure reductions before the Department of Defense undertakes any such cuts. This ought to help Maine, and other states, avoid any unfair burden from cuts in facilities such as the award-winning DFAS center in Limestone, Maine. I commend my colleague, the senior Senator from Maine, for her amendment requiring this study.

As a state with one of the highest per-capita populations of veterans in the country, Maine will also gain from this bill's provision for three demonstration projects designed to help the Department of Defense determine the best way to provide health care to Medicare-eligible veterans over the age of 65. Among the demonstration projects this language would authorize is an effort to extend FEHBP benefits to Medicare-eligible veterans. This provision is itself modeled upon a bill introduced by Senator BOND which I have cosponsored. Through such demonstration projects, we hope to be able to fill a significant gap in the health care our country provides to military retirees.

As a final observation, I would like to point out that this defense authorization bill also includes language I introduced that will release federal interests in the Kennebec Arsenal in Augusta, Maine. The national government actually transferred this property to Maine nearly a century ago, but this conveyance had a number of strings attached—among them the requirement that the land only be used for a mental hospital. Today, these conditions are wholly obsolete, and this historic site is in great need of repair and historical preservation. The language I introduced which has been incorporated into the defense authorization bill will finally release the Kennebec Arsenal, without conditions, to the people of Maine. Augusta, ME, has very exciting plans for renovating this historic structure.

All in all, this defense authorization bill represents far-sighted thinking about the challenges of U.S. defense policy in the years ahead. For this alone, it deserves our support. I am however, particularly pleased that this bill recognizes Maine's role in our defense preparedness and our state's pivotal position on the forefront of defense research and development, and that it builds upon them in order to ensure our security in the 21st Century. Mr. President, I urge my colleagues to support this legislation, and I, again, salute the leaders of the Armed Services Committee for their impressive efforts.

Thank you, Mr. President. I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 3011

Mr. BROWNBACK. Mr. President, I rise to speak on behalf of the Byrd amendment and speak in favor of that amendment. I will not take very long, but I do want to draw some points of attention to my colleagues.

This amendment is about separate barracks and separate training. We had a thorough debate on this yesterday, so I don't need to speak for a long period of time. This amendment, in my estimation, is a very sensible step in restoring privacy and dignity to the military basic training experience.

The amendment codifies—I want to make this point very clear to my colleagues—this amendment, actually more than the one I put forward yesterday, this amendment codifies the Kassebaum-Baker recommendation, a unanimous commission, a bipartisan recommendation of separate-gender barracks facilities, and this goes on to say also during basic training separate-gender training.

This is also what has passed the House. So if my colleagues ask the question, Is this moving too far forward? I want to point a couple things out to them. This is the unanimous recommendation of the Kassebaum-Baker commission. This is the recommendation. This is what has passed the House of Representatives. This is what the Marines currently do, and it is what most of the branches, up until this decade, did as well.

But the sole point I actually want to make to my colleagues is this. We have had a good airing of this. When you come down to vote on this bill, will you please think of your daughters and your sons and sending them to basic training? I just ask and beg of you, please just think about your 18-year-old children.

And when you send them off to basic training—would you ask yourself, as you vote: Do I want to send my young daughter—in my case, Abby and Liz—do I want to send my 18-year-old daughter to basic training—I want them to serve their country; I really do want them to serve their country—but do I want to send them to basic training, 18 years old, and be able to have a male drill sergeant come in and out at any time of the day or night, such as in the cases that have taken place and take place?

Do I want to have them in the same barracks facility as other 18-year-old men, who, at the end of the day, may be looking for other things to do? Is that where I want to put Abby and Elizabeth? Is that where you want to put your daughters, your children?

This is not a wild idea or notion that Senator BYRD has put forward. It is common sense. It is the thing we ought to do. And so when the Senators cast their votes tonight, I hope when they write down that vote, they will think about their daughters, their granddaughters, their sons, their grandsons, and America, and ask, What is really best here?

Let us not hide behind another commission. A lot of people just want to do that—''Let's have another commission''—and we will do a commission until it reports out the way some people want. Let us just do what we know is right, what we have been doing with the Kassebaum-Baker commission reports, what has already passed, and let us pass the Byrd amendment.

With that, Mr. President, I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2808

Mr. ABRAHAM. Could I inquire of the Chair as to what the pending business is?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Wisconsin.

Mr. ABRAHAM. Thank you, Mr. President. I would like to speak briefly. I am not sure if we had an official time agreement on this amendment.

The PRESIDING OFFICER. There is no official time agreement.

Mr. ABRAHAM. I have some brief remarks I have to add to those by the chairman of the Armed Services Committee. I may have additional comments later, but I think this will be all that I have to add.

Mr. President, I rise today with the Department of Defense, the U.S. Strategic Command, the United States Navy, the Commander of the Atlantic Fleet Submarine Force, the Wisconsin State Conference of the International Brotherhood of Electrical Workers, the Wisconsin and Michigan District of the International Brotherhood of Electrical Workers, and the Upper Peninsula Building and Construction Trades Council, in opposing the amendment offered by my friend from Wisconsin, Mr. FEINGOLD.

Because our time is limited, I will get right to the point. The program which is defined in this amendment as the ELF program is of critical importance to the United States military. It has been for many years, and continues to be today, even in this post-cold-war environment. No other system can replace it, and if we eliminate it, our submarines will be forced to operate at lower speeds, shallower depths, less maneuverability, and will therefore be more vulnerable to detection and attack from hostile forces.

Last year, the Commander of the U.S. Strategic Command, General Habiger, told the Senate Armed Services Committee:

> As the only system capable of communicating with submarines operating deep beneath the ocean surface, ELF is key to enhancing the security and flexibility of that submarine force. Without ELF, submarines must communicate at shallow depth and slow speed with increased vulnerability to detection and decreased operation flexibility. The capability to operate at depth and speed is even more important in today's post Cold War environment. . . . From a security standpoint, ELF is critical to maintaining our hedge against current and future ASW [anti-submarine warfare] threats.

In fact, Mr. President, the Department of Defense recently wrote the Senate Armed Services Committee and stated that maintaining our deterrence and commitments under current arms control agreements and unilateral U.S. initiatives require the continued operation of ELF. The United States Navy is planning additional upgrades to this system because new command and control procedures will place an even greater reliance on ELF. Similar statements of support have been made by the previous and prospective Commanders of the U.S. Strategic Command, Admiral Chiles and Admiral Mies. I ask unanimous consent, Mr. President, that the letters from the Department of Defense, and both Admirals be printed in the RECORD.

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

DEPARTMENT OF DEFENSE,
GENERAL COUNSEL,
*Washington, DC, May 7, 1997.*

Hon. STROM THURMOND,
*Chairman, Committee on Armed Services,*
*U.S. Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on S. 59, 105th Congress, a bill ''To Terminate the Extremely Low Frequency Communication System of the Navy.''

The Department of Defense opposes enactment of S. 59.

The Extremely Low Frequency (ELF) Communication System is a unique and highly effective means of one-way communication from U.S. based operational commanders to ballistic missile submarines (SSBNs) and selected fast attack submarines (SSNs) at operational depths and speeds. In fact, it is the only system capable of communicating with submarines operating deep beneath the ocean surface. This is critical if both SSBNs and SSNs are to utilize their full range of tactical capabilities. While other communication systems require submarines to deploy an antenna at or near the surface, the ELF system allows communication further from the surface thereby increasing operational flexibility and maximizing the stealth inherent in our nuclear submarines. Two ELF transmission sites are required to maintain worldwide communications coverage.

As a consequence of arms control agreements and unilateral U.S. initiatives, we have reduced the number of alert strategic weapons and forces. Accordingly, our strategic deterrent posture relies increasingly on flexible, responsive, highly survivable submarine forces. The ELF provides an important operational capability for SSBNs and SSNs. This legislation seeks to terminate this important program. Without ELF, submarines must communicate at shallow depths with increased vulnerability to detection and decreased operational flexibility. ELF enables a broader range of nuclear weapon de-posturing possibilities that can be implemented if required. Termination of ELF would seriously degrade submarine operations, by reducing responsiveness, and potentially survivability, of submarines because they would need to resort to less survivable communication postures.

The Department of Defense, Joint Staff, the Department of the Navy, and U.S. Strategic Command all agree on the necessity of maintaining the ELF system. In fact, the Department's recently completed comprehensive review of the Nuclear Command, Control, Communications and Intelligence System, conducted in support of the Department's Nuclear Posture Review, strongly supported the continued operation of the ELF system.

Fiscal constraints have mandated a reduction in the fixed submarine broadcast system. As the world coverage and redundancy of our communication networks are reduced, the ELF system ensures SSBNs can operate in all patrol areas and meet stringent connectivity requirements. The ELF system supports the rapid repositioning of SSBNs for contingency target coverage while maintaining continuous communications from the National Command Authority. Likewise, the ELF system provides immediate, dependable communications with SSNs operating in a multitude of theaters, communication which is essential to successful accomplishment of their assigned missions. ELF is the only communications system available that ensures the maintenance of these critical communication links. Costly new research and development would have to be done to provide another communication path to our submarines to ensure our ability to communicate at speed and depth.

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 for the consideration of the committee.

Sincerely,

JUDITH A. MILLER.

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DEPARTMENT OF DEFENSE,
U.S. STRATEGIC COMMAND,
*Washington, DC, September 5, 1995.*

Hon. C.W. BILL YOUNG,
*Chairman, House Appropriations Subcommittee on National Security, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Among the potential FY96 House Appropriation Bill Floor Amendments is one which prohibits Navy Extremely Low Frequency (ELF) Communications funding. Project ELF is essential for the effective use of the most critical leg of the strategic TRIAD. Therefore, I will reiterate some of the important facts surrounding ELF.

Post-Cold War reposturing and arms control agreements have resulted in placing more emphasis on submarines as the major leg of our nuclear deterrence. The ELF Communications System is the only system capable of communicating with submarines operating deep beneath the ocean's surface. This allows ballistic missile submarines (SSBNs) and attack submarines (SSNs), as well, to utilize their full range of tactical capabilities and maximize inherent stealth, thereby providing the operational flexibility needed to support command and control requirements stemming from force structure and mission changes.

ELF is also the only communications system that supports rapid reposturing of SSBNs for contingency target coverage by allowing continuous connectivity with the submarine while it transits at design depth and speed. ELF provides the SSBN the ability to train and exercise within the full envelop of its capabilities and maintain the ability to rapidly respond to National Command Authorities' orders. Both ELF communications sites, operating simultaneously, are needed to meet our worldwide requirements. Dismantling this critical system would unacceptably impact the survivability and flexibility of our submarine forces.

Your continued support is greatly appreciated.

Sincerely,

H.G. CHILES, JR.,
*Admiral, U.S. Navy, Commander in Chief.*

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COMMANDER SUBMARINE FORCE,
U.S. ATLANTIC FLEET,
*Norfolk, VA, June 15, 1998.*

Hon. STROM THURMOND,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for the opportunity to respond to the questions from the Senate Armed Services Committee. It is an honor to have been nominated by the President to be Commander in Chief, U.S. Strategic Command. I respectfully submit the enclosed responses to your questions on

the important defense policy and management issues and look forward to working with you and the Committee.

Sincerely,

RICHARD W. MIES,
*Vice Admiral, USN.*

Enclosure.

EXTREMELY LOW FREQUENCY COMMUNICATIONS

Question 54: Do you support continued operation of the Extremely Low Frequency (ELF) communications system?

Answer. Yes, I support continued operation of the ELF communications system. A strong command and control capability remains of utmost importance to the success of our Nation's strategic deterrence. Post-Cold War strategic force reductions have resulted in more emphasis on submarines in our strategic triad. ELF is a unique and highly effective system capable of one-way communications with strategic submarines at secure operating depths and speeds. While other communications systems require a submarine to deploy an antenna at or near the ocean surface, the ELF system allows communication further from the surface thereby increasing operational flexibility and maximizing the stealth inherent in our strategic submarines. Both ELF transmissions sites, operating simultaneously, are required to meet our worldwide requirements.

Question 55: Do you believe that this system is cost effective and necessary, especially in light of other U.S. decisions to downgrade U.S. strategic command and control?

Answer. The ELF system is very cost effective. A nuclear command and control review conducted in support of the Nuclear Posture Review strongly supported the continued operation of the ELF system. Loss of this critical system would adversely impact the survivability and flexibility of our strategic submarine force.

Mr. ABRAHAM. The second argument made by the opponents of ELF are that significant cost savings can be achieved by closing ELF. However, if the operational requirement is still valid, as we have shown that it is, and if that requirement can only be met with this facility, then an investment of about $15 million per year is, in my opinion, a very worthwhile expenditure to provide the greatest operational capability for U.S. submarine forces. Furthermore, because of the requirement delineated by the Department of Defense to keep this capability for our arms control deterrence requirements, the Department states they will have to spend additional money on research for a replacement system which has not yet been developed, additional money which would swallow up any of the costs savings claimed by the opponents of ELF.

Finally, Mr. President, the opponents of ELF claim the facility is an environmental hazard. As for the environmental impact, the Navy has initiated and funded an ongoing environmental monitoring program managed by an independent organization, I.I.T. Research Institute of Chicago, Illinois and R.D.L. Corporation. The combined results of these studies have found no adverse effect on animals, plants, or micro-organisms.

And, Mr. President, this study was exhaustive. It studied such diverse ecological issues as the degradation of bogs in Wisconsin, tree physiology and growth, earthworm, soil amoebas and slime molds, bees, birds, chipmunks—everything. It found no adverse effect on the environment because of the ELF transmissions. This study was further reviewed by the National Research Council in 1997, and they agreed with the Navy's findings of no adverse ecological effects.

Furthermore, in 1996, the National Academy of Science, in an exhaustive study of the effects of electromagnetic radiation on humans, determined that

After examining more than 500 studies spanning 17 years of research, the committee said there is no conclusive evidence that electromagnetic fields play a role in the development of cancer, reproductive and developmental abnormalities, or learning and behavioral problems.

That, Mr. President, is pretty conclusive evidence, I think, of ELF's safety.

So, Mr. President, we have a choice. We can choose to squarely analyze the scientific research at hand, listen to the operational requirements of military Commanders, and provide our submarines, and the men and women that sail them, the best possible chance of achieving their mission, let alone survival. Or we can choose to force our sailors to operate without the equipment they need, placing them in greater danger. For just under $150,000 per submarine, the equivalent of the personnel costs of seven junior sailors, we can provide every submarine the capability of running deep, fast, silent and deadly instead of shallow, slow, noisy and vulnerable.

Mr. President, please let me close with a quote from Joe Stranger, President of the International Brotherhood of Electrical Workers, Wisconsin State Conference.

The United States still has enemies that relish our demise and this [ELF] system is a decided advantage to any submarine operation in protection of our way of life. This system does not only protect this Country, but also protects those valuable lives of American servicemen and women who operate those submarines in the line of duty. I do not believe the minimal savings is worth the risk.

Mr. President, I could not say this any better. I therefore urge my colleagues to reject this amendment and protect our sailors.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. It is a great joy working with the distinguished Senator from Michigan, and I regret having to be on the opposite side of this amendment, especially since it is our two States that are most affected by this project—ELF.

But this truly is a project in search of a justification. It had a purpose in the cold war. But when the Senator from Michigan lays out the purpose of the program, what isn't clearly identified is all this Project ELF does. He talks about the slower speeds and the fact that the submarines have to come up. But that is premised, somehow, on the notion that the submarines are being told something of any detail while they are submerged. They are not. Project ELF can only tell the submarine: ''Come up.'' It is sort of like: ''ET, phone home.'' That is all you get. ''Come up and get your messages. Check your answering machine.''

While the submarine is submerged, it cannot learn what the threat is, it cannot get instructions, it cannot get anything. All it gets is a message that it has to come up anyway, that it has to slow down anyway.

For 5 years I have been searching for a justification for something that is nothing more than really a very primitive beeper system that you can't communicate back with and you can't get any real information from. The only justification for it was the fact that we had a threat from Soviet nuclear submarines. That threat is no longer there, and there is no two-way communication that comes from this.

Again, this is one of the sad moments where a program comes into existence and somehow, because it once was supposed to have a justification under another set of facts, under another series of threats, it just keeps going because a couple of people in the military say it still might be handy.

The problem with that is, this is real money. It is $12 million a year that could be spent on a number of things. Under my amendment, we would spend it on our true national security. This is about priorities within our national security. I believe an archaic ELF system is less important than putting $12 million a year into the National Guard, which is underfunded under this bill. The needs of the National Guard armories, the inventory, the training, are underfunded under the Department of Defense authorization bill.

All I am trying to do here is to balance this, to say let's get rid of something that really isn't necessary, that really is primitive, that doesn't provide the sophisticated kind of communication that is claimed, and instead provide help to our hard-working men and women who are part of our National Guard and who now comprise a very significant part of what our Army does in this country.

This is an unusual situation. Both Senators from our State and the State where this exists are saying, ''Please get rid of this program.'' How often do Senators from a State go to the base closure system and say please take something out of our State? I assure Members, neither Senator KOHL nor I would propose such a thing if we were not convinced after years of efforts that this program did not have a national security implication, that it was outdated, it was a waste of money, and the money was better used helping our National Guard.

I ask our colleagues to support this amendment.

I yield the remainder of our time.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Feingold amendment be set aside pending the disposition of the unanimous consent agreement which is going to be propounded shortly.

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

Mr. LOTT. While we are lining up the next speaker, I urge my colleagues to help in bringing this to a conclusion. It is a quarter to 7. We haven't locked in an agreement to get a sequence of votes on amendments and final passage. If we don't get that done right away, we will be here past 10 o'clock. So it is time we cut our speeches short and get the vote scheduled and bring this to a conclusion. Otherwise, we will be here into the wee hours of the morning.

I want to thank Senators WARNER, MCCAIN, THURMOND, and LEVIN for trying to put together an agreement. We need to get it done and quit talking and get to the final votes on this defense bill.

Mr. MCCAIN. Does that mean that the leader does not wish to speak on the Byrd amendment?

Mr. LOTT. I do not wish to speak on the Byrd amendment. I support it, and I urge my colleagues to vote for it.

Mr. MCCAIN. That is a great example by our leadership.

The PRESIDING OFFICER. The question is on agreeing to the Byrd amendment No. 3011.

Mr. MCCAIN. Mr. President, I ask that the pending business be laid aside pending the propounding of the unanimous consent, which will be shortly. In the meantime, I ask that the Senator from Maine be recognized for her remarks. I believe by the time that the Senator from Maine has completed her remarks, we will be ready with the unanimous consent.

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

Ms. SNOWE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. SNOWE. Mr. President, I will speak to the Byrd amendment. The fact is, I am rather surprised that the Senator from West Virginia offered this amendment as a second-degree amendment, considering the fact that last night the Senate, in its wisdom, upheld the second-degree amendment that I offered to the amendment offered by the Senator from Kansas.

Mr. MCCAIN. Will the Senator yield for the propounding of a unanimous consent agreement?

Ms. SNOWE. I am happy to yield to the Senator.

UNANIMOUS CONSENT REQUEST

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending Byrd amendment and the underlying Gramm amendment be laid aside, and the following Senators be recognized in the following order, under the following time, with no second-degree amendments in order, except those listed prior to votes in relation to amendments.

The Feingold amendment, 2 minutes of debate by the distinguished chairman, Senator THURMOND, on the Feingold amendment, which would then complete all debate on the Feingold amendment; the Bumpers amendment, relative to the F–22, limited to 30 minutes under the control of Senator BUMPERS, 10 minutes under the control of the chairman, and 5 minutes under the control of Senator CLELAND; the Byrd amendment, with 20 minutes reserved prior to a vote on the Byrd amendment, which would be 5 minutes for Senator BYRD, 5 minutes for Senator LEVIN, 5 minutes for Senator SNOWE, and 5 minutes for Senator KENNEDY. Following that, Senator THOMPSON will be recognized for a colloquy regarding State taxation. Senator FORD will be recognized on the same subject for up to 10 minutes. Following that will be a Thurmond-Levin amendment relative to pay, on which there will be 2 minutes, equally divided; a Burns amendment relative to milcon, with 5 minutes equally divided; a McCain second-degree amendment to the Burns amendment, limited to 5 minutes under the control of Senator MCCAIN and 10 minutes under the control of Senator STEVENS. Then the 2 managers will be recognized to do a series of cleared amendments. Following that will be a Warner-Levin-Lott amendment regarding the naming of the bill.

I further ask that following the disposition or conclusion of debate on the above list of amendments, votes begin at no earlier than 8 p.m. and no later than 8:30 p.m. in a stacked sequence, and that the Byrd amendment relative to gender recur after disposition of the Bumpers amendment, with 10 minutes equally divided for closing remarks, and a vote to occur on the Byrd amendment.

I further ask that following the disposition of the Byrd amendment, and prior to disposition of the Gramm amendment, 4 minutes be equally divided on the Gramm amendment; that the Gramm amendment be deemed agreed to, and the Senate proceed to the remaining sequenced votes, with 2 minutes for debate between each vote for explanation.

I further ask that following the disposition of the above listed amendments, the bill be advanced to the third reading.

Mr. President, in keeping with that, I have every expectation that not all time that is allowed will be used under this time agreement, in the interest of comity to other Senators who are having to leave the country tonight on official business. I hope we can shrink these times that have been agreed to.

Mr. President, I modify my agreement and ask that the 2 managers be recognized after the vote on final passage to do a series of cleared amendments.

Mr. COATS. Reserving the right to object, Mr. President. The Senator from Indiana had requested time to speak on the Byrd amendment. I thought it was going to be incorporated into the unanimous consent request. I think it was inadvertently omitted. The Senator from Indiana would like to have 5 minutes along with the others.

Mr. MCCAIN. Mr. President, I modify the unanimous consent request and ask that following the remarks of the Senator from Maine, the Senator from Indiana be recognized for 5 minutes to speak on the Byrd amendment as well.

Mr. LEVIN. Mr. President, reserving the right to object, and I hope not to. I have just been informed that we have to clear up one additional issue on this side. I surely hope not to object. We worked very hard on this unanimous consent agreement. We are going to have to reserve that right for another couple of moments while one issue, and possibly two, are cleared up, which I have just been informed about.

I suggest, if the Senator from Arizona is willing, laying aside the unanimous consent request, and if the Senator from Maine would be willing to be interrupted again, assuming we can quickly get clearance, perhaps we could do that.

Mr. MCCAIN. I will try not to have to repeat the unanimous-consent agreement.

Mr. COATS. I just ask the Senator, if he would, instead of having the Senator from Indiana speak on the Byrd amendment following the Senator from Maine, if I could be incorporated into that order that was listed there to speak immediately prior to Senator BYRD's closing on the Byrd amendment.

Mr. MCCAIN. Mr. President, I further modify my unanimous-consent request and ask that prior to the disposition of the vote on the Byrd amendment, that there be 25 minutes equally divided, with 5 minutes for Senator BYRD, 5 minutes for Senator LEVIN, 5 minutes for Senator SNOWE, 5 minutes for Senator KENNEDY, and 5 minutes for Senator COATS.

Mr. President, I will await approval from the other side of this unanimous-consent request. I appreciate the patience and forbearance of the Senator from Maine.

I yield the floor.

The PRESIDING OFFICER. The request is temporarily withdrawn, and the Senator from Maine is recognized.

AMENDMENT NO. 3011

Ms. SNOWE. Mr. President, I rise in opposition to the amendment that has been offered by the Senator from West Virginia. As I said earlier, I was very much surprised that he would offer such an amendment because, first of all, last night, the Senate affirmed the

position of supporting the initiative that was taken by this Senate last year in creating a commission to examine all of these far-reaching issues with respect to gender-integrated training. That vote was 56–37. It was a very strong vote in reinforcing the position of this body and, yes, this Congress, that we needed to have an independent analysis of many of the issues surrounding gender-integrated training.

In fact, I was very much surprised because the author of this amendment, the Senator from West Virginia, was a primary cosponsor of the initiative that was introduced in the Senate last year to create this commission. I was a cosponsor of the amendment, and the prime sponsor was Senator KEMPTHORNE as Chair of the Subcommittee on Personnel. We discussed that initiative in the committee. At first, I didn't think it was necessary. After all, we had the Kassebaum-Baker commission, and I didn't think we needed to duplicate those efforts. But as I thought about it, I realized how important it was to create a consensus on this issue because there were many Members within Congress and outside that were still concerned about various aspects of gender-integrated training at the basic training level.

I visited many installations. I understand the importance of creating cohesiveness within a unit from day one. But I was also prepared to accept the compromise, and the compromise was the creation of this commission that was sponsored by Senator KEMPTHORNE, cosponsored by the Senator from West Virginia and myself in the committee.

I would like to read to you some words by the Senator from West Virginia in the committee last year, with reference to this commission. He said:

> May I thank and congratulate Senator Kempthorne in offering this amendment and conducting the hearings in relation to the subject matter of the amendment. I congratulate, also, the distinguished Senator from Georgia, Mr. Cleland, who was present at the hearings while Senator Snowe and all who participated took an active part. Let me say that I am a cosponsor of the Kempthorne amendment, and I thank Senator Kempthorne for including me as a cosponsor. It will give us an integrated set of conclusions and recommendations on the various parts of the military gender issue, including training, fraternization and adultery practices and regulations. It will allow us an independent review by a body selected by the Senate of the assessment and recommendations to be made by all 3 bodies, established by Secretary Cohen to look at the various elements of the issue. I congratulate Secretary Cohen as well, in absentia, for proceeding to take action as he has. The American people need to know we are thoroughly investigating and settling the great uncertainties that have arisen about the management of our Armed Forces. A national debate is underway on this issue, and if we do not resolve the issue satisfactorily, recruitment and retention may be seriously affected. The deadline of April 15, 1998—

Which we ultimately postponed and deferred.

gives us ample time in the next session to act on whatever recommendations we may choose to act upon.

The final legislation created a deadline of March of 1999, in which this commission will come back to this Congress and make recommendations with respect to all the issues that now have been included in the Byrd second-degree amendment.

The second-degree amendment offered by the Senator from West Virginia includes all kinds of issues on basic training, separate platoons, separate housing—all of the issues that ultimately will be evaluated by this commission that is represented with a breadth of experience and qualifications by 10 different individuals—individuals that are appointed by the Chairman of the Armed Forces Committee here in the Senate, ranking members and the leadership here in the Senate, as well as the Chairman and the ranking member of the House National Security Committee and their leadership. But the commission will appoint individuals of knowledge and expertise in one or more of the following areas:

Training of military personnel, social and cultural matters affecting military service, military training, military readiness, knowledge and expertise to be found through research, policymaking, practical experience as demonstrated by retired military personnel and members of the Reserve components of the Armed Forces, representatives from educational organizations, civilian, as well as other government agencies. They will look at functions related to gender-integrated training and segregated basic training—looking at all of the dimensions of these issues and the various components.

So that is why I hope the Members of the Senate will reject the amendment offered by the Senator from West Virginia. I hope the Senate will elect to uphold the authority of this commission in place of legislative segregation of males and females living together during basic training and training together. We have separate housing for men and women in basic training. And gender-integrated training has been endorsed by every military leader who has come before the Senate Armed Forces Committee. It has been endorsed by the Secretary of Defense; the military chiefs of the Army, Air Force, and Navy; military training commanders; senior noncommissioned officers of the Army, Navy, and Air Force; and the U.S. Army. Every uniformed person who has testified before the committee has endorsed gender-integrated training.

We should not be legislating our assumptions, as this amendment would do which has been offered by the Senator from West Virginia. Rather, we should, as we agreed to last year, allow a qualified panel of experts and former military leaders to consider the myriad questions that impact the effectiveness of gender-integrated training.

We have instructed the panel to assess the historic and current rationale behind the implementation of gender-integrated training at all skill levels. It requires an opinion of the policy within basic training programs and teaching troops as they would operate. And, towards this end, there are five standards to which the commission must filter the training as operating concepts. It has to review adequate physical conditioning, technical skills, proficiency, knowledge, military socialization, to include the delegation of social values and attitudes, as well as basic combat proficiencies.

Does anyone think in this Chamber that we can legislate answers and insights on these complex questions with the incentive of adjourning in time for a recess? Do we really think that we will be able to come up with the rationale necessary to govern basic training for our Armed Forces?

Mr. President, and Members of this body, I hope we will reject the amendment that has been offered by the Senator from West Virginia. It certainly will contravene the intent of this Congress last year in creating a commission to examine all of these issues. But it also will contravene the judgment of all of our top military officials who have endorsed gender-integrated training.

Then we have had the support of gender-integrated training by diverse groups such as the Rand Corporation, the Defense Equal Opportunity Management Institute, the Army Research Institute, and the Defense Advisory Commission on Women in the Services, or DACOWITZ. I would like to have you listen to a few of their recommendations.

A December 1997 DACOWITZ report states: ''Trainers and trainees in all services perceived that gender-integrated training during the initial entry training phase of a service member's career was necessary to effectively prepare trainees for duty in the field and the fleet.''

A February 1997 study by the U.S. Army Research Institute found that, ''Females trained in a gender-integrated environment improved their performance on all measures of physical fitness, and males in gender-integrated training improved in two of three events.'' This, by the way, occurred with no change in the fitness standards.

Finally, we have been told over and over again that integration training increases unit cohesion. That is why every military leader who has come before the committee has endorsed it. Every single military member who has testified before this Congress supports gender-integrated training. Generals and privates, recruits and trainers, male and female, uniformed and civilian—all agree that a military which trains as it fights is the best prepared to meet the challenges of tomorrow.

Let's review other comments of leaders.

The former Secretary of the Army, Togo West, and the Chief of Staff of the Army, General Reimer, wrote that, ''Any proposal that calls for gender segregation of both trainees and cadre violates the very foundation of the Army: An integrated, effective and lethal force that is ready to perform the mission anywhere and at any time.''

The senior noncommissioned officers from the services state clearly that, ''Many successes in our gender-integrated all-volunteer force are a direct result of the training Services currently provide.''

Admiral Pilling, the Vice Chief of Naval Operations, supports gender-integrated training as critical to helping recruits ''develop interpersonal relationships that contribute to a healthy, effective, gender-integrated force.''

So those are the many comments offered by our leaders, our military leaders. They have had every opportunity to decide differently on the issue of gender-integrated training. The Kassebaum-Baker commission report came forward in December and in fact endorsed gender-integrated training beyond basic training.

The Secretary of Defense gave an opportunity to all of the service chiefs to come back and report to the Secretary within 90 days as to how they would implement those recommendations—the ones which they agreed with and those which they disagreed with. All of the services came back and endorsed gender-integrated training as the best way to create a cohesive, unified force to train to fight and to fight as they would train.

Mr. President, I hope that on the basis of those who have endorsed gender-integrated training and on the basis of those who have doubts—that is the reason why the commission was created by this Congress, to evaluate those areas in which people had doubts and concerns about gender-integrated training. Even I endorsed the commission, as I said earlier, because I think it is important to put to rest once and for all of those concerns. That is why I endorsed this commission, as a way in which we could allay the fears and concerns of many, to have experts from a variety of professions and fields within the military, and even outside the military, to evaluate for more than a year the dimensions of this question.

So I hope, Mr. President, that the Members of this body will reject the amendment that has been offered by the Senator from West Virginia so that we can allow the commission to do the job that we asked them to do.

I hope that Members would support the amendment that was adopted last night by 56 to 37 and protect the integrity of the congressional panel on gender-integrated military training instead of trying to legislate specific results without the benefit of deliberation. I hope that we will confirm that judgment of last year and, indeed, last night by rejecting the amendment that has been offered by the Senator from West Virginia.

I remind this body that that commission was one that was endorsed and, indeed, created as a result of the cosponsorship of the Senator from West Virginia.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I am strongly opposed to the Byrd amendment which would require that all military services separate men and women during basic training. I am opposed to this amendment for two reasons.

First, yesterday during the deliberations of the Snowe amendment it was stated that it was premature to make a determination on this issue, that we should let the commission complete its work, that we should wait for the final findings of the commission before taking any action. Nothing has changed.

We have charged the commission with a task that we seem to have no intention of letting them complete. Only upon careful study of the commission's final report is it prudent to make a judgment that could fundamentally alter the way in which the services conduct basic training.

Second, the decision on how to train recruits should be made at the individual service level, not by the Congress for every service, as if they all had the same training requirements. To do otherwise is to do a disservice to the men and women in our armed services. Men and women numerous other overseas postings were trained in a gender integrated environment. As a result, they are performing superbly in all aspects of military life, in a gender integrated force.

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. And these decisions were made at the individual service level, as one component of a larger force structure. And the Congress should not now attempt to reverse these decisions.

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.

The critics of gender integrated training will list recent incidents of sexual harassment as an argument for gender segregation. However, these incidents were largely committed by senior personnel against junior personnel.

This kind of sexual harassment indicates poor leadership and 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.

The Senior Noncommissioned Officers in each service say that one training policy, which applies across all services, will have a negative impact on readiness. Then why are we attempting to sacrifice military readiness to gender-segregation? Numerous other military officers and veteran's groups have weighed in on this issue each supporting gender-integration. The senior officer in each service supports gender-integration and moreover, believes that the decision should be properly made at the service level—not in Congress.

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.

I urge you to reject this amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 3012

(Purpose: To limit the obligation of advance procurement funds for the F–22 fighter)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself and Mr. Feingold proposes an amendment numbered 3012.

Mr. BUMPERS. 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:

Strike from line 1, page 25 through page 27, line 10, and insert in lieu thereof the following:

**SEC. 133. LIMITATION ON ADVANCE PROCUREMENT OF F–22 AIRCRAFT.**

Amounts available for the Department of Defense for any fiscal year for the F–22 aircraft program may not be obligated for advance procurement for the six Lot II F–22 aircraft before the date that is 30 days after the date on which the Secretary of Defense submits a certification to the congressional defense committees that the Air Force has completed 601 hours of flight testing of F–22 flight test vehicles according to the test and evaluation master plan for the F–22 aircraft program, as in effect of October 1, 1997.

Mr. BUMPERS. Mr. President, the Air Force is in the process of buying by far the most expensive fighter plane the United States has ever bought by a magnitude of 300 percent, to be precise. And that is if we can build it at today's estimated cost. I have not made any bones about the fact that I don't think we need the F–22, but we are going to get it. I lost the battle to terminate the program, I admit. But if we are going to spend $62 to $100 billion for 339

airplanes, we at least ought to fly that sucker before we buy it. And therein lies the problem.

My staff found—the distinguished Presiding Officer will find this interesting—a copy of an article from the January 9, 1989, Atlanta Constitution. The Presiding Officer is familiar with that newspaper. And the headline is ''The B–2: Fly Before You Buy.'' How many times have my colleagues heard that term, ''fly before you buy''? No less than a thousand.

My colleague, Senator PRYOR, used to screech to the roof of this Chamber about buying weapons before they have been tested.

Let me begin with a little history of the F–22. It is the Pentagon's intention—and they usually get their way—to buy advanced F–18s, the so-called E/F model. We are going to buy 30 of those next year. Then the Pentagon also plans to buy the F–22, which is supposed to be the greatest, most sophisticated piece of weaponry in the history of the world. And we are going to buy 339 of those. And then in the year 2005 we will start buying 3,000 Joint Strike Fighters. It is going to be stealthy, and it is going to be everything that anybody could ever conjure up. It will be used by the Navy, the Marine Corps, the Air Force, the Brits, and perhaps some other members of NATO.

Mr. President, we are buying all these fighters in spite of the fact that the intelligence community and everybody who knows anything about an airplane knows that there isn't a plane in the world—in France, in Russia, in China—that is even remotely comparable to our F–15 and our F–18 and there won't be, the CIA says, for 15 to 20 years. So what is the rush to judgment?

A little more about the F–22 and its checkered history. We started out to buy over 600 F–22s, and the Air Force said, we will buy them at a certain such cost. It became apparent that they could not even begin to buy that many airplanes for those dollars, so they cut the number to 438. It turns out they could not buy 438 for that price, and Secretary Cohen, to his eternal credit, said this is the amount of money we are going to spend and no more. And so that took the number down to 339. Sixty-two billion dollars, and we put a cost cap for that amount in last year's Defense bill. Listen to this, that comes to $182 million for each F–22 we buy. That is roughly three times more than we have ever paid for a fighter plane.

So what is next? Lockheed Martin and the Air Force say in November of 1994 that the F–22 will require 1,400 hours of testing before we start production. That sounded reasonable. Then in May of 1997 they say, no, we don t need to do 1,400 hours; 601 hours of testing will be adequate. And now guess what we are down to in this very bill we are debating. You see the figure on this chart: 183 hours.

Mr. President, that comes out to only four percent of the four percent of the F–22's whole 4,300 hour flight test program. Four percent.

Now, the Defense Science Board and every flight evaluator and testing expert will tell you that most of the complaints, most of the flaws in an airplane, will, indeed, show up when you test it between 10 and 20 percent of the number of hours that it should be tested. But here we are in February of 1988. In 1998, they said 183 hours. This bill that we are debating was crafted in May of this year. Bear that in mind. A lot of things have happened since then.

Mr. President, the Air Force the other day—as a matter of fact, it wasn't the other day; it was yesterday—the Air Force sent a message to every Senator's office saying, ''Here is why you ought to oppose the Bumper's amendment.'' But they closed it out exactly the way I knew they would close it out: 25,000 jobs—mostly in Georgia and some other States.

Mr. President, here is how much we tested other fighters before we made an initial purchase. The F–15 was tested for 975 hours before we bought the first one; the F–16 was tested 1,115 hours before we bought the first one; the F–18, 1,418 hours before we bought the first one; and the F–18E/F, the follow-on model, which really didn't need all that much testing, we tested for 779 hours. But do you know what else happened. During flight testing of the F–18E/F, they discovered that it had a problem. It was called ''wing drop.''

Now, if you listen to this illustration, you will know what you get into when you do this business of buying before you fly. They had to test-fly the F–18–E/F, they had to test-fly it almost 2,500 hours to cure one flaw in a time-tested airplane.

We are spending $200 million a year on the B–1 bomber, and do you know why? Because we didn't test it. We were so hot to buy that bomber back during the cold war that we started buying the initial airplanes before we even tested them.

We are spending over $200 million this year, and we will spend $198 million next year on it.

And so what came next? The next thing that came was the B–2 bomber, and it is not fixed. And we are spending God knows how much money on it every year because we didn't test it before we bought it.

What this bill does—I hope my colleagues will pay close attention to this—this bill does not keep the Air Force from buying what they call lot 1 of low rate initial production, two airplanes. We don't stop that with my amendment. We don't change the bill. They can go ahead and buy those two airplanes.

But then there is $190 million in this bill that is fenced, it is to buy long-lead items for the next six airplanes. It says you cannot buy them until you have tested it at least 183 hours and the Secretary certifies a couple of things, then you can go ahead and start toward $1.5 billion worth of airplanes, after 183 hours of testing.

I have a something here the Pogo Alert, put out by the Project on Government Oversight. It says:

> The contractors building the aircraft [referring to the F–22] may be satisfied with a promise of future testing in order to get the program funded now and will welcome getting more money in the future to fix problems discovered too late. But the Government should not walk into such a situation knowingly. To avoid more problems with the F–22, the Government merely needs to follow its own rhetoric of adopting commercial best practices, and that means, in this case, testing before producing, not after.

Once the waiver is issued by the Secretary of Defense, all bets are off. We are headed for a $1.5 billion purchase of six airplanes. And when we start running into trouble we will already be committed just as we were on the B–1 and the B–2.

The Air Force says, ''We will test this airplane. We will get in the 183 hours before December.'' Would you like to know how many hours they have tested it so far? As of June 16, they have tested it 6 hours. And they say yes, but we are going to step that up to 15 hours a month. If they do, in December they will have about 95—95 hours of testing.

My amendment says they ought to test this plane for 601 hours before the initial purchase of these six production airplanes is made. That is the amount the Air Force said they would do just last year. Why is it that we are in such a sweat to get this unbelievably expensive airplane built with not an enemy in sight, not anybody in the world with airplanes to even come close to the F–15s and the F–18s and the F–16s? Yet they want to go all out to start buying this airplane. And we know, we know to a certainty that we are going to regret it. The testing so far, incidentally, the 6 hours it has been tested, is on what they call a clean airplane: No armaments, no sidewinders, no SRAMs, no nothing—just a clean airplane, 6 hours of testing. And when you start putting the armaments on it and in it, it takes on an entirely different aerodynamic.

I get frustrated and too loud sometimes, because I cannot believe what we do. Do you know what the Air Force told the GAO in 1992? Listen to this. In 1992 they said: We don't have to rush anymore. The cold war is over. We can take our time in testing weapons in the future. We do not have to urge what we call concurrency. Concurrency is buying airplanes while you are testing them. You are buying airplanes on the come, betting on the come. You are betting that somehow or other, whatever problems crop up, they can be solved. That is called concurrency, and that is what the Air Force told the GAO, in 1992, that it was not going to do. It said, we are not going to use concurrency as an excuse to buy weapons in the future because we are not in that big of a hurry.

Mr. President, I wish I could say that I thought Senators who were listening, and those on the floor would take a very sensible view toward testing an airplane before we buy it, particularly the most expensive fighter plane we have ever bought. But I am not hopeful. I have seen it happen too many times, planes being built in a lot of States with a lot of jobs. Nobody wants to be accused of being soft on defense. And they know to a certainty that the American public, by and large, will never know what happened—just as they don't know what happened in the case of the B–1 and the B–2. And their money will have been spent.

Mr. President, it is the ''same old, same old.'' It is Lucy holding the ball for Charlie Brown and swearing she won't pull it out from under him this time. So it is a freebie. You can go ahead and vote against this amendment and be ironclad sure you will never pay at the polls. Nobody is going to say why did you spend that $62 billion to $100 billion on that F–22 without even testing it? They don't know about it, so you get a free ride.

Mr. President, I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am happy to respond to the Senator as a member of the committee that has addressed this problem. I am just looking back at the Senator from Arizona to see if he is prepared to propound a unanimous consent request. I think this Senator and perhaps the Senator from Arkansas are willing to proceed with the amendment and will try to conform our remarks to the conditions of a unanimous consent request, if the Senator from Arizona is prepared to propound that yet. I am not sure that he is.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, I renew my request with three modifications: One is that cleared amendments be considered as prior to the third reading; second is following the vote, following the debate on the Bumpers amendment, Senator FAIRCLOTH be recognized for up to 10 minutes to propose a MilCon amendment; then, after the disposition of the Byrd amendment, the only other amendment be a Harkin first-degree amendment with a relevant Biden second-degree amendment.

Mr. LEVIN. Relative to Kashmir.

Mr. MCCAIN. Relative to Kashmir. Following that would be a vote on the Faircloth amendment which had been debated earlier.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, and I will not object—a lot of hard work has gone into this. I would only ask a very slight modification there, which is that Senator DASCHLE be added as a cosponsor of the Warner-Levin-Lott amendment.

Mr. MCCAIN. I also ask unanimous consent Senator DASCHLE be made a cosponsor of the Warner-Levin-Lott amendment regarding the name of the bill.

The PRESIDING OFFICER. Without objection, it is ordered Senator DASCHLE will be made a cosponsor.

Mr. MCCAIN. I also ask unanimous consent that the debate that has already taken place be accounted against the 30 minutes for Senator BUMPERS and 10 minutes for Senator COATS and 5 minutes for Senator CLELAND.

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

AMENDMENT NO. 3012

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. BUMPERS. I have 13 minutes.

The PRESIDING OFFICER. Who yields time on the Bumpers amendment? The Senator from Indiana.

Mr. COATS. Mr. President, I think I have 10 minutes under the previous order. I yield myself those 10 minutes. I may reserve some of that.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, the Armed Services Committee has discussed in great detail the very situation that the Senator from Arkansas raises. We held numerous hearings. I had numerous private meetings with members of the Department of the Air Force, the Department of Defense, contractors and others on this question.

Last year, in the authorization bill, I offered an amendment to impose cost caps and a number of accountability features on the F–22, not as an opponent of the F–22, but as a proponent of the F–22, a marvelous new advance in technology that I believe is needed, but one in which this Congress has an absolute responsibility to ensure that the engineering, manufacturing, development, flight testing and production schedules are done in such a way that provides accountability to the taxpayer, gives us the product that we are looking for, and gives it to us in a manner that we can afford.

The last thing we want is for the F–22 to go the way of the B–2 where we get part way into a program, and because the costs become so excessive, we have to cancel the program or stop the program where it is, or the B–1, which was rushed into production without adequate testing, and we have encountered numerous problems with that platform ever since.

In recognition of the very issue that the Senator from Arkansas raises; that is, rushing to production before we have completed adequate preproduction flight test hours, this committee, after considerable negotiation with proponents, opponents and all those in between of the F–22, has arrived at a committee consensus that we will require a specified number of flight test hours and that any money that is designated for production will be fenced and not released until that threshold is met.

We arrived at that number on the basis of intense discussions with the Department of the Air Force, the Department of Defense, the contractor and others, recognizing that given new flight testing techniques and production techniques, what will be required for the F–22 may not necessarily be what was required for tactical airplanes developed in the past. Nevertheless, we want to be assured that we have at least reached a minimum threshold before any funds can be released.

We built a little window in here for the Secretary of Defense to certify that under these new testing techniques, manufacturing techniques, and engineering techniques that a lesser number of hours is required. He can waive a certain portion of those flight test hours, but not below a certain level.

We have requested that no waiver can be granted at a level below 183 flight test hours, a level which the Department of the Air Force, the Secretary of Defense, the contractor and everybody involved in this feels is adequate.

We require more than that. We require that 10 percent of plan schedule for flight testing be completed before those fenced funds are obligated for production. However, we do allow for a waiver.

The bottom line here is that the Committee agrees with the Senator from Arkansas that not enough flight testing has taken place and that we shouldn't go forward. In fact, the Under Secretary of Defense for Acquisition and Technology, Mr. Gansler, has already delayed the production decision for 1 year on the basis of the fact that there have been delays in the planned schedule for flight testing and that we need more flight testing.

By the same token, we are trying to balance the risk of going forward with fewer hours than what we normally would require with the risk of incurring very substantial additional costs as we slip production time schedules, as we delay moving from the engineering, manufacturing and development phase to preproduction phase or, in this case, production phase. And we are trying to balance all that. We have arrived at a pretty delicate compromise.

I will say that we do agree with the Senator that we need more flight testing hours before we rush into production, but we do also have to recognize that we have put demands on the contractor and the Air Force in terms of a fixed-price contract which requires a great commitment on their part at substantial risk, and we have to find an acceptable balance.

We think we have found that balance. As I say, those proponents of the F–22 on the committee, and the opponents of the F–22, and those in the middle have agreed this is an acceptable balance. The only thing I will say about the amendment of the Senator from Arkansas is that it goes a little further than the provision agreed to in the committee, and I believe we should hold to the committee position on this, because it does achieve that very delicate balance between the extra costs that will incur if we demand more testing, and the risk of not having enough flight testing.

We have built a 6-percent—between a 4- and 10-percent window in there, but we require the Secretary of Defense to put his signature on the line and his Department's credibility on the line before we waive below the 10 percent level.

For that reason, I urge Members to support the committee position. We will be going to conference with that and hope that they will understand that the underlying bill addresses the problem raised by the Senator from Arkansas, and we think it addresses it in a way that allows us to gain confidence that before we go to production, we have completed adequate flight testing. And yet our position also takes into consideration the fact that under a fixed-price contract and under the requirements that are imposed on the contractor and the Air Force, we are not incurring these substantial additional costs through the delay.

For that reason, I hope Members will support the committee position. Any remaining time I have I reserve, and I yield the floor.

Mr. CLELAND. Mr. President, I would like to speak for 5 minutes in opposition.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. CLELAND. Mr. President, I thank the Senator from Arkansas for doing his homework. He is very courageous in touching on one of the serious issues regarding the F–22.

All of the members of the Senate Armed Services Committee, including myself, were rightly concerned about the issue of whether enough flight testing on the F–22 would be accomplished prior to making an informed decision on whether to proceed with low-rate initiation production. The dilemma we faced was simple:

Do we move forward with the program at the risk that unknown problems would arise causing significant cost overruns and delays or do we shut down the production line in response to our concerns about testing which would certainly lead to cost overruns and a delay in the program?

The Catch-22 we found ourselves in was not an easy one to solve. The Armed Services Committee took this head on, and I believe we arrived at an approach that addresses the testing issue, while also addressing the issue of keeping the program on track. Let me briefly explain what the Armed Services Committee did:

First, we fenced Lot II funding, and made it absolutely contingent upon completion of 183 test hours. Let me repeat: It is absolutely contingent upon completion of 183 hours. If that level of testing cannot be done in FY–99, Lot II funding will not be released. Second, the committee placed an additional restriction on release of funding for Lot II. The Air Force must complete 433 flight-test hours or the Secretary of Defense must certify that less than 433 hours is acceptable, explaining why less than 433 is acceptable, showing how less than 433 hours is consistent with prior Defense Acquisition board recommendations, and showing why it is more cost-advantageous to proceed with Lot II than to delay the production line.

These requirements are real. They are tough. they are realistic.

Let me offer some perspective on the first requirement. Prior to an initial production decision for 2 aircraft, the F–22 will have 183 flight test hours. In comparison, the F–16 had only 21 flight test hours prior to initial production decision for 16 aircraft—162 less than the F–22. The F–18 A/B had no flight test hours prior to an initial production decision for nine aircraft.

The second threshold, the completion of 433 hours or a certification for less than that provides us with this. The F–22 program has changed in many ways. And so many things have changed the way aircraft are designed and built today. With the advances in technology and concerns for keeping control of costs, in the future more and more testing will be done without actual flight test hours.

It is undisputed that flight test requirements cannot be replaced entirely, but there are certain amounts of simulations and ground testing that can take the place of actual in-flight tests.

Here is what the F–22 has gone through, to date: 153 prototype flight test hours—on high angle-of-attack, supercruise, and thrust vectoring technology; over 365,000 equivalent flight test hours on aircraft components and subcomponents; over 23,000 hours of software/hardware integration testing; over 6,000 hours of engine testing; 600 hours of high-fidelity radar cross section model testing; 450,000 hours of avionic ground tests; 123,000 hours of component structural tests; 2,000 hours of engine ground tests; 43,000 hours of wind tunnel testing. More importantly, there has been 25,000 hours of scaled wind tunnel testing without experiencing the ''wing drop'' phenomenon discovered in the F–18E/F wind tunnel testing.

The Senate Armed Services Committee provisions would require the Secretary of Defense to certify all of this and make the case that less than 433 flight test hours on this gives us the level of confidence to proceed.

I would like to say, Mr. President, that I speak in opposition to the Bumpers amendment. The Air Force informs us that a delay in the F–22 program associated with not being able to meet overly stringent requirements could increase the program some $4 billion.

So, Mr. President, I speak in opposition to the amendment and yield the remainder of my time.

Mr. FEINGOLD. Mr. President, I come to the floor today to voice my support for the amendment offered by my friend from Arkansas.

I am proud to have worked with the distinguished Senator on a number of issues during the past five years and I will miss his leadership and friendship. One of the many issues on which I have had the pleasure to work with him is the Defense Department's tactical aircraft programs.

I am a proud co-sponsor of this most sensible amendment. I find it hard to believe that anyone could oppose an amendment that makes sure the Air Force flight tests its multi-billion dollar F–22 aircraft less than half the number of hours the Air Force itself planned to fly before moving to begin production.

Just this past Monday, the DoD's Director of Operational Test and Evaluation told Congress that the F–22 will have approximately 100 hours of flight tests by December, not the 183 the Air Force expects. And that is less than one third the number of hours that the Air Force itself said was desirable just last year. In essence, Mr. President, the Air Force wants to begin producing F–22s at a cost of about one hundred billion tax dollars after completing about 7 percent of its originally planned flight tests. Does this seem like a good idea?

By comparison, the F–15 flew for 975 hours before a production contract award; the F–16 for 1,115 hours; and even the much-flawed Super Hornet had 779 flight test hours before a production contract was awarded.

There is a direct correlation between flying hours and expansion of an aircraft's flight envelope. It takes flying hours to explore an aircraft's performance at all airspeeds and altitudes and in various configurations.

Remember, Mr. President, prototype tests, ground tests, wind tunnel tests and computer simulations did not predict the Super Hornet's program-threatening wing drop problem, which took 2,500 hours of flight tests to solve.

Mr. President, this amendment just makes common sense. We need to make sure the taxpayers are getting all they're paying for. I urge my colleagues to support this amendment.

I yield back to the Senator from Arkansas.

Mr. COVERDELL. Mr. President, I rise today in opposition to the amendment offered by Senator BUMPERS that would fence in funding for advanced procurement for the six Lot II F–22 aircraft until 601 hours of flight testing of F–22 flight test vehicles has been completed and reported. By requiring the completion of an absolute number of

test flight hours before releasing funds, this amendment places on the F–22 program constraint which would slow down the program, increase costs and jeopardize full procurement of the Air Force's requirement for this weapon.

First, I would like to note that the Armed Services Committee has already placed conditions on funding for the six Lot II F–22's. The Committee, in this very bill, included language mandating that procurement funds for these aircraft will not be released until the F–22 has completed 433 hours of flight testing, or the Secretary of Defense determines that a number of hours of flight testing less than 433 provides a sufficient basis for deciding to proceed to production. From what we know of this plane it has performed well. The F–22 meets or exceeds all expectations, and I expect this course to continue.

It is estimated that this amendment would delay the F–22 program up to one year. By breaking production lines and undermining firm fixed price contracts, production would have to wait while testing is completed, even if the F–22 has fully demonstrated its capabilities and the Defense Department has full confidence that the plane is ready for production. This delay would, in turn, increase costs of the program by up to $4 billion. This substantial cost increase would break the Congressionally mandated cost caps, at full expense to the tax payer, and risk full procurement of the Air Force's requirement.

Mr. President, the approach to the issue of flight test hours is most appropriately addressed by the Armed Services Committee in the Defense Authorization bill. This approach makes flight test requirements an essential component of full funding while providing the flexibility to proceed with the program should the F–22 prove, as it has already, that it is a plane ahead of its time. Our country cannot afford to let this program get off track. The F–22 is a vital component of our future national security. We must fund it, we must build it and we must fly it.

Mr. LEVIN. I thought the Senator from Arkansas might want to conclude, so I would use the remainder of the 3 minutes of the Senator from Indiana.

Mr. BUMPERS. Pardon?

Mr. LEVIN. I will use the balance of the time of the Senator from Indiana, and then the Senator from Arkansas can finish.

Mr. BUMPERS. Yes.

Mr. LEVIN. Mr. President, first, the Senator from Arkansas has again identified a significant problem in terms of our defense procurement. We were very much concerned with this problem in the Armed Services Committee in the manner which the Senator from Indiana described.

The difficulty that we face is that there is going to be some risks either way. If there is a delay here, as the amendment of the Senator from Arkansas would require, there would be a 14-month gap, approximately, before the advanced procurement funds could be obligated. And that gap in this production line will be costly to the extent perhaps of $2.75 billion.

Now, on the other hand, in the testing which we need to displace some significant problems with the F–22, we are going to also have some significant costs. So either way, we have to face some risks—either way—whether we do it the committee way or whether we do it the way of the Senator from Arkansas.

We felt on the committee it was better to do it our way, to let the Secretary of Defense, if he must waive some of those testing hours before the obligation of the advanced procurement money require that he certify that the financial risks that are there either way would be greater from his not certifying than from his certifying.

So we are trying to reduce the risks through this process, the financial risks that are going to exist either way. But in supporting the committee position, and in opposing the amendment of the Senator from Arkansas, I again commend him for taking the time to get inside one of these issues. He is one of the few Senators who is willing to get inside one of these complicated defense procurement issues and point out the complexities, and in this case what he considers to be the error of a particular procurement process in which we are engaged. And so while I disagree with him, again, I commend him and thank him for the time he has taken on this issue.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senate from Arkansas.

Mr. BUMPERS. I thank the distinguished Senator from Michigan for his very fine comments.

I have a couple of questions. No. 1, if 601 hours was the right number of preproduction tests last year, why is 183 hours the right number this year?

If you want to use apples and apples, you compare flight hours prior to award of a production contract. This chart shows the preproduction flight hours here. Those planes were tested this amount: 975 hours for the F–15; 1,115 hours for the F–16; and 1,418 hours for the F–18—preproduction hours.

And what are we going to do for the F–22? 183.

And let me repeat, when you talk about how much more this is going to cost, $3 or $4 billion more, if we do not do this—you tell me, what if the Secretary does not wait? They still have to test 433 hours, and presumably you are going to get into the same cost figures of a $3 to $4 billion cost overrun.

And while I am at it, let me ask the Air Force and Lockheed Martin this question: If you did not know, if they did not know that this committee, the Armed Services Committee—if they did not know that the required test hours were going to be cut from 600 to 183, why did they make those commitments that would generate a $3 to $4 billion cost overrun? Why are we responsible for the cost overrun that they have incurred—not us—they?

Oh, Mr. President, it is so frustrating.

I want to say this on the floor. Everyone knows I am leaving at the end of this year. I am not running for reelection. And, you know, it is no fun saying ''I told you so'' when you are in a little country town down in Arkansas instead of on the Senate floor. I told this body years ago that when push came to shove the space station costs were going to start escalating.

You listen to this. I told you years ago that the space station was going to cost well over $100 billion. And now it is almost up to $100 billion and rising. Since October 1, the cost overrun, just to build it—not deploy it—just to build it is 44 percent in 8 months.

And this F–22 fighter, this airplane is going to cost this body and this country more headaches than you will ever dream of. And tonight is an opportunity to avoid it. Why do we insist on going headlong into the production of an airplane this expensive, this sophisticated, which requires even more testing because of the new sophisticated equipment it has on it? And it is stealthy, all of those things.

So I will tell you tonight—and I will not be here to say ''I told you so''—you are making a fatal mistake. You will regret it. The cost of this airplane is going to be a lot more than $62 billion.

When the Air Force said, ''We'll build it for $62 billion,'' Secretary Cohen said, ''OK, that's what we're going to build it for.'' They said, ''How many can you build?'' They said, ''Three hundred thirty-nine.'' So last year, courtesy of my good friend from Michigan, Senator LEVIN, and Senator COATS, and Senator MCCAIN, we took the Air Force's word, and we put the total cost at $62 billion—$182 million each.

And we hadn't anymore got it ink printed, the ink wasn't dry, before the Air Force says, ''I'm sorry, we can't do it. We have to lift that cap.'' You know something else? It will be lifted. It will be lifted. Nothing is ever permanent around here. How we deceive ourselves and get by with it.

The only satisfaction I will get out of this evening is knowing that sometime in the not-too-distant future I will be proven correct. Would you buy an automobile that had been tested for 6 hours, or even 183 hours? You wouldn't buy a Jeep that had only been tested for 183 hours, but we are going to spend $100 billion on 339 airplanes.

I yield the floor, and I yield back the balance of my time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the Senator from Tennessee was to be recognized for a colloquy, but the Senator is not here.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the colloquy of the Senator from Tennessee be entered in the RECORD and I may be permitted to introduce my amendment at this time.

Mr. LEVIN. Reserving the right to object, the unanimous consent request was that the colloquy of the Senator from Tennessee be entered into the RECORD at this time.

Mr. FAIRCLOTH. That was my request.

Mr. LEVIN. I want to see if there is an objection to that because——

Mr. FORD. Mr. President, reserving the right to object, I thought the Senator from Tennessee would be here to do his own business and I didn't realize the Senator from North Carolina was going to make the motion. I prefer that he not make it so I can have an opportunity—I understood the Senator from North Carolina will have an amendment he will propose.

Mr. FAIRCLOTH. That is correct.

Mr. FORD. Why don't I object to the colloquy of the Senator from Tennessee being entered into the RECORD, set that aside, so when the colloquy goes in, I will have an opportunity then to present my side of the question; would that be agreeable?

Mr. FAIRCLOTH. That would be satisfactory with me.

Mr. FORD. So they are withdrawing the unanimous consent request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. FAIRCLOTH. Now, has the debate terminated on the Bumpers amendment?

The PRESIDING OFFICER. It has.

If there is no objection, the Senator from North Carolina is recognized.

Mr. WARNER. The Senator from North Carolina would now be recognized according to the time agreement.

Mr. LEVIN. Mr. President, parliamentary inquiry just to clarify the situation. As I understand the situation, the Senator from North Carolina is going to then proceed with his amendment now, ahead of the colloquy of the Senator from Tennessee and the Senator from Kentucky. Is that correct?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. LEVIN. That time has been reserved to the Senators from Tennessee and Kentucky?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 3014

(Purpose: To authorize, with an offset, $8,300,000 for the construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina)

Mr. FAIRCLOTH. Mr. 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 North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 3014.

Mr. FAIRCLOTH. 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 321, between lines 16 and 17, insert the following:

**SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.**

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) is hereby increased by $8,300,000.

(b) AVAILABILITY OF FUNDS.—Funds available as a result of the increase in the authorization of appropriations made by subsection (a) shall be available for purposes of construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

(c) OFFSET.—The amount authorized to be appropriated by section 2404(a)(9) is hereby reduced by $8,300,000.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes, 10 minutes equally divided on this issue.

Mr. FAIRCLOTH. Mr. President, it was 10 minutes for me. It was not equally divided. Now, if it is equally divided, it can go to 20 minutes. I asked for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina is recognized for 10 minutes.

Mr. FAIRCLOTH. Mr. President, this amendment authorizes appropriations for construction of a National Guard training facility at Fort Bragg. If anyone has seen the facility that the Guard from four States is using at Fort Bragg, he would agree it is a disgrace. It is a disgrace to the Guard. It is a disgrace to the Government. It is a disgrace to the Army. In fact, the buildings are so old and so run down that they were mistaken by the XVIII Airborne Corps deputy commander as abandoned and so ordered them demolished—they were such an eyesore—until he was informed that they were the National Guard facility.

This new training facility will be used by the National Guard and reservists and active-duty personnel from four southeastern States—North Carolina, South Carolina, Georgia, and Florida.

It is simply wrong to continue to train and berth our guardsmen in World War II buildings that, when they were built, it was announced that they were temporary and going to last 10 years. Now we are 50-plus years putting our National Guard into these buildings. They were temporarily constructed in 1941, to last for 10 years and then to be taken down. They are still there. We are still housing the National Guard in them. The water supply is unsafe, and they have to haul in water in buckets for the National Guard to drink. And we talk about quality of life.

We expect much from the National Guard. We count on these troops to handle any assignment that is given to them—in war, peacekeeping, or national disasters. Yet we have put them in facilities that are a disgrace to the military. They deserve the same level of accommodations that we are building at other bases around the country.

I was not elected to the Senate by the people of North Carolina to stand by and listen to Defense Department bureaucrats and autocratic officers. I grew up believing that this was a country in which a civilian authority controlled the military. I have gotten here and I have seen this thing we call the FYDP, or whatever it is, but it now gives the military officers the total authority to set the goals of what we do. And we simply stand by, vote for it, and raise the money. This is not a civilian-controlled military. We are a civilian nation controlled by an autocratic military.

This is a worthy and worthwhile project. It should be funded. The National Guard does, as we expect it to, make a worthwhile and very necessary contribution to the country. They deserve to be treated better. But, instead they start talking about saving money by the military.

If ever there was a waster of money, where spending is out of control—and we just heard from Senator BUMPERS—it's the military. We have heard it over and over and over.

This is $8.5 million to replace 50-year-old temporary buildings, and they say, ''No, we can't do it; we need the money for something else.'' Now, we are wasting billions of dollars in Bosnia, billions were wasted in Somalia and Haiti. If ever it was wasted, that was wasting it. They say we can't afford $8.5 million for four States' National Guards to have a decent place for encampment.

No; the President is on his way or in China with 1,000 people with him—1,000. I question that he needs them, every one, when we say we can't afford $8.5 million for a National Guard barracks at Fort Bragg.

No. We are not a civilian population controlling a military. We changed that rule, and we decided that we would be controlled by a military—a military of arrogant officers, entrenched bureaucrats that simply write out what they want and we, like little toadies, follow.

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.

Mr. FAIRCLOTH. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, we will now be recognizing the Senator from Tennessee and then the Senator from Kentucky.

Mr. WARNER. Mr. President, for the moment, we yield back any time on the Faircloth amendment.

Mr. President, parliamentary inquiry. Under the unanimous-consent agreement, would the Chair please advise the Senate as to the next matter. I don't have the agreement before me.

The PRESIDING OFFICER. If Senator THOMPSON is not here, then Senator FORD would be next.

Mr. WARNER. For the moment, I ask unanimous consent to lay aside the Thompson matter and now proceed to the Thurmond-Levin amendment relative to pay.

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

Mr. WARNER. I thank the Chair.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 3015

(Purpose: To increase the percent by which the rates of basic pay are to be increased)

Mr. THURMOND. Mr. 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 South Carolina [Mr. THURMOND], for himself, Mr. STEVENS, Mr. LEVIN, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, and Mr. ROBERTS, proposes an amendment numbered 3015.

The amendment is as follows:

On page 110, line 13, strike out ''3.1 percent.'' and insert in lieu thereof the following:

''3.6 percent.

''(c) OFFSETTING REDUCTIONS IN AUTHORIZATIONS OF APPROPRIATIONS.—(1) Notwithstanding any other provision of title I, the total amount authorized to be appropriated under title II is hereby reduced by $150,000,000.

''(2) Notwithstanding any other provision of title II, the total amount authorized to be appropriated under title II is hereby reduced by $275,000,000.''

Mr. THURMOND. Mr. President, this amendment would authorize a 3.6 percent pay raise for military personnel.

Mr. President, increasing military pay is something the Committee wanted to do when we marked-up our bill. However, when we completed our mark-up six weeks ago, it was just not possible. Many Senators will recall that we were facing an almost insurmountable outlay problem in the defense budget. The Budget Committee, the Armed Services Committee and the Appropriations Committee were engaged in intense discussions to find a solution that would not adversely impact our national security.

Now that we have been able to review and analyze the defense authorization and appropriations mark-ups of both bodies, we have identified programs which are hollow. We will use this hollow budget authority and outlays to pay for increasing military pay from the 3.1 percent requested by the President to the 3.6 percent level indicated by the Employment Cost Index. We will, of course, make the necessary adjustments to eliminate the hollow programs during our conference with the House.

Mr. President, I have discussed this amendment with the Chairman and Ranking Member of the Defense Appropriations Subcommittee. Both Senator STEVENS and Senator INOUYE have joined the Members of the Armed Services Committee as co-sponsors of the amendment.

Several weeks ago, the Joint Chiefs were briefed on recruiting and retention problems in the services and directed their staffs to review actions they could take to increase military pay. I am pleased that we are able to find a way to give our military personnel the pay raise they deserve. I urge my colleagues to support this amendment.

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

Mr. THURMOND. I am pleased to.

Mr. WARNER. I would like to be added as a cosponsor. I am sure the chairman would agree with me that Senator MCCAIN was very active in bringing to our attention the matters of the pay raise.

Mr. THURMOND. Mr. President, I ask unanimous consent that Senator WARNER be added as a cosponsor of this amendment.

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

Mr. WARNER. Mr. President, Senator BURNS' amendment relating to MilCon would be the next item. We are anxious to move on.

The PRESIDING OFFICER. The Senator from Michigan has one minute.

Mr. LEVIN. Mr. President, we support the amendment. A number of Democratic members of the Armed Services Committee are already cosponsors, I believe, on the amendment. If not, I will ask unanimous consent that we be added as cosponsors. I believe the names of those cosponsors are already on the amendment. We support this amendment as an offset. It corrects a deficiency building up in military pay for some time. We think it is a good amendment and I hope it is adopted by the Senate.

The PRESIDING OFFICER. All time has expired.

Mr. THURMOND. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3015) was agreed to.

Mr. WARNER. Mr. President, 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.

Mr. WARNER. Mr. President, I ask unanimous consent at this time that we can recognize the Senator from Oklahoma. He has worked out a resolution of the amendment by the Senator from North Carolina.

I understand they will need a few more minutes.

UNFAIR STATE INCOME TAX

Mr. THOMPSON. Mr. President, I was planning to offer an amendment to this bill that would provide relief to the 2,200 civilian Tennesseans working at Ft. Campbell who are being unfairly taxed by the Commonwealth of Kentucky. My amendment would also provide relief to South Dakotans working on the Gavins Point Hydroelectric Dam who are being unfairly taxed by Nebraska, and the Washingtonians working on the Columbia River Hydroelectric Dams who are being unfairly treated by Oregon. I am joined in my efforts by Senators FRIST, GORTON, DASCHLE, MURRAY, and JOHNSON.

Mr. President, the folks working at these facilities may live in Tennessee or South Dakota, but they are being forced to pay state income tax to Kentucky and Nebraska, even though they receive absolutely no services or benefits from these states. These employees are being unfairly taxed by their nonresident state simply because their work takes them across the border into the neighboring state.

The employees enter the neighboring state only on federal property. They do not travel on the neighboring states' roads during the course of their work. There is no reciprocal tax agreement between the two states to ensure that individuals pay tax only to one state (as is usually the case between neighboring states). So, these employees are fully supporting the governments of both their resident state and the neighboring state.

At Fort Campbell, Tennessee civilians enter Fort Campbell on the Tennessee side of the post and cross into Kentucky on a Fort Campbell road that is maintained by the federal government. The Tennesseans do not travel on a Kentucky road to reach the Kentucky side of the post. And all emergency fire, police and medical services at Fort Campbell are provided by the federal government.

We have a situation where Tennesseans are forced to pay the same Kentucky state income tax as a Kentucky resident, but they are not eligible to receive any benefits from the Commonwealth of Kentucky, such as unemployment compensation, in-state tuition, in-state hunting licenses or in-state fishing licenses.

The federal employees working at the Gavins Point Dam and the Columbia River Dams face comparable situations.

My amendment is very narrowly drawn so as not to establish a broad precedent. It would only affect the three listed facilities. In the past, Congress has acted to provide tax relief in similar extraordinary situations. Congress has exempted active duty military personnel, Members of Congress and their staffs, and Amtrak and other multi-state transportation employees from taxation except by their resident states.

The legislation on which my amendment is based, H.R. 1953, has passed the other body twice this Congress and was reported by the Senate Committee on Governmental Affairs by a vote of 15 to 0. It is currently pending in the Senate

Finance Committee. The Chairman of the Senate Committee on Finance, has expressed his support for this measure.

Mr. President, I understand that the Senator from Kentucky has clearly indicated his intention to prevent the Senate from voting on my amendment. It is not my intent to hold up action on the DOD Authorization bill. I want to ask my distinguished colleague from South Carolina, the Chairman of the Committee, then for an assurance that he will work with me and the other cosponsors of this amendment in the conference to retain the provision identical to my amendment that was included in the other body's version of the DOD Authorization bill. This is a very serious matter for my state of Tennessee, for South Dakota and for Washington state, which must be addressed.

Mr. THURMOND. I appreciate how important this matter is to the Senators from Tennessee, South Dakota and Washington. I say to the Senator that, while I cannot make preconference agreements on outcome, I will work with him to try to retain the House provision in final conference agreement.

Mr. THOMPSON. I thank the Chairman for his cooperation and assistance.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I believe I have 10 minutes under the unanimous-consent agreement.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, the Senator from Tennessee, Mr. THOMPSON, just entered a colloquy as it related to the tax situation between Kentucky and Tennessee. I wanted to be sure that my remarks on the unconstitutionality of that amendment were brought to the attention of my colleague.

Mr. President, there is a provision in the House version of this bill that really astounds me. I am referring to an amendment to title X of the House bill which was offered by Congressman BRYANT. I wish to bring it to the attention of the managers. It is a tax issue involving the States of Kentucky and Tennessee. Let me restate that. It is a tax issue—not even a federal tax issue, but a state tax issue—and it is mentioned in the House version of this bill.

The House bill contains language which preempts state tax laws and lays out how federal and private sector employees who may do work at the Fort Campbell Army installation should be taxed by states. I think all Senators should be concerned by the precedent set by this language. Let me make a few points relevant to this language.

The language in the House bill raises fundamental TAX issues. It is within the jurisdiction of the Finance and Ways and Means Committees. It has no place on this bill.

The House tax language involves issues that should be decided among States. Congress should not be dictating state tax policies in a Defense Authorization bill. Congress should not be preempting state tax laws in a Defense bill.

At my urging, our Governor's office has contacted the Tennessee Governor's office. Revenue officials from both States have had preliminary discussions in the last few weeks. We should allow this process of negotiation to continue. That is the usual way in which States deal with tax issues like this one. Not on the floor of the House or Senate.

The House tax language will cost my State $4 million in lost revenue. The Governor of Kentucky strongly opposes a Congressional attempt to preempt State tax laws in this manner. I ask unanimous consent that a letter of opposition to this language from the Governor of Kentucky be printed in the RECORD at this point.

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

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE GOVERNOR,
*Frankfurt, KY, June 25, 1998.*

Hon. WENDELL FORD,
*U.S. Senate, Washington, DC.*

DEAR SENATOR FORD: I am writing to express Kentucky's opposition to the Thompson amendment currently under consideration by the United States Senate. The issue addressed by this legislation is the tax imposed by the Commonwealth on income earned within Kentucky by non-resident federal workers.

The protest by federal workers employed at the Fort Campbell military base against the imposition of the Kentucky income tax has centered on their contention that the tax is unfair to them. All income in question is taxed the same whether earned by a resident or non-resident of Kentucky. Only the income earned within the Commonwealth of Kentucky is taxed. It would be unfair to tax the income of residents but not the income of non-residents doing the same job in the same place. Indeed, if this were the case, it would make sense for Kentucky residents working on the Fort Campbell base to move to Tennessee to avoid the Kentucky income tax.

On June 23, 1998, Kentucky's Attorney General sent to me a memorandum which offers a compelling and reasonable argument against the constitutionality of the Thompson amendment under the Commerce Clause. A consequence of this amendment would be its detrimental impact on the Kentucky communities which surround Fort Campbell. The legislation would exceed Congressional authority and would likely be proven as unconstitutional. Congress granted the states the power to tax income, and on several occasions, courts have held that states can assess an income tax to nonresidents who earn their income in that state. Congress can reduce the states' power of taxation, but only through an amendment within the confines of the Commerce Clause.

We are attempting to resolve this issue through a joint effort with Tennessee Governor Sundquist's office. This matter is one to be settled at the state level, and not an issue for Congress to resolve. The impacts of the Thompson amendment would far surpass Fort Campbell. These impacts would extend to the employees of every federal institution within close proximity with state borders.

In closing, I would like to reiterate that Kentucky's taxation of non-residents working in Kentucky is fair in concept and in practice. To exempt all non-residents or a special group of non-residents who work in Kentucky would be unfair. If I may provide you with any other information on this issue, please feel free to contact me.

Sincerely,

PAUL E. PATTON,
*Governor.*

Mr. FORD. Mr. President, this House tax language is strongly opposed by the Federation of Tax Administrators. These are the revenue officials from all 50 States and the District of Columbia. They believe this amendment creates a horrible precedent of preempting State tax laws. I ask unanimous consent that a letter in opposition to this language from the Federation of Tax Administrators be printed in the RECORD at this point.

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

FEDERATION OF TAX ADMINISTRATORS,
*Washington, DC, June 24, 1998.*

Hon. WENDELL H. FORD,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR FORD: I am writing concerning amendments to the defense appropriations bills (S. 2057) which would preempt Oregon, Kentucky and Nebraska from applying their income taxes to certain federal employees (and in some cases contractors) who work in those states, but reside in bordering states with no income taxes (Washington, Tennessee and South Dakota).

These amendments have been separately considered earlier in the 105th Congress as H.R. 1953. The Federation of Tax Administrators is an association of the principal tax administration agencies in the 50 states, the District of Columbia and New York City. The Federation has adopted a policy which urges that the Senate reject H.R. 1953 and any similar language which may be offered as an amendment to other bills.

We ask the Senate to recognize that, throughout the history of income taxation, both federal and state, workers are taxed by the jurisdiction where the work is performed. This system represents the keystone of taxation. State lawmakers make exceptions to this system to address individual circumstances where strict adherence to the principle leads to undesirable results. In particular, in those instances where sound fiscal and government policy permit, a state may enter into a reciprocal agreement with a bordering state to permit taxpayers to file a single return in the state of residency. Kentucky is at the forefront of such policy refinements—it has a reciprocal agreement with every border state that has a broad-based individual income tax. (The agreements do not function with non-income-tax states such as Tennessee, and thus they are not applicable in this case.)

The U.S. Constitution imposes substantive constraints on the manner in which states may structure their tax systems. These constraint ensure that the tax imposed meets fundamental tests of fairness in dealing with all citizens. The Constitution further ensures that state taxes do not impose undue burdens on interstate commerce or the federal government. The taxes imposed by these states meet these requirements and should not be preempted. There is no question that states have the legal authority to tax the income of nonresidents working in Oregon, Kentucky or Nebraska.

What this amendment would do is carve out a special tax benefit for workers who choose to live (or move) out of state that would not be available to any other employees working at the same location. Further,

the language exempts from taxation wages paid to federal workers in Oregon and Nebraska—but it exempts from tax income paid to all individuals who work in Fort Campbell in Kentucky. This encompasses not only contract employees who work directly for the military (for instance, school teachers), but also includes the employees of private companies who run businesses or perform services on the base, including such businesses as restaurants and road maintenance firms. These are clearly private businesspeople, not federal workers. If Kentucky is to be preempted from taxing individuals who work for the federal government, we particularly urge the Senate to adopt language that more precisely defines the matter. (More precise definitions have been offered by the Pentagon.)

Finally, and most importantly, if change is necessary, it is within the power of the states involved to do so. This is an issue for state lawmakers, not federal lawmakers. Lawmakers in Kentucky and Tennessee are seeking an equitable solution that would not impose an unfair burden on either state. Oregon has already passed a law that exempts from taxation those federal employees who work on the dam in Oregon. (We would emphasize that to continue to include Oregon in this bill is unnecessary and an insult to the elected officials of that state.)

The ability to define their tax systems within the bounds of the Constitution is one of the core elements of sovereignty preserved to the states under the Constitution. A central feature of this sovereignty is the ability to tax economic activity and income earned within the borders of the state, and it is vital to the continued strong role of the states in the federal system. State taxing authority should be preempted by the federal government only where there is a compelling policy rationale. There is no such rationale present here.

The Senate is faced with an opportunity to demonstrate good faith to the principles contained in The Unfunded Mandates Act of 1995. If Congress feels that the impact of federal workers on installations crossing the borders of two states—one of which imposes an income tax and the other of which does not—should be offset, it should provide the funding necessary to offset the costs imposed on the states affected.

Sincerely,

HARLEY T. DUNCAN,
*Executive Director.*

Mr. FORD. Mr. President, let me quote from a couple of lines from this.

We ask the Senate to recognize that throughout the history of income taxation, both Federal and State, workers are taxed by the jurisdiction where the work is performed.

Another part of the letter says:

The U.S. Constitution imposes substantive constraints on the manner in which States may structure their tax systems. These restraints ensure that the tax imposed meets fundamental tests of fairness in dealing with all citizens.

The letter says:

Finally, and most importantly, if change is necessary, it is within the power of the States involved to do so.

And:

The ability to define their tax systems within the bounds of the Constitution is one of the core elements of sovereignty preserved to the States under the Constitution.

There is no rationale of precedent here under this situation.

Mr. President, Oregon has just worked out the problem between Washington and the State of Oregon, as it should be done. Yet, my friend from Tennessee included Oregon and Washington in his statement.

If this language is agreed to, then Tupelo, MS, had better look out because the same thing that is happening in Kentucky will happen to Mississippi, because the same situation occurs near Tupelo from Tennessee, and then there is a park system at the border there. So they would have to, in good conscience, go after two additional States.

It was my understanding that the Senator from Tennessee, Senator THOMPSON, was considered offering a similar amendment to this bill. Senators from at least 24 States should be concerned about the precedent this language would set. Any State which borders another State with no state income tax structure should be concerned about the precedent set by this language. I ask unanimous consent that a list of the 24 States that could be adversely affected by the proposed language be printed in the RECORD.

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

THE DISTURBING PRECEDENT SET BY THE THOMPSON AMENDMENT—POTENTIAL FUTURE IMPACT ON STATES BORDERING OTHER STATES WITH NO BROAD BASED INCOME TAX

*Senators from these 24 States should be concerned about the precedent set:*

| | |
|---|---|
| Alabama | Minnesota |
| Arkansas | Mississippi |
| Arizona | Missouri |
| California | Montana |
| Colorado | Nebraska |
| Georgia | New Mexico |
| Idaho | North Dakota |
| Iowa | Oklahoma |
| Kentucky | Oregon |
| Louisana | Utah |
| Maine | Vermont |
| Massachusetts | Virginia |

Mr. FORD. Mr. President, in fact, I have a partial list of over 240 federal facilities that are on or near the borders of two or more States. The precedent created by this language could affect these and other federal facilities all over the country.

So, Mr. President, I ask unanimous consent that the 240 Federal facilities located on or near State borders be printed in the RECORD at this point.

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

240 FEDERAL FACILITIES POTENTIALLY AFFECTED BY THE PRECEDENT (LOCATED ON OR NEAR STATE BORDERS)

ARIZONA (7)

Hoover Dam.
Davis Dam.
Glen Canyon Dam.
Parker Dam.
Imperial Dam.
Several National Forests.
Military Installations near Yuma.

ARKANSAS (9)

Federal prison in Forrest City.
Corps of Engineers projects at Beaver Lake.
Corps of Engineers projects at Bull Shoals Lake.
Corps of Engineers projects at Norfolk Lake.
Corps of Engineers projects at the Arkansas River.
Fort Chaffee Army base.
Felsenthal National Wildlife Refuge.
White River National Refuge.
VA Hospital in Fayetteville.

CALIFORNIA (50)

Military Facilities—Fort Irwin, Naval Weapons Center, Sierra Army Depot.

National Forests—Eldorado, Inyo, Klamath, Modoc, Plumas, Rogue River, Shasta-Trinity, Sierra, Siskiyou, Six Rivers, Stanislaus, Tahoe, Toiyabe.

National Parks and Monuments—Clear Lake National Wildlife Refuge, Death Valley National Park, Joshua Tree National Park, Kings Canyon National Park, Lava Beds National Monuments, Lower Klamath National Wildlife Refuge, Modoc National Wildlife Refuge, Mojave National Preserve, Mt Shasta Recreation Center, Redwood National Park, Tule Lake National Wildlife Refuge, Yosemite National Park.

U.S. Bureau of Reclamation—Boca Dam, Imperial Diversion, Laguana Diversion, Lake Tahoe Dam, Prosser Creek Dam, Senator Wash, Sly Park, Stampede Dan, Colorado Dinosaur National Monument.

Routt National Forest.
Arapaho National Forest.
Roosevelt National Forest.
Rocky Mountain National Park.
Pawnee National Grassland.
Comanche National Grassland.
Great Sand Dunes National Monument.
Rio Grande National Forest.
San Juan National Forest.
Mesa Verde National Park.
Uncompahgre National Forest.
Colorado National Monument.
Grand Mesa National Forest.

CONNECTICUT (2)

U.S. Naval Submarine Base, Groton.
U.S. Coast Guard Academy, New London.

GEORGIA

Kings Bay Naval Submarine Base.

MAINE

Portsmouth Naval Shipyard.

MASSACHUSETTS

Hanscom Air Force Base.

MISSISSIPPI (8)

Holly Springs National Forest.
NASA Test Site, Bay St Louis.
Vicksburg National Military Park.
U.S. Corps of Engineers District Office, Vicksburg.
Natchez Trace Parkway.
Meridian Naval Air Station.
Columbus Air Force Base.
TVA, Tupelo.

MISSOURI (6)

Federal Locks and Dams:
No. 20 near Canton.
No. 21 near West Quincy.
No. 22 near Saverton.
No. 24 near Clarksville.
No. 25 near West Alton.
No. 27 near St Louis.

MONTANA (10)

Kootenai National Forest.
Lolo National Forest.
Bitteroot National Forest.
Beaverhead National Forest.
Custer National Forest.
Bighorn Canyon National Recreation Area.
Yellowstone National Park.
Glacier National Park.
Crow Reservation.
Blackfeet Reservation.

NEBRASKA

Gavins Point Dam.

NEW JERSEY (20)

McGuire Air Force Base.

Fort Dix Army Installation.
U.S. Naval Air Station, Lakehurst.
Pomona Naval Training Airport.
U.S. Naval Recreation Target Area, Ocean City.
Ft. Monmouth, Monmouth.
Ft. Hancock, Sandy Hook.
U.S. Coast Guard Bases (Cape May, Fort Dix, Highland, Pt. Pleasant, Ocean City).
Sandy Hook Gateway National Recreation Area.
Delaware Water Gap National Recreation Area.
Morristown National Historic Park.
Killcohock National Wildlife Refuge.
Red Bank National Battlefield Park.
Great Swamp National Wildlife Refuge.
Edwin B. Forsythe National Wildlife Refuge.
Brigantine National Wildlife Refuge.

NEW MEXICO (6)

White Sands Missile Range.
Cannon Air Force Base.
Carlsbad Caverns National Park.
Kiowa National Grassland.
Carson National Forest.
Santa Fe National Forest.

NEW YORK

Ellis Island.

NORTH CAROLINA

Great Smoky Mountains National Park.
Cherokee Indian Reservation.
Pisgah National Forest.
Blue Ridge Parkway.
Uwharrie National Forest.
Fort Bragg Military Reservation.
Pope Air Force Base.
Camp Butner Federal Prison.
Sunny Point Army Terminal.
U.S. Coast Guard Air Station, Elizabeth City.
Veterans Hospital—Swannanoa.
Veterans Hospital—Oteen.
Veterans Hospital—Durham.

OREGON (20)

Bonnieville Power Administration.
U.S. Army Corps of Engineers, North Pacific Division.
FAA Facilities.
Portland Air Force Base.
Kingsley Air Force Base in Klamath Falls.
U.S. Coast Guard, Captain of the Port.
Fremont National Forest.
Winema National Forest.
Rogue River National Forest.
Siskiyou National Forest.
Lower Klamath National Wildlife Refuge.
Hart Mt. National Wildlife Refuge.
Wallawa-Whitman National Forest.
Hells Canyon National Recreation Area.
Umatilla Army Depot.
Mt. Hood National Forest.
Umatilla National Forest.
Cold Springs National Wildlife Refuge.
McCay Creek National Wildlife Refuge.
Warm Springs Indian Reservation.

PENNSYLVANIA

Philadelphia Naval Yard.

SOUTH CAROLINA

Savannah River Site.

SOUTH DAKOTA (3)

Black Hills National Forest.
Mt. Rushmore.
Lake Wahee.

TENNESSEE (3)

Fort Campbell.
Millington Naval Base.
Arnold Engineering Research Facility.

UTAH (37)

Flamming Gorge National Recreation Area.
Manti La-Sal National Forest.
Canyonlands National Park.
Arches National Park.
Ashley National Forest.
Dinosaur National Monument.
Brown's Park National Waterfowl Management Area.
Bryce Canyon National Park.
Caribou National Forest.
Cottonwood Canyon, BLM.
Dart Canyon Primitive Area.
Dart Canyon Wilderness Area.
Desert Range Experimental Station.
Deseret Test Center, USAF.
Dixie National Forest.
Dugway Proving Grounds.
Escalante Starcase National Monument.
Glen Canyon Dam.
Glen Canyon National Park.
Goden Spike National Historic Site.
Governor Arch, BLM.
Grand Gulch Primitive Area.
High Uintas Wilderness Area.
Hill Air Force Range.
Hovenweep National Monument.
Processing Center, Ogden.
Jones Hole Federal Hatchery.
Joshua Tree Forest, BLM.
Mount Naomi Wilderness Area.
Mt. Honeyville Wilderness Area.
Paria Canyon Cliffs Wilderness Area.
Piute Wilderness Area.
Rainbow Bridge National Monument.
Sawtooth National Forest.
Wasatch National Forest.
Wendover Range, USAF.
Zion National Park.

VERMONT (2)

Green Mountain National Forest.
Border Patrol Station, Highgate.

WASHINGTON (37)

Federal Dams on the Columbia River.
Federal Dams on the Snake River.
Fairchild Air Force Base.
Mt. Spokane Air Force Facility.
U.S. DOT/U.S. Coast Guard Station IIwaco and Westport.
Veterans Offices/Hospitals—Vancouver and Walla Walla.
U.S. Department of Energy—Hanford Site.
Indian Reservations—Spokane, Kalispel, Colville, Yakima, Shoalwater.
National Forests—Gifford Pinshot, Umatilla, Colville, Kaniksu, Pend Oreille, Okanogan.
National Historic Sites—Whitman Mission, Ft. Vancouver.
Mt. St. Helens National Volcanic Monument.
USGS Cascade Volcano Observatory.
National Wildlife Refuges—Julia Butler Hanson, Wilapa, Ridgefield, Conboy Lake, Umatilla, Toppenish, Turnbull, Little Pend Oreille.
Bonnieville Power Administration—Vancouver facility.
Bureau of Reclamation Offices and Sites—Franklin County.
FAA Offices—Pasco, Walla Walla, Spokane.

OTHER GENERAL CATEGORIES

1. National Forests which straddle State borders.
2. Indian Reservations—What about state workers at Indian casinos located on tribal lands?
3. National Refuges which straddle State borders.

Mr. FORD. Mr. President, the House tax language and proposed Thompson amendment impose unfunded mandates on the States. Think about this now. Back in 1995 we passed a law on unfunded mandates. This amendment, if it was offered here—but it is in the House and will be in conference— violates, if not the law, the spirit of the law on unfunded mandates.

The House language and the Thompson amendment that was not offered also raise significant constitutional concerns.

I ask unanimous consent that an opinion from the Office of the Attorney General from the Commonwealth of Kentucky suggesting the Thompson amendment may be unconstitutional be printed in the RECORD at this point.

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

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE ATTORNEY GENERAL,
*Frankfort, KY, June 23, 1998.*

To: Scott White.
From: Jason Moseley.
Re: Income tax on out-of-state residents.

This is in response to your request for research and a constitutional argument in opposition to HR 1953—*Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky*. (See attached) Below is the proposed constitutional to this legislation.

In short, Congress receded jurisdiction to the state to assess a state income tax and, through this proposed legislation, intends to limit that state power. The most plausible power that would be used for Congressional authority to make such an amendment is the Commerce Clause. The constitutional challenge to such authority is that this amendment exceeds Congressional power under the Commerce Clause.

ARGUMENT

At issue is the constitutionality of proposed legislation that would allow Congress to determine where individuals pay their state income tax. Of the enumerated powers given to Congress, the Commerce Clause appears to be the only possible source of authority for such legislation. As a consequence, an argument can be made that this legislation would have no effect on interstate commerce and would have a detrimental effect on the Kentucky communities in and around Fort Campbell. Therefore, the legislation would exceed Congressional power under the Commerce Clause, making the legislation unconstitutional.

On several occasions, courts have held that states can assess an income tax to nonresidents who earn their income in that state, (*Shaffer v. Carter*, 252 U.S. 37 (1919); *Travis v. Yale & Towne MFG. Co.*, 252 U.S. 60 (1919); *City of Cincinnati v. Faig*, 145 N.E.2d 563 (1957); *Ratliff v. Lexington-Fayette Urban County Government*, 540 S.W.2d 8 (Ky. 1976), but this power to tax was given to the states by Congress under the Buck Act, 4 U.S.C. §§104–110. Section 106 of this act states:

''No person shall be relieved from his liability for any incomes tax levied by any state, or by any duly constitutional taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.''

4 U.S.C. §106(a). Congress gave the stats this power to tax income and Congress, through an amendment, can reduce that power within the confines of the Commerce Clause.

There is no case law pertaining to Congress' power to restrict a state's ability to assess an income tax on nonresidents but there are recent Supreme Court decisions where the Court has established limitations

on the Commerce Clause. *United States v. Lopez*, U.S. , 115 S.Ct. 1624, 131 L.Ed.2d 626 (1995), *New York v. United States*, 505 U.S. 144, 112 S.Ct. 2408, 120 L.Ed.2d 120 (1992). In *Lopez*, the Supreme Court held that the Gun-Free School Act, which made it a federal offense to knowingly possess a firearm at a place the person knows or has reason to believe is a school zone, exceeded Congressional power under the Commerce Clause. *Lopez*, 115 S.Ct. at 1625. It was in *Lopez*, that the court states the most current test for limitations on the Commerce Clause. Congressional power is limited to three areas. *Id.* at 1629. ''First, Congress may regulate the use of the channels of interstate commerce.'' *Id.* This was interpreted as meaning that Congress has the authority ''to keep the channels of interstate commerce free from immoral and injurious uses.'' *Id.* ''Second, Congress is empowered to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities.'' *Id.* This area has been found to apply to vehicles and aircraft used in interstate commerce and the theft of interstate shipments. *Id.* ''Finally, Congress' commerce authority includes power to regulate those activities having a substantial relation to interstate commerce.'' *Id.* at 1629–1630.

The first two areas of power are not applicable to the proposed legislation. The proposed legislation is not an attempt to regulate the use of the channels of interstate commerce. The legislation is also not an attempt to protect an instrumentality of interstate commerce. This is an attempt to alter a state's taxing powers in assessing an income tax to employees that may reside in other states. The only area of power that may justify such legislation is the third area which gives Congress authority to regulate those activities that have a substantial relation to interstate commerce.

From the language of the Buck Act, it is evident that Congress recognized that the power to assess an income tax is a function of the state and, more specifically, the state where the income is earned. Assessing an income tax predominately affects the community where the person is employed. There is little to no effect on interstate commerce. Whatever effect there might be is not substantial. The effect of an income tax on the community level is great and reaches many levels. When a person works in a community, there are certain benefits conferred to that employee by the community. These benefits are ''substantial and realistic.'' *Ratliff v. Lexington-Fayett Urban County Government*, 540 S.W. 2d 8,9 (Ky. 1976). ''The employees in going to and from work receive police protection and use roadways built or maintained by the . . . county government. The . . . county government furnishes employees . . . with public facilities. Beautiful landscapes and other esthetic benefits are provided.'' *Id.* Residents of the community in which they are employed have their income taxed so that the benefits mentioned above can be provided. If a nonresident were to be exempted from contributing back to the community which conferred these benefits, the community would be forced to reduce the amount of money used to fund such programs, resulting in a smaller and less effective police force, less funding for road construction and maintenance, and fewer public facilities with less maintenance. The only other option would be to increase the income tax on those who work and reside in the community so that the level of service could be continued. The community would either have to lessen their own standard of living or increase the tax on their own residents so that nonresidents employed in the community could receive those benefits for free.

A state income tax has a substantial relation to activities within the state. There is little if any effect on interstate commerce. When Tennessee a resident comes to work at Fort Campbell, they work, receive a pay check, are assessed an income tax, and return to Tennessee. One might argue that for states such as Tennessee, which has no income tax but imposes a higher sales tax, assessing an income tax on Tennessee residents that work in Kentucky has a substantial effect on the state of Tennessee. This is not the case. If it were, the converse would be true as well. Kentucky residents who purchased items in Tennessee should be exempted from Tennessee sales tax because they pay an income tax in Kentucky.

The nature of an income tax is payment given for a benefit conferred. It effects both the community that provides the individual with a job and the individual worker who pays back into the community that has provided the job. The effect of an income tax does not cross state lines just as the effect of a sales tax does not cross state lines. It does not have a substantial relation to interstate commerce. To decide otherwise, and approve this amendment, would effectively make all income and sales tax the province of the Federal government. This would not amend 4 U.S.C. §106 but would nullify it.

CONCLUSION

Anticipating what Congressional power will be used as authority for this legislation consequently makes this research limited in its scope. The commerce clause appears to be the only enumerated power that would provide authority for such legislation. The argument has been made by Rep. Linda Smith of Washington state that an income tax on nonresident workers is taxation without representation. The situation addressed by Rep. Smith involved workers on a dam straddling the Washington/Oregon state line. Workers would cross the state line several times a day, making it difficult to keep record of how long an employee was working in each state. This situation is distinguishable from that of Fort Campbell workers. In examining the circumstances at Fort Campbell, it is a case of individuals working in solely Kentucky, benefitting from the services provided by Kentucky communities. Because of this distinction, the 'taxation with representation' argument falls to the sales tax analogy mentioned above. If assessing an income tax to residents where they earn their income is taxation without representation, assessing a sales tax to consumers where they purchase their goods would also be taxation without representation.

What has been proposed is not an amendment to the Buck Act but an attempt, through piece-meal legislation, to do away with it. Such an amendment is beyond the Commerce Clause powers of Congress and would be unconstitutional.

Mr. FORD. Mr. President, why are we singling out this Federal facility? We really do not know the full scope of this issue and this precedent we are creating by preempting State law.

The employees of Fort Campbell wherever they reside—benefit from services provided by the States of Kentucky and Tennessee.

Mr. President, I ask unanimous consent that a letter from the Kentucky Revenue Cabinet detailing the services provided to all Fort Campbell employees, including those who reside in Tennessee, be printed in the RECORD at this point.

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

REVENUE CABINET,
OFFICE OF GENERAL COUNSEL,
*Frankfort, KY, July 11, 1997.*

Re H.R. 1953—Fort Campbell.

Mr. HARLEY DUNCAN,
*Federation of Tax Administrators, Washington, DC.*

DEAR HARLEY: The Revenue Cabinet has gathered some information on the Fort Campbell issue of whether employees who live in Tennessee and work on the Kentucky side of the Fort Campbell installation receive any benefits from the state of Kentucky.

The question of what services Kentucky provides is quite broad. I will attempt to itemize below what we have investigated and the results.

Roads—Fort Campbell is accessible from both the Kentucky side and the Tennessee side. Most workers enter the base at the gate nearest their work station. This means, for example, that most hospital workers enter on the Tennessee side (the hospital is in Tennessee), and most school workers enter on the Kentucky side using Kentucky maintained roads (the school is in Kentucky).

Water and Sewer Service—Self contained on the base.

Electric Service—Most is supplied directly to the base by the Tennessee Valley Authority. One housing area, however, is supplied by the Pennyrile Electric Cooperative, a Kentucky based electric company.

Cooperative Fire Protection—Local communities in both Kentucky and Tennessee have agreements with Fort Campbell to assist in the event of a major fire or other emergency.

Schools—The school system on the Fort Campbell base is fully self-contained and federally funded. It is limited to the children of active duty military personnel stationed at the military base.

Police Protection—All police protection is self-contained. Responsibility for Fort Campbell and all federal military bases rests with the federal/military police.

Unemployment Benefits—Federal civilian workers who become unemployed can apply for benefits from the state where they work or the state where they live. If a Tennessee resident working in Kentucky becomes unemployed and applies in Tennessee, a transfer is made from the Kentucky fund to the Tennessee fund to pay that worker's unemployment claim. The result is that wherever the claim is filed, Kentucky funds pay the claim.

I hope this information is helpful to you in your efforts concerning HR 1953. It is our belief that the civilian employees who work on the Kentucky side of Fort Campbell definitely receive some benefits from the state of Kentucky.

The Kentucky Revenue Cabinet greatly appreciates the work FTA is doing on HR 1953. Harley, we can't thank you and your staff enough. If I can be of further assistance, please let me know.

Sincerely,

ALEX W. ROSE,
*Commissioner, Department of Law,*
*Kentucky Revenue Cabinet.*

Mr. FORD. Mr. President, tax legislation, and especially tax legislation that preempts State law, should not be snuck into a defense bill in this manner. I intended to offer an amendment which dealt with this issue and would help educate Senators on the potential broad scope of the precedent being set by the House language. However, in the interest of finishing this bill, I will withhold offering an amendment at this time.

However, I wish to alert the managers to my strong objection to such language being included in this bill, or any other unrelated bill. I strongly object to inclusion of such language in the conference report.

I urge the managers to protect my interests.

I thank the Chair.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe the Senator from Kentucky has made a strong case. I agree with him. Complex tax proposals of this type which preempt State tax laws do not belong in a defense bill. I will make sure that his concerns are considered by the conference committee when we address the differences between the House and the Senate versions of this bill.

Mr. FORD. Mr. President, I thank the Senator from Michigan and hope that the majority manager of the bill will give the same attention that I have asked for here.

Mr. WARNER. Mr. President, I believe we are ready to conclude a matter with the Senator from North Carolina and—I guess we still need to do one more check. Senator BURNS is next in line.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 2728

(Purpose: To improve the quality of life for members of the Armed Forces by authorizing additional military construction and military family housing projects)

Mr. BURNS. Mr. President, I call up amendment No. 2728, for myself, the ranking member of the Military Construction Appropriations Subcommittee, Senator MURRAY, along with Senators STEVENS, BYRD, INOUYE, and LOTT to be added as original cosponsors.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for himself, Mr. LOTT, Mrs. MURRAY, Mr. STEVENS, Mr. BYRD, and Mr. INOUYE, proposes an amendment numbered 2728.

Mr. BURNS. 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:

On page 324, below line 14, add the following:

**SEC. 2705. AUTHORIZATION OF ADDITIONAL MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.**

(a) ADDITIONAL ARMY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2101(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), as increased by subsection (d), the Secretary of the Army may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Kansas | Fort Riley | $16,500,000 |
| Kentucky | Fort Campbell | $15,500,000 |
| Maryland | Fort Detrick | $7,100,000 |
| New York | Fort Drum | $7,000,000 |
| Texas | Fort Sam Houston | $5,500,000 |
| Virginia | Fort Eustis | $4,650,000 |
| | Fort Meyer | $6,200,000 |

(b) ADDITIONAL ARMY CONSTRUCTION PROJECT OUTSIDE THE UNITED STATES.—In addition to the projects authorized by section 2101(b), and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), as increased by subsection (d), the Secretary of the Army may also acquire real property and carry out the military construction project for the location outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

| Country | Installation or location | Amount |
|---|---|---|
| Korea | Camp Casey | $8,000,000 |

(c) IMPROVEMENT OF ARMY FAMILY HOUSING AT WHITE SANDS MISSILE RANGE, NEW MEXICO.—In addition to the projects authorized by section 2103, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), as increased by subsection (d), the Secretary of the Army may also improve existing military family housing units (36 units) at White Sands Missile Range, New Mexico, in an amount not to exceed $3,650,000.

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, ARMY MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2104(a) is hereby increased by $74,100,000.

(2) The amount authorized to be appropriated by section 2104(a)(1) is hereby increased by $62,450,000.

(3) The amount authorized to be appropriated by section 2104(a)(2) is hereby increased by $8,000,000.

(4) The amount authorized to be appropriated by section 2104(a)(5)(A) is hereby increased by $3,650,000.

(e) ADDITIONAL NAVY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2201(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), as increased by subsection (g), the Secretary of the Navy may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Florida | Naval Station, Mayport | $3,400,000 |
| Maine | Naval Air Station, Brunswick | $15,220,000 |
| Pennsylvania | Naval Inventory Control Point, Mechanisburg. | $1,600,000 |
| | Naval Inventory Control Point, Philadelphia. | $1,550,000 |
| South Carolina | Marine Corps Recruit Depot, Parris Island. | $8,030,000 |

(f) IMPROVEMENT OF NAVY FAMILY HOUSING AT WHIDBEY ISLAND NAVAL AIR STATION, WASHINGTON.—In addition to the projects authorized by section 2203, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), as increased by subsection (g), the Secretary of the Navy may also improve existing military family housing units (80 units) at Whidbey Island Naval Air Station, Washington, in an amount not to exceed $5,800,000.

(g) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, NAVY MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2204(a) is hereby increased by $35,600,000.

(2) The amount authorized to be appropriated by section 2204(a)(1) is hereby increased by $29,800,000.

(3) The amount authorized to be appropriated by section 2204(a)(5)(A) is hereby increased by $5,800,000.

(h) ADDITIONAL AIR FORCE CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2301(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), as increased by subsection (k), the Secretary of the Air Force may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Colorado | Falcon Air Force Station | $5,800,000 |
| Georgia | Robins Air Force Base | $6,000,000 |
| Louisiana | Barksdale Air Force Base | $9,300,000 |
| North Dakota | Grand Forks Air Force Base | $8,800,000 |
| Ohio | Wright-Patterson Air Force Base | $4,600,000 |
| Texas | Goodfellow Air Force Base | $7,300,000 |
| Wyoming | F.E. Warren Air Force Base | $3,850,000 |

(i) CONSTRUCTION AND ACQUISITION OF AIR FORCE FAMILY HOUSING.—In addition to the projects authorized by section 2302(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), as increased by subsection (k), the Secretary of the Air Force may also construct or acquire family housing units (including land acquisition) at the installation, for the purpose, and in the amount set forth in the following table:

Air Force: Family Housing

| State | Installation or location | Purpose | Amount |
|---|---|---|---|
| Montana | Malmstrom Air Force Base | 62 Units | $12,300,000 |

(j) IMPROVEMENT OF AIR FORCE FAMILY HOUSING.—In addition to the projects authorized by section 2303, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), as increased by subsection (k), the Secretary of the Air Force may also improve existing military family housing units as follows:

(1) Travis Air Force Base, California, 105 units, in an amount not to exceed $10,500,000.

(2) Moody Air Force Base, Georgia, 68 units, in an amount not to exceed $5,220,000.

(3) McGuire Air Force Base, New Jersey, 50 units, in an amount not to exceed $5,800,000.

(4) Seymour Johnson Air Force Base, North Carolina, 95 units, in an amount not to exceed $10,830,000.

(k) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, AIR FORCE MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2304(a) is hereby increased by $90,300,000.

(2) The amount authorized to be appropriated by section 2304(a)(1) is hereby increased by $45,650,000.

(3) The amount authorized to be appropriated by section 2304(a)(5)(A) is hereby increased by $44,650,000.

Mr. BURNS. Mr. President, this calls for an additional 27 quality-of-life military construction projects throughout the Department of Defense. These projects are located in 22 States, and some overseas. And it is focused entirely on quality of life.

If we have learned anything from our visitations to military installations, it is that we have not focused on such as health care centers, child care centers, recreation, and also housing for our enlisted, and barracks for our enlisted. It encompasses projects such as child care, dining facilities, modernization, replacement of barracks, and family housing.

We did not focus on any particular State, geographic region or committee membership, but rather we tried to find worthy and meritorious projects that the services wanted and requested but we could not afford in the near term. The majority of these projects were not asked for by Members of the Senate. Rather, they are projects requested by the Army, the Navy, the Air Force and the Marine Corps. Every single one of these projects is contained in the Department of Defense Future Year Defense Plan or FYDP. Further, over half are in the early years of that plan.

Mr. President, we offer this amendment, and I yield the floor to my colleague from Washington, Senator MURRAY.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

I rise to join with Senator BURNS in fully endorsing this amendment to the Armed Services bill. Chairman STEVENS, Senator BYRD, Senator INOUYE, Senator BURNS and myself have cosponsored this amendment with the sole intention of providing essential quality of life programs and initiatives for our men and women in uniform.

Increasingly over the last few years, military construction has been given the shorter end of the stick in terms of adequate funding. Congress has always stood by our services, and managed to increase funding where we thought an increase was necessary.

Again, this year we face a similar situation, with the budget request at $1.4 billion less than what we appropriated last year. The Armed Services Committee significantly bridged this gap by authorizing an additional $500 million in much-needed military construction projects. But we would like to take it a step further and add $200 million for military construction quality of life projects. This would make the military construction budget $8.48 billion, still $700 million less than what was authorized and appropriated last year, but at least $700 million above the less than adequate budget request.

The projects we have included in this $200 million request are all bonafide quality of life initiatives. We are hearing more and more often how our services are struggling with lower than average retention rates. While this shortfall is being addressed through other means, it is also important to address it through military construction. Some of the biggest complaints from our service men and women are regarding things like child care centers. Inadequate housing conditions, old dining facilities, and lack of physical fitness centers. We tried to meet these very real needs in our amendment, providing funds for 27 projects in 22 States. All of these projects are in DOD's future year defense plan, and all of these fall under the criteria of quality of life. Furthermore, the selection of the projects was made in a very bipartisan way. We did not focus on a certain political party or a certain geographical region. Instead, we went to the services and asked them what they needed but couldn't afford.

Probably at the front of many of my colleagues' minds is the fiasco we had last year with the line-item veto of 37 of our military construction projects and an unfounded concern that these projects may be mere pork. Let me assure you that all of these projects were carefully selected with the threat of the line-item veto in mind. Every single one of these projects has been included in DOD's future year defense plan, and all of these are quality of life projects, meeting the very criteria that the President submitted last year in regards to the line-item veto. Fortunately, the Supreme Court has just determined that we won't have to fight that fight again, but it should be reassuring to all here of the thoughtfulness and seriousness in which we chose all of the projects on this list.

Mr. President, I have to say that it concerns me when I hear criticism of the military construction bill as being ''Christmas in July,'' delivering ''pork'' projects to Members. Nothing could be further from the truth, especially for the kinds of projects we're talking about today. First of all, as I just mentioned, these projects are based on the needs of the services, not the requests of Members. Secondly, and most importantly, at the very least, we owe our men and women in uniform a quality of life that is comparable to their civilian counterparts. They should not be compelled to live in inadequate facilities, to travel off-base for child care, to pay for membership in a physical fitness center because their installation doesn't have one. These are small dollar items that will mean so much to so many people. A gesture like this can only but help in quality of life, help in overall satisfaction with the services, help in retention, and therefore help our services meet their force needs and requirements for the 21st century.

This is a fair, bipartisan, and legitimate means of providing our service men and women with necessary quality of life programs. We have been fortunate to work with our colleagues on the Armed Services Committee in ensuring this is an acceptable amendment and an acceptable allocation of resources. I hope and expect this amendment can be fully embraced by the Armed Services Committee, and I encourage my colleagues to support its inclusion.

Thank you, Mr. President. I yield the floor.

Mr. MCCAIN. Mr. President, I stand before this body to address the considerable number of low-priority, unrequested military construction projects that have been added to the FY 1999 Military Construction Appropriations Bill.

Since the end of the ''Cold War,'' the budget that provides for the defense of this nation has been cut in half as a percentage of the gross domestic product and by over $120 billion in real terms. As a result of these drastic cuts, our military force structure has shrunk by more than 30 percent; Operations and Maintenance accounts have been reduced by 40 percent; procurement has declined by more than 50 percent, and paychecks for our service members now lag an embarrassing 13 percent behind their civilian counterparts.

In stark contrast, our military has seen a 400 percent increase in operational commitments over the same period. The tempo of operations has never been so high in a time of peace. And yet, America's military personnel have performed admirably, bridging the gap between decreased funding and increased commitments with sheer dedication to duty and professionalism. Unfortunately, the damage caused by the Administration's continual practice of asking the military to ''do more with less,'' is becoming very evident.

Retention rates throughout the military are down. Mid-grade officers and senior non-commissioned officers—groups traditionally thought of as career oriented personnel—are exiting the service in increasing numbers. All of the services are facing pilot shortages, no doubt precipitated by reductions in flight hours, declining aircraft availability, and increased time away from home.

Recruitment goals are not being met. Except for the Marine Corps, all of the services are falling short of their recruiting to 7,000 recruits short by the end of the year. This follows the Navy's 12,000 recruit shortfall of last year. When recruiters offer potential recruits the opportunity to be over-worked, underpaid, spartanly supported and often away from home, many of America's best and brightest are saying ''no thank you.''

Readiness is in decline. Secretary Cohen, the service chiefs, regional commanders in chief, and various other military leaders have acknowledged that there are significant indicators of readiness problems. There are also significant shortages of critical spare parts. These shortages are forcing maintenance personnel to routinely use cannibalized parts—parts taken off of other supposedly operational systems—to keep equipment operating.

All of these problems—declining readiness, retention and recruitment shortfalls, inoperative equipment—are the result of chronic under-funding of our nation's security interests.

The Congress, most certainly, has not turned a blind eye to the needs of the services. In the previous three years, Congress has added more than $20 billion to the defense budget requests submitted by the Clinton Administration. So why do we still have these serious and growing deficiencies in readiness, pay, and modernization? Because the practice of Congress has tragically been to mis-use billions of these scarce defense dollars to add unrequested programs and building projects to the defense budget.

This year's Military Construction Appropriations Bill was crafted under the spending caps of the Balanced Budget Agreement of 1997. The agreement established firm limits to the National Defense budget. With these budget constraints in place, on would think that members would find it difficult to even consider adding projects of questionable merit, since the offsets required to pay for such requests would siphon precious dollars from areas of greater need within the defense budget. The temptation for members to pander to their parochial interests, I am sad to report, has proven too great to resist.

One only needs to look at the 114 unrequested military construction projects, at a cost of nearly $800 million in the FY 1999 Military Construction Appropriations bill, to realize the pork habit has become an addiction. If this bill is accepted as written, we will have added $9 billion in unrequested military construction projects since 1990. Nine billion dollars!

The question is not whether these unrequested military construction projects can be defended as meeting the Senate's review criteria or as actions within the prerogatives of Congress. The question is whether we are directing scarce defense resources where they will do the greatest good for our country and for the men and women of our All Volunteer Force. I believe we are not.

This bill funds ten unrequested National Guard armories and Reserve centers at a cost of $65 million. Twelve million dollars is appropriated to replace existing dining facilities at two joint civilian/military airports—one, at Dannelly Field, Alabama and the other, at Ft. Wayne, Indiana. Hickman Air Force Base will get a new $5.1 million dollar civil engineering facility to replace the existing one.

The folks at Fort Wainwright, Alaska will doubtless see readiness levels soar as they christen their new $3 million vehicle wash facility. Fort Bragg, South Carolina gets $8.3 million to erect mission critical fencing.

At a time when many installations are closing libraries because of lack of use, this bill appropriates $8.5 million dollars to build a very impressive, yet unnecessary library at Shaw Air Force Base.

Training at the National Training Center has suffered due to personnel and funding cuts, and the number of ''Red Flag'' air combat exercises has also been reduced due to funding cuts. Yet this bill appropriates nearly $14 million for a ''Regional Training Institute'' at Camp Dawson, West Virginia—a small National Guard weekend drill facility.

Many of the additions to this bill were made in the name of service member quality of life. It is interesting to note that not a single one of the Chief of Naval Operations' unfunded priority, quality of life projects is in this bill. The Commandant of the Marine Corps has priority quality of life project on the list of adds. None of the Air Force's top six unfunded quality of life projects made this bill. Only one of the top 15 did.

In contrast, 95 percent of the construction projects in the amendment are to be built in the States or districts of appropriations committee members.

In closing, let me say that I am sure there are many good projects on this list. Many of these projects will serve to improve the quality of life of our military personnel, and they will provide facilities and improvements that will enhance mission readiness. But the real reason these projects are funded in this bill is that they provide economic benefit to certain states.

With today's budget realities, it is absolutely critical that every defense dollar be spent where it will do the most good. We, the Congress, must stop the practice carving out our little portion of the Defense Budget to keep the folks at home happy. We must, instead, do what is best for the services as a whole. We owe nothing less to our men and women in uniform.

I ask unanimous consent a list of military construction appropriations additions be printed in the RECORD.

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

FY 1999 MILITARY CONSTRUCTION APPROPRIATIONS BILL ADDS

| State | Base | Facility | Cost in thousands |
|---|---|---|---|
| Alabama | Fort Rucker | Simulation center | $10,000 |
| Alabama | Dannelly Field | Replace medical training and dining facility | 6,000 |
| Alaska | Fort Wainwright | Barracks Renewal | 19,500 |
| Alaska | Fort Richardson | Improve Family Housing (40 units) | 7,400 |
| Alaska | Fort Wainwright | Vehicle Wash Facility | 3,100 |
| Alaska | Eielson AFB | Weapons and release system shelter | 6,200 |
| Alaska | Kulis ANG Base | Vehicle maintenance and fire station | 10,400 |
| Arkansas | Little Rock AFB | Upgrade sewage plant | 1,500 |
| California | Travis AFB | Improve family housing | 10,500 |
| California | Travis AFB | New control tower | 4,250 |
| Colorado | Falcon AFS | Child development center | 5,800 |
| Connecticut | Orange Ang Station | Air control squadron complex | 11,000 |
| Connecticut | Naval Sub Base, New London | Waterfront recapitalization | 12,510 |
| Delaware | Dagsboro | Readiness center | 3,609 |
| Delaware | Dover AFB | Leadership school | 1,600 |
| Florida | Key West Naval Station | Child development center | 3,400 |
| Florida | NAVSTA Mayport | Fleet recreation facility | 3,400 |
| Florida | Pensacola | Armory | 3,975 |
| Florida | NAS Whiting Field | 8 helicopter pads | 1,400 |
| Georgia | Fort Stewart | Warehouse | 17,000 |
| Georgia | Robins AFB | JSTARS dining facility | 6,000 |
| Georgia | Moody AFB | Improve family housing (68 units) | 5,200 |
| Georgia | NAS Atlanta | Hangar addition | 4,100 |
| Georgia | Sub Base King Bay | Degaussing facility | 2,550 |
| Hawaii | Schofield Barracks | Land purchase | 23,500 |
| Hawaii | Marine Corps Base, Hawaii | BEQ | 19,000 |
| Hawaii | Pearl Harbor | Hazardous waste consolidation facility | 4,570 |
| Hawaii | Hickam AFB | Replacement civil engineering facility | 5,100 |
| Idaho | Mountain Home | Munitions storage facility | 4,100 |
| Idaho | Mountain Home | Munitions storage igloo | 1,500 |
| Idaho | Boise Air Terminal | Base supply facility addition | 3,000 |
| Indiana | Hulman Regional Airport | Corrosion control facility | 6,000 |
| Indiana | Fort Wayne International Airport | New dining hall and medical training facility | 6,000 |
| Iowa | Des Moines | Police operations building | 4,000 |
| Kansas | Fort Riley | Barracks complex renewal | 16,400 |
| Kansas | McConnel AFB | Addition to deployment center | 2,900 |
| Kansas | Forbes Field | Hangar upgrade | 9,800 |
| Kentucky | Fort Campbell | Improve family housing (95 units) | 10,000 |
| Kentucky | Fort Campbell | Barracks complex renewal | 15,500 |

FY 1999 MILITARY CONSTRUCTION APPROPRIATIONS BILL ADDS—Continued

| State | Base | Facility | Cost in thousands |
|---|---|---|---|
| Kentucky | Standiford Field, Louisville | Replace composite aerial port | 4,100 |
| Louisiana | Barksdale AFB | Physical fitness center | 9,300 |
| Louisiana | Fort Polk | Rail loading facility | 8,300 |
| Maine | NAS Brunswick | BEQ | 15,220 |
| Maryland | Fort Meade | Emergency services center | 5,300 |
| Maryland | U.S. Naval Academy | Demolish towers | 4,300 |
| Maryland | Fort Detrick | Barracks complex renewal | 7,100 |
| Massachusetts | Hanscom AFB | Renovate management facility | 10,000 |
| Massachusetts | Westover AFRB | Control tower | 5,000 |
| Michigan | Alpena County Regional Airport | Fire station | 5,100 |
| Michigan | Selfridge, ANG Base | Upgrade buildings | 9,800 |
| Mississippi | Brookhaven | Guard training center | 5,247 |
| Mississippi | Columbus AFB | 52 units of family housing | 6,800 |
| Mississippi | Columbus AFB | BOQ | 5,700 |
| Mississippi | Columbus AFB | Corrosion control facility | 2,500 |
| Mississippi | Keesler AFB | Replace 52 units of family housing | 6,800 |
| Mississippi | Stennis Space Center | Operations support facility | 5,500 |
| Missouri | Rosecrans Memorial Airport | Upgrade parking aircraft apron | 9,600 |
| Montana | Helena | Reserve center | 21,690 |
| Montana | Malmstrom AFB | Missile operations shop | 5,300 |
| Montana | Malmstrom AFB | Replace housing (62 units) | 12,300 |
| Montana | Malmstrom AFB | New dormitory | 7,900 |
| Nebraska | Lincoln Municipal Airport | Medical training facility | 3,350 |
| Nevada | Carson City | Readiness center | 5,860 |
| New Hampshire | Concord | Aviation support facility | 350 |
| New Jersey | Fort Dix | Ammunitions supply point | 8,731 |
| New Jersey | McGuire AFB | Improve family housing | 5,800 |
| New Mexico | Taos | Readiness center | 3,300 |
| New Mexico | Cannon AFB | Runway repair | 6,500 |
| New Mexico | Kirtland AFB | Repair weapon integrity building | 6,800 |
| New Mexico | White Sand Missile Range | Improve family housing | 3,650 |
| New York | Fort Drum | All weather weapons training facility | 4,650 |
| New York | Fort Drum | Consolidated soldier and family housing | 7,000 |
| New York | Air Force Research Lab, Rome | Intel and reconnaissance lab | 1,152 |
| New York | Niagara Falls | Maintenance facility | 3,900 |
| North Carolina | Fort Bragg | Fences | 8,300 |
| North Carolina | Seymour | Library | 6,100 |
| North Carolina | Johnson AFB Seymour | Improve family housing | 10,830 |
| North Carolina | Camp Lejeune | BEQ | 15,700 |
| North Dakota | Minot AFB | Taxiway | 8,500 |
| North Dakota | Grand Forks | Add to physical fitness center | 8,800 |
| North Dakota | Hector Field | Addition to base supply facility | 3,650 |
| Ohio | Springfield-Beckly Airport | Civil engineering facility | 5,000 |
| Ohio | Wright-Patterson AFB | Physical fitness facility | 4,600 |
| Oklahoma | Sand Springs | Reserve center | 972 |
| Oklahoma | Tinker AFB | Operations and mobility center | 10,800 |
| Oklahoma | Vance AFB | Physical fitness center | 4,400 |
| Oklahoma | Altus AFB | Control tower | 4,000 |
| Pennsylvania | NAVICP Mechanics Burg | Child development center | 1,600 |
| Pennsylvania | NAVICP Philadelphia | Child development center | 1,500 |
| Pennsylvania | US Army Research Center | Regimental support facility | 19,512 |
| South Carolina | Charleston AFB | Housing improvements | 9,110 |
| South Carolina | MCRD Parris Island | Female recruit barracks | 8,030 |
| South Carolina | Shaw AFB | Library | 8,500 |
| South Carolina | Spartanburg | Readiness center | 5,200 |
| South Dakota | Ellsworth AFB | Operations facility | 6,500 |
| South Dakota | Joe Foss Field | Maintenance and ground equipment facility | 5,200 |
| Tennessee | Fort Campbell | Housing improvements | 10,700 |
| Texas | Fort Bliss | Overpass | 4,100 |
| Texas | Dyess, AFB | Support equipment shop | 1,400 |
| Texas | Fort Sam Houston | Dining facility | 5,500 |
| Texas | Goodfellow AFB | Student dormitory | 7,300 |
| Texas | Sheppard AFB | Family housing | 12,800 |
| Utah | Hill AFB | Addition to child development center | 1,500 |
| Utah | Hill AFB | Reserve asset warehouse | 2,600 |
| Utah | Fort Douglas | Reserve center | 4,106 |
| Vermont | Burlington | Supply complex | 5,500 |
| Virginia | Fort Meyer | Barracks renovation | 6,200 |
| Virginia | Fort Eustis | Physical fitness center | 4,650 |
| Washington | Fort Lawton | Army reserve facility | 10,713 |
| Washington | Bremerton Naval Shipyard | Community support facility | 4,300 |
| Washington | McChord AFB | Medical training facility | 3,400 |
| Washington | Fairchild AFB | Training support complex | 3,900 |
| Washington | Whidbey Island NAS | Improve family housing | 5,800 |
| Washington | Fairchild ARB | Composite support complex | 9,800 |
| West Virginia | Camp Dawson | Regional training institute | 13,595 |
| Wyoming | F.E. Warren AFB | Modify dormitories | 3,850 |
| | | | 797,000 |

Mr. COVERDELL. Mr. President, I rise in support of the amendment offered tonight by Senator BURNS providing additional funds for military construction projects. One of the most important aspects of military readiness is the quality of life that the soldiers who defend our Nation encounter on a daily basis. This amendment focusses only on quality of life projects and funds projects of only the highest priority—those on the Armed Services' Future Years Defense Plan.

Mr. President, two projects found in this amendment are located in Georgia, one at Robins Air Force Base and one at Moody Air Force Base. I know from my visits to these military installations that these projects will contribute substantially to the quality of life for the soldiers stationed at the respective bases. I applaud the efforts of my colleague, Senator BURNS, to increase funding in an area that needs this assistance and his efforts to help our Nation's soldiers.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana. The Senator has 1 minute remaining.

Mr. BURNS. We have to understand that in this fiscal year we are about $700 million under what we allocated and appropriated for military construction a year ago. Compared to 2 years ago, this expenditure is down $2 billion. And I think this committee has done a good job in trying to seek out those projects that are necessary. We have done it, and we have cut some of the fat out of this appropriations and put the money where we really think it is needed and did it in a way that stays within our budget and our allocation.

So we are $2 billion less in expenditures than we were 2 years ago. So I think this committee has done a commendable job.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized to offer a second-degree amendment.

Mr. WARNER. Mr. President, would the Chair kindly repeat that.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Arizona is to be recognized at this point to offer a second-degree amendment.

Mr. WARNER. Mr. President, I have been in consultation with the staff of the Senator from Arizona, and I am just going to ask that we move on to the next item on the UC at this time, preserving the rights of the Senator from Arizona under the unanimous-consent agreement.

So I ask unanimous consent to preserve the rights accorded to the Senator from Arizona and we move forward from that and proceed to the next item.

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

Mr. WARNER. I thank the Chair.

I wish to advise Senators we are moving along a little bit ahead of schedule, which is good. I think there could well be a disposition that the Senator from Arizona has in mind.

AMENDMENT NO. 3016

(Purpose: To name the bill in honor of Senator Strom Thurmond)

Mr. WARNER. Mr. President, we will now move to the next item under the unanimous-consent agreement which, as I understand it, is an amendment by the Senator from Virginia, myself, on behalf of the distinguished ranking member, Mr. LEVIN; on behalf of the distinguished majority leader, Mr. LOTT; and on behalf of the distinguished Democratic leader, Mr. DASCHLE. I will send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. LEVIN, Mr. LOTT, Mr. DASCHLE, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND proposes an amendment numbered 3016.

Mr. WARNER. 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:

Strike out section 1 and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

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

(1) Senator Strom Thurmond of South Carolina first became a member of the Committee on Armed Services of the United States Senate on January 19, 1959. His continuous service on that committee covers more than 75 percent of the period of the existence of the committee, which was established immediately after World War II, and more than 20 percent of the period of the existence of military and naval affairs committees of Congress, the original bodies of which were formed in 1816.

(2) Senator Thurmond came to Congress and the committee as a distinguished veteran of service, including combat service, in the Armed Forces of the United States.

(3) Senator Thurmond was commissioned as a reserve second lieutenant of infantry in 1924. He served with great distinction with the First Army in the European Theater of Operations during World War II, landing in Normandy in a glider with the 82nd Airborne Division on D-Day. He was transferred to the Pacific Theater of Operations at the end of the war in Europe and was serving in the Philippines when Japan surrendered.

(4) Having reverted to Reserve status at the end of World War II, Senator Thurmond was promoted to brigadier general in the United States Army Reserve in 1954. He served as President of the Reserve Officers Association beginning that same year and ending in 1955. Senator Thurmond was promoted to major general in the United States Army Reserve in 1959. He transferred to the Retired Reserve on January 1, 1965, after 36 years of commissioned service.

(5) The distinguished character of Senator Thurmond's military service has been recognized by awards of numerous decorations that include the Legion of Merit, the Bronze Star medal with ''V'' device, the Belgian Cross of the Order of the Crown, and the French Croix de Guerre.

(6) Senator Thurmond has served as Chairman of the Committee on Armed Services of the Senate since 1995 and as the ranking minority member of the committee from 1993 to 1995. Senator Thurmond concludes his service as Chairman at the end of the 105th Congress, but is to continue to serve the committee as a member in successive Congresses.

(7) This Act is the fortieth annual authorization bill for the Department of Defense for which Senator Thurmond has taken a major responsibility as a member of the Committee on Armed Services of the Senate.

(8) Senator Thurmond, as officer and legislator, has made matchless contributions to the national security of the United States that, in duration and in quality, are unique.

(9) It is altogether fitting and proper that this Act, the last annual authorization Act for the national defense that Senator Thurmond manages in and for the United States Senate as Chairman of the Committee on Armed Services of the Senate, be named in his honor.

(b) SHORT TITLE.—This Act shall be cited as the ''Strom Thurmond National Defense Authorization Act for Fiscal Year 1999''.

Mr. WARNER. Mr. President, in the course of the history of the Senate, there comes a moment whereby we recognize the extraordinary contributions of one of our Members. Tonight I rise on behalf of myself and others to recognize the services of the distinguished chairman of the Armed Services Committee, STROM THURMOND. I am pleased to introduce this amendment which would name the Department of Defense authorization bill presently under consideration after our chairman, STROM THURMOND of South Carolina.

Very few, if any, persons in American history have made the contributions, in length and quality, to the national defense that Senator THURMOND has made. First commissioned a Reserve officer in 1924, he volunteered for active duty in 1941. He went into Normandy on D-Day, June 6, 1944, in a glider with the 82d Airborne Division, and fought throughout the campaigns in northern Europe. Transferred then as a volunteer to go to the Pacific theater following the surrender of Germany, he served then in the Philippines when Japan surrendered.

Promoted to brigadier general in the Army Reserve in 1954 and to major general in 1959, Senator THURMOND remained on active status until 1965. He served as national president of the Reserve Officers Association, 1954 to 1955.

Senator THURMOND first became a member of the Committee on Armed Services in January of 1959. He served as the committee's ranking minority member from 1993 to 1995 and as chairman from 1995 to the present. He has announced that he will step down as chairman during the course of the next Congress—or the completion of this Congress—and he will, of course, remain then the ranking member of our committee.

Senator THURMOND's nearly 40 years of service on the Committee on Armed Services covers 75 percent of the time of the existence of that committee, which was formed by the merger of the old Committees on Military Affairs and Naval Affairs in 1947. Perhaps more remarkably, he covers over 20 percent of the time since the original committees were set up, since 1816.

In view of his matchless contributions to the national defense, both on the battlefield and in the Senate Chamber, it is altogether appropriate that tonight the present bill, the last he will manage as chairman of the Committee on Armed Services, be named in his honor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. It is only because the hour is late and we are trying to wrap up this bill that I only will spend a moment saying how important it is that we adopt this amendment in paying respects to our chairman, who has done such an extraordinary job in moving our committee along in these last few years as chairman, and as a member for so many years before that.

As ranking member, I had the privilege of working with Senator STROM THURMOND, for Senator THURMOND is a chairman who approached these issues on a bipartisan basis, as the defense budget should be approached. He has always set forth a determination that we protect our Nation's security first and foremost, and that the men and women in our Armed Forces be the focus of our resolve, and the protection and security of this Nation through them be what is first and foremost in our minds.

So this is a small gesture that the Senator from Virginia is leading tonight. I want to commend him for thinking of this and for taking the leadership on this. I want to tell him it is my pleasure to join with him and do what we do so often, act on a bipartisan basis in the Armed Services Committee.

I congratulate Senator THURMOND. This will be the last defense authorization bill that he will manage, but there will be many, many, many, many more years of energetic efforts that will be forthcoming from the Senator from South Carolina.

Mr. HATCH. Mr. President, I salute one of the greatest Senators this body has ever seen. STROM THURMOND is one

of the greatest men I have ever known. A fine attorney, judge, local and State leader, war veteran, patriot, hero and long-term Senator. STROM is a great father and family man. He is a fine human being who always stands up for the right with all his might. He has been a fine example to all of us who serve with him and to the public at large.

I've had the privilege of serving on the Judiciary Committee with him over the past 22 years. He has always worked hard, fought for his beliefs, and has set an example for all of us.

I truly love STROM THURMOND and will do my best to live up to his great example.

Mr. MURKOWSKI. Mr. President, it gives me great pleasure to rise today in honor of my close friend, the distinguished senior senator from South Carolina and Chairman of the Senate Armed Services Committee, STROM THURMOND, on the completion of the FY 99 Defense Authorization bill. This marks the last time that Senator THURMOND will manage a Defense Authorization Bill in his capacity as Chairman of the Senate Armed Services Committee.

Senator THURMOND is an exceptional man, a truly remarkable individual who has unselfishly dedicated his entire life to the service of others. Mr. President, earlier in the 105th Congress, on May 25, 1997, Senator THURMOND made history in this institution when he became he longest-serving United States Senator in our nation's history. He is a model in perseverance and is a testament to the greatness of this body and to this nation as a whole.

Senator THURMOND was first elected to the U.S. Senate in 1954 as a write-in candidate. He was the first person in U.S. history to ever be elected to a major U.S. office in this manner. He has since served the people of South Carolina continuously in this body for over 41 years and 10 months, a record which is likely to stand the test of time and to never be broken.

Throughout his career, STROM THURMOND has served South Carolina and the United States in a number of important ways: he has served South Carolina as a State Senator; a South Carolina Circuit Judge; a Governor and currently as a U.S. Senator. He served his country in World War II, and landed in Normandy on D-Day with the 82nd Airborne Division. He went on to earn 5 Battle Stars during World War II and 18 military decorations during his distinguished military career. He ran for President in 1948. And in 1959, while serving in the U.S. Senate, Senator THURMOND was made a Major General of the U.S. Army Reserve.

First and foremost, however, Senator THURMOND is a teacher. He began his distinguished career as a teacher in South Carolina in 1923 and has continued to emphasize the importance of education in everything he does. He wrote the South Carolina school attendance law; worked hard to increase the pay to teachers and for longer school terms; and even today, Senator THURMOND continues to send a congratulatory certificate to every graduating South Carolina high school student.

Senator THURMOND has taught all of us in this institution, Mr. President, I am honored to call him a friend and am pleased to rise today in tribute to this great man, this great American. It is fitting that we name this bill in his honor, and my deepest congratulations go out to him.

Mr. HOLLINGS. Mr. Speaker, I rise to join my colleagues in tribute to the Chairman of the Armed Services Committee. It is indeed fitting that we dedicate the 1999 Defense Authorization Bill in his honor.

Senator THURMOND has a long and distinguished record of service both in the military and in the Congress. He was commissioned a 2nd Lieutenant in 1924 and has since served this nation, and the military, in positions of increasing responsibility. During World War II he served in both Europe and Pacific. Afterwards he rose to the rank of Major General in the Army Reserve. During his many years in the Senate he toiled to insure that our military maintained the readiness necessary to defend our great nation.

In recent years he has served as Chairman of the Army Services Committee and rightfully earned a place in Senate history as one of the greatest Chairmen of this important Committee. During these years the Committee has faced many challenges in shaping a defense bill that met the needs of a military in a world in change. His great experience in military, national and international matters has made the difference in providing for the nation's defense.

Senator THURMOND has been a personal inspiration during my years in the Senate. I have always appreciated his guidance. Together, we have worked in harmony for the good of the great state of South Carolina and the Nation.

Again, I congratulate him!

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am humbled at the action that has been suggested here. I have been on the Armed Services Committee for about 40 years and been a Member of this body for about 45 years, and I have enjoyed every minute of it. It offers many opportunities to those who love this country and feel that they want to serve it and create something. I am very grateful to Senator WARNER, my good friend, Senator LEVIN, my good friend, and others who are interested in this action that is being considered. I tell them I appreciate you and I appreciate what you are doing, and I will never forget you.

Thank you very much.

Mr. WARNER. Mr. President, we thank our distinguished colleague, and at an appropriate time I am certain the majority leader and Democratic leader will be present. At that time, we will pass on this amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENTS NOS. 2783, 2791 AS MODIFIED, 2792 AS MODIFIED, 2823, 2867 AS MODIFIED, 2904 AS MODIFIED, 2907, 2909 AS MODIFIED, 2923 AS MODIFIED, 2976 AS MODIFIED, 3017 THROUGH 3032, 3035 THROUGH 3040, EN BLOC

Mr. THURMOND. Mr. President, I send a series of cleared amendments to the desk on behalf of the majority and minority Members and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes amendments Nos. 2783, 2791 as modified, 2792 as modified, 2823, 2867 as modified, 2904 as modified, 2907, 2909 as modified, 2923 as modified, 2976 as modified, 3017 through 3032, 3035 through 3040, en bloc.

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

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

The amendments Nos. 2783, 2791 as modified, 2792 as modified, 2823, 2867 as modified, 2904 as modified, 2907, 2909 as modified, 2923 as modified, 2976 as modified, 3017 through 3032, 3035 through 3040, en bloc, are as follows:

AMENDMENT NO. 2783

(Purpose: To provide for the issuance of burial flags to deceased members and former members of the Selected Reserve)

On page 268, between lines 8 and 9, insert the following:

**SEC. 1064. ISSUANCE OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.**

Section 2301(a) of title 38, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(3) deceased individual who—

''(A) was serving as a member of the Selected Reserve (as described in section 10143 of title 10) at the time of death;

''(B) had served at least one enlistment, or the period of initial obligated service, as a member of the Selected Reserve and was discharged from service in the Armed Forces under conditions not less favorable than honorable; or

''(C) was discharged from service in the Armed Forces under conditions not less favorable than honorable by reason of a disability incurred or aggravated in line of duty during the individual's initial enlistment, or period of initial obligated service, as a member of the Selected Reserve.''.

AMENDMENT NO. 2791 AS MODIFIED

(Purpose: To require the Secretary of the Navy to carry out a vessel scrapping pilot program)

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

**SEC. 1014. SHIP SCRAPPING PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary of the Navy shall carry out a vessel scrapping pilot program within the United States during fiscal years 1999 and 2000. The scope of the program shall be that which the Secretary determines is sufficient to gather data on the

cost of scrapping Government vessels domestically and to demonstrate cost effective technologies and techniques to scrap such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary shall award a contract or contracts under subsection (a) to the offeror or offerors that the Secretary determines will provide the best value to the United States, taking into account such factors as the Secretary considers appropriate.

(2) In making a best value determination under this subsection, the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) The Secretary shall consider the technical qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(c) CONTRACT TERMS AND CONDITIONS.—The contract or contracts awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the transfer of the vessel or vessels to the contractor or contractors;

(2) the sharing by any appropriate contracting method the costs of scrapping the vessel or vessels between the government and the contractor or contractors;

(3) a performance incentive for a successful record of environmental and worker protection; and

(4) Government access to contractor records in accordance with the requirements of section 2313 of title 10, United States Code.

(d) REPORTS.—(1) Not later than September 30, 1999, the Secretary of the Navy shall submit an interim report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2000, the Secretary of the Navy shall submit a final report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's procurement strategy for future ship scrapping activities.

Ms. MIKULSKI. Mr. President, this amendment is cosponsored by Senators GLENN and SARBANES.

I am pleased that this amendment has been accepted by the Chairman and Ranking Member of the Armed Services Committee, and I thank Senator THURMOND, Senator LEVIN and Senator WARNER for their assistance.

The amendment I am introducing today seeks to change the way we dispose of unneeded Navy ships.

Our great Navy ships served valiantly—and they should be retired with honor.

Instead, men die as they break these ships. Others are maimed forever, Our waterways become terribly polluted. Then, when they're done, we're left with torn hunks of metal—polluting our ports—and requiring huge sums of money to clean-up.

With the end of the cold war the number of ships to be disposed of in the military arsenal is growing. There are 180 Navy and Maritime Administration ships waiting to be scrapped. These ships are difficult and dangerous to dismantle. They usually contain asbestos, PCB's and lead paint. They were built long before we understood all the environmental hazards associated with these materials.

This issue was brought to my attention by a Pulitzer Prize-winning series of articles that appeared in the *Baltimore Sun* written by reporters Gary Cohn and Will Englund.

They conducted a thorough and rigorous investigation of the way we dispose of our Navy and maritime ships. They traveled around the country and around the world to see firsthand how our ships are dismantled, and Mr. President, I must advise that the way we do this is not being done in an honorable, environmentally sensitive, or efficient way.

I believe when we have ships that have defended the United States of America, that they were floating military bases—and they should be retired with the same care and dignity with which we close a military base.

Let me read from the Sun series:

As the Navy sells off warships at the end of the Cold War, a little known industry has grown up. In America's depressed ports and where the ship breaking industry goes, pollution and injured workers are left in its wake.

The Pentagon repeatedly deals with ship breakers with dismal records, then fails to keep watch as they leave health, environmental and legal problems in their wake.

Of the 58 ships sold for scrapping since 1991, only 28 have been finished. And oh, my God, how they have been finished. I would like to turn to my own hometown of Baltimore.

Workers in Baltimore spoke about toiling in air thick with asbestos. Laborers scrapped the U.S. *Coral Sea*, ripping asbestos insulation from an aircraft carrier with their bare hands. At times they had no respirators, standard equipment for asbestos workers. As we all know inhaling those fibers can have lethal consequences.

Workers were ordered to stuff asbestos into a leaky barge to hide it from inspectors. Dangerous substances from scrapped shipyards have polluted harbors, rivers and shorelines, the Sun paper goes on to say.

This is what the *Coral Sea* looked like while it was being dismantled in the Baltimore harbor. It looks like it was ravaged. Like it was cannibalized.

The *Coral Sea's* dismantling had been marked by several fires. Dumping oil in the harbor. Lawsuits and repeated delays. The mishandling of asbestos. The Navy inspector refused to board the *Coral Sea* because he was afraid it was too dangerous.

I am quoting now the Sun paper. ''September 16, 1993, the military sent its lone inspector for the United States to the salvage yard in Baltimore. He didn't inspect it because he thought it was too dangerous.''

The inspector was right to be concerned about his own safety. The next day a 23-year-old worker found out how safe it would be.

He walked on a flight deck and he dropped 30 feet from the hangar. ''I felt the burning feeling inside,'' he said, ''blood was coming out of my mouth, I didn't think I would live. He suffered a fractured spleen, pelvis, and broke his arms in several places.

At the same time we had repeated fires that were breaking out. In November of 1996, a fire broke out in the *Coral Sea's* engine room. No one was standing fire watch. No hose nearby. The blaze burned quickly out of control and for the sixth time Baltimore City's fire department had to come in and rescue a shipyard. At the same time the owner of the shipyard had a record of environmental violations—a record for which he ultimately was sentenced to jail.

All this was happening right in Baltimore Harbor. You've probably passed it if you've taken the Baltimore Harbor tour. It is right across from Fort McHenry—where we defended the United States of America and won the second battle for the War of 1812. And look at it—that's what it looks like—it is a national disgrace that was in the Harbor as well as a national environmental danger.

It wasn't limited to Baltimore. In Terminal Island, California, workers were fired when they told federal investigators how asbestos was being improperly stripped from Navy ships.

A scrap yard from the southeast, Cape Fear, North Carolina, was so contaminated with asbestos, oil, and lead, that David Heater, an assistant attorney general, said the site looked like one of the levels of Dante's hell. Now ship scrappers frustrate regulators by constructing a maze of corporate names and moving frequently.

Meanwhile, right down the road from the *Coral Sea* in Baltimore was the Baltimore city shipyard, the Bethlehem steel shipyard that was foraging for work. We were desperate for work in our shipyard. Desperate. But no, do you think the Navy turned to shipyards like Bethlehem Ship?

While all of this has been going on, the Navy also planned to send our ships overseas—where worker and environmental safety are virtually ignored.

In India, the Sun paper found a tidal beach where 35,000 men scrapped the world ships with little more than their bare hands. They worked under wretched conditions.

This is the United States Navy ships being dismantled in India. Thirty-five thousand people work on a beach, often with no shoes, dismantling ships with their bare hands. This is an international disgrace.

I introduced a bill to change the way we dispose of unneeded Navy ships.

This bill had two parts. The first would ban the export of ships to countries that don't care about protecting workers or the environment. The second part would create a pilot program to use American shipyards to break ships. Because while fly-by-night companies were attempting to break ships, we had American shipyards foraging for work—both in Baltimore and around the country.

The amendment I'm introducing today includes only the second part of my legislation. This amendment will create a pilot program to enable the Navy to develop new, efficient ways of breaking ships that meet environmental and occupational safety standards.

The Navy raised legitimate concerns about my original bill. My bill focused on competence. I wanted shipyards to break ships—because I believe that our shipyards have the experience and facilities to break ships safely. Shipyards, like the ones in my hometown of Baltimore, that are fit for duty. They know how to build a ship, they know how to convert a ship, they know how to dismantle a ship.

But the Navy was concerned that this would limit competition. So I changed my amendment to insure full and open competition. Any competent company can apply to participate in the pilot program.

What do I mean by ''competent?'' I mean that whoever breaks ships must have a record of protecting their workers' safety and the environment. They must have technical skills, a safe workplace, and a record of complying with environmental laws.

So my amendment addresses competency—as well as competition. It will make sure that ships are broken in a way that protects workers, the environment, and the American taxpayer.

This amendment will enable the Navy to do a better job of disposing of unneeded ships. My legislation will give the Navy the will and resources to retire our ships with honor.

I knew when the Senate saw these pictures they would be as taken aback as I have. I would like to thank the Sun paper for their outstanding series in bringing this not only to my attention but to America's attention.

They won the Pulitzer prize. But I want the United States of America to be sure that we win a victory here today for workers, the environment—and especially for the Navy. Because I know our Navy wants to do the right, honorable thing.

Again, I thank Senator THURMOND, Senator LEVIN, and Senator WARNER for their support of my amendment.

Mr. WARNER. Mr. President. I would like to comment upon Senator MIKULSKI'S amendment to establish a Navy pilot program for ship scrapping practices. While I support Senator MIKULSKI's amendment, I would like to clarify some of the issues and concerns regarding this amendment.

Worker safety and environmental issues related to the scrapping of the U.S.S. Coral Sea were raised. I would like to note that the contractor that conducted the scrapping work on behalf of the Navy received criminal sanctions for environmental violations. In turn, the Navy has worked very diligently to resolve and eliminate future contractor problems in this area by adjusting its contractor selection method to ensure that the contractor has the requisite technical, financial, environmental, and worker safety qualifications. Specifically, the Navy has replaced the lowest bidder methodology with the requirement that a determination of best value be made in contract selection.

Finally, there has been reference to the overseas scrapping of Navy ships, as follows: ''In India, 35,000 men scrapped . . . ships with little or more than their bare hands. They worked under wretched conditions. This is an international disgrace.'' I have been informed that the Navy has not contracted to scrap ships overseas. I have been apprised of one incident in which the Navy transferred the title of one Navy ship, the USS *Bennington*, to a contractor that misrepresented its intentions regarding the use of that ship. That contractor subsequently arranged for the scrapping of that ship in India. The scenario that I have described involves one ship, not many, as suggested by some. The Navy has modified its contracting procedures to avoid that type of abuse in the future.

I firmly believe that the Navy has worked to resolve the worker safety and environmental problems associated with ship scrapping, consistent with the recommendations of the Department of Defense Interagency Review Panel on Ship Scrapping, appointed by Mr. Gansler, the Under Secretary of Defense, Acquisition and Technology. It is my expectation that the Navy will continue to make progress as it continues ongoing ship scrapping operations and develops a credible pilot program that will ensure best value in the contract selection process.

Under that pilot program, it is yet to be determined whether any particular shipyard or contractor has the requisite expertise and qualifications to conduct safe and environmentally sound ship scrapping. I have supported the current version of Senator MIKULSKI's amendment with the understanding that it allows the Navy the flexibility and time to conduct meaningful analysis and to develop a viable pilot program.

I thank Senator MIKULSKI for her cooperation in ensuring that this amendment provides for a ship scrapping pilot program that encourages competition and discourages favorable treatment of any particular contractor or site.

Mr. President, I yield the floor.

AMENDMENT NO. 2792 AS MODIFIED

(Purpose: To provide $2,000,000 for emergency repairs and stabilization measures at the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, Maryland)

On page 347, below line 23, add the following:

**SEC. 2833. EMERGENCY REPAIRS AND STABILIZATION MEASURES, FOREST GLEN ANNEX OF WALTER REED ARMY MEDICAL CENTER, MARYLAND.**

Of the amounts authorized to be appropriated by this Act, $2,000,000 may be available for the completion of roofing and other emergency repairs and stabilization measures at the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, in accordance with the plan submitted under section 2865 of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806).

AMENDMENT NO. 2823

(Purpose: To require the Director of the Federal Emergency Management Agency to carry out a program of assistance for State and local governments to ensure the preparedness of those governments to respond to potential emergencies resulting from the destruction of lethal chemical agents and munitions)

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

**SEC. 1064. CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM.**

Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended by adding at the end of subsection (c) the following:

''(4)(A) The Director of the Federal Emergency Management Agency shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

''(i) the storage of any such agents and munitions at military installations in the continental United States; or

''(ii) the destruction of such agents and munitions at facilities referred to in paragraph (1)(B).

''(B) No assistance may be provided under this paragraph after the completion of the destruction of the United States stockpile of lethal chemical agents and munitions.''.

AMENDMENT NO. 2867 AS MODIFIED

(Purpose: To make available $30,000,000 for the Initiatives for Proliferation Prevention program and $30,000,000 for the so-called ''nuclear cities'' initiative)

On page 397, between lines 6 and 7, insert the following:

**SEC. 3137. NONPROLIFERATION ACTIVITIES.**

(a) INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 may be available for the Initiatives for Proliferation Prevention program.

(b) NUCLEAR CITIES INITIATIVE.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 may be available for the purpose of implementing the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation (the so-called ''nuclear cities'' initiative).

AMENDMENT NO. 2904, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the August 1995 assassination attempt against President Shevardnadze of Georgia)

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

**SEC. ___. SENSE OF SENATE REGARDING THE AUGUST 1995 ASSASSINATION ATTEMPT AGAINST PRESIDENT SHEVARDNADZE OF GEORGIA.**

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

(1) On Tuesday, August 29, 1995, President Eduard Shevardnadze of Georgia narrowly survived a car bomb attack as he departed his offices in the Georgian Parliament building to attend the signing ceremony for the new constitution of Georgia.

(2) The former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, after being implicated in organizing the August 29, 1995, assassination attempt on President Shevardnadze, fled Georgia from the Russian-controlled Varziani airbase on a Russian military aircraft.

(3) Lieutenant General Giorgadze has been seen openly in Moscow and is believed to have been given residence at a Russian government facility despite the fact that Interpol is conducting a search for Lieutenant General Giorgadze for his role in the assassination attempt against President Shervardnadze.

(4) The Russian Interior Ministry claims that it is unable to locate Lieutenant General Giorgadze in Moscow.

(5) The Georgian Security and Interior Ministries presented information to the Russian Interior Ministry on November 13, 1996; January 17, 1997; March 7, 1997; March 24, 1997 and August 12, 1997, which included the exact location in Moscow of where Lieutenant General Giorgadze's family lived, the exact location where Lieutenant General Giorgadze lived outside of Moscow in a dacha of the Russian Ministry of Defense; as well as the changing official Russian government license tag numbers and description of the automobile that Lieutenant General Giorgadze uses; the people he associates with; the apartments he visits, and the places including restaurants, markets, and companies, that he frequents.

(6) On May 12, 1998, the Moscow-based Russian newspaper Zavtra carried an interview with Lieutenant General Giorgadze in which Lieutenant General Giorgadze calls for the overthrow of the Government of Georgia.

(7) Title II of the Foreign Operations Appropriations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118) prohibits assistance to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the national sovereignty of any other new independent state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should—

(1) urge the Government of the Russian Federation to extradite the former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, to Georgia for the purpose of standing trial for his role in the attempted assassination of Georgian President Eduard Shevardnadze on August 29, 1995;

(2) request cooperation from the Minister of Defense of the Russian Federation and the Government of the Russian Federation to ensure that Russian military bases on Georgian territory are no longer used to facilitate the escape of assassins seeking to kill the freely elected President of Georgia and to otherwise respect the national sovereignty of Georgia; and

(3) use all authorities available to the U.S. Government to provide urgent and immediate assistance to ensure to the maximum extent practicable the personal security of President Shevardnadze.

Mr. BROWNBACK. Mr. President, I would like to introduce a resolution calling upon the Administration to do its utmost to protect the personal security of President Eduard Shevardnadze of Georgia. Against overwhelming odds, President Shevardnadze has fought for his country's sovereignty and independence and has led it to a position where it is starting to achieve positive economic growth and is making great strides towards democracy. President Shevardnadze is a world class leader, and he and his country are natural allies of the United States in a part of the world that is crucial to the geo-political interests of the United States.

President Shevardnadze has accomplished these great achievements under the most difficult circumstances one could imagine. There have been two assassination attempts in the last three years alone and he has been working tirelessly to reach peaceful resolution with the separatist forces within Georgia. As if this weren't difficult enough, he has had to do this in the face of continual undermining by certain forces within the Russian Federation.

A case in point is Abkhazia: since the break-up of the Soviet Union, Russia has been using Abkhazia to maintain control in Georgia and in the Caucasus: the Russians encouraged separatists forces, armed and supported with fighters, intelligence and air power and used the resultant instability to force President Shevardnadze and Georgia to join the Commonwealth of Independent States (CIS).

Russia also used this weakness to force the presence of Russian bases on Georgian territory. President Shevardnadze was forced to sign the military base agreement allowing Russia troops to be stationed in Georgia without compensation, in fact Georgia is forced to pay Russia. And when he objected, President Shevardnadze was told point blank by the Russian Prime Minister either to sign the base agreement or Russia would put someone else in his place to sign it.

Russian strategy in Georgia appears to be a combination of factors driven by those who seek to pay President Shevardnadze back for his dismantling of the Soviet empire, and those who seek to prevent Caspian oil and other commerce from following through Georgia to the West, and who wish to break Georgia's increasingly close ties to the West and to the United States in particular.

The destabilizing activities have not stopped and include attempts to assassinate President Shevardnadze himself. On August 29, 1995 he narrowly survived a car bomb attack as he departed his offices in the Georgian Parliament building to attend the signing ceremony for the new constitution of Georgia. The former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, after being implicated in organizing this attempt on President Shevardnadze's life, escaped to Moscow after fleeing Georgia from the Russian-controlled Varziani airbase on a Russian military aircraft.

Since that time, Giorgadze has been spotted on a number of occasions in Moscow and the Georgians have repeatedly requested his extradition to Georgia. But despite the specificity of the information presented to them about Giogadze's whereabouts in Russia, the Russian Interior Ministry has claimed repeatedly that it is unable to locate Mr. Giorgadze. In short, Russia has refused to extradite him to Georgia for trial.

Further, Mr. President, another violent attempt was made on President Shevardnadze's life in February of this year. Here again, the perpetrators of this heinous act fled Georgia from a Russian military base. And barely a month later, two escort planes which were to escort the President's flight from the Turkish border on a return flight to the Georgian capital Tbilsi, were found sabotaged and inoperable, thus forcing the President's plane to return unescorted and unprotected and in direct danger of air attack. Those disabled planes, Mr. President, were sabotaged while on the ground in a Russian military base in Georgia.

Throughout all these events, the Administration has remained shockingly silent. This is unacceptable behavior towards a friend an ally. In the face of the clear pattern of destabilization in which Russia is engaged, the Administration should not have to be prodded to stand up and speak loudly in defense of this friend and ally. Unfortunately, a reticence to engage Russia on its bad behavior in Georgia and the Caucasus has led to an unacceptable passivity on the part of the Administration. It is time for this to change. And it must change soon.

There is no need to remind my colleagues that Title II of the Foreign Operations Appropriations, Export Financing, and Related Programs Appropriations Act, prohibits assistance to any government of the former Soviet Union if that government directs any action in violation of the national sovereignty of any other new independent state.

The sense of the senate I am introducing today calls upon the Administration to step up its pressure on Russia to extradite Igor Giorgadze, the alleged perpetrator of the August 1995 assassination attempt on President Shevardnadze; and to stop using its bases in Georgia as an escape for assassins and terrorists; and to provide all assistance necessary to provide for the personal safety of President Shevardnadze.

This resolution is just a first step. I believe the United States should be pressing Russia to remove its bases

from Russia—after all, they are there against the will of the Georgian people. And I now call upon the Administration to stand up for President Shevardnadze and for Georgia, and to publicly and loudly condemn the efforts of any group that seeks to destabilize Georgia. I hope my colleagues will join me in sending this message and will support this resolution.

AMENDMENT NO. 2907

(Purpose: To require the Secretary of Energy to select the technology to be used for tritium production by December 31, 1998)

On page 398, between lines 9 and 10, insert the following:

**SEC. 3144. DEADLINE FOR SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.**

(a) DEADLINE.—The Secretary of Energy shall select a technology for the production of tritium not later than December 31, 1998.

(b) OPTIONS AVAILABLE FOR SELECTION.—Notwithstanding any provision of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), after the completion of the Department of Energy's evaluation of their Interagency Review on the production of Tritium, the Secretary shall make the selection for tritium production consistent with the laws, regulations and procedures of the Department of Energy as stated in subsection (a).

Mr. SESSIONS. Mr. President, I would like to thank the Chairman of the Armed Services Committee, Senator THURMOND, for accepting my amendment which ensures the dual track strategy the Department of Energy (DOE) is currently pursuing for tritium production will remain in place. Acceptance of this amendment ensures the Secretary of Energy will have the flexibility to make the best decision based on a careful review of the cost, technical, schedule and policy issues associated with each of the tritium production options.

In May, during the House National Security Committee's deliberation of the FY '99 Department of Defense (DOD) re-authorization bill, an amendment offered by Congressmen MARKEY and GRAHAM was accepted without a roll call vote. Their amendment (Markey/Graham amendment) would preclude the Secretary of Energy from selecting a commercial light water reactor for the production of tritium. The Markey/Graham amendment, if passed into law, would force the Secretary of Energy to select the Accelerator Production of Tritium (APT) by eliminating the option to produce tritium using a Commercial Light Water Reactor (CLWR). The APT is the only other option currently available to the Department of Energy. The results of this action would, in my opinion, require the Secretary to select the highest risk and most expensive option to produce tritium—a decision which could saddle the taxpayers with a $14.5 billion debt. To put this in context, $14.5 billion is more money than the states of Alabama, New Hampshire, South Carolina, Virginia, Rhode Island, Idaho, Oklahoma, Mississippi and New Mexico combined will receive during the next five years under the recently passed TEA21 transportation bill.

The White House, Secretary of Energy, Secretary of Defense and the Citizens Against Government Waste have all written letters in opposition to the Markey/Graham amendment in the House-passed bill, which would prevent the Department of Energy from making the best decision on tritium production.

In a Statement of Administration Policy to House National Security Committee dated May 20th, 1998, the Administration voiced its concern over the amendment to the House DoD reauthorization bill and stated:

''The Administration strongly opposes . . . amendments . . . to prohibit the use of commercial light water reactors for the production of tritium; by eliminating the least costly, most technically mature option under consideration by DOE. Tritium production in commercial reactors is not inconsistent with U.S. non-proliferation policy''.

Furthermore, in a letter dated June 23rd, 1998, the Secretary of Energy restated the Administration's position:

''The Administration strongly opposes this amendment and any amendment that prejudges departmental decision making within the dual track strategy. A careful and deliberate review of cost, technical, schedule, and policy issues associated with each option is essential to meet our security needs most economically and reliably''.

And finally, in a letter provided to me June 25th, 1998, the Secretary of Defense stated:

''DoD opposes the amendments for three reasons. First, if the amendments were to become law, DOE would require an immediate additional investment of nearly $250 million to accelerate the development of APT. The long term impacts of the amendment are far more significant. The life cycle cost of APT could be as high as $8.8 billion. The life cycle cost of the Reactor option could be as low as $1.6 billion. Thus, the amendments could mandate an unfunded liability of up to $7.6 billion . . . Second, the amendments would likely increase the cost of the DOD Stockpile Stewardship Program.

Finally, this amendment seems to be predicated on the assumption that the use of commercial reactors is inconsistent with the US non proliferation policy. It is not. The DOE will forward shortly a completed interagency report that concludes the non proliferation policy issues associated with the use of a reactor are manageable and that the DOE should continue to pursue the reactor option as a viable source for future tritium production. . .Therefore, I urge you to oppose amendments which would prohibit the Reactor production of tritium from being considered as an option. Passage of any such amendment would place the Defense Authorization bill at risk''.

Mr. President, I would ask unanimous consent that all three letters be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

*Washington, D.C., May 20, 1998.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 3616—NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999 (SPENCE (R) SC AND SKELTON (D) MO)

The Administration supports prompt congressional consideration of its national defense authorization legislative proposal for FY 1999. As reported by the Committee on National Security, however, H.R. 3616 raises serious budget and policy concerns which must be addressed satisfactorily. The Administration also has particular concerns, addressed below, about a number of amendments which have been ruled in order for floor consideration.

*Reduction of Department of Energy (DOE) Funds*

The Administration strongly objects to the net reduction of $401 million from DOE's defense activities, particularly the $358 million cut from weapons activities and the earmarking of $60 million from the Stockpile Stewardship account for DOD's Ballistic Missile Defense Organization. A significant portion of the Stockpile Stewardship reduction results from $341 million taken from prior year balances which are not available. This will force real reductions in critical programs needed to ensure the safety, security, and reliability of America's nuclear deterrent.

In addition, the Administration opposes the $230 million reduction in the Environmental Management Privatization account that cuts funds which are needed to demonstrate to the financial investment community the Administration's commitment to the privatization approach, and which are required to complete key nuclear waste disposal facilities. The bill would also delay the decision to select a primary source for tritium until the results of tests at the Watts Bar nuclear station are determined. This would delay the selection decision by over one year, increase the costs of the program, and prevent the Department from meeting its 2005 deadline for achieving a tritium production capability. The Administration also opposes the premature sun-setting of the Worker and Community Transition Program, which has facilitated the orderly reduction of 43,000 contractor employees at DOE sites since 1992.

*Program Funding*

H.R. 3616 would reduce funding for basic and applied research by over $1 billion in FY 1999. This research provides the fundamental knowledge and technical know-how required to develop future defense systems. The failure to provide adequate funding for this research will ultimately result in the inability to upgrade systems at an adequate pace. The Administration strongly urges the House to authorize the Administration's full $4.1 billion request for these programs.

Conversely, the bill adds a net total of $250 million for procurement and $450 million for constructions programs. Some of these increases are for programs that, due to higher priority military requirements, are not in the Future Years Defense Program (FYDP). This includes, for example, $398 million for seven additional C–130J airlift aircraft, and $300 million for other unrequested items for the National Guard and Reserve. These increases for lower priority weapons modernization and military construction programs would be at the expense of higher priority defense programs.

The Administration appreciates the bill's emphasis on preserving military readiness through strong funding for maintenance and spare parts. Force readiness could be threatened, however, by the bill's reductions to other O&M programs. The President's request is very tightly constructed within the discretionary caps agreed to the bipartisan budget agreement. Any adjustments must be carefully evaluated to ensure that sufficient funding is available for DoD operations and support programs. The Administration will work with the Congress to reexamine any adjustments to the O&M programs prior to final congressional action on the bill.

In particular, the Administration opposes the bill's $500 million funding reduction for defense contractual services, which are an integral part of DOD functions and are essential to critical military objectives. This reduction would have a direct adverse impact on operational readiness and modernization. The prohibitions and limitations on: (1) accounting procedures for contractual services and (2) the performance of core logistics capabilities are also objectionable. In addition, the bill's requirement for a comprehensive annual review of Defense service contracts would be costly and divert personnel from higher priority areas.

*Base Realignment and Closure*

The Administration is disappointed that the bill does not adopt the Defense proposal to authorize two additional rounds of base closure and realignment in 2001 and 2005. Defense's base infrastructure is far too large for its military forces and must be reduced if the Department is to obtain adequate appropriations for readiness and modernization requirements during the next decade.

*Gender Integrated Training*

The Administration strongly opposes any legislatively mandated changes for initial entry training within the military services.

The Federal Advisory Committee on Gender Integrated Training and Related Issues made several recommendations on training that have been reviewed by the Secretary of Defense and each of the services. In addition to the Committee's recommendations, the Secretary directed the services to take additional action in the areas of training leadership, training rigor, and recruit billeting. The services have each taken a number of steps in support of the Committee's recommendations and Secretary's additional direction. The implementation of future initiatives will also be monitored. All actions are geared toward providing new recruits with the best training possible in a safe and secure environment. In order to achieve this goal, each service must be allowed to tailor its basic training as needed to prepare recruits for their specific service's missions. Legislation at this time would be counter productive to meeting this goal.

*Weapons of Mass Destruction*

H.R. 3616 does not include authorities requested to allow a more rapid response to threats to U.S. forces, and permit Defense to support interagency efforts to combat terrorism. The bill also defers action on authorizing the National Guard and Reserves to assist other Federal, state, and local authorities in responding to domestic terrorist incidents involving weapons of mass destruction. These authorities are critical to improving the Nation's ability to deter and combat terrorism. The Administration strongly urges prompt congressional enactment of these important authorities.

*Bosnia Expenditure Cap*

The Administration opposes section 1201 which would impose an expenditure limitation on funds for U.S. participation in Bosnia peacekeeping operations. It is imperative that the Administration retain the flexibility necessary to meet exigent circumstances.

*Chemical Weapons Convention*

The Administration urges the House to include the requested authorization of appropriations for the DOD to reimburse the Organization for the Prohibition of Chemical Weapons for costs incurred in inspecting DOD sites and facilities. These funds are necessary to fulfill the requirements of the recently ratified Chemical Weapons Convention.

*Management Issues*

A number of provisions in H.R. 3616 would undermine the Administration's efforts to improve governmental operations. For example, the bill would terminate a DOD ''household goods moving services'' pilot program that was designed to adopt corporate business practices and foster competition. The bill would replace this DOD pilot with an approach that was proposed by the industry that perpetuates the current inefficient system.

The Administration objects to section 337 which would require DOD to perform depot-level maintenance and repair of the C–17 at Government-owned, Government-operated facilities. This section also states that the C–17 Flexible Sustainment contract does not meet the requirements of law. Although the language is specific to the C–17 support contract, it has far reaching implications for many DOD weapon systems. The bill sets a precedent for bypassing the DOD risk assessment and core determination process, and directing that weapon systems be supported in public depots without regard to cost or readiness. The resulting investments would have a significant adverse affect on DOD's long term plans for funding.

Section 336 of the bill would require complicated and cumbersome tests for determining what qualifies as a commercial item under 10 U.S.C. §2464, and would require application of those tests to determine whether or not a V–22 engine component or system is a ''commercial item'' that, by definition, should be procured with simplified, streamlined procurement procedures. Whether intended or not, the provision would duplicate a capability that already exists commercially.

Section 331 of the bill would expand current requirements that the Secretary report to Congress before outsourcing any commercial or industrial type function currently accomplished in-house. This would be counterproductive to efficient and effective government, and should be deleted. These additional requirements would only slow the process, discourage contractors from taking over activities that DOD no longer needs to perform in-house, and waste money that should be used to modernize DOD weapons systems.

*Military Pay Raise*

H.R. 3616 contains a minimum of a 3.6 percent increase in basic pay for military members, an increase that is 0.5 percent higher than the amount requested. At this time, the Administration is reviewing the implications of a higher pay raise, and will work with Congress to provide a fair pay raise that does not force unacceptable reductions in other high priority Defense programs.

*Cooperative Threat Reduction (CTR)*

The Administration generally supports the bill's authorizations for the Cooperative Threat Reduction Program and urges full funding of the FY 1999 request for CTR. The Administration opposes, however, language that would restrict the use of CTR funds for chemical weapons destruction facility construction. The restriction would preclude any construction until FY 2000, thereby imposing a minimum delay of one year in the current project schedule.

The Administration, as it continues to review H.R. 3616, may identify other issues, and will work with the Congress to develop a more acceptable bill.

*Unacceptable Amendments*

In addition, the Administration strongly opposes a number of seriously problematic amendments that may be offered, including:

Any amendment that would further restrict or prohibit licensing of commercial satellite launches by China. Transfer to China or Chinese entities of technology, data, or defense services relevant to ballistic missiles or warhead delivery is controlled under the Arms Export Control Act. Existing procedures, including the bilateral Satellite Technology Safeguards Agreement (negotiated under the Bush Administration and signed in February 1993) explicitly prohibit transfer of ballistic missile technology to China.

Any amendment to require licenses for nuclear exports and retransfers to non-OECD countries to be reported to Congress 30 days before issuance. Such a requirement is unnecessary as applications for licenses to export controlled nuclear technology and items are already reported to the public immediately upon fling with the Nuclear Regulatory Commission. The licensing process provides for a unique degree of transparency, including public intervention. To require such a notification before licenses are issued to non-OECD countries would impose significant delays to many commercial contracts, reducing U.S. commercial competitiveness, and reducing U.S. influence with countries of great importance to our nuclear non-proliferation efforts.

The amendment which would cap expenditures for NATO enlargement at $2 billion or 10 percent of the total cost. At the Madrid summit Allied heads of State and government agreed that the costs of NATO enlargement would be reasonable and they would be met in accordance with current Alliance procedures. After careful study, NATO agreed that the costs of enlargement to the Alliance common budgets for the first 10 years would be $1.5 billion. Using the current shares of NATO common budget that would mean the costs to the U.S. during that period would be approximately $400 million. However, a reduction to 10 percent of enlargement costs as called for in the amendment is neither reasonable nor consistent with the Madrid communique agreed by all Allied heads of state and government.

Prohibit the use of commercial light water reactors for the production of tritium; eliminating the least costly, most technically mature opinion under consideration by DOE. Tritium production in commercial reactors is not inconsistent with U.S. nonproliferation policy. There have been several instances of cooperation between U.S. military and civilian nuclear programs, including dual use of uranium enrichment facilities and commercial sale of electricity originating from a weapons material production reactor.

The inclusion of such amendments in the bill presented to the President would be unacceptable.

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THE SECRETARY OF ENERGY
*Washington, DC, June 23, 1998.*

Hon. JEFF SESSIONS,
*U.S. Senate, Washington, DC*

DEAR SENATOR SESSIONS: The Department of Energy must establish a new source of tritium to maintain the U.S. nuclear weapons stockpile. Currently, the Department is pursuing a dual-track strategy for tritium production, which calls for the development of two technology options: use of an existing commercial light water reactor or the construction of a linear accelerator for the production of tritium. The Department has pursued this strategy for more than two years under the direction of the Congress and with the approval of the Department of Defense through the Nuclear Weapons Council. We remain on schedule to select a new tritium production source by December 31, 1998, consistent with existing law.

Last month an amendment to the National Defense Authorization Act for FY 1999 (H.R. 3616) was adopted that would prohibit the Department's ability to pursue the Commercial Light Water Reactor option of the dual

track strategy. The Administration strongly opposes this amendment and any amendment that prejudges departmental decision making within the dual track strategy. A careful and deliberate review of the cost, technical, schedule, and policy issues associated with each option is essential to meet our security needs most economically and reliably.

The amendment to prohibit the Department's use of a commercial light water reactor for tritium production was predicated on an assumption that the use of such reactors to produce tritium is inconsistent with U.S. proliferation policy. The Department will forward shortly a completed interagency review that concludes that the nonproliferation policy issues associated with the use of a commercial light water reactor are manageable and that the Department should continue to pursue the reactor option as a viable source for future tritium production. This Administration conclusion was reached after an extensive and interactive review process involving a wide range of Executive Branch agencies.

I appreciate your consideration of our views and concerns regarding this issue. If you have any questions, please call me or have your staff contact Mr. John C. Angell, Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586–5450.

Sincerely,

FEDERICO PEÑA

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THE SECRETARY OF DEFENSE,
*Washington, DC, June 25, 1998.*

Hon. STROM THURMOND,
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I am writing to express the opinion of the Department of Defense on proposed amendments to the Fiscal Year 1999 Defense Authorization bill that prohibit commercial light water reactors from producing tritium for military purposes.

The Department of Energy (DOE) is pursuing a dual-track program to produce tritium. One method is to use a commercial light water reactor (CLWR) to irradiate rods from which tritium could be extracted at a DOE facility—in effect, buying irradiation services. The other approach is to build an accelerator to produce tritium (APT). DOE will decide on a primary method by the end of this calendar year. The proposed amendments would effectively foreclose the CLWR option.

DoD opposes the amendments for three reasons. First, if the amendments become law, DOE would require an immediate additional investment of nearly $250M to accelerate development of APT. The long term impacts of the amendments are far more significant. The life cycle cost of APT could be as high as $8.8B. The life cycle cost of the CLWR program could be as low as $1.2B. Thus, the amendments could mandate an unfunded liability of up to $7.6B. Second, the amendments would likely increase the cost of the DOE stockpile stewardship program (SSP). Finally, this amendment appears to be predicated on an assumption that the use of commercial reactors for tritium production is inconsistent with the US nonproliferation policy. It is not. The DOE will forward shortly a completed interagency report that concludes that the nonproliferation policy issues associated with the use of a commercial light water reactor are manageable and that the DOE should continue to pursue the reactor option as a viable source for future tritium production. The DoD fully endorses this position.

In conclusion, DOE has a dual-track program to develop an assured supply of tritium. Until DOE reaches its decision later this year, the wisest choice is to leave our options open. Therefore, I urge you to oppose the amendments that would prohibit CLWR from being considered as an option. Passage of any such amendment would place the Defense Authorization bill at risk.

Respectfully,

BILL COHEN.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that a letter sent to me by the Citizens Against Government Waste (CAGW), along with a June 25th article from the Washington Times on tritium both be printed in the RECORD.

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

COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
*Washington, DC, June 23, 1998.*

Hon. JEFF SESSIONS,
*U.S. Senate, Russell Office Building, Washington, DC.*

DEAR SENATOR SESSIONS: On behalf of America's taxpayers, and the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), we are pleased to endorse your amendment to the FY 1999 National Defense Authorization Act, which ensures that the government procures tritium in the most cost-efficient method.

The Department of Energy (DOE) is responding to Defense Department needs for tritium by carefully considering two options recommended by The Weapons Council: use of a nearly complete commercial light water reactor at Bellefonte in Alabama; or construction of a large new accelerator at the Savannah River federal site in South Carolina. While we are not qualified to comment on dependability, technology, and non-proliferation policy issues concerning these two options, CCAGW feels compelled to point out the obvious cost advantages of the light water reactor option. By any measurement, use of a commercial reactor is the lower cost tritium production option. This option should not be legislatively excluded as provided in the House-passed Markey amendment.

Every budget estimate confirms that construction and operation of an accelerator costs significantly more than the commercial reactor. DOE estimates that the seven-year startup costs for the accelerator will be $3.9 billion with $120 million in annual operating costs. CBO's cost estimate for the accelerator is $6.72 billion. These cost estimates reflect only a modest level of accuracy since they are based on a preliminary conceptual design. Any cost overruns would be borne by the taxpayers. Recent proposals for modular construction of the accelerator will still cost at least $2.6 billion, and these proposals fail to include substantial engineering design and safety expenses.

In contrast, the Bellefonte reactor option will cost only $1.9 billion to complete construction and start producing tritium in five years. Unlike the accelerator, the commercial reactor will generate about $100 million annually in revenues for the Treasury from the production and sale of electricity. The Bellefonte cost estimate is a fixed price that has been certified by several independent reviews as having a very high-level of accuracy. The reactor owner would pay any cost overruns.

From a common sense perspective, the commercial reactor option has to be a better deal for the taxpayer. The Bellefonte reactor is already 90 percent complete whereas ground has not even been broken for construction of the accelerator which is still undergoing conceptual design. Finishing a nearly-complete facility obviously must cost less than designing and building a new facility.

No matter how you compare it, the commercial reactor option is more cost-effective, Construction of a new accelerator will be anywhere from 70 percent to almost 300 percent more expensive than the guaranteed fixed price of a commercial reactor. Moreover, the commercial reactor will generate revenues every year for the Treasury while the accelerator will require annual appropriations to operate.

Given the obviously significant cost advantages, the commercial reactor should not be excluded as an option as proposed by the House. We applaude you placing politics aside and putting the interest of the taxpayers first. We offer our full assistance in this effort.

Sincerely,

COUNCIL NEDD II,
*Director of Government Affairs.*

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[From the Washington Times, June 25, 1998]

NUCLEAR MATERIAL CAUSES SENATE SPAT

(By Sean Scully)

An obscure House amendment to the Defense Department budget is sparking an interstate battle in the Senate—a fight that could cost U.S. taxpayers an extra $4 billion.

Without having a debate or taking a recorded vote, the House passed an amendment on May 21 to prohibit commercial nuclear reactors from producing tritium, a radioactive substance used to increase the effectiveness of nuclear weapons. As a result, the Energy and Defense departments must abandon a $2 billion plan to produce tritium in an Alabama reactor in favor of building a new production facility in South Carolina, which could cost up to $6.7 billion.

''I think I am morally bound to do everything I can to stop this colossal error that may be in the making,'' said Sen. JEFF SESSIONS, Alabama Republican and leader of the effort to block a similar amendment in the Senate.

But backers of the amendment say there is far more at stake than cost.

The United States has long drawn a sharp line between military and civilian nuclear programs, backers say, and producing tritium at a commercial power plant would blur that line.

''It takes 50 years of policy and turns it on its head. . . . This is a major change of policy that has ripple effects beyond comprehension,'' said Rep. LINDSEY GRAHAM, South Carolina Republican and cosponsor of the House amendment.

If the United States begins using a civilian reactor for military purpose, even for the relatively benign tritium, the administration will have a more difficult time convincing nations such as North Korea and India not to use their reactors to make bomb material, supporters said.

''It's just not smart, it's not the right thing to do,'' especially in light of the recent nuclear tests by India and Pakistan, said Maury Lane, spokesman for Sen. ERNEST F. HOLLINGS, South Carolina Democrat.

The Alabama faction disagrees. Trituim, they say, is not part of non-proliferation treaties and is widely produced in civilian reactors worldwide, although not in the United States.

The real issue is cost, Mr. SESSIONS said.

In May 1997, the Congressional Budget Office estimated that buying an existing reactor, or completing a new one, would cost about $1.9 billion. The Alabama reactor, owned by the Tennessee Valley Authority, is about 85 percent complete. The TVA promises to give the Energy Department 60 percent of the profits from selling electricity produced by the plant—as much as $100 million per year—which could offset much of the cost of building and operating the reactor.

The CBO estimated, meanwhile, that the South Carolina plant, known as an accelerator, would cost $6.7 billion. And, while the technology of accelerators is well understood, it has never been used to create tritium on this scale before.

''We simply cannot afford to spend that much extra money in the defense budget, which is extraordinarily tight,'' Mr. SESSIONS said.

The South Carolina side, however, said the CBO numbers are based on outdated data. Mr. GRAHAM said the current accelerator plan is much smaller, costing about $2 billion.

''The costs are—at best—a wash,'' he said.

But at the root of the dispute may be home-district politics, a fact that partisans on both sides admit. The CBO estimates that almost 400 jobs are at stake in South Carolina and as many as 800 in Alabama.

Mr. SESSIONS. Mr. President, under current law, the Department of Energy has been going forward with a dual track process to decide on the technology selection of tritium. DOE is to choose the best option to produce tritium based on cost and merit. The House-passed Markey/Graham amendment, eliminates DOE's decision-making authority and would put the national defense at risk by relying on an unproven technology. The Markey/Graham amendment is fiscally irresponsible and would prevent the Secretary from making a merit-based decision.

Tritium is a radioactive isotope of hydrogen which is used in all nuclear weapons of the United States. It has a relatively short half life of 12.3 years and must be replaced periodically as long our nation's defense relies on nuclear deterrence.

In 1993, Congress required the Secretary of Energy to submit a report to Congress with a schedule to produce tritium to meet our defense needs. Later that year, the Secretary submitted a report indicating that under START II, tritium production would need to resume by 2009. However, since the START II treaty has not been ratified, as is now the case, the DOE has stated tritium production needs to begin by 2005.

On December 6th, 1995 the Department of Energy issued a Record of Decision to pursue a dual-track approach to produce tritium. This process was recommended by the President's Nuclear Weapons Council. The first option is to use the services of a reactor to produce tritium. The second option is to design, build and test a particle accelerator at Savannah River to drive tritium producing nuclear reactions. Both options would be required to produce tritium by the 2009 deadline, but only the reactor option could meet the 2005 deadline. The DOE is scheduled to announce its choice for tritium production by the end of 1998.

The Department of Energy needs to pursue the dual-track option for the production of tritium. The Markey/Graham amendment prevents the DOE from making their decision, and ties the Secretary of Energy's hands, throwing competition out the window and saddling the American taxpayer with a huge $16.7 billion dollar debt.

Mr. President, the House-passed Markey/Graham amendment to the Department of Defense re-authorization bill sole sources the Secretary of Energy's options for tritium production and forces the Secretary to select the least reliable, highest cost option—APT. Even the DOE's Accelerator Production of Tritium program managers suggest the accelerator may not be able to produce enough tritium to fulfill our defense needs according to a June 8th, 1998 DOE letter in response to my technical questions regarding the accelerator program.

The CLWR option to produce tritium is a proven technology which allows the US to maintain its nuclear preparedness. It uses safe, reliable technology at no net cost to the DOE. In fact, the reactor option to produce tritium could actually net the Federal Government a $2.4 billion profit over the forty year life of the program.

In contrast, the Accelerator needed for APT is estimated to cost $5.4 billion just to complete. There is no mechanism to ever recapture these costs. In addition, an Accelerator, of the size needed to fulfill our defense needs, would require a tremendous amount of electricity to operate. The annual operational costs of the Accelerator are estimated to be between $120 - $180 million per year. Using the latest inflationary factors developed by Office of Management and Budget of 2.2% and the $180 million annual operating cost estimate put forth in the May, 1997 Congressional Budget Office report titled *Preserving the Nuclear Stockpile Under a Comprehensive Test Ban*, the life-cycle operating costs for the Accelerator Production of Tritium would be a staggering $11.356 billion over forty years. In total, the operations and maintenance costs, coupled with the cost to complete construction of APT could top $16.756 billion.

The Commercial Light Water Reactor option to produce tritium will cost only $1.9 billion—an investment which will be paid back and generate additional revenue to the Treasury in excess of $2.4 billion over the forty year life of the reactor. It would provide the government with a free supply of tritium and generate revenue through the generation and sale of electrical power.

The APT will require 2,600,000 megawatts-hours of power each year to operate. This is the equivalent of the electricity requirements of a medium size city like Huntsville and Decatur, Alabama. The power required to operate the APT will result in increased emissions of sulfur, carbon, particulate matter and ozone creating gases and serve to work against our efforts to clean the environment.

According to data collected by the Edison Electric Institute, even today's cleanest fossil fuel powered electric plants will emit between 4 million and 9 million tons of carbon; 17,000 and 42,000 tons of Sulfur Dioxide (major contributor to acid rain); and between 870 and 7,100 tons of Nitrous Oxide (major ozone contributor) per year just to generate the same amount of power as the emissions free reactor option to produce tritium. Clearly, the reactor option is the preferred choice for the environment.

To maintain our country's nuclear preparedness under the only signed and enforceable treaty, START I, the Department of Defense needs a production capacity of at least 3 kilograms of tritium per year by 2005. The cost estimates on the APT provided by the Department of Energy, at my request, suggest the accelerator, if its experimental technology were to work without failure or shutdown, may only be able to produce 1.5 to 2.0 kilograms of tritium per year. This is not enough to maintain our nuclear arsenal.

The earliest the APT will be able to produce tritium is 2007 which could cause the Department of Defense to dip into our Tritium Reserve Stockpile to maintain our readiness. The Reactor option can produce tritium using safe, reliable, certified technology by 2003.

Mr. President, can we afford to risk our national security on this unproven APT technology for our nuclear arsenal's tritium needs by eliminating a safe and reliable reactor technology so casually?

In closing, Mr. President, my amendment will ensure the Secretary of Energy retains the ability to carefully review each of these options and select the one which will best serve the tritium needs of our nation's nuclear arsenal.

I urge my colleagues being appointed to the conference committee on the DOD re-authorization bill, to support my amendment, which preserves the integrity of DOE's decision-making process. We can ill afford to decide the fate of our nation's security on the floor of Congress. Let's allow the nation's top experts in this field to make their decision based on the careful considerations of cost and merit regarding both options.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, would the able gentleman from Alabama join me in a colloquy regarding the Department of Energy's tritium production program?

Mr. SESSIONS. Mr. President, I would be happy to engage the Committee Chairman in a colloquy on the subject of tritium production.

Mr. THURMOND. I believe the Senator from Alabama has an interest in the Department of Energy's tritium production program and I believe he shares my strong interest in restoring a sound United States tritium production capability to support our enduring nuclear deterrent.

Mr. SESSIONS. That is correct. We must have new tritium production to maintain a credible nuclear deterrent. The Department of Energy is currently assessing two potential technologies to produce tritium for defense purposes.

One option is to construct a linear accelerator facility and the other is to complete the Bellefonte nuclear plant in my home state of Alabama.

Mr. THURMOND. I understand the Senator's strong support for our national defense. I also understand that the Senator has offered an amendment to the Fiscal Year 1999 Defense Authorization Act which would require the Department of Energy to follow applicable laws and internal Departmental policies and procedures in selecting a permanent tritium source.

Mr. SESSIONS. It is my belief that any conference outcome on this issue should not limit the ability of the DOE to make a final selection on the two alternatives. I am hopeful, of course, that the Bellefonte plant would be favorably considered.

Mr. THURMOND. I understand the position of the Senator from Alabama. As he knows well, I support the accelerator alternative. He also understands well that the dynamics of the House Senate conference preclude me from making any pre-conference agreements on conference outcomes. However, I assure the Senator from Alabama that despite my own interests, and my position as Chairman of the Armed Services Committee, that I will not work personally to disadvantage the Bellefonte alternative in the conference. With this understanding, I am prepared to accept the Senator's amendment.

Mr. SESSIONS. I agree and thank the Chairman for his cooperation and understanding on this issue. I appreciate your consideration of this issue and my amendment.

Mr. COVERDELL. Mr. President, I rise today in support of a position taken by the House last month in their version of the Defense Authorization bill. During House debate, Congressman GRAHAM of South Carolina and Congressman MARKEY of Massachusetts introduced an amendment to ban the use of commercial nuclear reactors to produce tritium. Tritium, as you know Mr. President, is a material essential to the efficacy of our nuclear arsenal which, because it decays, must be replenished over time. Tritium has not been produced in this country since 1988 and a new source is needed to maintain our nuclear weapons stockpile at the levels called for in the START II treaty. The question now is where production of the needed tritium will take place.

For fifty years the United States has drawn a strong line between commercial and military production of nuclear materials. While tritium is produced in commercial reactors as a by-product of the fission process, this material is not used for nuclear weapon application. Instead, tritium for our nuclear arsenal was long produced at the Department of Energy's Savannah River Site in South Carolina. The DOE is now considering the use of a commercial reactor to produce weapons grade tritium. We must not arbitrarily allow this shift in our nation's nuclear policy.

The recent nuclear tests in India and Pakistan sent a strong signal across the world that the efforts, particularly those of the United States, to prevent the proliferation of nuclear weapons have not fully succeeded. In this light we must upgrade our efforts to halt nuclear proliferation. Should Congress allow the commercial production of weapons grade tritium we would take a step backwards in our efforts to curtail proliferation. We would tell the rest of the world that commercial reactors are a viable means to enhance a nuclear arsenal. This is no time to send this kind of message.

The DOE's other option is to build a nuclear accelerator at the Savannah River Site, where production of tritium for our nuclear arsenal has traditionally taken place. Mr. President, this is the correct policy option for our country and for our efforts to prevent nuclear proliferation. I hope that when the Senate and the House begin their conference negotiations on the FY99 Defense Authorization bill the Senate will agree to the language included in the House bill by Congressmen GRAHAM and MARKEY preventing commercial production of tritium.

Mr. SHELBY. Mr. President, I rise in support of the amendment offered by Mr. SESSIONS and commend his effort to bring attention to the important, though obscure issue of tritium production. Since the looming threat of nuclear war dissipated in the aftermath of the demise of the Soviet Union, our strategic forces have been pushed to the sidelines. But recent events in the Asia subcontinent remind us not only of the danger from the proliferation of weapons of mass destruction but also of the imperative to maintain the deterrent effect of our strategic weapons stockpile.

Tritium is a radioactive isotope that is used in every nuclear warhead in our nation's stockpile. Like all radioactive matter, tritium decays over time. To compensate for the loss from decay, it is necessary to periodically replenish the level of tritium in each weapon. Despite this constant demand, tritium has not been produced for strategic purposes since 1988. Replenishment in the weapons stockpile has continued, however, by recycling tritium from nuclear weapons as they are dismantled. This is only an interim measure, and it is clear that the U.S. will have to resume tritium production sometime soon.

In 1995, the Department of Energy decided to follow a dual-track approach whereby the two most promising options for tritium production would be explored. The first option is to purchase the radioactive gas from a commercial nuclear reactor. The second alternative is to design, construct, and test an accelerator system, which is called the Accelerator Production of Tritium or APT. The Department of Energy was directed by last year's National Defense Authorization Act to conduct an interagency review of tritium production policy issues. The Authorization Act also directed the Energy Department to determine which of two tracks will serve as the primary source of tritium production by the end of this year.

There are forces in Congress, however, who are determined to derail this process. Proponents of APT are trying to prohibit the production of tritium at a commercial reactor. This misguided attempt would leave the Department of Energy with no choice other than using APT as the source for tritium production. Make no mistake about it, this is a thinly disguised attempt to mandate one particular technology that benefits one particular state. It is unfortunate that some are willing to put parochial interests in front of the national security imperative to develop a cheap, safe source of tritium.

As the Secretary of Energy stated, the selection of tritium production should be based on ''a careful and deliberate review of the cost, technical, schedule, and policy issues associated with each option.'' These sentiments are supported by the Administration and the Department of Defense. I suspect that all of us who believe in fair and honest competition would agree that Congress should not interfere with the Department of Energy's process for selecting a tritium production source. If proponents of the APT are successful in their efforts however, Congress will do just that, and the decision will be based not on the merits of either option but solely on politics.

The Congress and the taxpayer should be aware of the staggering differences in the price tag associated with each competing technology. The Congressional Budget Office estimate that APT will cost from $6.72 billion to construct. In addition to the initial construction cost, the APT option will require an annual appropriation of $150 million to operate. Furthermore, these estimates are based on preliminary conceptual designs, and the taxpayer of course will be asked to pay for any likely cost overruns.

On the other hand, Mr. President, the commercial reactor option would only cost $1.8 to $2 billion. Moreover, this initial investment is similar to a loan, so every tax dollar spent will be returned to the Treasury. This has been certified by several independent reviews. I would like to add that this option does not require any additional appropriated funds because the commercial reactor owner, not the Treasury, will pay any cost overruns.

If selected by the Department of Energy, a commercial reactor could begin producing tritium by 2003. This is two years ahead of the scheduled that the Departments of Energy and Defense have laid out as necessary to maintain the nuclear stockpile at the START I level. It uses a proven design which is currently being demonstrated. The commercial reactor also provides the Department of Energy with the flexibility to change tritium production

quantities in response to changing need without major cost implications.

Serious concerns have been raised about the technical feasibility of the accelerator option. While proponents of APT tout its supposed benefits, I would like to point out that the APT does not exist. It is still a paper concept. Also, several components that are critical to the development of this accelerator are still in the prototype stage. Even if the APT is developed on schedule, it would not be operational until 2007, which is two years after the Department's target date. As a result, the ATP option will require that the Department of Energy will have to find an interim source of tritium until the APT is proven. Any unforeseen delays in the development of the accelerator technology will extend the Department's reliance on an interim source.

Mr. President, the issue before us can be boiled down to this: Should Congress dictate the tritium production method as a political favor regardless of technological risk and cost? I strongly believe that the commercial reactor option should not be removed from consideration by legislation fiat. Instead, the Senate has a responsibility to preserve the integrity of a process that rewards merits and competition. I urge my colleagues to support the Session's amendment and preserve the Department of Energy's dual-track options for tritium production.

Mr. CLELAND. I rise today to discuss my grave concerns about the policy implications if a decision to produce tritium in a commercial nuclear reactor were to be made. My concerns are especially serious in light of the nuclear tests conducted by India and Pakistan last month. The recent detonation of nuclear devices in South Asia should serve as a wake-up call to the U.S. and the international community about the unfinished business with respect to the proliferation of weapons of mass destruction.

Most of the international effort to slow the spread of nuclear weapons has been focused on limiting access to plutonium and uranium. However, less attention has been given to tritium which can increase the capabilities of these nuclear weapons. To those unfamiliar with the use of tritium in nuclear munitions, tritium is to a nuclear weapon what Tabasco Sauce is to a good bowl of chili—it adds kick. The key point is that it is the tritium which allows the use of smaller delivery systems because it allows a smaller weapon to produce a much greater yield. In the age of concerns about suitcase bombs and the smuggling of weapons across borders, it is critical that we also attempt to limit access to tritium.

It has been long-standing American policy to discourage the use of commercial reactors to produce weapons material. Instead, the Atomic energy Act mandated that the Atomic Energy Commission would be the exclusive owner of production facilities related to nuclear weapons. That authority now lies within the Department of Energy. Unfortunately, when drafted, the Atomic Energy Act did not specifically list tritium as a special nuclear material covered under the act. The House has passed legislation that would insure that tritium is covered as a special nuclear material which is only to be produced in a facility owned by the Department of Energy. I believe such an approach is a reasonable one given our non-proliferation objectives.

Our dwindling supply of tritium and our need to preserve the nation's nuclear deterrent require the U.S. to develop a new tritium production capability at this time. To that end, the U.S. is currently considering two types of tritium production methods. Unfortunately, one of the two technology options under consideration contrasts sharply with our traditional policy. The use of commercial nuclear reactors raises serious concerns about non-proliferation. The U.S. has worked too long and too hard to stem the spread of weapons of mass destruction to abandon the principles of the Atomic Energy Act which has served as well over the last four decades. How can we urge the governments of India, Pakistan, North Korea, and any other country seeking a nuclear weapons capability not to attempt to use reactors designed for peaceful energy production for military purposes when we are contemplating doing a very similar thing here in America?

Now, I am certainly no expert in nuclear physics and the production of nuclear weapons material. However, America has tremendous human resources within the Department of Energy in the form of our scientists, engineers, and plant workers. These Americans helped win the Cold War. Their contributions are significant and not to be overlooked. What is key is that their contributions are not yet done. The Department of Energy's Savannah River Site has been where tritium has been traditionally produced and processed. That is where America's expertise in tritium production lies. That is where we can be assured that our national non-proliferation objectives will never be subordinated to commercial or other concerns. It is my view that we should once again turn to those great workers there to get the job done as they have proven they are capable.

I will certainly admit, proudly, to my constituency interest in seeing that the Savannah River Site be given fair consideration. However, there is a larger issue at stake here than the economic interests of competing constituent interests. Prevention of the spread of nuclear weapons and the preservation of American leadership on this issue is in the interests of every state, of every region, and of every American.

I do not have the expertise to determine which technology is most viable and cost effective if the choice is between a reactor-based option and an accelerator option. However, I do know that at this point in history, it would be wrong to turn our backs on one of our most effective non-proliferation policies. It is my view that we should continue to maintain our nuclear weapons capability within DOE facilities where we have traditionally done this work.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, the tritium production issue that is the subject of the Sessions amendment is a very important issue.

The Department of Energy must have a level playing field to make a sound decision on a tritium production source. We should not restrict the options available to the Department of Energy in making that choice.

The Sessions amendment would ensure a level playing field for the Department to make its choice. That is why I strongly support the Sessions amendment.

Mr. President, I will work hard to ensure that the conference on the defense authorization bill will result in a level playing field to assure the Energy Department can make the best possible choice. That is in our national interest.

Mr. President, Secretary of Defense William Cohen agrees that there should be no restriction on the options being considered by the Department of Energy on a future tritium production source.

He has sent a letter to the Armed Services Committee today that urges the Senate not to adopt any amendment that would restrict DOE's options. His letter concludes with the following sentence: ''Passage of any such amendment would place the Defense Authorization bill at risk.''

Mr. President, I ask unanimous consent that the letter from Secretary Cohen be printed in the RECORD.

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

THE SECRETARY OF DEFENSE
*Washington, DC, June 25, 1998.*

Hon. STROM THURMOND,
*Chairman, Committee on the Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to express the opinion of the Department of Defense on proposed amendments to the Fiscal Year 1999 Defense Authorization bill that prohibit commercial light water reactors from producing tritium for military purposes.

The Department of Energy (DOE) is pursuing a dual-track program to produce tritium. One method is to use a commercial light water reactor (CLWR) to irradiate rods from which tritium could be extracted at a DOE facility—in effect, buying irradiation services. The other approach is to build an accelerator to produce tritium (APT). DOE will decide on a primary method by the end of this calendar year. The proposed amendments would effectively foreclose the CLWR option.

DoD opposes the amendments for three reasons. First, if the amendments become law, DOE would require an immediate additional investment of nearly $250M to accelerate development of APT. The long term impacts of the amendments are far more significant. The life cycle cost of APT could be

as high as $8.8B. The life cycle cost of the CLWR program could be as low as $1.2B. Thus, the amendments could mandate an unfunded liability of up to $7.6B. Second, the amendments would likely increase the cost of the DOE stockpile stewardship program (SSP). Finally, this amendment appears to be predicated on an assumption that the use of commercial reactors for tritium production is inconsistent with the US nonproliferation policy. It is not. The DOE will forward shortly a completed interagency report that concludes that the nonproliferation policy issues associated with the use of a commercial light water reactor are manageable and that the DOE should continue to pursue the reactor option as a viable source for future tritium production. The DoD fully endorses this position.

In conclusion, DOE has a dual-track program to develop an assured supply of tritium. Until DOE reaches its decision later this year, the wisest choice is to leave our options open. Therefore, I urge you to oppose the amendments that would prohibit CLWR from being considered as an option. Passage of any such amendment would place the Defense Authorization bill at risk.

Respectfully,

WILLIAM COHEN,
*Secretary of Defense.*

AMENDMENT NO. 2909 AS MODIFIED

(Purpose: To require the Secretary of Defense to provide new incentives for retention of personnel for critical military specialties)

At the end of subtitle B of title VI, add the following:

**SEC. 620. RETENTION INCENTIVES INITIATIVE FOR CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.**

(a) REQUIREMENT FOR NEW INCENTIVES.—The Secretary of Defense shall establish and provide for members of the Armed Forces qualified in critically short military occupational specialties a series of new incentives that the Secretary considers potentially effective for increasing the rates at which those members are retained in the Armed Forces for service in such specialties.

(b) CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.—For the purposes of this section, a military occupational specialty is a critically short military occupational specialty for an armed force if the number of members retained in that armed force in fiscal year 1998 for service in that specialty is less than 50 percent of the number of members of that armed force that were projected to be retained in that armed force for service in the specialty by the Secretary of the military department concerned as of October 1, 1997.

(c) INCENTIVES.—It is the sense of Congress that, among the new incentives established and provided under this section, the Secretary of Defense should include the following incentives:

(1) Family support and leave allowances.

(2) Increased special reenlistment or retention bonuses.

(3) Repayment of educational loans.

(4) Priority of selection for assignment to preferred permanent duty station or for extension at permanent duty station.

(5) Modified leave policies.

(6) Special consideration for Government housing or additional housing allowances.

(d) RELATIONSHIP TO OTHER INCENTIVES.—Incentives provided under this section are in addition to any special pay or other benefit that is authorized under any other provision of law.

(e) REPORTS.—(1) Not later than December 1, 1998, the Secretary of Defense shall submit to the congressional defense committees a report that identifies, for each of the Armed Forces, the critically short military occupational specialties to which incentives under this section are to apply.

(2) Not later than April 15, 1999, the Secretary of Defense shall submit to the congressional defense committees a report that specifies, for each of the Armed Forces, the incentives that are to be provided under this section.

AMENDMENT NO. 2923 AS MODIFIED

(Purpose: To require the Assistant Secretary of Defense for Health Affairs to revise the TRICARE policy manual to clarify that rehabilitative services are available to a patient for a head injury under certain circumstances)

At the end of title VII, add the following:

**SEC. 708. ACCESSABILITY TO CARE UNDER TRICARE.**

(a) REHABILITATION SERVICES FOR HEAD INJURIES.—The Secretary of Defense shall revise the TRICARE policy manual to clarify that rehabilitative services are available to a patient for a head injury when the treating physician certifies that such services would be beneficial for the patient and there is potential for the patient to recover from the injury.

(b) REVIEW OF ADEQUACY OF PROVIDER NETWORK.—The Secretary of Defense shall review the administration of the TRICARE Prime health plans to determine whether, for the region covered by each such plan, there is a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, are available and accessible in a timely manner to all persons covered by the plan. If the Secretary determines during the review that, in the region, there is an inadequate network of providers to provide the covered benefits in proximity to the permanent duty stations of covered members of the uniformed services in the region, or in proximity to the residences of other persons covered by the plan in the region, the Secretary shall take such actions as are necessary to ensure that the TRICARE Prime plan network of providers in the region is adequate to provide for all covered benefits to be available and accessible in a timely manner to all persons covered by the plan.

Mr. DURBIN. Mr. President. I rise today to offer an amendment that seeks to address some of the inadequacies in the current Armed Services' health care system. I know many of my colleagues will be aware of these inadequacies from their constituents complaints about this system which, at times seems more like a cost cutting operation than the health care system for those brave enough to put their lives on the line for their country.

The inadequacies addressed by my amendment were brought to my attention recently through the tragic case of Stephanie Davito, the 14 year old daughter of a nuclear submarine commander who currently lies in a coma at Sentara General Hospital in Norfolk, Virginia. This little girl's family has been fighting to get her the care that she needs through the TRICARE PRIME health care system and they have met time and time again with a wall of bureaucracy. At this time of extreme stress and anguish, Commander Davito and his wife Kristine have been forced to literally plead for adequate health care for their daughter. No-one should be forced to plead for covered benefits, least of all our Armed Services personnel and their families.

Commander Davito, who is a United States Naval Officer from Spring Valley in Illinois, had been the Executive Officer on board the nuclear powered attack submarine U.S.S. *Hyman G. Rickover* stationed in Norfolk, Virginia. In March, he was transferred to STRATCOM in Nebraska. His family remained in Norfolk to finish out the school year. On May 15th, tragedy struck as Commander and Mrs. Davito's young daughter was hit by a car on her way home from school. She has been in a coma ever since. STRATCOM, as Commander Davito explained in his recent letter to me, was wonderful and transferred him temporarily to Commander Submarine Force Atlantic in Norfolk, so that he could be with his daughter.

However, Commander Davito's experience with TRICARE has been a nightmare. Even though Stephanie's neurologist, Dr. Robert Rashti, believes that Stephanie has a very good chance for recovery, a TRICARE bureaucrat tried to argue that because Stephanie was not ''an active participant'' in her rehabilitation, they would not have to cover her treatment. This is an absolutely outrageous claim. Such a view obviously affects anyone covered by TRICARE that is unfortunate enough to suffer a coma. To suggest that comatose patients do not deserve treatment is, to me a completely abhorrent suggestion.

The TRICARE policy manual does in fact stipulate that Rehabilitation is a covered service, though must of the manual reads like alphabet soup with respect to clarity. Clearly, the manual needs to be made more explicit, as my amendment suggests, so that no utilization clerk within the TRICARE system will ever again be confused.

TRICARE has on numerous occasions tried to encourage the Davitos to put Stephanie in custodial care which, by the way, they do not cover. There, she would not get the Rehabilitation that she needs.

The Davitos contacted Senator WARNER, Illinois State Representative Frank Mautino, and my office to see if we could help them. I want to take this opportunity to thank Senator WARNER on their behalf for all his staffs' hard work on this issue. In particular, I believe that Mr. Sanford in his district office has been extremely helpful to the Davitos. In spite of all our offices' repeated intervention on behalf of the Davitos, Stephanie's care is still not resolved and we are still being met with a wall a bureaucracy from the TRICARE system. Secretary Dalton has personally intervened and I want to sincerely thank him for that. The Navy has been deeply involved in trying to resolve this but they too have met with incredible resistance from TRICARE West with respect to TRICARE committing to treating Stephanie adequately. These are not the wars that the Armed Services should have to fight.

Stephanie's doctor believes that she has a good chance for recovery, if TRICARE would only provide her with the Rehabilitation that she needs. Dr. Rashti wrote on June 15th, and I am quoting from his letter to Senator WARNER, ''at the time of Stephanie's admission, she was in critical condition due to severe brain swelling from contusions and a small hematoma in the right frontal region of the head. After a stormy course lasting two weeks, her brain swelling began to resolve and Stephanie began to show signs of improvement. . . . Prognostically, her diagnostic studies in conjunction with her evolving clinical course, suggests that this young lady has significant potential for functional recovery. While there is no guarantee, this medical impression is based on over 26 years of neurosurgical experience, including experience at the Shock Trauma Unit in Maryland and the Multiple Trauma Unit for twenty years here in Norfolk.'' Later in this letter, Dr. Rashti stated very clearly ''From a medical standpoint, it is not felt appropriate that she go to a custodial care facility.'' Another doctor, Dr. Kip Burkman was in full agreement with Dr. Rashti's recommendation. Neither medical opinions seemed to sway the administrators of the TRICARE West program who refused to allow for Stephanie's transfer to the Immanuel Medical Center in Omaha, Nebraska which is near her family's home and which can provide Rehabilitation services that she needs.

Can any of us imagine how we would feel if one of our children lay as Stephanie does in a coma, where the doctors said she would get better if only she has access to care, but the cost cutting plan administrators tried to use every ambiguity in the policy manual to deny care? The pain and suffering that Stephanie's parents must be going through must be incredible. Is this how we treat the families of a person like Commander Davito who has served his country for 16 years and who has time and time again put his life at risk for the good of his country? Is this the kind of health care system that we reward our Armed Services with?

Further confounding this problem is the issue of whether the network of providers in some regions of the country are adequate. Part of the problem that the Davito's are experiencing is due to the absence of a Rehabilitation facility near the STRATCOM base that is affiliated with the TRICARE West network. The Immanuel Medical Center in Omaha which is close to the STRATCOM base, after TRICARE initially suggested that Stephanie could be transferred there, was found not to be within the TRICARE West network which was probably part of the reason that TRICARE West suddenly became reluctant to allow her to be transferred there. However, TRICARE West does not have any facilities within their network near the base that are capable of providing Stephanie with the Rehabilitation recommended by her doctors. TRICARE suggested again that she be placed in a nursing home in Omaha or a nursing home in Lincoln Nebraska which is over 80 miles from the base, or finally they offered a place in a hospital in Lincoln, again over 80 miles from Stephanie's parents.

What would it mean if TRICARE was successful in denying Stephanie access to the care that she needed? Well, it would likely mean that when she recovers from her coma, she will not be able to walk because she will have been denied the physical therapy necessary to prevent muscle atrophy. A wide variety of other completely avoidable complications might also result from the denial of rehabilitation.

This little girl deserves a chance to get better. After much prodding, TRICARE is now saying that maybe she could have one month of Rehabilitation care at the Immanuel Hospital near the STRATCOM base. However, the time-frame for recovery from these injuries is 4–6 months at a minimum. Stephanie's doctors are suggesting that she may need between 6 and 12 months of care. As Dr. Rashti pointed out in his most recent letter, ''Progress in any rehabilitation program is usually not as rapid as family or insurance companies would like but that is the nature of recovering brain injury patients. Their course is frequently characterized by rapid spurts of improvement interspersed with plateau periods lasting weeks before the next level of improvement begin.'' Dr. Rashti suggested that Stephanie would likely need 4 to 6 months of aggressive rehabilitation, with a maximum rehab benefit of about a year. I completely agree with Dr. Rashti when he says ''This child is 14 years old and deserves every chance to reach her maximum potential''.

My staff has contacted NIH to inquire of their staff at the National Institute of Neurological Disease, as to their opinion for the normal time-frame for recovery from such injuries. They have also indicated that 6 months to 1 year seems appropriate.

Everyone except the insurance company seems to be in agreement as to the care that Stephanie needs. I hope that we can make some progress during consideration of the Department of Defense's Reauthorization bill to see that this issue gets resolved not only for Stephanie but also for all the other Americans covered by the TRICARE system.

My amendment is very simple. It has two parts. The first part directs the Secretary of Defense to revise the TRICARE policy manual to make it perfectly clear that Rehabilitative services are available to a patient suffering from a head injury when the treating physician certifies that such services would be beneficial for that patient and there is potential for recovery. This would move medical decisions concerning treatment back where they belong into the hands of physicians and out of the hands of HMO bureaucrats that may be more concerned with cost cutting than care giving.

The second part of my amendment would direct the Secretary of Defense to evaluate the adequacy of each TRICARE region's network of providers. Each region should have sufficient number, distribution and variety of qualified health care providers and facilities to provide all the covered services. If a region is found to have an inadequate network of providers for some covered services, then the Secretary would be requested to take remedial action to improve the adequacy of the networks. This part of my amendment is very important to those in the military who are frequently transferred from station to station. In some areas, where managed care has been around for a long time, the networks may be good and patients may access all the care that they need and are entitled to. However, in some parts of the country, the networks are not sufficient and someone that enrolled in TRICARE PRIME while in California or Oregon suddenly finds that their new network is completely inadequate. Should our Armed Services personnel be force to swap between TRICARE Prime and TRICARE Standard depending on where they are currently stationed? Will they only find out when they can't get the care that they need that their region has an inadequate network of providers? Surely, we can provide a getter standard of care to the men and women and their families who patriotically serve our country.

After 4 years in operation, I believe it is time to evaluate the TRICARE system and to see if there are regional gaps in service. Obviously, if it turns out that some regions do not provide adequately for our military's the health care needs, then this should be remedied. However, if we don't ask for this evaluation, it may take much longer to correct problems that may exist.

There are those that might argue that providing adequate health care coverage will cost us more. Actually, having inadequate networks may also be extremely costly because when a person is denied care, it may take many navy personnel working in the appeals process to secure them the necessary health care. It may also mean that the Plan has to contract temporarily with an out of network provider. This is not a very efficient way of doing business. As the saving goes, ''You should fix the roof while the sun is shining'', we should not leave it to tragedies like Stephanies to point out to us when our health care system for the Armed Services is deficient.

I believe that this amendment will take a small step forward to making sure that the Armed Services have access to a decent health care system and I hope that my colleagues will support my amendment.

AMENDMENT NO. 2976 AS MODIFIED

(Purpose: Relating to Radio Free Asia)

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 1998''.

**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 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.

Enhanced broadcasting service to China and Tibet can efficiently be established through a combination of Radio Free Asia and Voice of America programming.

(6) 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 establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia an Voice of America.

(7) Simultaneous broadcastings 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.—

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.

(3) SENSE OF CONGRESS

It is the Sense of Congress that of the funds under paragraph (1), a significant amount shall be directed towards broadcasting to China and Tibet in the appropriate languages and dialects.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA.—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'' $5,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only or enhanced Voice of America broadcasting to China.

Of the funds authorized under this subsection, $100,000 is authorized to be appropriated for each of the fiscal years 1998 and 1999 for additional personnel to staff Hmong language broadcasting.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—In addition to such sums as are otherwise authorized to be appropriated for ''Radio Construction'' or fiscal years 1998 and 1999, there are authorized to be appropriated for ''Radio Construction'' $10,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China, including the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

**SEC. 4. REPORTING REQUIREMENT.**

(a) Not later than 90 days after the date of enactment of this Act, the Broadcasting Board of Governors shall prepare and submit to the appropriate congressional committees an assessment of the Board's efforts to increase broadcasting by Radio Free Asia and Voice of America China and Tibet. This report shall include an analysis of Chinese government control of the media, the ability of independent journalists and news organizations to operate in China, and the results of any research conducted to quantify listenership.

(b) For the purposes of this section, appropriate congressional committees are defined as the Senate Committees on Foreign Relations and Appropriations and the House Committees on International Relations and Appropriations.

Mr. BIDEN. Mr. President, I support the amendment by the Senator from Arkansas regarding Radio Free Asia. The amendment is virtually identical to the text of H.R. 2232 as reported by the Committee on Foreign Relations on May 19.

As the author of the legislation which created Radio Free Asia (RFA) in 1994, I strongly support its efforts to broadcast truth and information to the people living under dictatorial rule in China and elsewhere in Asia.

RFA began broadcasts in 1996 on a shoestring budget of roughly $10 million a year. This bill authorizes, in Fiscal Years 1998 and 1999, a significant increase in funding for Radio Free Asia, and provides additional funds for the transmission capability needed to broadcast the programming. It is consistent with the funding levels in S. 903, the State Department authorization bill approved by the Senate over a year ago.

Modeled on Radio Free Europe, this organization was conceived in order to broadcast news and information about internal events in China and the other non-democratic states of East Asia. Radio Free Asia thus acts as a ''surrogate'' service, acting as a local media—making available information to the Chinese people which is otherwise unavailable because of the tight control that the dictatorship in Beijing retains on the media in China. As the State Department's Annual Human Rights report noted, the Chinese government and the Communist Party ''continue to control tightly print and broadcast media and use them to propagate the current ideological line.''

Radio Free Asia is designed to overcome these restrictions on press freedom. The leaders of the new democracies in Eastern Europe have all testified to the importance of Radio Free Europe and Radio Liberty during the Cold War. No tribute has been more eloquent than that of Lech Walesa, former President of Poland, who said ''How fortunate that the Iron Curtain could not be raised so high as to block radio transmission. The truth seeped in, unseen by border guards . . . . between the barbed wire. It provided impossible to stop, impossible to silence.''

Radio Free Asia is not, as some cynics have asserted, a propaganda service. Although funding by the U.S. government, it is a private corporation. Its funding is provided by the Broadcasting Board of Governors, a government entity which has considerable autonomy in its role of supervising U.S. government-sponsored broadcasting.

In short, Radio Free Asia is a legitimate news organization, staffed by legitimate journalists. Its President is Richard Richter, a former network news executive, who has insisted on the highest journalistic standards. The Vice-President for Programming, Daniel Southerland, is also an experience reporter who formerly served as the Beijing bureau chief for the *Washington Post*. In the short time that Radio Free Asia has been on the air, they have assembled a very talented and dedicated staff which is committed to honest journalism.

The exiling of prominent dissidents by the Beijing government has been a boon to Radio Free Asia. Wei Jingsheng and Wang Dan, both recently exiled by China, have signed on to provide regular commentary. Radio Free Asia thus provides a platform for voices of democracy—a platform that is, unfortunately, unavailable to these men inside China.

China and the other nations to which RFA broadcasts have not been thrilled with the honor. Since last year, the Chinese have attempted to jam Radio Free Asia broadcasts. And this week, the Beijing government rescinded visas it had previously issued for three RFA reporters who had sought to accompany President Clinton on his trip to China.

The decision by China to rescind the visas is deeply regrettable. Had it admitted the journalists, the Chinese government would have provided a manifest demonstration that it had turned a corner—that it is willing to open up its system to greater pluralism and scrutiny. China wants to be a great power. But Great Powers do not obstruct the flow of information into and out of the country. The Universal Declaration of Human Rights provides that everyone has the right to ''seek, receive and impart information and ideas through any media and regardless of frontiers.'' If China is to be a modern nation, it should adhere to this universal standard.

There is, however, some good news lurking in the decision of the Chinese government to block the visas for RFA reporters: China must be worried about the effect of RFA's broadcasts. In other words, the broadcasts are getting

through—despite the efforts to jam it—and people are listening. Information is subversive of tyranny, as are western investment and exchanges, and the Communist government in China apparently recognizes that Radio Free Asia threatened its attempts to control news and information.

Mr. President, Radio Free Asia is an important instrument to advance U.S. policy of promoting democratic values in China and elsewhere in Asia. This amendment is a modest, but important, step to ensure that it has the tools to do the job.

AMENDMENT NO. 3017

(Purpose: To authorize $13,584,000 for the construction of a Combined Support Maintenance Shop for the Army National Guard at Camp Guernsey, Wyoming. Other Procurement Army is reduced $13,584,000 for Land Warrior)

On page 320, line 25, strike out ''$95,395,000'' and insert in lieu thereof ''$108,979,000''.

On page 14, line 6, reduce subparagraph (5) by $13,584,000.

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AMENDMENT NO. 3018

(Purpose: To increase by $10,000,000 the total amount authorized to be appropriated for research and development relating to Persian Gulf illnesses, and to offset the increase by reducing the amount under title II for the Army Commercial Operations and Support Savings Program by $10,000,000)

At the end of subtitle B of title II, add the following:

**SEC. 219. PERSIAN GULF ILLNESSES.**

(a) ADDITIONAL AMOUNT FOR PERSIAN GULF ILLNESSES.—The total amount authorized to be appropriated under this title for research and development relating to Persian Gulf illnesses is the total amount authorized to be appropriated for such purpose under the other provisions of this title plus $10,000,000.

(b) REDUCED AMOUNT FOR ARMY COMMERCIAL OPERATIONS AND SUPPORT SAVINGS PROGRAM.—Of the amount authorized to be appropriated under section 201(1), $23,600,000 shall be available for the Army Commercial Operations and Support Savings Program.

Mr. HARKIN. I rise to offer an amendment important to Persian Gulf War veterans. My amendment increases Department of Defense spending on research to determine the causes and possible treatments of those suffering from Gulf War illnesses by $10 million. It is my understanding that the amendment has been accepted by the bill managers on both sides.

While the Persian Gulf War ended in 1991, the physical and psychological ordeal for many of the nearly 700,000 troops who served our country in Operation Desert Storm and Desert Shield has not ended. It's been seven years since our troops were winning the war in the Gulf. Unfortunately, they continue to suffer due to their deployment.

Many of our troops returned from the Persian Gulf suffering from a variety of symptoms that have been difficult to trace to a single source or substance. Our veterans have experienced a combination of symptoms in varying degrees of seriousness, including: fatigue, skin rash, muscle and joint pain, headache, loss of memory, shortness of breath, and gastrointestinal and respiratory problems. Unfortunately, the initial response from the Pentagon and the Department of Veterans Affairs was to express skepticism about veterans' and their loved ones who dealt with the very real affects of their service in the Gulf.

I vividly remember a series of roundtable discussions I held with veterans across Iowa after being contacted by several families of Gulf War veterans stricken with undiagnosed illnesses. And these folks weren't just sick. They were tired. They were tired of getting the runaround from the government they defended. There were tired of people who refused to listen. . . or told them it was in their head . . . or that it had nothing to do with their service in the Gulf.

Their stories put a human face on the results of a study I requested through the Centers for Disease Control and Prevention. The results add to the increasing volume of evidence that what these veterans were experiencing was indeed very real. More than one in three Gulf War veterans reported one or more significant medical problems. Fifteen percent reported two or more significant medical conditions. These Iowa veterans also reported significantly greater problems with quality of life issues than others on active duty at the time but not deployed in the Gulf. For example, Persian Gulf veterans had lower scores on measures of vitality, physical and mental health, ability to work, and increased levels of emotional problems and bodily pain.

In addition, over 80 percent of the Gulf War veterans in the CDC study reported having been exposed to at least one potentially hazardous material during their Persian Gulf Deployment. A recent General Accounting Office report provided an alarming laundry list of such hazards including: ''compounds used to decontaminate equipment and protect it against chemical agents, fuel used as a sand suppressant in and around encampments, fuel used to burn human waste, fuel in shower water, leaded vehicle exhaust used to dry sleeping bags, depleted uranium, parasites, pesticides, multiple vaccines used to protect against chemical warfare agents, and smoke from oil-well fires.''

To this rather exhaustive list, we can also add exposure to nerve gas. The DOD and CIA have admitted that as many as 100,000 or more . . . that's 1 in 7 troops deployed in the Gulf . . . may have been exposed to chemical agents released into the atmosphere when U.S. troops destroyed an Iraqi weapons bunker. A Presidential Advisory Committee also found credible evidence of exposure to chemical agents in a second incident when troops crossed Iraqi front lines on the first day of the ground war. Chemical weapons specialists in these units said they detected poison gas. Unfortunately, these detections were initially neither acknowledged nor pursued by the Pentagon.

That being said, the Pentagon and others have been more forthcoming recently with relevant information, documents, and research. But more needs to be done. I am pleased that the President, acting based on legislation, I cosponsored, extended the time veterans will have to file claims with the government for illnesses related to their service in the Gulf. Previously, they had to show their illness surfaced within two years of their service. Now, they have until the end of 2001. This is a great victory for our veterans. Gulf War illnesses do not surface on a time line convenient to the rules of bureaucrats. This extension will help us meet our responsibility to take care of these soldiers. But, more still needs to be done.

There is still substantial mystery and confusion surrounding the symptoms and health problems experienced by Gulf War veterans. While many veterans have been diagnosed with a recognizable disease, I am concerned about those who have no explanation, no label, no treatment for their suffering. More needs to be done to help these Americans.

For example, the Presidential Advisory Committee has suggested research in three new areas to help close the gaps in what we know about Gulf War illnesses. They suggest research on the long-term health effects of low-level exposures to chemical warfare agents, the combined effects of medical injections meant to combat chemical warfare with other Gulf War risk factors, and on the body's physical response to stress. It is also imperative to ensure that longitudinal studies and mortality studies are funded since some health effects, such as cancer, may not appear for several years after the end of the Gulf War.

Although there may be no *single* Gulf-War related disease so to speak, it is widely acknowledged that the multiple illnesses and symptoms experienced by Gulf War veterans are connected to their service during the war. Therefore, we must not forget on our solemn obligation to those who willingly served their country and put their lives in harm's away.

To that end, I offer this amendment to increase research into the illnesses experienced by Persian Gulf veterans by $10 million. In the committee version of the bill, $19 million is included. Therefore, my amendment would increase that amount to $29 million, providing many more opportunities for the Pentagon to study that many more possible causes and cures. The funds would support much more research, including the evaluation and treatment of a host of nuero-immunological disorders, as well as possible connections to Multiple Chemical Sensitivity, chronic fatigue syndrome and fibromyaglia.

Our veterans are not asking for much. They want answers. They wan the truth. Our veterans answered our nations's call in war, and now we must

answer theirs. My amendment to increase funding for research into Gulf War illnesses is one step in helping find these answers. Should our priorities include our Gulf War veterans? I believe the choice is self evident and absolutely clear.

AMENDMENT NO. 3019

(Purpose: To reauthorize a land conveyance of the Army Reserve Center, Youngstown, Ohio)

On page 342, below line 22, add the following:

**SEC. 2827. REAUTHORIZATION OF LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for purposes of activities relating to public schools in Youngstown, Ohio.

(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 City.

(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.

(e) REPEAL OF SUPERSEDED AUTHORITY.—Section 2861 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 573) is repealed.

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AMENDMENT NO. 3020

(Purpose: Relating to Lyme disease)

On page 157, between lines 13 and 14, insert the following:

**SEC. 708. LYME DISEASE.**

Of the amounts authorized to be appropriated by this Act for Defense Health Programs, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

Mr. DODD. Mr. President, I rise today to offer an amendment, along with Senators LIEBERMAN, CHAFEE, REED of Rhode Island and LAUTENBERG, to expand DoD's research into preventing and treating Lyme Disease and other tick-borne illnesses.

Almost everyone in my state, including myself, has seen the devastating impact the Lyme Disease, in particular, can have on its victims.

Most of you know that Lyme Disease has particular meaning for residents of Connecticut. While it wasn't discovered in my state, it did achieve prominence there in the early 1980s, and, in fact, is named after the town of Lyme, Connecticut.

Like many northeastern states, CT experiences more than its share of the anguish that this condition inflicts—my constituents face a Lyme Disease rate that is 10 times the national average.

The damage imposed by Lyme Disease on individuals and on families is heartbreaking. Health problems experienced by those infected can include facial paralysis, joint swelling, loss of coordination, irregular heart-beat, liver malfunction, depression, and memory loss.

Unfortunately, Lyme Disease mimics other health conditions and patients must often visit multiple doctors before they're properly diagnosed. The result is prolonged pain and suffering, unnecessary tests, and costly treatments.

Long term treatment expenses can exceed $100,000 per person—a phenomenal cost to society. But an even greater price is paid by the victims and their families. We can put no price tag on the emotional costs associated with this disease.

Tragically, the number of Lyme Disease cases reported to the CDC has skyrocketed—from 500 cases in 1982 to 16,000 cases in 1996. And these cases only represent the tip of the iceberg. Several new reports have found that the actual incidence of the disease may be ten times greater than current figures suggest. And due to the warm, wet winter caused by El Nino, infection rates are expected to reach record levels in the near future.

The growing number of cases has led the Department of Defense to recognize that Lyme Disease and other tick-borne illnesses pose a potentially serious health threat to our troops, civilian employees, and residents at military installations all over the world—and thus a threat to our military readiness. Indeed, hundreds of troops have already been infected. And infection rates among enlistees are expected to rise along with those in the civilian population. And each time a soldier contracts Lyme Disease, he or she contracts a potentially debilitating illness that could compromise the overall readiness of our armed forces.

While recently approved vaccines offer hope for significantly reducing the number of Lyme Disease cases in the long-term, we can't let down our guard.

These vaccines aren't yet 100% effective and aren't approved at all for children or adolescents. Furthermore, the vaccines don't protect against other rapidly emerging tick-borne diseases. And, of course, these vaccines do nothing to help individuals who are already infected.

To protect our troops, DoD must increase its surveillance of these diseases, improve its ability to diagnose and treat tick-borne illnesses, and expand its research into new options to prevent the spread of Lyme Disease. This amendment would direct the Defense Department to provide $3 million to put toward these goals.

This sum would come out of existing Defense Department funds for medical research—funds which total some $250 million. The amendment leaves to the discretion of the Secretary how to best allocate such funds to as to make this necessary commitment to research.

I truly look forward to the day when Lyme Disease no longer plagues our citizens and troops. It's time that we take Lyme Disease seriously and establish a concrete commitment to fighting this devastating disease.

I ask my colleagues to join me in supporting this amendment.

AMENDMENT NO. 3021

(Purpose: To make available, with an offset, $10,000,000 for the DoD/VA Cooperative Research Program)

On page 41, below line 23, add the following:

**SEC. 219. DOD/VA COOPERATIVE RESEARCH PROGRAM.**

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(4) is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(4), as increased by paragraph (1), $10,000,000 shall be available for the DoD/VA Cooperative Research Program.

(b) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) is hereby decreased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(2), as decreased by paragraph (1), not more than $18,500,000 shall be available for the Commercial Operations and Support Savings Program.

(c) EXECUTIVE AGENT.—The Secretary of Defense, acting through the Army Medical Research and Materiel Command and the Naval Operational Medicine Institute, shall be the executive agent for the utilization of the funds made available by subsection (a).

Mr. ROCKEFELLER. Mr. President, I am pleased that this amendment, which authorizes $10 million for the DOD/VA Cooperative Research Program, has been accepted. This program is a valuable, mutually beneficial association between the Department of Defense and the Department of Veterans Affairs, and funds health-related research specifically designed to benefit both active duty military personnel and veterans. In fact, fostering this collaborative relationship was the original intent of the DOD appropriation, back when this program began in 1987. It has been funded every year since then.

The DOD/VA Cooperative Research Program provides an excellent example of interagency cooperation to achieve a common goal. First of all, the VA and DOD jointly designate representatives to oversee the entire process. Before any money is spent, these representatives identify several specific research topics of interest to both agencies. The Departments, working together, then decide the priorities of the research areas and the appropriate funding levels. Research proposals that are received in response to an announcement of the program are reviewed by external experts, to preserve the integrity and credibility of the research. The result is a program which provides a strong, direct link between DOD and VA investigators to pursue high quality research of mutual interest.

I am cosponsoring this amendment with Senator HARKIN and Senator DURBIN who also recognize the tremendous benefits that can be gained from continuing this joint research effort. A collaborative approach like this one allows investigators to follow the natural course of disease or injury from the time of onset during active duty, and afterwards, in the veteran population.

In FY 1998, DOD and VA spent the funds provided for this program on studies of combat casualty care including bone healing and wound repair, and mechanisms of emerging pathogens. These kinds of studies are personally important to me, because in my own state of West Virginia, we have the highest per capita population of veterans, many of whom received grievous injuries during combat. This program is funding research on limb regeneration and recovery from burn wounds at VA medical centers that include West Virginia, and offers hope for a better future for combat-wounded soldiers.

Last year's program also included the development of new clinical research areas on treatment for post-traumatic stress disorder and prostate diseases, including prostate cancer. As the Ranking Member of the Committee on Veterans' Affairs, I have witnessed the devastating effects of PTSD on the lives of former military personnel, and I am enormously encouraged by research which may prevent the onset of PTSD.

Let me stress that this amendment does not specify research areas for focus. That decision rightly belongs with the Departments, because of the collaborative nature of the joint program. They have expressed interest in continuing research in the areas I just mentioned, expanding the studies of emerging pathogens to include host defenses. In addition to these ongoing areas of research, two new research initiatives have been jointly agreed to by both Departments. The first will focus on exercise physiology and combat readiness, while the second addresses traumatic brain and spinal cord injury.

I am also pleased to note that the VA/HUD Appropriations Subcommittee has included report language recommending that VA and DOD develop a new cooperative research program on alcoholism. Rates of alcohol abuse are significantly higher in the military than among civilians. These patterns of heavy drinking persist in the veteran population, such that alcoholism is one of the most common illnesses found among hospitalized veterans.

As the nature of war changes, the modern military must cope with threats that include environmental hazards and possible biological or chemical warfare, as well as the more traditional hazards of combat. Research is needed to ensure that we are ready to meet these new risks. We must also remember to care for our soldiers after they have suffered the ravages of war, whatever the wounds. We need additional research to find effective ways to help them have healthy and happy lives after service, to repay them for the sacrifices that they make for all of us.

AMENDMENT NO. 3022

(Purpose: Relating to activities of the contractor-operated facilities of the Department of Energy)

On page 397, between lines 6 and 7, insert the following:

**SEC. 3137. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.**

(a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-DEPARTMENT PERSONS AND ENTITIES.—(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agencies of State and local governments, and private persons and entities.

(2) The research and other activities that may be conducted under paragraph (1) are those which the Secretary is authorized to conduct by law, and include, but are not limited to, research and activities authorized under the following:

(A) Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053).

(B) Section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817).

(C) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) CHARGES.—(1) The Secretary shall impose on the department, agency, or person or entity for whom research and other activities are carried out under subsection (a) a charge for such research and activities equal to not more than the full cost incurred by the contractor concerned in carrying out such research and activities, which cost shall include—

(A) the direct cost incurred by the contractor in carrying out such research and activities; and

(B) the overhead cost including site-wide indirect costs associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary may waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(c) PILOT PROGRAM OF REDUCED FACILITY OVERHEAD CHARGES.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy may encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor may enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.

(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department, the cost of the program to the Federal government and any impact on the execution of the Department's mission.

Mr. DOMENICI. Mr. President, partnerships among our federal laboratories, universities, and industry provide important benefits to our nation. They help to create innovative new products and services that drive our economy and improve our quality of

life. Today I introduce the DOE Partnership Amendment to the National Defense Authorization Bill for Fiscal Year 1999. This Amendment improves the capabilities at the DOE sites for effective partnerships and interactions with other federal agencies, with the private sector, and with universities.

I have personally observed the positive impacts of well crafted partnerships. These partnerships enhance the ability of the laboratories and other contractor-operated facilities of the Department of Energy to accomplish their federal missions at the same time that the companies benefit through enhanced competitiveness from the technical resources available at these sites.

I have also seen important successes achieved by other federal agencies and companies that utilized the resources of the national laboratories and other Department sites through contract research mechanisms. Contract research enables these sites to contribute their technical expertise in cases where the private sector can not supply a customer's needs. Partnerships and other interactions enable companies and other agencies to accomplish their own missions better, faster, and cheaper.

I've seen spectacular examples where small businesses have been created around breakthrough technologies from the national laboratories and other contractor-operated sites of the DOE. But, at present, only the Department's Defense Programs has a specific program for small business partnerships and assistance.

All programs of the Department have expertise that can be driving small business successes. Historically, in the United States, small businesses have often been the most innovative and the fastest to exploit new technical opportunities—all of the Department's programs should be open to the small business interactions that Defense Programs has so effectively utilized.

I have been concerned that barriers to these partnerships and interactions continue to exist within the Department of Energy. In addition, the Department's laboratories and other sites need continuing encouragement to be fully receptive to partnership opportunities that meet both their own mission objectives and industry's goals. And finally, small business interactions should be encouraged across the Department of Energy, not only in Defense Programs.

For these reasons, I introduced S. 1874 on March 27, 1998, the Department of Energy Small Business and Industry Partnership Enhancement Act of 1998, which was co-sponsored by Senators THOMPSON, CRAIG, KEMPTHORNE, BINGAMAN, REID, and LIEBERMAN. The National Coalition for Advanced Manufacturing, or NACFAM, endorsed our actions with S. 1874, describing it as ''a crucial step in reducing barriers to cooperation between the national laboratories and private industry, higher education institutions, non-profit entities, and state and local governments.'' NACFAM also noted that this ''bill supports our shared conviction that collaborative R&D will further strengthen America's productivity growth and national security.''

Today I introduce, with Senator BINGAMAN as a co-sponsor, language for amendment of the National Defense Authorization Bill for Fiscal Year 1999 that accomplishes almost the same goals as S. 1874. This Amendment was developed through consultation with several of the co-sponsors, the Senate Energy and Natural Resources Committee, the Senate Committee on Armed Services, and the Department of Energy.

This Amendment removes barriers to more effective utilization of all of the Department's contractor-operated facilities by industry, other federal agencies and universities. The Amendment covers all the Department's contractor-operated facilities—national laboratories and their other sites like Kansas City, Pantex, Hanford, Savannah River, or the Nevada Test Site.

This Amendment also provides important encouragement to the contractor-operated sites to increase their partnerships and other interactions with universities and companies. And finally, it creates opportunities for small businesses to benefit from the technical resources available at all of the Department's contractor-operated facilities.

This Amendment supplements the authority of the Atomic Energy Act, which limited the areas wherein the Department's facilities could provide research and other services, not in competition with the private sector, to only those mission areas undertaken in the earliest days of the AEC. My Amendment recognizes that the Department's responsibilities are far broader than the original AEC, and that all parts of the Department should be available to help on a contract basis wherever capabilities are not available from private industry.

One barrier at the Department to contract research involves charges added by the Department to the cost of work accomplished by a site. At some laboratories, these charges now range up to 25%. This Amendment requires that charges to customers for research and other services at these facilities be fully recovered, and sharply limits addition of extra charges by the Department to only 3%. The Amendment further requires waiver of these extra charges for small business and non-profit entities and provides a process for the Secretary of Energy to continue any pre-existing waivers.

The Amendment creates a five-year pilot program for external customers that enables facilities to examine their overhead rates and determine if an alternative lower rate serves to cover services actually used by these customers. For example, where companies or universities do not require secure facilities or do not utilize the extensive special nuclear material capabilities of the laboratories, then the customer will be charged an overhead rate that excludes security costs and environmental legacy costs. This pilot program will enable the Department and facilities to evaluate the impact of these lower overhead rates for one important class of external customers. The Department is required to report in 2003 on the interim results of this Pilot and to provide recommendations on possibly continuing this Pilot and even extending it to include other federal customers.

The Amendment provides direct encouragement for expansion of partnerships and interactions with companies and universities by requiring that each facility be annually judged for success in expanding these interactions in ways that support each facility's missions. The Amendment requires that the external partnership and interaction program be considered in evaluating the annual contract performance at each site.

And finally, the Amendment sets up a new Small Business Partnership Program in which all of the Department sites participate. This action will enable small businesses across the United States to better access and partner with any of the Department's contractor-owned facilities. A fund for such interactions up to 0.25 percent of the total site budget is available for these small business interactions.

With these changes, Mr. President, the Department of Energy facilities will be better able to meet their critical national missions, while at the same time assisting other federal agencies, large and small businesses, and universities in better meeting their goals and missions.

Mr. BINGAMAN. Mr. President, I am pleased to be a co-sponsor of this amendment. I cosponsored the bill on which it is based, S. 1874, with Senator DOMENICI and our offices have worked closely together with the Administration and with the Committee on Energy and Natural Resources to get this amendment cleared. I believe that the amendment accomplishes several important objectives. It clarifies the ability of the Department to engage in mutually beneficial research and development interactions with external partners. It reduces red tape associated with these interactions. It encourages DOE facilities to cooperate with small businesses. These are all steps that strengthen DOE's research capabilities at all its facilities and increase the contribution that the Department can make to our national research and innovation system. I urge the adoption of the amendment.

AMENDMENT NO. 3023

(Purpose: Relating to Department of Defense aviation accident investigations)

**SEC. 908. MILITARY AVIATION ACCIDENT INVESTIGATIONS.**

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

(1) In February 1996, the GAO released a report highlighting a 75% reduction in aviation

Class A mishaps, a 70% reduction in aviation mishap fatalities and a 65% reduction in Class A mishap rates from 1975–1995 (Military Aircraft Safety—Significant Improvements since 1975).

(2) In February 1998, the GAO completed a follow-up review of military aircraft safety, noting that the military experienced fewer serious aviation mishaps in fiscal years 1996 and 1997 than in previous fiscal years (Military Aircraft Safety: Serious Accidents Remain at Historically Low Levels).

(3) The report required by section 1046 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1888) concluded, ''DoD found no evidence that changing existing investigation processes to more closely resemble those of the NTSB would help DoD to find more answers more quickly, or accurately.''

(4) The Department of Defense must further improve its aviation safety by fully examining all options for improving or replacing its current aviation accident investigation processes.

(5) The inter-service working group formed as a result of that report has contributed to progress in military aviation accident investigations by identifying ways to improve family assistance, as has the formal policy direction coordinated by the Office of the Secretary of Defense.

(6) Such progress includes the issuance of Air Force Instruction 90–701 entitled ''Assistance to Families of Persons Involved in Air Force Aviation Mishaps,'' that attempts to meet the need for a more timely flow of relevant information to families, a family liaison officer, and the establishment of the Air Force Office of Family Assistance. However, formal policy directions and Air Force instructions have not adequately addressed the failure to provide primary next of kin of members of the Armed Forces involved in military aviation accidents with interim reports regarding the course of investigations into such accidents, and the Department of Defense must improve its procedures for informing the families of the persons involved in military aviation mishaps.

(7) The report referred to in paragraph (3) concluded that the Department would ''benefit from the disappearance of the misperception that the privileged portion of the safety investigation exists to hide unfavorable information''.

(8) That report further specified that ''[e]ach Military Department has procedures in place to provide redacted copies of the final [privileged] safety report to the families. However, families must formally request a copy of the final safety investigation report''.

(9) Current efforts to improve family notification would be enhanced by the issuance by the Secretary of Defense of uniform regulations to improve the timeliness and reliability of information provided to the primary next of kin of persons involved in military aviation accidents during and following both the legal investigation and safety investigation phases of such investigations.

(b) EVALUATION OF DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall establish a task force to—

(A) review the procedures employed by the Department of Defense to conduct military aviation accident investigations; and

(B) identify mechanisms for improving such investigations and the military aviation accident investigation process.

(2) The Secretary shall appoint to the task force the following:

(A) An appropriate number of members of the Armed Forces, including both members of the regular components and the reserve components, who have experience relating to military aviation or investigations into military aviation accidents.

(B) An appropriate number of former members of the Armed Forces who have such experience.

(C) With the concurrence of the member concerned, a member of the National Transportation Safety Board.

(3)(A) The task force shall submit to Congress an interim report and a final report on its activities under this subsection. The interim report shall be submitted on December 1, 1998, and the final report shall be submitted on March 31, 1999.

(B) Each report under subparagraph (A) shall include the following:

(i) An assessment of the advisability of conducting all military aviation accident investigations through an entity that is independent of the military departments.

(ii) An assessment of the effectiveness of the current military aviation accident investigation process in identifying the cause of military aviation accidents and correcting problems so identified in a timely manner.

(iii) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(iv) An assessment of the advisability of centralized training and instruction for military aircraft investigators.

(v) An assessment of any costs or cost avoidances that would result from the elimination of any overlap in military aviation accident investigation activities conducted under the current so-called ''two track'' investigation process.

(vi) Any improvements or modifications in the current military aviation accident investigation process that the task force considers appropriate to reduce the potential for aviation accidents and increase public confidence in the process.

(C) UNIFORM REGULATIONS FOR RELEASE OF INTERIM SAFETY INVESTIGATION REPORTS.—(1)(A) Not later than May 1, 1999, the Secretary of Defense shall prescribe regulations that provide for the release to the family members of persons involved in military aviation accidents, and to members of the public, of reports referred to in paragraph (2).

(B) The regulations shall apply uniformly to each military department.

(2) A report under paragraph (1) is a report on the findings of any ongoing privileged safety investigation into an accident referred to in that paragraph. Such report shall be in a redacted form or other form appropriate to preserve witness confidentiality and to minimize the effects of the release of information in such report on national security.

(3) Reports under paragraph (1) shall be made available—

(A) in the case of family members, at least once every 30 days or upon the development of a new or significantly changed finding during the course of the investigation concerned; and

(B) in the case of members of the public, on request.

Mr. WYDEN. Mr. President, for nearly two years, my home state has suffered through an agonizing process, trying to find out what happened aboard King-56, an Air Force Reserves C–130 that crashed off of the California coast, killing 10 of the 11 Oregon airmen on board in November, 1996. The families of those victims have worked tirelessly to find out the truth, both for their own peace-of-mind and so that corrections could be made, if necessary, to protect other American servicepeople. It should not have been nearly as hard as it has been to get this information.

Drawing from this experience, my Oregon colleague Senator SMITH and I have joined together to put forward this proposal to try to change the procedures that the Air Force uses for investigating crashes of this sort, so that others will be spared the suffering that Oregonians have had to ensure.

At the outset, let me acknowledge the hard work of the Air Force since reopening the King-56 investigation late last year. For many months now, a Broad Area Review, or simply BAR, to use the military acronym, has been both investigating the cause of the King-56 crash and the safety of the entire C–130 fleet. The BAR, after thoroughly re-checking all available material, and having the help of an experienced NTSB crash investigator, was able to narrow down the list of possible causes of the crash to about two dozen, and determined that the only way to pinpoint the cause would be to recover additional King-56 wreckage. The Air Force candidly admitted that they were mistaken not to have collected all the wreckage in the first place, and that they would do everything they could this time to get it right. They are out in the ocean right now trying to salvage everything they can. I know that the families are eagerly awaiting the results of the new salvage operation, and, hopefully, the Air Force will soon learn the exact cause of the crash, and give the families some sense of closure.

Finding the exact cause of the King-56 crash has another, very important purpose. Crews flying other C–130's have frequently reported problems similar to what the Oregon reservists encountered on their airplanes. The BAR has been able to apply the lessons learned from the King-56 crash to the entire fleet. For example, a major problem the BAR turned up was the near total inconsistency in emergency procedures manuals issued to crews. The Air Force identified this problem, standardized and rewrote the manuals, and issued them to all C–130 crews.

And thank goodness they did. Because earlier this year a C–130 took off from McChord Air Force Base in Washington state and experienced an engine problem known as ''four-engine rollback,'' or loss of power to the engines. The C–130 that went down off the California coast also had simultaneous failure of all four engines. In that instance the emergency manual listed as an option ditching the plane in the ocean, which turned out to be a tragic error, and only one crewman survived. However, the C–130 that took off from McChord had a newly revised emergency manual on board written after the BAR review. They were able to bring their plane under control and land it safely. So I am pleased the Air Force found and fixed such problems, making these planes safer.

Although this is welcome progress, nagging questions keep coming to

mind. Why did the original investigation not make as much progress in finding the cause of the accident? Why did the Air Force turn up the numerous flaws and problems in safety procedures in the C–130 fleet only after two Senators stepped in to get them to conduct a more thorough review? The plain fact is that the problems with the original investigation were not an isolated incident. The failure of the original investigation was a symptom of the shortcomings of current investigation procedures and guidelines in general.

We need an aviation accident investigation process that would have gotten it right the first time around. Reports indicate that Pentagon crash investigators are undertrained and under funded. I question whether the current system of conducting two separate investigations, one public, the other secret, is the best system possible for finding the causes of accidents and applying the lessons learned.

So what the Wyden/Smith amendment does is simple and straightforward. It establishes a Pentagon task force to review procedures the Department of Defense employs to conduct aircraft accident investigations and to develop solutions for improving the overall process. I give the Pentagon credit for their renewed diligence on the King-56 investigation and their review of the C–130 fleet. It is my hope—and expectation—that they apply this diligence to coming up with ways to improve the overall process, and make the planes our men and women in uniform fly every day safer.

Our amendment also touches on how families are notified of such terrible accidents and of the care and support they receive. The reason the Oregon families first came to Senator SMITH and me was because, after losing their loved ones, the Air Force treated them miserably, there's no better way to put it. Not only did the Air Force not provide the families with the support, guidance, and comfort that they deserved, but they refused to provide the answer that would have surely been at the top of any of our minds had we lost a loved one: how could this possibly have happened? Their treatment was far inferior to the way Congress recently mandated families be treated in civilian aviation accidents.

What the families of King-56 got was a totally inconclusive investigation report. When they wanted more information, especially what was contained in the separate, secret safety report, the Air Force refused outright. Senator SMITH and I tried to help them obtain the answers they needed, but we, too, were met with more stonewalling. After we brought significant pressure to bear, the Air Force decided to reopen the probe. Since then they have done a better job of keeping the families fully informed of the progress of their investigation.

The King-56 episode turned up a number of basic problems with the way the Pentagon notifies families in such terrible cases. Working closely with the families, Senator SMITH and I passed amendments to last year's defense bill that have led to improvements in family notification procedures. For example, earlier this year the Air Force issued instructions to improve the flow of information to families, to enhance the role of family liaison officers, and to establish an Office of Family Assistance. DoD efforts to improve family notification are still ongoing, and I intend to watch their progress closely in case further action is needed in Congress.

Although I welcome this progress, one basic issue has been left out of the mix, namely, the problem of providing families with maximum information not only after an investigation has been concluded, but, more importantly, while the investigation is taking place in the weeks and months after an accident. The Air Force has proposed to do a better job of informing families about how investigations are conducted and even why they can't have any information immediately. While attempts to provide better information are helpful, current efforts just don't get at one of the biggest headaches the Oregon families encountered: knowing what the investigators know.

The Wyden/Smith amendment, in addition to requiring DoD to come up with improvements in accident investigations, gets at this problem. We require the Pentagon to provide next of kin with regular and timely interim reports on the progress of both legal and safety investigations, providing them with the best possible information during what must be a most agonizing ordeal. Better information about ongoing investigations is just one part of what families need, and it is my hope that future families will not have to endure what the Oregon families were forced to. Again, I think the DoD learned its lesson about how to treat families, especially after the DoD Inspector General scrutinized it as a result of our amendment last year, and they are actively working on solutions. But the specific need for interim reports needs to be addressed as well.

I'd like to thank the Air Force again for their diligence in reopening the King-56 crash investigation and helping the families reach closure on this terrible episode. I am pleased by the progress the Pentagon has made in improving C–130 fleet safety, and by the measures they've taken to treat families better in the future. It's time to apply the lessons learned from King-56 to all accident investigations, and I look forward to working with the Pentagon in the future to make sure our men and women in uniform fly the safest airplanes possible, and that their families receive the best possible care and attention, in good times as well as the bad.

Mr. SMITH of Oregon. Mr. President, I rise today to join my colleague from Oregon in offering this amendment to the Department of Defense Authorization Bill on the handling of Department of Defense aviation accident investigations. In November 1996, 10 Portland-based Air Force reservists were killed in a mysterious C–130 King-56 plane crash. For nearly 2 years, Senator WYDEN and I have been working with the Air Force and the families in order to find an explanation for how this tragic accident occurred. We have learned more since asking that the Air Force renew its investigation, and we are confident that we will soon know the cause of this accident. I wish to thank the Air Force for reopening its investigation and for its subsequent efforts. We owed that to the families of these Air Force reservists, that their widows and children be given the information needed for understanding.

I am pleased to have joined my colleague from Oregon in seeking answers for these families still struggling with their losses and ensuring greater responsiveness to the families of our military personnel in the future. This Wyden/Smith amendment will create a task force to review aviation accident investigations and identify areas for improvement. I will also ensure that families be provided with regular reports regarding ongoing investigations.

My thoughts continue to be with the families of the victims from the C–130 accident in November. I thank them for bringing this to our attention and I commend them on their patience and strength. I also thank my Oregon colleague, Senator WYDEN, for his leadership on this issue. I appreciate the efforts of Air Force officials and look forward to working with them in the future to protect our service members and their families.

AMENDMENT NO. 3024

(Purpose: To amend Title 5, United States Code, to enable the Secretary of Energy to set a maximum age at which new couriers may enter the Department of Energy's nuclear materials courier force and to provide early retirement programs for the Department's nuclear materials couriers)

At the appropriate place add the following:

SECTION 1. Section 3307 of Title 5, United States Code, is amended as follows:

(1) by striking in subsection (a) ''and (d)'' and inserting in its place ''(d), (e), and (f)''; and

(2) by adding the following new subsection (f) after subsection (e):

''(f) The Secretary of Energy may determine and fix the maximum age limit for an original appointment to a position as a Department of Energy nuclear materials courier, so defined by section 8331(27) of this title.''.

SEC. 2. Section 8331 of Title 5, United States Code, is amended by adding the following new paragraph (27) after paragraph (26):

''(27) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapon components, strategic quantities of special nuclear materials or other materials related to national security, including an employee who remains fully certified to engage in this activity who

is transferred to a supervisory, training, or administrative position.''.

SEC. 3. (a) The first sentence of Section 8334(a)(1) of Title 5, United States Code, is amended by striking ''and a firefighter,'' and inserting in its place ''a firefighter, and a Department of Energy nuclear materials courier,''.

(b) Section 8334(c) of Title 5, United States Code, is amended by adding the following new schedule after the schedule for a Member of the Capitol Police:

''Department of Energy nuclear materials courier for courier service (while employed by DOE and its predecessor agencies)—5 July 1, 1942 to June 30, 1948, 6 July 1, 1948 to October 31, 1956, 6½ November 1, 1956 to December 31, 1969, 7 January 1, 1970 to December 31, 1974, 7½ After December 31, 1974.''.

SEC. 4. Section 8336(c)(1) of Title 5, United States Code, is amended by striking ''or firefighter'' and inserting in its place, ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 5. Section 8401 of Title 5, United States Code, is amended by adding the following new paragraph (33) after paragraph (32):

''(33) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapons components, strategic quantities of special nuclear materials, or other materials related to national security, including an employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position.''.

SEC. 6. Section 8412(d) of Title 5, United States Code, is amended by striking ''or firefighter'' in paragraphs (1) and (2) and inserting in its place ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 7. Section 8415(g) of Title 5, United States Code, is amended by striking ''firefighter'' and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 8. Section 8422(a)(3) of Title 5, United States Code, is amended by striking ''firefighter'' in the schedule and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 9. Sections 8423(a)(1)(B)(i) and 8423(a)(3)(A) of Title 5, United States Code, are amended by striking ''firefighters'' and inserting in its place ''firefighters, Department of Energy nuclear materials couriers,''.

SEC. 10. Section 8335(b) of Title 5, United States Code, is amended by adding the words ''or Department of Energy Nuclear Materials Couriers'' after the word ''officer'' in the second sentence.

SEC. 11. These amendments are effective at the beginning of the first pay period in fiscal year 2000, and apply only to those employees who retire after fiscal year 1999.

SEC. 12. Any payments made by the Department of Energy to the Civil Service Retirement or Disability Fund pursuant to this Act shall be made from the Weapons Activities account.

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AMENDMENT NO. 3025

(Purpose: To require a review and report on National Guard resourcing)

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

**SEC. 1031. REVIEW AND REPORT REGARDING THE DISTRIBUTION OF NATIONAL GUARD RESOURCES AMONG STATES.**

(a) REQUIREMENT FOR REVIEW.—The Chief of the National Guard Bureau shall review the process used for allocating and distributing resources, including all categories of full-time manning, among the States for the National Guard of the States.

(b) PURPOSE OF REVIEW.—The purpose of the review is to determine whether the process provides for adequately funding the National Guard of the States that have within the National Guard no unit or few (15 or less) units categorized in readiness tiers I, II, and III.

(c) MATTERS REVIEWED.—The matters reviewed shall include the following:

(1) The factors considered for the process of determining the distribution of resources, including the weights assigned to the factors.

(2) The extent to which the process results in funding for the units of the States described in subsection (b) at the levels necessary to optimize the preparedness of the units to meet the mission requirements applicable to the units.

(3) The effects that funding at levels determined under the process will have on the National Guard of those States in the future, including the effects on all categories of full-time manning, and unit readiness, recruitment, and continued use of existing National Guard armories and other facilities.

(d) REPORT.—Not later than March 15, 1999, the Chief of the National Guard Bureau shall submit a report on the results of the review to the congressional defense committees.

Mr. JEFFORDS. Mr. President, the defense authorization bill is one of the most important pieces of legislation we consider each year and by far the largest annual authorization bill. Even though the bill's overall numbers are huge by comparison to most others, the Department of Defense is being forced to make difficult spending decisions and curtail its program requests for future years in order to live within a budget that has shrunk in real terms. I recognize that this is a difficult challenge.

However, I feel compelled to bring to my colleagues attention a matter of great concern to me—funding for the National Guard. The Department of Defense has not given sufficient attention or resources to this important component of our national defense. We all understand the importance of the Active Duty forces, and support for the active component must be strong. However, this must not come at the expense of an equally important component—the National Guard. I need not belabor the virtues of the National Guard for most of my colleagues. They are familiar with the cost savings that come from assigning duties to the National Guard. Senators also appreciate the critically important role the Guard plays in times of emergency in our own States. And most Members of Congress understand the intangible political benefits that come from having citizen soldiers and from maintaining a force that is intertwined with the fabric of daily life in every state to a much greater degree than the active component. The National Guard and Reserves are the face of the US military for many Americans, yet they continue to get second billing when it comes to the distribution of resources.

In particular, I am concerned about the unintended consequences of National Guard Bureau formulas for distributing manpower and resources among the various Guard units. The current system gives priority to top tier units, which would seem to make sense at first glance, as those are the ones maintained at the highest readiness levels. However, the funding allocated to each unit then comes together somewhat randomly to form the mosaic of each State's National Guard and Reserve forces overall funding. Distortions sometimes creep in that cannot be corrected at the State level. I have found this to be true in the technician end strength levels projected for my State's National Guard for the coming years. A steady drop over the past few years combined with a projected cut of 15 percent next year would put the Vermont Guard in a very difficult position. It is quite possible that the resources coming to Vermont in the near future to support its essential operations will fall well below the acceptable level, and below what I believe even the National Guard Bureau would recognize as appropriate. The Vermont Guard has performed exceedingly well, winning national recognition in some instances, even though most of its units have been resourced at only 55 percent. But with projected cuts to 35 percent, for a drop of 20 percent over three years, I worry that Vermont will have to make cuts in its core program, like closing armories.

Mr. President, each State's National Guard is a unique compilation of duties and responsibilities, all deemed critical to our national defense. No State's mission should be slighted because the formulas don't allow for an overall assessment of the aggregate funding level and an opportunity to correct shortfalls that are deemed unreasonably harsh for any one State. I can only assume that a few other States' National Guards are suffering in much the same manner as Vermont is.

The Armed Services Committee has been helpful to Senator LEAHY and me in our efforts to address this problem. We offer this amendment to direct the Chief of the National Guard Bureau to examine the process of resource distribution and, in particular, to evaluate the effects of these allocations upon each State's ability to carry out its missions. This report should also shed light on the aggregate effects of the current formulas for determining allocation and distribution of full-time manning strengths. I trust that this report will clarify the exact nature of this problem and allow the Pentagon and Congress to address it directly next year.

We have agreed not to specify minimum end strength levels for military technicians, but we trust that the Committee will make every effort to recede in conference to the minimum end strength levels endorsed by the House of Representatives in its authorization legislation.

I appreciate the support the Committee has given us in this effort and I urge my colleagues' endorsement of this amendment.

Mr. LEAHY. Mr. President, I rise to offer an amendment with my colleague and friend from Vermont, Senator JEFFORDS. Recently, I was dismayed to learn that the Vermont Army National Guard is programmed to receive yet another cut in its full-time manning. nearly all of us take pride in supporting our state National Guard units. The Guard is a critical state asset when we experience natural disasters and other state emergencies. The Guard offers professional opportunities and education for our young constituents. Perhaps most importantly, the Guard is available in case our nation ever finds itself at war. Fully 58% of our Army's combat forces are located in the National Guard, and an Army Guard combat unit can do the same job as its active duty counterpart for less than half the cost. But all these benefits are wasted if we do not provide enough resources for our Guard to train, and enough full-time personnel so that our Guardsmen can take full advantage of the limited time they spend in uniform.

For many years now, the Army has been giving some Guard units more resources than others. The allocation model that the Army uses is based on which units would be called to fight first. That is fine in principle, but in practice the resources that have been given to lower priority units have been insufficient. For example, in recent years the Vermont Guard's 86th Brigade has been receiving about 55% of its full time manning requirements. These are the men and women who prepare for each month's drill weekend, maintain and fix equipment, recruit new soldiers from the community, and do all the other tasks that need to be done during the month. Higher priority Guard units have been receiving 70 to 75 percent of their full time manning requirements. Although 55 percent was not sufficient, it has been enough for the 86th brigade. They recently were noted for the fact that they qualified one of their tank battalions on the regular Army's tough Tank Table 12 live-fire test. The Vermonters were only the second unit in the country to achieve this honor, the first being an enhanced unit from Idaho.

That is why I was so disturbed that the Army was set to cut Vermont's full-time support down to between 30 and 34 percent, according to a letter I received from Acting Assistant Secretary of the Army Jayson Spiegal on March 3 of this year. At that level of funding, I have been told that Vermont would have to close some of its armories because it would not have enough funds to keep two soldiers in each armory. Of course, I am worried about my own state, which has one of the oldest militia traditions dating back to Benedict Arnold's Green Mountain Boys of Revolutionary War fame. But there are eight other National Guard combat divisions spread across the country, and I want to inform my colleagues that each of those units is in danger of suffering a death of a thousand cuts by a lack of resources.

The Chairman and Ranking Member of the Armed Services Committee have accepted this amendment from Senator JEFFORDS and myself which requires that the Head of the Guard Bureau provide a report to the four defense committees of Congress to ensure that states with a large number of lower-priority National Guard units are not being disproportionately impacted by full-time manning reductions.

Mr. President, I want to close by thanking Senator THURMOND and Senator LEVIN for accommodating me and my colleague from Vermont on this amendment. Their expertise and hard work for our nation's defenses are appreciated by all of us in this body.

AMENDMENT NO. 3026

(Purpose: To provide health benefits for abused dependents of members of the armed forces)

At the appropriate place, add the following:

Paragraph (1) of section 1076(e) of Title 10, United States Code, is amended to read as follows:

(1) The administering Secretary shall furnish an abused dependent of a former member of a uniformed service described in paragraph (4), during that period that the abused dependent is in receipt of transitional compensation under section 1059 of this title, with medical and dental care, including mental health services, in facilities of the uniformed services in accordance with the same eligibility and benefits as were applicable for that abused dependent during the period of active service of the former member.

Mr. WELLSTONE. Mr. President today I am introducing an amendment that will show the heart and hands of our government in caring for the victims of domestic violence in the military.

My amendment is simple: it will provide health benefits for abused dependents of members of the armed forces, who are currently receiving transitional compensation due to their batterer's discharge or court martial for abuse. These health benefits include medical, dental, and mental health care at armed forces facilities. Victims, battered women and abused children, would be entitled to health benefits for as long as they received transitional compensation, which is a maximum of three years. The financial expense would be negligible; but the increased care, safety and dignity given to our military dependents who are victims of abuse would be huge.

Domestic violence is one of the most serious issues we face. It knows no borders. Neither economic status, geography, or race shields someone from domestic violence. It is happening to women in your families, your neighborhoods, and in your place of work and worship. Most distressing, it is happening at an alarming rate in military families.

Battering is the one of the single greatest causes of injury to women. According to Department of Justice statistics, of the 1.4 million hospital emergency room admissions in 1994, about one quarter were treated for injuries from domestic violence.

Among civilians, the DoJ has estimated that, on average each year, from 1992–1996, about 8 in 1000 women . . . age 12 or older experienced a violent victimization by a spouse or boyfriend.

The numbers for domestic violence victims in the military are deeply disturbing and much bigger. Department of Defense data indicates 17.8 to 19.0 women per 1000 for substantiated reports of abuse during the same period. Substantiated reports of abuse are those confirmed by a military review panel.

Many battered women and their children in the military do not come forward because they fear they will be destitute or lose key benefits if their spouses are discharged or court-martialed on the grounds of abuse. This amendment reduces the disincentives of victims to come forward about the violence in their homes. It allows dependent family members in the military to get the health services they need, so that they can escape their abusers and move toward independence.

There have been cases brought to my attention where military dependents could have benefited from this legislation, and we know, that sadly, there are many more such stories throughout the military.

Annette is the former wife of a Navy Chief Petty Officer and mother of two young children. She was routinely beaten by him from June 1994 through 1996. Military protective orders and civilian restraining orders failed to protect her and her children. Her ex-husband was charged with twenty-one offenses by the United States Navy, including eight assault charge involving Annette. He was ultimately court-martialed.

Due to domestic violence, Annette has been declared ninety percent disabled by doctors and therapists. She suffers from severe skeletal and muscular damage to her back from an attempted rape by her husband; debilitating migraines due to nerve damage; dental problems as a result of her teeth being knocked out; and post traumatic stress disorder. These are just a few of her challenges while attempting to raise two children. She is receiving transitional compensation, but has had no health benefits. She has several thousands of dollars in unpaid medical bills.

We need to ensure that military wives and dependents like Annette get the health services they need and deserve to care for their children and to heal. I urge my colleagues to vote for this amendment.

AMENDMENT NO. 3027

(Purpose: To eliminate secret Senate holds)

On page ____, after line ____, insert the following:

**SEC. ___. ELIMINATING SECRET SENATE HOLDS.**

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides

notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection or hold in the Congressional Record not later than 2 session days after the date of the notice.

(b) RULEMAKING.—This section is adopted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

Mr. WYDEN. Mr. President, today, fewer than 50 legislative days remain in the session. Dozens of nominations are pending and more than 400 items are on the calender. Being an election year, this is a recipe for an explosion of an extraordinarily powerful Senate practice. . . the use of secret holds.

On Monday evening, Senator GRASSLEY and I came to the floor to put members on notice that we would be offering the same amendment we offered last year on anonymous holds. We discussed the Century-old Senate tradition of members being granted the courtesy of ''holding'' a debate until they are available to participate. We believe this venerable Senate practice should continue. As a public institution, however, we believe the use of holds should occur in the full light of day. We believe in the not-so-radical notion that the public's business should be done in public.

The amendment we are offering is identical to an amendment that the Senate adopted last Fall. The amendment would eliminate the secrecy of the Senate's holds procedure. It would simply require that any Senator who notifies leadership of an intent to object to a motion to proceed make that objection public within 48 hours.

Last fall, the Senate adopted an identical amendment by voice vote. No Senator spoke out against it. We had discussed this idea for more than a year. But in the closing hours of the last session, our amendment was dropped from the D.C. Appropriations bill. At that time I vowed to stay at it until it's done.

Today, as time is running out on the session, we are sure to face the same situation again of a proliferation of anonymous holds. They will threaten the Senate with legislative gridlock. When the Senate dropped our amendment last Fall, there were at least 42 holds in play, and even the Minority Leader had to admit to reporters that he didn't know who had placed them. ''If you don't have hold, you ought to feel lonesome,'' Senator DASCHLE said.

Over the past eight months, we have been working in a bipartisan manner to lift the secrecy that so often surrounds the use of holds. We have worked with the Leader's Bipartisan Task Force on Senate Reform. In February, nine Senators joined Senator GRASSLEY and me in a bipartisan letter to the Senate leadership asking that they work with us to change the Standing Orders of the Senate to eliminate anonymous holds. We made it clear we are not out to scrap the Senate's holds procedure, but to scrap the secrecy surrounding it.

In May, the Bipartisan Task Force on Senate Reform, chaired by Senator BENNETT, reviewed this idea and discussed it with the floor staff of both parties. The members expressed great interest in it, but it was clear from our discussions that certain members in key positions would not look favorably on the task force moving forward with the idea.

The right of every member of this body to prevent debate on a motion or bill is a very powerful tool. But this right can be found nowhere in the Constitution, nowhere in our Federal statutes and nowhere in the Senate's rules. In fact, it is not a Senate rule or standing order. It is not a right. It is a practice, or a custom that we have come to view as a right.

Let me be clear: our amendment does not challenge or affect in any way the ability of each Senator to place a hold. Our amendment would preserve that ability. What we are challenging is the way in which Senators use this extraordinary power. Such extraordinary power should be exercised in public.

The use of secret holds leads to a curious game of procedural ''hide and seek.'' Senator A, for example, blocks Senator B's bill with a hold, so B sets off to buttonhole all 99 other Senators, trying to find out who is responsible. If the Senator does find out, it is possible B will place a hold on A's bills in retaliation. Sometimes it becomes even more complex, with ''revolving holds,'' where the group of objecting Senators simply rotates the hold, always one step ahead of the Senator chasing down the hold to try to move a bill. Another session should not become bogged down with burdensome, anonymous holds.

The Senate is a public institution. Our offices are open to the public, we conduct our hearings in public, our debate takes place in public and each time we answer the roll call, everyone knows how each Senator voted. But many of our holds are not public. We believe the public's business should be conducted in public.

At a time when the American people are increasingly cynical and skeptical about government, there should no longer be any room for the kind of closed-door dealings represented by the secret hold. The secret hold cheapens the currency of democracy. We should open the door on this closet filibuster.

Mr. President, our amendment provides that every Senator may continue to place a hold on a measure or matter, and simply requires that the Senator announce the hold publicly within 48 hours. Our amendment enables the Senate both to maintain its proud traditions and to have openness and accountability.

Mr. GRASSLEY. Mr. President, I rise to urge my colleagues to support the Wyden-Grassle amendment banning secret holds. My colleagues should be aware of our efforts by now, but in case they are not, this is what we are trying to do. My good friend from Oregon and I are offering language that would require any Senator who wishes to place a hold on legislation or a nomination must notify the Senate and the American people of his or her action.

This can be done either through the CONGRESSIONAL RECORD or a statement on the floor. I want my colleagues to understand: This amendment does not, I repeat, does not ban holds. With our proposal, Senators can continue to place a hold on any legislation they wish. Our amendment simply requires that they be open about it.

I firmly believe this amendment will improve the daily workings of the Senate. First, it will make the Senate more accountable.

Too many Americans think that we in Congress don't take responsibility for what we do. This amendment will give Americans greater peace of mind that their public servants are responsible and accountable. And we cannot function effectively if we do not have the basic trust of the people we work for—our constituents.

I know in my own experience I have had to spend valuable time trying to find out who had put a hold on legislation of mine. Tracking down a hold is a tremendous waste of time and effort.

If someone has put a hold on one of my bills, under this proposal I can immediately go to that Senator and talk about his or her concerns and see if we can work things out. When we engage in reasoned debate and give and take on issues is when this body serves the best interests of the American people most effectively. I believe open holds will do much to facilitate this.

Members may think they could face retribution if they declare a hold.

However, Senator WYDEN and I have both practiced open holds, and I can tell my colleagues that there is no reason for them to fear retribution or reprisal. I have never faced any repercussions from stating my intention to place a hold and I would imagine Senator WYDEN would say the same.

Senators need to know that voting against this amendment will not make it go away, because Senator WYDEN and I intend to pursue this reform until we succeed. And I know we will succeed because this is the right thing to do.

It is right to be open with the American people and it is right to be open with your fellow Senators. It is time we made this reform because the secrecy surrounding holds is not required by Senate rules or the Constitution or any other instrument of Government that I know of and it has been allowed to go on much too long. Our proposal is simple, reasonable and fair. I know there are some who say we need to study this issue a little longer. I reject that notion. This is not a complicated change we are proposing.

In closing, I just want to urge my fellow Senators again as emphatically as I can to support this amendment. I

have heard many of my colleagues express to me and to Senator WYDEN that they believe this reform is necessary. Now those of us who support openness and accountability in government have an opportunity to act on those convictions. I urge a yes vote on the Wyden-Grassley open holds amendment.

AMENDMENT NO. 3028

(Purpose: To provide $5,000,000 for research, development, test, and evaluation for the Low Cost Launch Development Program)

At the end of subtitle B of title II, add the following:

**SEC. 219 LOW COST LAUNCH DEVELOPMENT PROGRAM**

(a) AMOUNT FROM AIR FORCE FUNDING—Of the total amount authorized to be appropriated under section 201(3), $5,000,000 is available for the Low Cost Launch Development Program.

Mr. DOMENICI. Mr. President, I rise to offer an amendment to provide $5 million for programs that will radically reduce space launch costs. I understand that this amendment has been accepted by the Chairman and Ranking Member, and I thank them for their cooperation in this regard.

This amendment will provide support for further development of robust and cost-effective launch vehicles. One such program, the Scorpius Low Cost Launch Development Program, has met development goals on or under budget in every instance. Delays in the program have been a result of bureaucratic delays, rather than technical problems. This is a solid program, and it deserves our full support.

In addition to a need for the U.S. to regain a competitive position in the international market for space launch, critical national security concerns can be addressed by reducing these costs.

Achieving reduced launch costs is clearly in the national interest. From 1993 through 1997, the United States spent roughly $11 billion for unmanned space launches—well over $2 billion annually. Due to these unnecessary and exorbitant costs, we have lost the commercial space launch industry, which America pioneered, to overseas competitors.

Moreover, the excessive costs of space launch in this country have induced current and past Presidents to allow satellite launches from China, Russia and France. It currently costs $10,000 to $12,000 a pound to launch a payload using U.S. rockets. In contrast, China charges $4,000 to $5,000 per pound. Thus, satellite companies can save up to $50 million by using foreign source to put their satellites into orbit.

There is a further national security objective that demand cheaper space launch capability. Command and control elements of our military force increasingly rely on digital and satellite communications capability. These communications capabilities and global positioning systems require sufficient satellites for effective implementation. The U.S. can either pay exorbitant amounts to attain adequate communications capabilities or we can support low-cost launch programs now that will radically reduce the costs incurred later.

I have been following closely the progress of Microcosm, a small California company, and its Scorpius program. This is an effort to lower space launch cost from the current level of over $7,000 per pound to low Earth orbit to under $1,000 per pound. If successful, the current launch cost for a 15,000 pound military communications satellite would drop from over $75 million to less than $15 million. The over $2 billion per year U.S. cost would drop to less than $255 million per year—for the same level of effort.

The design of these systems is robust with a margin of two-to-one compared to current rockets with a near one-to-four factor, almost nothing. Its launch crew is comprised of 12 technicians, not the current hundreds, even thousands of engineers needed today. Those same 12 technicians, when not actually firing the rocket, would be assembling them. It is truly a simple design.

Scorpius would be a bona fide ''launch on demand'' vehicle, able to lift off within 8 hours after the payload arrives at the launch site. Its short, squat design, though less elegant than present rockets, makes it oblivious to weather limitations, such as high wind. It would not require the extensive launch infrastructure, such as gantry, providing great flexibility of where it could be fixed. If desirable, Scorpius could even be sea-launched. Our military field commanders would be able to request and receive the satellite resources they need when and where they need them.

Microcosm has already received 12 SBIR contracts for Scorpius totaling roughly $4 million. All SBIR contracts were awarded competitively. In Fiscal year 1997, Congress specifically funded Scorpius with the program receiving $7.5 million; in Fiscal Year 1998, Congress again specified Scorpius funding, this time at $10 million. The results have been impressive:

19 5,000 pound thrust engines built, each at a cost under $5,000—establishing a benchmark cost per pound of thrust of less than $1, a significant improvement over current engines;

19 engines test-fired including 8 each for 200 seconds of continuous burn—the performance required to get a payload to LEO (low Earth orbit);

the 5,000 pound thrust engine, with injector, completed and qualified for flight;

design completed, including the Critical Design Review, for the 20,000 pound thrust engine;

the entire avionics package completed and successfully qualified at Marshall Space Flight Center: Huntsville, Alabama;

fuel and cryogenic tanks, with liners, designed and fabricated for the SR–1 sub-orbital vehicle;

a new test stand, designed for engines up to 100,000 pounds of thrust; and

technical spin-offs that could benefit non-Scorpius programs as well, such as the gas generator.

The funding requested for Fiscal Year 1999 would yield similar results. With adequate funding in 1999, Microcosm could achieve the following:

design, development and test Scorpius engines through 80,000 pounds of thrust;

preliminary design and testing of the 320,000 pound thrust engine;

test flights of the sub-orbital vehicles; and

preliminary design of the light-lift orbital vehicle.

The program has been subjected to many senior technical reviews by both government and industry experts. No significant technical problem has been identified.

Low cost launch programs are a bargain. We have a simple choice. Either we will continue to fall behind in our competitive position for space launch costs and risk U.S. security through the transfer of sensitive technologies to be launched by other countries, or we can attain over 85% savings to taxpayers for space launch needs in the near future. These leap-frog technologies could make space launch truly affordable. With our support these efforts will recapture an American industry—and jobs—now lost to foreign countries.

AMENDMENT NO. 3029

(Purpose: To require efforts to continue to increase defense burdensharing by allies)

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

**SEC. 1064. DEFENSE BURDENSHARING.**

(a) REVISED GOALS FOR EFFORTS TO INCREASE ALLIED BURDENSHARING.—Subsection (a) of section 1221 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1935; 22 U.S.C. 1928 note) is amended to read as follows:

''(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

''(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

''(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a percentage level commensurate to that of the United States by September 30, 1999.

''(3) Increase the military assets (including personnel, equipment, logistics, support and other resources) that it contributes or has pledged to contribute to multinational military activities worldwide by 10 percent by September 30, 1999.

''(4) Increase its annual budgetary outlays for foreign assistance (funds to promote democratization, governmental accountability

and transparency, economic stabilization and development, defense economic conversion, respect for the rule of law and internationally recognized human rights, or humanitarian relief efforts) by 10 percent, or to provide such foreign assistance at a minimum annual rate equal to one percent of its gross domestic product, by September 30, 1999.''.

(b) REVISED REQUIREMENT FOR REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Subsection (c) of such section is amended to read as follows:

''(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report on—

''(1) steps taken by other nations toward completing the actions described in subsection (a);

''(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

''(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on October 1, 1996, and ending on September 30, 1997, and during the period beginning on October 1, 1997, and ending on September 30, 1998, or, in the case of any nation for which the data for such periods is inadequate, the difference between the amounts for the latest periods for which adequate data is available; and

''(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).''.

(c) EXTENSION OF DEADLINE FOR REPORT REGARDING NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—Subsection (d)(2) of such section is amended by striking out ''March 1, 1998'' and inserting in lieu thereof ''March 1, 1999''.

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AMENDMENT NO. 3030

(Purpose: To find findings and additional items for the report on the continuity of essential operations at risk of failure because of computer systems that are not year 2000 compliant)

On page 213, between lines 21 and 22, insert the following:

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

(1) Because of the way computers store and process dates, most computers will not function properly, or at all, after January 1, 2000, a problem that is commonly referred to as the year 2000 problem.

(2) The United States Government is currently conducting a massive program to identify and correct computer systems that suffer from the year 2000 problem.

(3) The cost to the Department of Defense of correcting this problem in its computer systems has been estimated to be more than $1,000,000,000.

(4) Other nations have failed to initiate aggressive action to identify and correct the year 2000 problem within their own computers.

(5) Unless other nations initiate aggressive actions to ensure the reliability and stability of certain communications and strategic systems, United States nationally security may be jeopardized.

On page 213, line 22, strike out ''(a)'' and insert in lieu thereof ''(b)''.

On page 214, line 7, strike out ''(b)'' and insert in lieu thereof ''(c)''.

On page 215, between lines 20 and 21, insert the following:

(9) The countries that have critical computer-based systems any disruption of which, due to not being year 2000 compliant, would cause a significant potential national security risk to the United States.

(10) A discussion of the cooperative arrangements between the United States and other nations to assist those nations in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in their communications and strategic systems, or other systems identified by the Secretary of Defense, that make the systems not year 2000 compliant.

(11) A discussion of the threat posed to the national security interests of the United States from any potential failure of strategic systems of foreign countries that are not year 2000 compliant.

On page 215, line 21, strike out ''(c)'' and insert in lieu thereof ''(d)''.

On page 215, between lines 23 and 24, insert the following:

(e) INTERNATIONAL COOPERATIVE ARRANGEMENTS.—The Secretary of Defense, with the concurrence of the Secretary of State may enter into a cooperative arrangement with a representative of any foreign government to provide for the United States to assist the foreign government in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in communications, strategic, or other systems of that foreign government that make the systems not year 2000 compliant.

On page 215, line 24, strike out ''(d)'' and insert in lieu thereof ''(f)''.

Mr. GRAHAM. Mr. President, I am here today to introduce an amendment to the Defense Authorization bill which is now before us. But first, I would like to congratulate the members of the Armed Services Committee for the excellent work they have done in preparing this legislation. I know they are being asked to do more and more with less and less, and they are having to make some very tough choices. The Committee has done an outstanding job and they deserve to be commended for it.

I would also like to pay special tribute to the Chairman, Senator THURMOND, who is managing this legislation for the final time. His record of service to this country is remarkable. It is symbolic of the greatness of this country that this paratrooper who landed in Normandy on D-Day, who fought the tyranny of Nazi Germany and saw it defeated, fought the tyranny of the Stalinist Soviet Union and saw it defeated, rose to the Senate of our great nation and then to become Chairman of the Senate Armed Services Committee. His experience and commitment to our national security has strengthened democracy and peace here and abroad. We all owe a great debt of gratitude to this great American.

Mr. President, defense spending has declined for the last 14 years, and is now at the lowest point as a percentage of GDP since before the Second World War. We have decreased military personnel by 39% since the end of the Cold War. I supported these reductions during the time that I was privileged to serve on the Armed Services Committee. At that time, the federal budget deficit was spiraling out of control and balancing the budget was one of my highest priorities.

I think the pendulum may be beginning to swing the other way. We now expect to realize a significant budget surplus this year, perhaps more than $50 billion. In light of this, it may be appropriate to review the limits we have set on defense spending so that we can halt the annual decreases in defense spending. Even holding the defense budget constant in real terms would make a significant difference to all those who serve in our armed forces.

I know that my colleagues Senator STEVENS and Senator DOMINICI share this concern. It has been reported that Navy Secretary Dalton believes that the Navy cannot afford to both modernize and recapitalize our naval forces within current fiscal guidance, placing readiness at significant risk. I would urge all of my colleagues to recognize the great strain we are placing on our soldiers, sailors, airmen and marines as we continually ask them to do more while providing them with less.

I now would like to turn to an amendment that I have introduced, together with Senator BENNETT, which deals with the Y2K problem. I understand that this amendment will be accepted by both the majority and the minority, and I would like to thank both sides for their assistance in finding a formulation which is acceptable to both sides.

We now are undertaking a massive effort to deal with this problem within the U.S. Government. The Defense Department alone has over 2800 critical systems that must be ''cured.'' The Russians, however, have not yet determined if they have a similar problem, let alone begun to fix it.

Given the potential impact of such a problem on military weapons systems, it is in our national interest to work with Russia, and other nations with similar problem, to help them identify the scope of their Y2K problem in strategic systems and to fix it. Our amendment authorizes the Secretary of Defense to enter into cooperative agreements with foreign governments to assist them in identifying and correcting their Y2K problems in strategic and communications systems that would otherwise threaten the national security interests of the United States.

It would be detrimental to our interests if the Russians awoke on the morning of January 1, 2000, with blank screens on their early warning radars and command and control systems. What would be even worse is if their critical systems continued to operate with false and corrupted information. It is in both U.S. and Russian interests for our countries to maintain the highest level of confidence in our command and control systems. We must build this confidence through transparency and other cooperative measures. The recent nuclear escalation on the Indian subcontinent demonstrates the importance of mutual trust and confidence, and the danger and instability that can

result when uncertainty and miscalculation arise. Assisting the Russians with their Y2K problem is an example of cooperation that will enhance both Russian and U.S. national security.

AMENDMENT NO. 3031

(Purpose: To modify the requirements relating to reports on the transferability of functions of the Defense Automated Printing Service)

Strike out the matter proposed to be inserted, and insert in lieu thereof the following:

**SEC. 1064. REVIEW OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.**

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the functions of the Defense Automated Printing Service in accordance with this section and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the matters required under subsection (d) not later than March 31, 1999.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select the General Accounting Office, an experienced entity in the private sector, or any other entity outside the Department of Defense to perform the review. The Comptroller General shall perform the review if the Secretary selects the Comptroller General to do so.

(c) REPORT.—The entity performing the review under this section shall submit to the Secretary of Defense a report that sets forth the findings and recommendations of that entity resulting from the review. The report shall contain the following:

(1) The functions that are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(2) The functions that are appropriate for transfer to another appropriate entity to perform, including private sector entity.

(3) Any recommended legislation and any administrative action that is necessary for transferring or outsourcing the functions.

(4) A discussion of the costs or savings associated with the transfers or outsourcing.

(5) A description of the management structure of the Defense Automated Printing Service.

(6) A list of all sites where functions of the Defense Automated Printing Service are performed by the Defense Automated Printing Service.

(7) The total number of the personnel employed by the Defense Automated Printing Service and the locations where the personnel perform the duties as employees.

(8) A description of the functions performed by the Defense Automated Printing Service and, for each such function, the number of employees of the Defense Automated Printing Service that perform the function.

(9) For each site identified under paragraph (6), an assessment of each type of equipment at the site.

(10) The type and explanation of the networking and technology integration linking all of the sites referred to in paragraph (6).

(11) The current and future requirements of customers of the Defense Automated Printing Service.

(12) An assessment of the effectiveness of the current structure of the Defense Automated Printing Service in supporting current and future customer requirements and plans to address any deficiencies in supporting such requirements.

(13) A description and discussion of the best business practices that are used by the Defense Automated Printing Service and of other best business that could be used by the Defense Automated Printing Service.

(14) Options for maximizing the Defense Automated Printing Service structure and services to provide the most cost effective service to its customers.

(d) REVIEW AND COMMENTS OF SECRETARY OF DEFENSE.—(1) After reviewing the report, the Secretary of Defense shall submit the report to Congress, together with the Secretary's comments on the report and a plan to transfer or outsource from the Defense Automated Printing Service to another appropriate entity the functions of the Defense Automated Printing Service that—

(1) are not identified in the report as being inherently national security functions; and

(2) the Secretary believes should be transferred for performance outside the Department of Defense in accordance with law.

(e) EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF SERVICES.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266), as amended by section 351(a) of Public Law 104–201 (110 Stat. 2490) and section 387(a)(1) of Public Law 105–85 (111 Stat. 1713), is further amended by striking out ''1998'' and inserting in lieu thereof ''1999''.

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AMENDMENT NO. 3032

(Purpose: To increase the amount for procurement of M888, 60-millimeter, high-explosive munitions for the Marine Corps by $17,000,000, and to offset the increase by reducing the amounts for the Marine Corps for operation and maintenance for initial use by $12,000,000 and for base support by $5,000,000)

On page 14, line 23, increase the amount by $17,000,000.

On page 42, line 23, reduce the amount by $17,000,000.

Mr. SANTORUM. Mr. President, this amendment to S. 2057, the Fiscal Year 1999 Defense Authorization Act, seeks to add $17 million for the procurement of M888, 60-millimeter, high-explosive munitions for the Marine Corps.

The additional funds would help alleviate training constraints for Marine Corps units due to shortages in this item, and will help reduce the coming bow-wave of procurement requirements that we may not have the resources to fund in future years.

I would like to clarify that funds from the Marine Corps' OPTEMPO and base support lines, both Operations & Maintenance accounts, have been identified to offset this additional funding. The offset draws on funds that were authorized in excess of what was appropriated for these particular funding lines.

Initially, I had identified Marine Corps' initial use and base support lines as an offset for this amendment. I wish to alert the Senate Armed Services Committee and the full Senate of this specific change.

Lastly, it is my understanding that the Marine Corps supports this amendment.

AMENDMENT NO. 3035

(Purpose: To require a report on the peaceful employment of former Soviet experts on weapons of mass destruction)

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

**SEC. 1031. REPORT ON THE PEACEFUL EMPLOYMENT OF FORMER SOVIET EXPERTS ON WEAPONS OF MASS DESTRUCTION.**

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the need for and the feasibility of programs, other than those involving the development or promotion of commercially viable proposals, to further United States nonproliferation objectives regarding former Soviet experts in ballistic missiles or weapons of mass destruction. The report shall contain an analysis of the following:

(1) The number of such former Soviet experts who are, or are likely to become within the coming decade, unemployed, underemployed, or unpaid and, therefore, at risk of accepting export orders, contracts, or job offers from countries developing weapons of mass destruction.

(2) The extent to which the development of nonthreatening, commercially viable products and services, with or without United States assistance, can reasonably be expected to employ such former experts.

(3) The extent to which projects that do not involve the development of commercially viable products or services could usefully employ additional such former experts.

(4) The likely cost and benefits of a 10-year program of United States or international assistance to projects of the sort discussed in paragraph (3).

(b) CONSULTATION REQUIREMENT.—The report shall be prepared in consultation with the Secretary of State, the Secretary of Energy, and such other officials as the Secretary of Defense considers appropriate.

Mr. BIDEN. Mr. President, I want to thank the managers of this bill, the senior Senators from South Carolina and Michigan, for their willingness to work with me on non-proliferation issues and to accept two amendments that I proposed in this regard. There is a critical need to guard against the proliferation of weapons of mass destruction or related technology from the former Soviet Union, and I am very pleased that my colleagues share that concern.

There is no more critical national security issue than how well we handle the threat of holocaust posed by weapons of mass destruction. The potential for such horrific destruction may well have been increased by the end of the Cold War and the breakdown of superpower control over other countries. And a failure to contain the risk of such holocausts would dwarf any other foreign policy successes or failures.

War between the United States and Russia is no longer a realistic threat, despite the size of our nuclear arsenals. The use of weapons of mass destruction by other countries, or even by terrorist groups, is a real threat, however, and there is a real risk that former Soviet materials or technology will be the engine of proliferation to other countries or groups.

No great power is as active as the United States in trying to prevent proliferation. Nobody has as many programs as we do to detect proliferation activities, to stop them, to pressure illegal buyers and sellers, to develop military weapons and tactics for operations against sites with weapons of mass destruction, and to assist the

former Soviet states, in particular, in safeguarding and destroying dangerous material and in reorienting their military industry to the civilian economy.

But the fact is, Mr. President, that we are failing to do all that we can to stop proliferation. In particular, we are failing to reach most of the highly-trained scientists and technicians who developed weapons of mass destruction and ballistic missiles for the former Soviet Union. Well over a hundred thousand such skilled personnel served the Soviet death machine at its peak. Anywhere from ten to fifty thousand personnel still have skills that a rogue state or terrorist group would like to obtain, and are underpaid or unemployed today.

How can we remedy these failings? One way is to support and fully fund our existing programs of non-proliferation assistance to the former Soviet Union. I am pleased to say that the managers of this bill agree with that judgment. Thus, they have accepted a Bingaman amendment that I co-sponsored, to restore the few cuts in these programs that had been adopted in committee mark-up.

The managers of this bill have also accepted an amendment that I sponsored, to make available an additional $15 million for the Energy Department's Initiatives for Proliferation Prevention program and $30 million for the new ''nuclear cities'' initiative endorsed at the last meeting of the Gore-Chernomyrdin Commission three months ago. This amendment parallels one to the Energy and Water Development Appropriations Act that Senator DOMENICI and I sponsored last week. I am confident that it will result in these two important programs being able to move forward effectively, rather than being a threat to each other's existence.

As I noted on the floor last week, Initiatives for Proliferation Prevention (or IPP) is a program that creates employment opportunities for former Soviet arms specialists by helping them develop their ideas for commercially viable goods and services. As an idea reaches fruition, IPP brings the arms specialists into joint ventures with outside investors, who gradually take over the funding. For example, thanks to IPP, a U.S. firm is working with Ukrainian scientists to develop and market a device for decontaminating liquids. This device will enable the Ukrainian dairy industry to produce fresh milk despite the lingering effects of the Chernobyl reactor meltdown.

IPP had a slow start. It's hard to come up with really viable commercial ventures, to find investors, and to make sure they can invest safely. But IPP has begun to take off. As of this April 15, projects had achieved completely commercial funding and 77 had found major private co-funding. We all have chosen wisely today, to maintain IPP's funding stream and to encourage the many weapons specialists in the former Soviet Union who are searching for new careers in the civilian economy.

The ''nuclear cities'' initiative is a more specialized effort to improve employment opportunities for Russian personnel from their nuclear weapons labs and manufacturing facilities. This initiative, too, will focus on finding commercially viable projects and bringing in outside investors. The challenge is to find projects that can work at these somewhat isolated cities, which are more or less the Russian equivalent of Los Alamos.

When the United States funds the ''nuclear cities'' initiative, it gets two benefits. First, Russia's Minister of Atomic Energy has announced that he will downsize their nuclear weapons establishment. And second, by providing civilian job opportunities for some of the personnel who are let go, we will help protect against Russian weapons specialists accepting offers from states like Iran, Iraq, or Libya.

One problem in any program that depends upon developing commercially viable products and services is that foreign investors are wary of putting their funds in ventures that may fail because of confiscatory taxes, local corruption or the difficulty of enforcing contracts. As a result, many otherwise marketable ideas may go without the funding they need to get off the ground and become engines of employment.

The senior Senator from Indiana and I sent a letter to the Vice President recently to suggest that a high-level commission or advisory committee be formed, with senior U.S. industrialists among its members, to survey investment opportunities in the ''nuclear cities'' and similar areas. This commission would also work with Russian officials on improving the climate for international investment, so that an enlarging civilian economy in Russia can provide new careers for more former arms experts. Fifty years ago, a commission to set up the Marshall Plan—led by an industrialist, the CEO of Studebaker—was able to convince Western Europe to take bold steps in economic coordination. In a similar manner, perhaps practical help from U.S. industrialists today can galvanize Russian officials to take the steps that are needed for international investment to jump-start their economic engines.

Even with such a commission, however, even if we maintain the Initiatives for Proliferation Prevention program, and even if we add the ''nuclear cities'' initiative, there is no way that commercially viable ventures can employ all the tens of thousands of Russian personnel who have worked on weapons of mass destruction. At some point, Mr. President, we have to ask whether it is not in our national security interest to provide broader assistance.

That is why I proposed the other amendment that the managers of this bill have accepted, to require the Secretary of Defense to report to Congress on this issue. Specifically, that report will tell us: (1) how many former Soviet personnel are at risk of being candidates for recruitment by rogue states; (2) how many can be employed in commercially viable enterprises; (3) how many additional personnel could be employed if we were to subsidize socially useful employment that could not attract outside investment; and (4) what the costs and benefits would be of a 10-year program of such subsidized employment.

I am confident that the Department of Defense will find a significant gap between the number of Russian arms experts who are at risk and the number who can be reached by programs that focus upon commercially viable ventures. We have much less information, however, regarding either the potential or the costs of a program that would provide broader assistance. The Department of Defense report required by this amendment, which would be prepared in consultation with the Secretary of State and the Secretary of Energy, will thus make a significant contribution to the ability of Congress to make sensible policy decisions in this field.

The task of assisting the transition of the former Soviet Union from totalitarianism to democracy, from a command economy to a market economy, and from militarism to more peaceful pursuits is indeed daunting. We need many programs, for no single effort will achieve all of this. There will be disappointments along with successes. But the stakes are so high that we dare not flinch from the challenge to assist that transition.

Likewise, we dare not cease our efforts to ensure that former Soviet arms experts refrain from selling their expertise to those who would misuse it. Today's actions are not the end of this demand upon our attention and our resources. But we can take heart from the fact that they are measured steps in the right direction. With luck, we will come up with the needed programs and resources in time to prevent weapons of mass destruction from becoming a larger factor in the next century than they have been in our own.

AMENDMENT NO. 3036

(Purpose: To require a study on effective deployment of theater missle defense systems in the Asia-Pacific) region

On page 268, between lines 8 and 9, insert the following:

**SEC. 1064. INCREASED MISSILE THREAT IN ASIA-PACIFIC REGION.**

(a) STUDY.—The Secretary of Defense shall carry out a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system in the Asia-Pacific region that would have the capability to protect key regional allies of the United States.

(b) REPORT.—(1) Not later than January 1, 1999, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

(A) the results of the study conducted under subsection (a);

(B) the factors used to obtain such results; and

(C) a description of any existing United States missile defense system that could be transferred to key allies of the United States in the Asia-Pacific region to provide for their self-defense against limited ballistic missile attacks.

(2) The report shall be submitted in both classified and unclassified form.

Mr. KYL. Mr. President, I rise to thank my colleagues for their support of the Kyl-Murkowski amendment which is intended to foster increased missile defense cooperation between the United States and our key allies in the Asia-Pacific region.

U.S. forces and allies in the Asia-Pacific region face a growing missile threat from China and North Korea. China has embarked on a program to modernize its theater and strategic missile programs and Beijing has shown a willingness to use ballistic missiles to intimidate its neighbors. During Taiwan's national legislative elections in 1995, China fixed six M–9 ballistic missiles to an area bout 100 miles north of the island. Less than a year later, on the eve of Taiwan's first democratic presidential election, China again launched M–9 missiles to areas within 30 miles north and south of the island, establishing a virtual blockade of Taiwan's two primary ports.

North Korea's missile program is also becoming more advanced. According to a recent Defense Department report, North Korea has deployed several hundred Scud missiles that are capable of reaching targets in South Korea. The North has started to deploy the No Dong missile, which will have sufficient range to target nearly all of Japan, and is continuing to develop a longer-range ballistic missile that will be capable of reaching Alaska and Hawaii.

North Korea's missile program shows no signs of slowing down. In fact, Pyongyang recently stated that it would continue to develop, produce, and sell ballistic missiles unless the U.S. lifts economic sanctions and compensates the regime for lost earnings from missile exports. On June 16th, the official Korean Central News Agency announced, ''We will continue developing, testing, and deploying missiles. If the United States really wants to prevent our missile export, it should lift the economic embargo as early as possible and make a compensation for the losses to be caused by discontinued missile export. Our missile export is aimed at obtaining foreign money, which we need at present.''

Theater missile defenses are vitally needed to protect American forces and allies in the Asia-Pacific region. This amendment would require the Administration to conduct a study of how the U.S. could best cooperate with key allies in the region such as Taiwan, South Korea, and Japan to establish and operate effective theater missile defenses.

I would also note that missile defenses are purely defensive items and can only be used to intercept incoming missiles. Therefore, in may view, the sale of ballistic missile defenses to Taiwan is consistent with the provisions of the Taiwan Relations Act, which states that ''the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

Mr. President, in closing I would like to thank Senator MURKOWSKI for working with me on this initiative and would like to thank my colleagues again for their support of this amendment, which I hope will lay the groundwork for effective cooperation with our allies to confront a real and growing missile threat in the region.

Mr. MURKOWSKI. Mr. President, Senator KYL and I have sponsored an amendment which would require the Secretary of Defense to study the issue of effective deployment of a theater missile defense system for the Asia-Pacific region. This is obviously needed to protect our troops in Okinawa and on the Korean peninsula. This amendment would further require that Korea, Japan and Taiwan be allowed to purchase such a system from the United States, should they desire. I suspect that all of them would be extremely interested in such a defense system, Mr. President, and I think it is incumbent upon us to extend this protection to them.

A form of this legislation has already passed the House—albeit the House version was more specific in relating just to Taiwan. This legislation makes sense, is deeply needed, and would be a good show of support, meaningful support, to our allies in Korea, Japan and Taiwan.

I thank the managers of the bill for agreeing to accept a scaled down version of this amendment. I had hoped that the entire version would have been eagerly accepted by colleagues on both sides of the aisle, but clearly there are other issues at play in the Senate at this time.

I want the RECORD to reflect that this scaled down version in no way reflects a diminished commitment to Taiwan. Quite the contrary. This amendment should be seen as a victory—because it is. It is one of the only provisions to be adopted into this bill addressing ballistic missile defense, and one of the only provisions adopted which addresses security issues in the Asian theater. And it is perhaps the only provision which addresses China and Taiwan.

Our commitment to Taiwan is unwavering. As President Clinton goes to China, this amendment reiterates our support for the people of Taiwan, and the government of Taiwan. The question of Taiwan must only be resolved through peaceful means—and I again call on President Clinton to raise the issue of renouncing the threat of the use of force against Taiwan when he meets with President Jiang in Beijing.

The Chinese missile tests off the coast of Taiwan in the Spring of 1996 brought our relations with China to the brink of conflict. Their actions were reprehensible and intended only to intimidate, and I think test, whether the United States was serious on the issue of Taiwan. They learned that we are, that the United States is unequivocal on the issue of Taiwan's security, and here right to a free and democratic society. We will not condone efforts to intimidate national free elections; the people on Taiwan have chosen to live a life of freedom—we commend them and support them in this.

Finally, Mr. President, at a time when the United States is being pressured to reduce its forces in Asia, ballistic missile defense for Korea, Japan and Taiwan is even more important. if we reduce our forces in Asia, make no mistake—there will be a security void, a vacuum. Our amendment is intended to prevent a vacuum; to reduce the impact of missile development by China, North Korea and perhaps others in the region. Mr. President, the Loral Space communications issue has shown us one thing—that if our policies, even by accident, allow others to improve their missile capabilities, it is incumbent upon us to provide our allies with the support they need to defend themselves. Be extending ballistic missile protection to Taiwan, we are doing just that.

AMENDMENT NO. 3037

(Purpose: To require the submission of a plan and design relating to the relocation of the National Atomic Museum in Albuquerque, New Mexico)

On page 397, between lines 6 and 7, insert the following:

**SEC. 3137. RELOCATION OF NATIONAL ATOMIC MUSEUM, ALBUQUERQUE, NEW MEXICO.**

The Secretary of Energy shall submit to the Defense Committees of Congress a plan for the design, construction, and relocation of the National Atomic Museum in Albuquerque, New Mexico.

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AMENDMENT NO. 3038

(Purpose: Cooperation between the Department of the Army and the Environmental Protection Agency in meeting Chemical Weapons Convention requirements to destroy chemical stockpile)

The Senate finds that:

(1) Compliance with international obligations to destroy the U.S. chemical stockpile by April 28, 2007, as required under the Chemical Weapons Convention (CW), is a national priority.

(2) The President should ensure that the Department of Defense and the Department of the Army receive all necessary assistance from federal agencies in expediting and accelerating the destruction of the lethal chemical stockpile.

(3) The Environmental Protection Agency, as one of the federal agencies with responsibilities to assist the Department of Defense and the Department of the Army, has asserted that is not adequately funded to provide, or meet its national responsibilities under the Resource Conservation and Recovery Act (RCA) permitting requirements, in order to assist the U.S. government in meeting its international obligations to destroy its lethal chemical stockpile.

(4) The Environmental Protection Agency (EPA) should work in concert with the State and local governments in this process, and that they should properly budget for this process.

Report Required. The Department of Defense, in coordination with the Environmental Protection Agency, shall report to the congressional defense committees by April 1, 1999, on the following:

(1) Responsibilities associated with obligations under the Resource Conservation and Recovery Act (RCRA) permitting process related to U.S. international obligations under the CWC to destroy the U.S. chemical stockpile;

(2) Technical assistance provided by the EPA to its regional offices and the States and local governments in the permitting process, and how that assistance facilitates the issuance of the environmental permits at the various sites;

(3) Responsibility of the Department of Defense to provide funding to the EPA, for the facilitation of meetings of the National Chemical Agent Demilitarization Workgroup, meetings between the Office of Solid Waste and the affected EPA Regional Offices and States; and meetings between the Office of Solid Waste, the Program Manager for Chemical Demilitarization and the Department of Defense; and,

(4) Responsibility of the Department of Defense and the Department of the Army to provide funds to the Environmental Protection Agency to hire full-time equivalents to assist in the formulation of RCRA permits.

Mr. MURKOWSKI. Mr. President, I rise with an amendment to the Department of Defense Authorization Bill which relates to our chemical weapons demilitarization program. I thank the managers of this bill, and the professional staff at the Senate Armed Services Committee for agreeing to adopt this amendment.

This is a straightforward amendment, but may be on track to save us a lot of time and money with respect to our chemical weapons stockpile demilitarization program. Over the life of the stockpile demilitarization program which as gone from about $2 billion to $15 billion, to perhaps $16 billion as we speak. The anticipated time it will take to comply with the Chemical Weapons Convention has also been extended, and it is increasingly unlikely that we will make the April 29, 2007 deadline which we agreed to here in the Senate last year.

Mr. President, my amendment is intended to help save time and money in this program. It simply requires that the Department of the Army and the EPA be allied instead of adversaries. It requires that the Secretary of the Army sit down with the Administrator of the EPA and report back to Congress on how these departments can work together to help expedite the permits which are necessary for the demilitarization program. Most of these permits are pursuant to the Resource Conservation and Recovery Act (RCRA). While the EPA does not have a role issuing permits, it does act in an advisory capacity to the various State governments which review and issue permits.

Since the States are likely to follow the feds, cooperation between the Army and the EPA is critical. Let's simply make certain that all arms of the federal government are cooperating. Mr. President, we aim to be rid of these weapons by the year 2007. If we are serious about meeting this deadline, we need to do all we can now to give the program stewards the tools they need to get the job done.

Again, I thank the bill managers for agreeing to adopt this amendment.

AMENDMENT NO. 3039

(Purpose: To amend title 10, United States Code, with respect to the administration of certain drugs to members of the Armed Forces without the informed consent of the members)

At the end of title VII, add the following:

**SEC. 708. PROCESS FOR WAIVING INFORMED CONSENT REQUIREMENT FOR ADMINISTRATION OF CERTAIN DRUGS TO MEMBERS OF ARMED FORCES.**

(a) LIMITATION AND WAIVER.—(1) Section 1107 of title 10, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) LIMITATION AND WAIVER.—(1) An investigational new drug or a drug unapproved for its applied use may not be administered to a member of the armed forces pursuant to a request or requirement referred to in subsection (a) unless—

''(A) the member provides prior consent to receive the drug in accordance with the requirements imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); or

''(B) the Secretary obtains—

''(i) under such section a waiver of such requirements; and

''(ii) a written statement that the President concurs in the determination of the Secretary required under paragraph (2) and with the Secretary's request for the waiver.

''(2) The Secretary of Defense may request a waiver referred to in paragraph (1)(B) in the case of any request or requirement to administer a drug under this section if the Secretary determines that obtaining consent is not feasible, is contrary to the best interests of the members involved, or is not in the best interests of national security. Only the Secretary may exercise the authority to make the request for the Department of Defense, and the Secretary may not delegate that authority.

''(3) The Secretary shall submit to the chairman and ranking minority member of each congressional defense committee a notification of each waiver granted pursuant to a request of the Secretary under paragraph (2), together with the concurrence of the President under paragraph (1)(B) that relates to the waiver and the justification for the request or requirement under subsection (a) for a member to receive the drug covered by the waiver.

''(4) In this subsection, the term 'congressional defense committee' means each of the following:

''(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(B) The Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(2) The requirements for a concurrence of the President and a notification of committees of Congress that are set forth in section 1107(f) of title 10, United States Code (as added by paragraph (1)(B)) shall apply with respect to—

(A) each waiver of the requirement for prior consent imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (or under any antecedent provision of law or regulations) that—

(i) has been granted under that section (or antecedent provision of law or regulations) before the date of the enactment of this Act; and

(ii) is applied after that date; and

(B) each waiver of such requirement that is granted on or after that date.

(b) TIME AND FORM OF NOTICE.—(1) Subsection (b) of such section is amended by striking out '', if practicable'' and all that follows through ''first administered to the member''.

(2) Subsection (c) of such section is amended by striking out ''unless the Secretary of Defense determines'' and all that follows through ''alternative method''.

Mr. BYRD. Mr. President, I am pleased that the Committee has accepted my amendment to provide greater oversight and accountability in those instances when the Secretary of Defense determines that U.S. troops would be best protected by the administration of investigational drugs in a wartime situation. Our forces increasingly face the threat of chemical and biological weapons being used on the battlefield. It may therefore be necessary, in order to protect them from these terrible weapons, to require them to take medicines and drugs to counteract or prevent these threats from being used to devastating effect. I think that we can all agree that the Secretary of Defense should take all reasonable precautions to protect U.S. troops in these situations, and that for a number of reasons, it may not be possible, wise, or safe to make public that decision by asking for the informed consent of each and every soldier, sailor, or airman before those preventative measures are administered.

However, I believe that it is also reasonable to take steps to ensure that when the Department of Defense thinks a particular drug, either investigational or used in a new way, should be administered without the informed consent of the troops, that such a decision is vetted very carefully, and that such decisions are recorded. Therefore, my amendment adds a new and higher level of scrutiny to the waiver process. My amendment requires that the President, the Commander in Chief, concurs in the decision of the Department of Defense to administer such drugs. It puts the top civilian in charge of the military in the loop, and it requires that these decisions to administer drugs to our troops are reported to the Congress.

Unfortunately, some examples from history, such as the exposure of troops to atmospheric atomic tests, and other examples of making U.S. military men and women ''guinea pigs,'' have left lingering concerns about leaving this decision making process entirely in the hands of the military. I hope that my amendment, by bringing civilian leaders and representatives of the people into the process, will allay concerns

that U.S. troops will ever be given drugs for any reason other than to protect them from real and dangerous threats.

AMENDMENT NO. 3040

(Purpose: To authorize the conveyance of utility systems at Lone Star Army Ammunition Plant, Texas)

On page 342, below line 22, add the following:

**SEC. 2827. CONVEYANCE OF UTILITY SYSTEMS, LONE STAR ARMY AMMUNITION PLANT, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey at fair market value all right, title, and interest of the United States in and to any utility system, or part thereof, including any real property associated with such system, at the Lone Star Army Ammunition Plant, Texas, to the redevelopment authority for the Red River Army Depot, Texas, in conjunction with the disposal of property at the Depot under 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).

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit or otherwise limit the Secretary from conveying any utility system referred to in that subsection under any other provision of law, including section 2688 of title 10, United States Code.

(c) UTILITY SYSTEM DEFINED.—In this section, the term ''utility system'' has the meaning given that term in section 2688(g) of title 10, United States Code.

Mr. THURMOND. I ask unanimous consent the amendments be agreed to en bloc, and the motion to reconsider be laid upon the table.

I further ask that statements of explanation for each amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, each of these amendments has been cleared by us. Many of these are amendments from this side of the aisle and of course many from the Republican side of the aisle. But they have all been cleared. We support the adoption of these amendments.

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

The amendments nos. 2783, 2791 as modified, 2792 as modified, 2823, 2867 as modified, 2904 as modified, 2907, 2909 as modified, 2923 as modified, 2976 as modified, 3017 through 3032, 3035 through 3040, en bloc, were agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 2728

Mr. LEVIN. Mr. President, if I can have just 30 seconds on the Burns amendment? I want to commend the Senator from Montana on his amendment. While there may be priorities which I would give a higher priority to, including readiness, this amendment fits the needs of our military personnel and meets the tests that the Armed Services Committee has set for military construction projects.

I thank him for meeting those criteria. We try to apply those criteria across the board, and here is what they are—if I can just take 30 seconds. Each one of Senator BURNS' projects is contained in the Defense Department's Future Year's Defense Program, FYDP; they are all considered mission essential by the Defense Department; they are consistent with past Base Closure Commission decisions; and they are all projects that can be executed in fiscal year 1999.

I thank him for the care with which he has selected these quality-of-life projects. They all meet these criteria.

Mr. BURNS. Mr. President, I thank the ranking member of the committee and manager of this bill. If he hadn't developed those criteria, we could not have done what we have done in the last 2 years in taking $2 billion out of this and still provide for the needs of our military people on base. We could not have done that.

So, there are a lot of people to thank for developing those criteria, for working with us, and for having the discipline to stay within those criteria, whenever we recommend these projects. So I thank my good friend from Michigan.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we can, I think, momentarily proceed to the rollcall votes that are still required. It is likely that at least two of them are going to be vitiated, which I think is good news to all.

I want to make certain that the McCain second-degree amendment to the Burns amendment, limited to 5 minutes under the control of Senator MCCAIN and 10 minutes under the control of Senator STEVENS, is reserved, and that time is reserved for the Senator from Arizona prior to the vote on the Burns amendment.

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

AMENDMENT NO. 2808

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the Feingold amendment with 2 minutes, equally divided.

Who yields time?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum because I note the absence of Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized.

Mr. WARNER. We can now proceed pursuant to the unanimous consent request to the first rollcall vote.

Mr. LEVIN. To clarify the Record, the unanimous consent agreement did provide for time on the Feingold amendment, and that time was used with debate.

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the Feingold amendment No. 2808. 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 Delaware (Mr. ROTH) is necessarily absent.

I further announce that the Senator from Arkansas (Mr. HUTCHINSON) is absent due to a death in family.

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), the Senator from Ohio (Mr. GLENN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Oregon (Mr. WYDEN) is absent due to a family illness.

I further announce that, if present and voting the Senator from Oregon (Mr. WYDEN) would vote ''aye.''

The result was announced—yeas 20, nays 72, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—20

| | | |
|---|---|---|
| Biden | Feingold | Levin |
| Boxer | Harkin | Mikulski |
| Bryan | Johnson | Moseley-Braun |
| Bumpers | Kennedy | Reid |
| Byrd | Kohl | Sarbanes |
| Daschle | Lautenberg | Wellstone |
| Durbin | Leahy | |

NAYS—72

| | | |
|---|---|---|
| Abraham | Faircloth | Lott |
| Allard | Feinstein | Lugar |
| Ashcroft | Ford | Mack |
| Bennett | Frist | McCain |
| Bingaman | Gorton | McConnell |
| Bond | Graham | Moynihan |
| Breaux | Gramm | Murkowski |
| Brownback | Grams | Murray |
| Burns | Grassley | Nickles |
| Campbell | Gregg | Reed |
| Chafee | Hagel | Robb |
| Cleland | Hatch | Roberts |
| Coats | Helms | Santorum |
| Cochran | Hollings | Sessions |
| Collins | Hutchison | Shelby |
| Conrad | Inhofe | Smith (NH) |
| Coverdell | Inouye | Smith (OR) |
| Craig | Jeffords | Snowe |
| D'Amato | Kempthorne | Stevens |
| DeWine | Kerrey | Thomas |
| Dodd | Kerry | Thompson |
| Domenici | Kyl | Thurmond |
| Dorgan | Landrieu | Torricelli |
| Enzi | Lieberman | Warner |

NOT VOTING—8

| | | |
|---|---|---|
| Akaka | Hutchinson | Specter |
| Baucus | Rockefeller | Wyden |
| Glenn | Roth | |

The amendment (No. 2808) was rejected.

Mr. THURMOND. 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. LOTT. Mr. President, I thank the managers of the legislation for getting the agreement that has been entered into in an effort to get a vote at a reasonable time so we can conclude this matter before the night is out.

I ask unanimous consent the remaining votes in this series be limited to 10

minutes in length. That is, votes on the Bumpers amendment, Senator BYRD's amendment, and final passage.

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

Mr. WARNER. Now, Mr. President, we turn to the Bumpers amendment. We will have the 10-minute rollcall vote, preceded by 1 minute to Senator BUMPERS and 1 minute to Senator COATS.

I wish to advise the Senate that following the Bumpers amendment there will be a period not to exceed 25 minutes allocated to the following Senators to speak: Senator LEVIN, Senator SNOWE, Senator KENNEDY, Senator COATS, Senator BYRD. This is preceding the Byrd amendment. It is hoped that not all of that time will be used. So there will be a period following the Bumpers amendment, not to exceed 25 minutes.

I suggest the Chair recognize the Senator from Arkansas, Mr. BUMPERS, for the purpose of speaking on his amendment.

AMENDMENT NO. 3012

Mr. BUMPERS. Mr. President, we are embarked on buying the most expensive fighter plane in the history of the United States. As a matter of fact, three times more expensive than any fighter plane in the history of the United States, the F–22, $182 million each, $62 billion total—which will surely go to $100 to $125 billion before we are finished.

When we first started talking about it, the Air Force said we will test this plane, preproduction, 1,400 hours. In 1997, they said no, 600 hours. Now this bill says 183 hours, if the Secretary will certify a couple of little deals. You wouldn't buy a golf cart that hadn't been tested more than 183 hours.

We are going right down the B–1, B–2 lane. I can tell you, we are headed for big-time trouble. All I want to say is, not only is this plane very expensive, it is simply not going to work.

The PRESIDING OFFICER. All time has expired.

Mr. COATS. Mr. President, this may sound surprising, but the committee agrees with Senator BUMPERS. We have studied this and we absolutely have language in this bill that requires testing before we buy or before we fly. We have carefully worked out a compromise on this issue with the Secretary of Defense, Secretary of the Air Force, contractors, Members of Congress—those for the F–22 and those against the F–22—to ensure adequate testing, but also to do so in a way that doesn't add unnecessary costs—some estimated at more than billions of dollars by delayed production—by unnecessary testing. The Secretary of Defense has to certify before we can go forward.

We urge people to support the committee position. We studied this and we agree with Senator BUMPERS: More testing before we fly—but not as much as Senator BUMPERS thinks we need.

Mr. WARNER. 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 amendment. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

I further announce that the Senator from Arkansas (Mr. HUTCHINSON) is absent due to a death in family.

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), the Senator from Ohio (Mr. GLENN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Oregon (Mr. WYDEN) is absent due to a family illness.

I further announce that, if present and voting, the Senator from Oregon (Mr. WYDEN) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 73, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—19

| | | |
|---|---|---|
| Boxer | Grams | Kohl |
| Bryan | Grassley | Lautenberg |
| Bumpers | Harkin | Leahy |
| Byrd | Jeffords | Moseley-Braun |
| Durbin | Johnson | Wellstone |
| Feingold | Kennedy | |
| Feinstein | Kerry | |

NAYS—73

| | | |
|---|---|---|
| Abraham | Enzi | McConnell |
| Allard | Faircloth | Mikulski |
| Ashcroft | Ford | Moynihan |
| Bennett | Frist | Murkowski |
| Biden | Gorton | Murray |
| Bingaman | Graham | Nickles |
| Bond | Gramm | Reed |
| Breaux | Gregg | Reid |
| Brownback | Hagel | Robb |
| Burns | Hatch | Roberts |
| Campbell | Helms | Santorum |
| Chafee | Hollings | Sarbanes |
| Cleland | Hutchison | Sessions |
| Coats | Inhofe | Shelby |
| Cochran | Inouye | Smith (NH) |
| Collins | Kempthorne | Smith (OR) |
| Conrad | Kerrey | Snowe |
| Coverdell | Kyl | Stevens |
| Craig | Landrieu | Thomas |
| D'Amato | Levin | Thompson |
| Daschle | Lieberman | Thurmond |
| DeWine | Lott | Torricelli |
| Dodd | Lugar | Warner |
| Domenici | Mack | |
| Dorgan | McCain | |

NOT VOTING—8

| | | |
|---|---|---|
| Akaka | Hutchinson | Specter |
| Baucus | Rockefeller | Wyden |
| Glenn | Roth | |

The amendment (No. 3012) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are making great progress. I think momentarily we can dispose of a request for the need for a rollcall vote.

AMENDMENT NO. 3033 AND AMENDMENT NO. 3034 EN BLOC

Mr. WARNER. Mr. President, first, I ask unanimous consent that two amendments I now send to the desk be considered, en bloc, the reading of the amendments be waived, that the amendments be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to any of these amendments appear at this point in the RECORD.

Mr. LEVIN. Mr. President, they have been cleared on this side.

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

The amendments (No. 3033 and 3034) en bloc were agreed to.

The amendments are as follows:

AMENDMENT NO. 3033

(Purpose: Relating to the pharmacy benefit available under the health care demonstration projects with respect to medicare-eligible beneficiaries of the military health care system)

On page 157, between lines 13 and 14, insert the following: The Program under this Section will allow retail to compete for services in delivery of Pharmacy benefits without increasing costs to the government or the beneficiaries.

AMENDMENT NO. 3034

(Purpose: To modify the land conveyance authority with respect to Finley Air Force Station, Finley, North Dakota)

On page 342, below line 22, add the following:

**SEC. 2827. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FINLEY AIR FORCE STATION, FINLEY, NORTH DAKOTA.**

Section 2835 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3063) is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following new subsections (a) (b), and (c):

''(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the City of Finley, North Dakota (in this section referred to as the 'City'), all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, in the vicinity of Finley, North Dakota, described in paragraph (2).

''(2) The real property referred to in paragraph (1) is the following:

''(A) A parcel of approximately 14 acres that served as the support complex of the Finley Air Force Station and Radar Site.

''(B) A parcel of approximately 57 acres known as the Finley Air Force Station Complex.

''(C) A parcel of approximately 6 acres that includes a well site and wastewater treatment system.

''(3) The purpose of the conveyance authorized by paragraph (1) is to encourage and facilitate the economic redevelopment of Finley, North Dakota, following the closure of the Finley Air Force Station and Radar Site.

''(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for purposes of the economic development of Finley, North Dakota, all right,

title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.''; and

(c) ABATEMENT.—The Secretary of the Air Force may, prior to conveyance, abate any hazardous substances in the improvements to be conveyed.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Oklahoma be recognized for not to exceed 2 minutes, followed by the Senator from North Carolina not to exceed 2 minutes.

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

The Senator from Oklahoma is recognized.

Mr. INHOFE. Thank you, Mr. President.

I yield to the Senator from North Carolina.

AMENDMENT NO. 3014, AS MODIFIED

(Purpose: To authorize, with an offset, $8,300,000 for the construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina)

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to send a modified version of my amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. FAIRCLOTH) proposes an amendment numbered 3014, as modified.

Mr. FAIRCLOTH. 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, as modified, is as follows:

On page 231, between lines 16 and 17, insert the following:

**SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated by section 2601(1)(A), $1,000,000 may be available for purposes of planning and design of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

Mr. FAIRCLOTH. Mr. President, this amendment is modified to provide $1 million for design money for Fort Bragg for a National Guard facility.

I yield to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, if the Senator will yield, as the chairman of the Readiness Committee, we have approved this, and we appreciate very much the way that the Senator from North Carolina has been willing to go into the planning phase so that we will have a chance to go into this project in an orderly fashion. And the funding should not be a problem, because it will be used with existing funds from the National Guard.

I appreciate the cooperation of the Senator from North Carolina.

Mr. FAIRCLOTH. I thank Senator INHOFE. I thank Senators WARNER and THURMOND for their help.

Since the amendment is now accepted on both sides, the majority and the minority, I ask unanimous consent to vitiate the planned rollcall vote.

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

Mr. LEVIN. Mr. President, I make inquiry of the Senator from Virginia. He and I have discussed this question. It is my understanding that the authorization here is discretionary.

No. 1, that the words ''may be available'' are now in instead of ''shall''.

No. 2, not only is it discretionary so that if the Secretary chooses to do the design, then something also will be forthcoming.

It is my understanding that this amendment is not only discretionary, but does not commit us to the construction of this project.

I want to ask the Senator from Virginia is my understanding correct?

Mr. WARNER. Mr. President, the Senator's understanding is correct.

Mr. LEVIN. I thank the Chair and thank the Senators who were involved in working this out, the Senator from North Carolina and the Senator from Oklahoma.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3014), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I want to commend the able Senator from North Carolina for offering this amendment. Fort Bragg is the logical place for this National Guard Armory. I appreciate his bringing this matter up. It not only concerns my State but many other States, too. The Senator from North Carolina has done a good job, and we are proud of him.

Mr. FAIRCLOTH. I thank the chairman, Senator THURMOND.

AMENDMENT NO. 3011

Mr. WARNER. Mr. President, pursuant to the unanimous consent request, we will proceed to the Byrd amendment. The 25 minutes allocated for such debate as may be required are allocated as follows:

No more than 5 minutes for Senator LEVIN, no more than 5 minutes for Senator SNOWE, no more than 5 minutes for Senator KEMPTHORNE, no more than 5 minutes for Senator COATS, and, the concluding speaker, no more than 5 minutes for Senator BYRD.

Mr. LEVIN. Reserving the right to object, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I suggest we proceed to the debate on the amendment.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, the order designated by my unanimous consent request—and I now ask that that be adopted. I don't think there is an objection.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, in addition to the five speakers noted, I would add a request on that unanimous consent that Senator ROBB of Virginia be granted 3 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. LEVIN. Mr. President, the amendment before us goes beyond the amendment which we considered yesterday.

Yesterday, there was a debate on an amendment of Senator BROWNBACK which related to the question of barracks. The amendment before us today revisits that issue, and I will come to that in a moment. It goes beyond that to require segregated training for our recruits. This is not a pure revisit of yesterday's amendment that was offered by the Senator from Kansas. We are now talking about both the barracks issue and the requirement in the Byrd amendment for segregated training.

Now, our top uniformed officials have written us strongly opposing this amendment. In a moment I am going to read from the letter of the Chief of Staff of the Army, General Reimer, who wrote to STROM THURMOND, our great chairman, on May 19, about this issue. But before I quote from his letter, I want to emphasize that what we are being told here is not a matter of political correctness; this is a question of a commander's responsibilities that General Reimer is talking to us about. And this is what General Reimer wrote:

The company commanders of the training companies are responsible for everything their units do or fail to do. Segregating their units—

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. We do not want to make the commander's responsibilities more difficult or the drill sergeant's duties more challenging than they already are.

This is part of a letter from General Reimer.

Now, the top enlisted members of each of the services, each of the services—and these are the senior advisers

relative to the welfare of enlisted members—have written us on June 17 saying the following:

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.

A direct result of the training that these recruits get—and that training is gender-integrated training.

This amendment would end that—not only end it against the recommendation of our top uniformed officials and officers; it would end it prematurely and precipitously.

Last year, we appointed a commission, the Congress appointed a commission. We picked 10 people on this commission to review the recommendations of the Kassebaum commission. That was our choice, and those citizens are now serving. They are serving at our request, reviewing the very recommendations that this amendment would put into law before that review can take place.

I want to read from that part of last year's defense authorization bill. It says that the commission—again I emphasize, the commission that we created, we put into place, we appointed—this commission shall:

Consider issues regarding the personal relationships of members of the Armed Forces as follows:

And No. 3 is:

To assess the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on fraternization that has been required by the Secretary of Defense.

Just last year we created a commission, and one of its explicit duties is to review the Kassebaum commission's recommendations. A number of those recommendations are not acceptable to the uniformed military, including the ones relative to training.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's 5 minutes have expired.

Who seeks recognition?

The Senator from Virginia.

Mr. WARNER. Mr. President, under the unanimous consent request, Senators LEVIN, SNOWE, KEMPTHORNE, COATS, and BYRD are allocated time not to exceed 5 minutes.

Mr. LEVIN. Mr. President, I believe we had an understanding informally that that time would be alternated between persons in opposition and support, so that someone in support of the Byrd amendment, it seems to me, should now be the person recognized.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. I say to the Senator from Michigan, I think we had better proceed and the Senator from Maine is now next.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. I thank the Chair.

The Byrd amendment goes even further than the amendment that was offered by the Senator from Kansas last night which we rejected by a vote of 56 to 37.

The Byrd amendment would essentially eliminate all gender-integrated training at basic levels. The decision we made last night was to uphold the congressional commission that was created on military training and gender-related issues to complete its assessment and to report back to this Congress in March of 1999.

This commission was created by Congress last year with the active cosponsorship of the Senator from West Virginia—in fact, in deference to the position he held on the issue of gender-integrated training. This commission is made up of 10 distinguished individuals who are selected by both the Armed Services Committee of the Senate and the House National Security Committee that will examine a myriad of gender-related issues and the relationship that gender-integrated adds to our performance levels, to readiness and cohesion and to the morale of our All Volunteer Force. Will we permit this panel of experts to deliberate on the views and the experiences of the commanders in the field, or are we going to decide this evening to legislate with an instant result through the Byrd amendment that defies the views of the Secretary of Defense, to the service chiefs of the Air Force, the Navy and the Army, the training commanders of the Army, the Navy and the Air Force, the senior noncommissioned officers of the Army, the Navy and the Air Force, or the Association of the U.S. Army, or every active duty service member who has testified before the Senate Armed Services Committee over the last 2 years.

Yesterday, we chose the path of deliberation by a commission of our own design, rather than imposing on the military another set of regulations without the benefit of testimony from the field.

The position of many of the military, including all of our top level military officers, support gender-integrated training, because they believe it is an anchor of that readiness. Far from an invention of social policy activists, they recognize that it is an absolute necessity in a military that cannot maintain an effective and efficient volunteer force without the contributions of our women in uniform. And it is a force multiplier, teaching service members the blend of operational skills, the codes of personal behavior necessary to our gender-neutral position, which is to win wars.

Last night, we upheld the integrity of the commission that was created by this Congress.

Mr. BYRD. Mr. President, may we have order? There are too many conversations going on.

The PRESIDING OFFICER. The Senate will come to order.

Mr. BYRD. The Senator is entitled to be heard.

Ms. SNOWE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Maine will proceed.

Ms. SNOWE. Last night, we upheld the decision to uphold the integrity of the commission that we created that includes two retired Marine Corps generals, a retired master sergeant, two military sociologists, the former Assistant Secretary of Defense for Force Management and the former Assistant Secretary of the Navy for Personnel.

I urge Members of this Senate to reject the Byrd amendment and to support the views of those of us, including the Senator from West Virginia, that we should have a commission to provide an independent evaluation and analysis of gender-integrated training, and the importance of it to the readiness and the cohesiveness of our armed services.

I urge the Senate to reject the BYRD amendment, that we confirm the action that was taken last year by this Congress, which was to create this commission, and to reaffirm the vote that was taken last night to support the commission in its work and to report back to this Congress. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, the Senator from Idaho has 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I offer my comments in my capacity as the chairman of the Senate Armed Services Committee, Subcommittee on Personnel. I have the utmost and profound respect for Senator BYRD, a man of tremendous integrity and motivation.

Last year, when we established the commission that would deal with these issues that are very critical issues dealing with the military, the legislation which established it was an amendment that was crafted by Senator BYRD and by myself. I cannot turn my back on that commission at this point.

A few weeks ago, there was a situation among those very talented commission members where some of them walked away. It looked as though the commission was going to collapse. I met with them, Senator CLELAND met with them, Congressman BUYER met with them, and we urged them, because of the magnitude of the issues that they would be dealing with, that they come back together, give us guidance.

For me to now say once you have been put back together, we are going to go ahead now with legislation, hope you concur—I really think if we go forward with this, we ought to consider disbanding the commission.

Last night, in the course of debate, Senator ENZI made a very interesting point, and that was with regard to how many meters a grenade could be thrown and the standards by which a

female would be required to throw the grenade versus how many meters a male soldier would be required to throw the grenade, and that there were differences and should there be differences.

I ask my colleagues in the U.S. Senate, do you want to get into that debate? Do you really think we ought to be getting down to the details of how many meters a grenade should be thrown by a male soldier versus a female soldier, or are we going just a little too far in micromanaging? That is my concern. That is why on this commission we have outstanding individuals. We have retired Marine Corps generals, a sergeant major from the Army—we have folks who have been there. The physical training—how many push-ups should a man do versus a woman? Do you want to debate that? Do you want to get into that detail?

We have a commission that has been appointed to do this. If that is not what we intended, the wisdom of this body that last year affirmed that commission, then we should have said so. We should have had this debate last year. We should have been up front about it, because if we are going to do this, if I were a commission member, I would say, ''Here's my resignation.''

I don't think that is what we are about, Mr. President. One of the things which I mentioned to that commission in the charge is do not ever, ever consider delivering to us, to this U.S. Senate, to the House of Representatives, what is, in your estimation, politically correct. We do not want to know what is politically correct with regard to the military of the United States. You tell us what is militarily correct for those men and women who wear the uniform. Don't tell us what is politically correct. This is not a social laboratory. This is the military. The courts have upheld that it is the military and things can be different.

So let's do what is right, and let's not now make this U.S. Senate the governing body of all the details of how far the grenade should be thrown by a female soldier versus a male soldier, how many sit-ups they should do. We can enact the overall policy, but we have put talented people in place in the commission to do so.

Please do not undo what you did last year. If you do, then ask yourselves, were we wrong last year? Was this deliberative body wrong, and we are admitting a mistake? I don't think so.

I must, again, in my capacity as the chairman of the Personnel Subcommittee, support the commission which I helped create, because I have a belief that they will come back with recommendations which may well totally affirm what Senator BYRD is advocating tonight, totally affirm what Senator BROWNBACK was advocating last night, perhaps even farther. But unless you want to get into how far to toss a grenade, I ask you not to pull the pin here tonight. And with that, I respectfully and regretfully have to oppose Senator BYRD's amendment.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, this is an emotional subject, a difficult subject. I am former chairman of the Personnel Subcommittee and still a member of that subcommittee. And it is an issue at which I have looked and studied and struggled with for some time.

I have come to an opposite conclusion of some of my friends, and I want to tell you why I have. First of all, everyone needs to understand the Byrd amendment is not an effort to return to segregated military units. It is simply designed to say that at that initial entry point, we are dealing with a situation that involves young people, many coming out of very disruptive backgrounds, many in a very vulnerable position. And we have seen—tragically seen—some exploitation of that, which is wrong and absolutely needs to be handled in the most direct way and that sends out a very clear signal that we have zero tolerance on this. But I want to make clear, nevertheless, that the situation we are dealing with in this amendment is with young people at their initial entry point.

Now, we do not need another commission. We enacted a commission because I think a lot of Members did not have any faith that the DOD-appointed commission would give an objective view.

I think everyone was surprised, including the Secretary of Defense, when the commission, led by our former colleague, Senator Kassebaum, came back with the conclusion and the recommendation that we ought to have segregated training at that initial entry point, and then that a merger of those two separate units of male and female trainees at the next level of their training. The question is, Why? Why did that commission come back with that recommendation to the surprise of everyone, including, I think, the Secretary of Defense?

The reason is that the Kassebaum commission went and visited those same sites that I have gone and visited. And they talked to female and male trainees, and male drill instructors and female drill instructors. And they came away with the inescapable conclusion that I think any of us would, or at least most of us would if we went and asked the females, asked the women and men, asked the people at that initial entry point what they preferred, what they thought worked, what was best?

I went to Fort Jackson where the Army trains with integrated male-female training. About 30 percent of the females do not have female drill sergeants in their platoons. They have all male drill sergeants. And those females said, ''We want female drill sergeants.'' Then I went to Parris Island, and at Parris Island, the female marines said, ''This is the best thing that ever happened to me to be associated with a mentor who can provide me guidance as a young lady in how to deal with these questions, how to deal with these kinds of decisions, how to deal with these tough situations, how to deal with this pressure, how to deal with this demanding training. It prepares me.''

I cannot say it better than the letter that was forwarded by a female corporal in the Armed Forces. And it reads:

> 'Sir: . . . This is very distressing news to me and my fellow women marines. There is no way I would ever have made it through basic training with men present. I experienced mixed boot camp for just a few days while in basic training. It was the worst training days we had. I am all for equality, but this is madness. With no disrespect to the Army, the problems they have had [ought to] be proof [of this madness]. I can honestly say that if I had it to do over again and basic training was mixed gender, there is no way I would do it. I would not make it, not with the level of dedication and concentration it took when there were only females. I can't imagine having to deal with the underlying sexual tension, the jealousy, and unconscious way I would feel every day.'

I am convinced that any of us who would take the time to go and visit the women marines in their initial training at Parris Island would feel as proud as any American would ever feel about the abilities of women coming out of sometimes very, very difficult situations, gaining the self-esteem and bonding together with their female drill instructors and each other, and being prepared to move on to that next stage in their training.

And if you listened and asked them, literally to a person, they told me—this entire company of women marines told me— ''This is the way it ought to be initially. Then we're prepared to move on in our advanced training and integrate with the men. But we wouldn't give up this experience for anything in the world. This is the way we ought to be trained.''

The Marine Corps model is a model that works. It has demonstrated its effectiveness. The other services are struggling to make it work, without the requisite number of female instructors, and with a very uncomfortable situation.

So why not take a model that works and why not follow the recommendations of the commission that has already been in place, appointed by the Secretary of Defense, headed up by our former colleague, Senator Kassebaum, which I do not think anybody thought had a bias in favor of separated training going in, but came away, after their exhaustive experience in examining all of the training camps for all of the services, and came away with the inescapable conclusion that we ought to have gender segregation at the initial entry training level. That is what the BYRD amendment is about. I urge my colleagues to support it.

The PRESIDING OFFICER. Who seeks recognition?

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank you.

I understand the concerns that have been expressed by our colleague from Indiana and that undoubtedly underlie the concerns expressed by the distinguished senior Senator from West Virginia. I, too, had occasion recently to visit the marines who were training in Parris Island. And I talked with the women marines who were completing their training, completing the crucible.

I do not think there was a more inspiring experience that I have had in recent years than being with them at the first light in the morning as they marched out with their separate training under those circumstances. As a former marine, I could not have been prouder. And I do not want to see us do anything to attempt to change either the culture or the success of the training program that the Marines engage in.

But I do not want to see us change the culture or the success of the Army program or the Navy program or the Air Force program at this point either. I also had occasion to visit Fort Jackson and talked to the young women and young men who were undergoing training at both Fort Jackson and at Parris Island.

I talked to the drill sergeants and the drill instructors. And neither program is entirely without some challenges, and indeed there was a significant challenge at Fort Jackson with respect to separation. That has been addressed by the Secretary of Defense. And many of the recommendations that were made by the Kassebaum-Baker commission were good and have already been implemented or are in the process of being implemented.

But the bottom line is, we established a commission, as mentioned by Senator KEMPTHORNE, to review those recommendations. I personally believe at this point, although I was skeptical at the outset, that I would prefer to see us take a step back and let the services make these determinations. But at the very least, I do not want to see us prematurely require the services to make changes that the service chiefs, the senior enlisted members of those services do not believe are in their best interests.

And the kind of training and esprit which was clearly evident at Parris Island, but also evident at Fort Jackson, and in talking to the young women in training, as well as the drill sergeants—they liked the kind of training that they were engaged in. They thought it was successful.

I hope that this Senate will consider the amendment that we dealt with last night by Senator SNOWE from Maine. I think we made the right decision on that occasion. I hope this evening it will be the pleasure of the Senate not to pass this particular amendment, and allow our commission to make their report. Then we can take the actions that are appropriate under the circumstances.

With that, Mr. President, I thank the chairman and yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD addressed the Chair.

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

Mr. BYRD. Mr. President, I respect the viewpoints of all of those who have spoken, those who are opposed to my amendment as well as those who have spoken in support of it.

When I read and heard about the problems that were existing in the military, I stated publicly that I was going to seek, in the Armed Services Committee, to establish a commission to look into the matter. Whereupon, I am not implying that Mr. Cohen appointed his commission because I said that, but he did appoint the commission on his own, or indicated he was going to appoint a commission.

I looked with some askance at a commission that would be appointed by the Secretary of Defense to look into this matter. So he proceeded to appoint that commission. I was surprised that he appointed Nancy Kassebaum-Baker as chairman of that commission. He appointed a good commissioner.

So I had approached the matter by pushing for an amendment that would create a commission. Mr. KEMPTHORNE and I joined in that. But I was suspicious of any commission that would be appointed within the administration by the Secretary of Defense—not that it was the particular Secretary of Defense, but I wanted to establish a fox to watch the chickens.

As it turned out, the commission that the Secretary appointed was a good one. It made some excellent recommendations, but by then we had already decided to appoint our commission.

Now, there are those who say we should wait on the commission that we appointed. The Kassebaum commission is a commission of high integrity. We know the former Senator who served from Kansas, Nancy Kassebaum. We know that she was a great Senator of integrity and one who worked with high purposes. We all believed in her, and I believed in her commission.

So I think that we ought not wait on the commission now that I helped to establish to keep an eye on the commission, that the Defense Secretary had indicated he was going to appoint. The Kassebaum commission has rendered its recommendations, and my amendment would put into effect the recommendations of the Kassebaum commission. My amendment would conform to the language of the House, the House language, so when the conferees go to conference, if my amendment is adopted, this will not be a question in conference because the Senate language will conform to the House language.

So there are those who have urged that our colleagues vote against my amendment in order to preserve the integrity of the Senate commission on gender-integrated training, which will not issue its report until next year. Mr. President, I suggest to my colleagues that it is better to preserve the integrity of our Armed Forces and to preserve the integrity and safety of our young recruits.

Let us not delay the process of implementing changes recommended by former Senator Kassebaum-Baker and the commission that she headed, a commission established by the Secretary of Defense. Let us not delay making changes that will improve the discipline, the teamwork, the cohesion of our military forces. Put these young recruits in separate barracks, train them separately until they have been instilled in the military discipline that will allow them to work together as strong, confident, and effective teams, and keep them focused on the job at hand. Let us not put this off for another year, waiting for the Senate commission to report. The Senate commission's purpose is not undermined by this action. It may make further recommendations regarding the problems faced today with mixed-gender training that the Secretary may want to adopt.

It is also tasked with examining other areas, including fraternization policies in the various services which clearly, clearly, also merit review and possible change. There is plenty of work for the Senate commission still to do. The Senators have noted in their remarks that senior military officials all supported keeping mixed-gender training just the way it is. But our colleagues have failed to note that not all of our military services support mixed-gender training from day 1. The Commandant of the Marine Corps testified before the Armed Services Committee that the Marine Corps had decided to keep their basic training segregated.

I think most of my colleagues would agree that the Marine Corps has arguably the greatest discipline, the greatest order, and the greatest unity cohesion of any branch of service. I think it is time that the other services model themselves after this successful example.

I urge the adoption of my amendment.

The PRESIDING OFFICER (Mr. DEWINE). The question is on the amendment.

Mr. WARNER. Does the distinguished Senator from West Virginia desire the yeas and nays?

Mr. BYRD. Yes.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WARNER. Could the distinguished ranking member—I do have one small matter.

AMENDMENT NO. 3041

Mr. LEVIN. Mr. President, we ask unanimous consent an amendment of Senator MURKOWSKI be sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. MURKOWSKI, proposes an amendment numbered 3041.

The amendment is as follows:

No later than December 1, 1998, the Secretary shall submit to the Congress a report recommending alternative means through which a refiner that qualifies as a small disadvantaged business and that delivers fuel by barge to Defense Energy Supply Point-Anchorage under a contract with the Defense Energy Supply Center can—

(a) fulfill its contractual obligations,

(b) maintain its status as a small disadvantaged business, and

(c) receive the small disadvantaged business premium for the total amount of fuel under the contract,

when ice conditions in Cook Inlet threaten physical delivery of such fuel.

Any inability by such refiner to satisfy its contractual obligations to the Defense Energy Supply Center for the delivery of fuel to Defense Energy Supply Point-Anchorage may not be used as a basis for the denial of such refiner's small disadvantaged business status or small disadvantaged business premium for the total amount of fuel under the contract, where such inability is a result of ice conditions in Cook Inlet as determined by the U.S. Coast Guard. Through February 1999; and if the Secretary of Defense determines that such inability will result in an inequity to the refiner.

Mr. LEVIN. Mr. President, it is agreeable on this side, as I think it is on the other side.

Mr. MURKOWSKI. My understanding is, it is cleared by both sides.

Mr. LEVIN. I ask unanimous consent when that amendment is sent to the desk it be considered read, it be considered passed, reconsidered, and tabled.

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

The amendment (No. 3041) was agreed to.

Mr. WARNER. I wish to advise the Senate that following the rollcall vote, 10 minutes on the Byrd amendment, we now turn to the Burns amendment pursuant to—I am reciting the existing unanimous consent order relative to MilCon—5 minutes equally divided, a McCain second-degree amendment to the Burns amendment, with Senator MCCAIN recognized for 5 minutes and Senator STEVENS recognized for 10 minutes.

My understanding is, in all likelihood there will not be a rollcall vote as a consequence of these statements by our colleagues.

Following the disposition of the Burns amendment, I ask unanimous consent that the majority leader and the minority leader be recognized for such period as they desire to address the Senate and then we proceed to final passage.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, Mr. President, I earlier filed two amendments concerning the authorization of funds for continuing the peacekeeping mission in Bosnia.

After discussions with the distinguished manager's of the bill, I will not call up those amendments on this bill.

The President's budget did not present any request for funds for the Bosnia mission for FY 1999. The Congress received a supplemental budget amendment requesting $1.858 billion for Bosnia operations.

After four years, there is little merit in treating Bosnia costs as an ''unforeseen, emergency requirement'' as required by the Budget Act.

I do not oppose the mission in Bosnia. On a visit to Tuzla last month, the delegation that I and Senator INOUYE led were much impressed by the commitment and morale of the army forces deployed to Bosnia.

Major General Ellis deserves much of the credit for the recent success of this mission.

Despite these positive indicators, we face dealing with Bosnia costs again this year without a clear plan for the size of the force, OPTEMPO levels or future mission objectives.

Further, no decisions have been made about the future funding for Bosnia in the five year budget plan now under consideration by the Department of State.

Many of us agree we need more money for defense. The army cannot continue the Bosnia mission without additional funds.

As the Senate proceeds to the Defense appropriations bill for 1999, we will have to consider further the approach the Senate will take for Bosnia.

If our forces are to remain, and potentially face additional responsibilities for Kosovo, we must decide how much we are prepared to spend, and whether these amounts will come from within the current defense caps, or with additional real appropriations.

I appreciate the willingness of the managers to provide me this opportunity to discuss these amendments, and for their concern about the impact of Bosnia on the well-being of the men and women of the Armed Forces.

VOTE ON AMENDMENT NO. 3011

The PRESIDING OFFICER. The question occurs on the Byrd amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

I further announce that the Senator from Arkansas (Mr. HUTCHINSON) is absent due to a death in the family.

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 Ohio (Mr. GLENN) are necessarily absent.

I also announce that the Senator from Oregon (Mr. WYDEN) is absent due to family illness.

I further announce that, if present and voting, the Senator from Oregon (Mr. WYDEN) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 53, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—39

| | | |
|---|---|---|
| Abraham | Enzi | Kyl |
| Ashcroft | Faircloth | Lott |
| Bennett | Ford | McConnell |
| Brownback | Frist | Moynihan |
| Bumpers | Gorton | Murkowski |
| Burns | Grams | Nickles |
| Byrd | Grassley | Roberts |
| Campbell | Gregg | Santorum |
| Coats | Hatch | Sessions |
| Conrad | Helms | Shelby |
| Coverdell | Hollings | Smith (NH) |
| Craig | Inhofe | Stevens |
| DeWine | Inouye | Torricelli |

NAYS—53

| | | |
|---|---|---|
| Allard | Feinstein | Lugar |
| Biden | Graham | Mack |
| Bingaman | Gramm | McCain |
| Bond | Hagel | Mikulski |
| Boxer | Harkin | Moseley-Braun |
| Breaux | Hutchison | Murray |
| Bryan | Jeffords | Reed |
| Chafee | Johnson | Reid |
| Cleland | Kempthorne | Robb |
| Cochran | Kennedy | Sarbanes |
| Collins | Kerrey | Smith (OR) |
| D'Amato | Kerry | Snowe |
| Daschle | Kohl | Thomas |
| Dodd | Landrieu | Thompson |
| Domenici | Lautenberg | Thurmond |
| Dorgan | Leahy | Warner |
| Durbin | Levin | Wellstone |
| Feingold | Lieberman | |

NOT VOTING—8

| | | |
|---|---|---|
| Akaka | Hutchinson | Specter |
| Baucus | Rockefeller | Wyden |
| Glenn | Roth | |

The amendment (No. 3011) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3010

The PRESIDING OFFICER. Under the previous order, the Gramm amendment numbered 3010 is agreed to.

The amendment (No. 3010) was agreed to.

AMENDMENT NO. 3016

Mr. LOTT. Mr. President, I understand now that there is one other amendment that will be disposed of without a recorded vote, and then we would be prepared to go to final passage.

But before we do that, I think it is appropriate that we pause just for a few minutes so that Senator DASCHLE, and I, on behalf of the entire Senate, can express our appreciation and our admiration for the distinguished chairman of the Armed Services Committee.

All Senators who would like to express their appreciation and their affection for this distinguished Senator should feel free to do so after the vote on final passage, and put their remarks in the RECORD. I know that every Senator will want to do that.

But I think it is appropriate that we name this bill the ''Strom Thurmond National Defense Authorization Act of 1999.'' Just think for a minute what

this man has done. He is truly one of the legends of the last half century in this country. Certainly he has had a profound impact on the U.S. Senate, with his perserverance, his unfailing gentlemanliness, his respect for each one of us, the institution, and his strong feelings about the importance of national defense for our country.

This is a man who has served in a way that probably would take six others of us to even come close to. He was a two-star major general. He was in the Army Reserve after he served in World War II, where he was a hero, having crashed behind enemy lines. He was a judge. He is an author, an attorney, a schoolteacher, Governor, Senator, and Presidential candidate.

In short, in my opinion, he is ''Mr. Defense'' in the Senate. I think that after all he has done for us as individuals and for this country that it is appropriate tonight that we express our appreciation to him for his leadership, for the tremendous job that he does in getting these important bills through the Senate. They are never easy. The defense authorization bill always takes time and effort. But he is here ready to do battle for what he feels so strongly about—and that is the defense of our country.

So, Senator THURMOND, we thank you for what you have done for this country. We thank you for what you have done in this Senate, and it is a great honor for me to join others in supporting the naming of this legislation in your honor.

Thank you, sir.

I yield the floor.

(Applause, Senators rising.)

Mr. THURMOND. Thank you very much.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I wish to join the majority leader in this tribute this evening and in cosponsoring the amendment to name the 1999 defense authorization bill after the distinguished chairman.

Senator THURMOND joined the Armed Services Committee in January 1959, during the 86th Congress. He has served continuously for 40 years on the committee since then, a truly remarkable achievement.

When Senator THURMOND joined the committee, its membership, included a number of Senators who would go on to greatness, and whose names would become synonymous with a strong national defense: Richard Russell, John Stennis, Henry Jackson, to name a few.

Over the past 40 years, Senator THURMOND's name has become synonymous with a strong national defense.

A lot has certainly changed over the 40 years that our chairman has been on that committee.

One of the first bills the committee addressed in 1959 was a bill to extend the draft. Today, of course, we rely on volunteers—both men and women—to man the force.

When Senator THURMOND joined the committee, the cold war was raging, and the flash points of the Cuban missile crisis was just a few years away. Today, of course, with the collapse of the Soviet empire, the cold war is largely a matter for the history books, and the military is repositioning itself to meet the challenges of the next century.

During Senator THURMOND's tenure on the Armed Services Committee, our Nation's military has responded to the challenges of every sort in every corner of the globe: Western Europe, Vietnam, Middle East, the Caribbean basin, the Persian Gulf, and today in Central Europe.

His steadfast commitment to national defense, and to the men and women in uniform, has been instrumental in ensuring that our military has always been ready to answer the call whenever and wherever needed.

From the day he was first commissioned as a Reserve second lieutenant in 1924 until today where he serves as the chairman of the Committee on Armed Services, STROM THURMOND has dedicated his life to national service and America's military.

I don't know of a more fitting tribute or a more fitting way with which to say thank you to this leader, to this patriot than to name the defense authorization bill after him tonight.

On behalf of all of our colleagues, I congratulate our chairman, STROM THURMOND.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, words cannot express how I feel. I thank the majority leader and the minority leader for those kind words.

It has been a pleasure to serve in the Senate and serve on the Armed Services Committee all these years. We have the greatest country in the world. And what is more important than national defense, preserving this Nation that serves us all so well, gives us more freedom, more liberty than any country in the world?

I thank from the bottom of my heart Senator LOTT, the distinguished majority leader, and the distinguished minority leader for what he had to say. And I thank all of you for your cooperation. We could not have gotten through this bill or all the other bills in the past without your cooperation. Every one of you are true patriots. We are proud of you.

And, again, all I can say is thank you, thank you, thank you.

(Applause, Senators rising.)

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I urge the adoption of the Warner-Levin-Lott-Daschle amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3016) was agreed to.

Mr. WARNER. Now, Mr. President, the remaining item prior to final passage is the Burns amendment, and according to the unanimous consent request relative to MilCon, 5 minutes equally divided, McCain second-degree amendment to the Burns amendment, Senator MCCAIN recognized for 5 minutes, and Senator STEVENS not to exceed 10 minutes.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2728

Mr. BURNS. Mr. President, we offered this amendment earlier in the evening, and we gave our points as to why this addition of 22 new projects is being put on the defense authorization.

These are quality-of-life projects. All of them stood the criteria of being added and requested by the Defense Department, and so we added them, because if there is one thing that we are noticing as we visit our bases around this country and around the world, it is a deteriorating quality of life and also the retention—keeping some of our most skilled military people in place.

So in this bill, all these projects have passed the criteria. They are for child care centers and health care centers, living quarters, and dining facilities and recreation facilities that have been requested by our military.

I thank the managers for accepting this, and I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be brief; the hour is late.

We have presently, Mr. President, 11,800 families who are eligible for food stamps. We have a hemorrhaging of qualified men and women out of the military. We are now dropping down, as far as our standards for recruiting, to a lower level than any time since the Vietnam war.

All objective observers recognize that we are not modernizing our force, nor are we maintaining a level of readiness that is necessary obviously to carry out our responsibilities. And what we are finding more and more is an increasingly dangerous world. So when, as happens around here from time to time, $200 million was found and appeared, of course one might suppose that those pressing issues might be addressed. But, no; they came up with a list of 22, guess what, MilCon projects.

I looked at the MilCon projects and examined them and had some study done by experts, and I could find only one commonality to these projects, and that is that 90 percent of them happened to be in the State or districts of members of the Appropriations Committees.

I also found out that the Army got nine projects, one of which was on the unfunded priority list of the Chief of Staff of the Army. Two projects were removed from the original amendment because they could not be completed in the Future Years Defense Plan. So did the committee go to the list of priorities to find the next two most deserving projects? No. They found two other

low priority projects from the same State.

The Air Force had 40 items of higher priority projects on this list, only 40, about $2 billion worth of projects which were assessed by the Air Force to be a higher property. The Army had nearly $2.5 billion worth of higher priority projects than any of these projects. The Navy's list of unfunded priorities totaled $2.1 billion. Funding anything on the unfunded priority list of the Chief of Naval Operations would have been a higher priority since not one of these projects—not one—was on the list of the Chief of Naval Operations.

The facts here are very interesting: 67 percent of the 27 projects were not scheduled to be funded until the last 2 years of the Future Year's Defense Plan.

As I said before, not a single one was on the priority list of the Navy. None of the Air Force's top six unfunded quality-of-life projects made this list. Only 1 of the top 15 did. Ninety percent, as I mentioned, of the construction projects in the amendment are to be built in the States or districts of Senate and House Appropriations Committee members.

Half of the added projects are for the Air Force. The Air Force is a fine, fine service, my friends, but it is the service that claims it will be able to meet the new one-plus-one barracks living standard a full 10 years ahead of any of the other services.

The Marine Corps gets one project—one project—and it was second to the last on the Commandant's list. This is a service that will take nearly 40 years to meet the same standard as the Air Force 33 years after the Air Force. The Navy gets 25 percent of the total number of projects and 14 percent of the money. What is more egregious is the fact that the Navy won't get one priority project that the Navy asked for.

Mr. President, these are quality-of-life projects. The Senator from Montana is right. But no objective observer can view this list as in any way addressing first the requirements of the military and much needed improvements in the military, much less the military construction projects that are needed.

Mr. President, as I have said at the beginning of my comments, we live in a very dangerous world. We will have some serious foreign policy crises. I am not sure we have the military that is capable of meeting some of these foreseeable threats, but I know that what we are doing with this $200 million will not do a single thing to improve our ability to meet that threat.

I yield back the remainder of my time.

Mr. ROBB addressed the Chair.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, does the Senator from Virginia seek time? There is only 10 minutes remaining. Does he seek time?

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used his time.

Mr. STEVENS. I do seek to understand if the Senator from Virginia wishes to have some of the 10 minutes. I would be happy to yield some time.

Mr. ROBB. If the Senator from Alaska would be kind enough to yield me 30 seconds.

Mr. STEVENS. I yield the Senator 30 seconds.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Chair, and I thank my friend, the Senator from Alaska.

I simply remind our fellow Senators that the force structure and end strength of our armed services have been cut 30 percent in recent years. Our overseas commitments have increased significantly. Our funding for procurement is down 70 percent. If we are going to support the soldiers, sailors, airmen, and marines who protect this country, we need to make certain that we provide for the kinds of priorities that will support them. And I join my friend from Arizona in being a scold on this particular issue. I know it is popular, but we are not doing enough to provide the kind of support that we need for our services today. This is popular, but it is not the right kind of priority.

I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, military construction is down $2 billion from 2 years ago. It is down $700 million from last year. This is not an increase. To the contrary.

I do want to assure my friend from Arizona, if there was some test that these projects had to be for members of the Appropriations Committee, I can assure him there would be one for Alaska. There are none for Alaska on this list. This is not a pork list. This is a list that was prepared by our staff, the staff of the subcommittee headed by Senator BURNS and part of the full committee staff working with the staff from the Pentagon to find quality projects that could be commenced in this next year that are ready to go.

We have, I think, a very good list. In times gone by, people have said we should not proceed with these projects unless they are authorized, so we brought this amendment to this authorization bill to be sure they would be authorized.

This is not an increase. We still will be $700 million below 1998 and $2 billion lower than 1997. I urge that Senator BURNS' amendment be adopted.

I yield back the remainder of our time.

Mr. KERRY. Will the Senator yield?

Mr. STEVENS. I yield to the Senator from Massachusetts 1 minute, if he wishes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to share with colleagues the feelings expressed both by the Senator from Arizona and the Senator from Virginia. In the course of the last months, I heard from an extraordinary number of our people in uniform who are increasingly pressured in ways that I think a lot of us have not necessarily been particularly sensitive to or yet taken into account.

The operations pace, the pace of employment is such that even those Reserve units that get called up and taken over to whether it is Bosnia or elsewhere, find themselves reassigned in certain ways that suddenly put them out on unemployment again.

The tension on families is having a profound impact on morale through all the services. But in addition to that, the retention rate for some of our most highly trained, highly skilled personnel is on a rapid declining trend.

I think we have an enormous amount of bipartisan thinking to do about how we are going to address this new structure and these new demands. It is service by service. The Coast Guard—Admiral Kramek, who retired a few weeks ago, made very profound comments about the tensions in the Coast Guard with the increased duties they have. I think that is service to service.

I simply say this is something we need to consider. It has a profound impact on all of us, and I suppose we will.

I guess the other question I have is how the other 10 percent got in there.

Mr. STEVENS. I only yielded 1 minute. I am sorry. I will only say this: The most important thing in retention is quality of life and treating military families properly. These are projects that are all quality-of-life projects. We do not have any pork in this amendment.

The Senator from Washington wishes to have time. Let me yield to the Senator——

The PRESIDING OFFICER. The Senator has 6 minutes 32 seconds left.

Mrs. MURRAY. I ask for 1 minute.

Mr. STEVENS. I yield the Senator 1 minute.

Mrs. MURRAY. Thank you, Mr. President. As the ranking member on military construction, I assure my colleagues that we have worked very, very carefully this year to go through the numerous requests and the needs of the military. We are extremely aware of the quality-of-life needs of our military, and they are reflected in this amendment that is before us.

This amendment adds child-care centers, inadequate housing conditions, old dining facilities and lack of physical fitness centers. These are quality-of-life issues.

I have traveled out and talked to men and women on the military bases. These are the issues they are asking us to address, and these are the ones that are addressed in this amendment. We worked very carefully in a bipartisan way to put these forward. I assure my colleagues we have done it in a fair

manner with the needs of the quality of life of our men and women in the military in mind.

Mr. STEVENS. Mr. President, during the last recess, I took a group of our people to Kuwait, Saudi Arabia, Bosnia and Belgium. We talked personally with members of the armed services and questioned them about their decisions, some of them, not to re-enlist.

When we come back from the recess, we will have the defense appropriations bill before us. There are initiatives in there to deal with retention, to deal with additional quality-of-life issues, and to deal with some of the basic problems with which the young people in our military service are really trying to cope.

Mr. President, I had breakfast this morning with the Chairman of the Joint Chiefs. One of the great problems we have in deploying people now is very often husband and wife are in the same unit, and they are subject to being deployed. We have to have, literally, foster parents to assure that these families are treated right while husband and wife are deployed abroad.

This is not a simple matter to deal with, and it does take money for military construction to meet these needs. I hope that the Senate will be ready for a debate when we get to the appropriations bill, because there are some very controversial issues in there that we seek to initiate to try to deal with the problems of families in the armed services today.

I urge you to approve this as a quality-of-life amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. WARNER. I urge adoption of the amendment by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2728) was agreed to.

Mr. WARNER. Mr. President, I ask for the yeas and nays on final passage.

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 the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? 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 Delaware (Mr. ROTH) is necessarily absent.

I further announce that the Senator from Arkansas (Mr. HUTCHINSON) is absent due to a death in family.

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), the Senator from Ohio (Mr. GLENN), the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

I also announce that the Senator from Oregon (Mr. WYDEN) is absent because of family illness.

I further announce that, if present and voting, the Senator from Oregon (Mr. WYDEN) would vote ''aye.''

The result was announced—yeas 88, nays 4, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—88

| | | |
|---|---|---|
| Abraham | Faircloth | Lott |
| Allard | Feinstein | Lugar |
| Ashcroft | Ford | Mack |
| Bennett | Frist | McCain |
| Biden | Gorton | McConnell |
| Bingaman | Graham | Mikulski |
| Bond | Gramm | Moseley-Braun |
| Boxer | Grams | Moynihan |
| Breaux | Grassley | Murkowski |
| Brownback | Gregg | Murray |
| Bryan | Hagel | Nickles |
| Burns | Hatch | Reed |
| Byrd | Helms | Reid |
| Campbell | Hollings | Robb |
| Chafee | Hutchison | Roberts |
| Cleland | Inhofe | Santorum |
| Coats | Inouye | Sarbanes |
| Cochran | Jeffords | Sessions |
| Collins | Johnson | Shelby |
| Conrad | Kempthorne | Smith (NH) |
| Coverdell | Kennedy | Smith (OR) |
| Craig | Kerrey | Snowe |
| D'Amato | Kerry | Stevens |
| Daschle | Kohl | Thomas |
| DeWine | Kyl | Thompson |
| Dodd | Landrieu | Thurmond |
| Domenici | Lautenberg | Torricelli |
| Dorgan | Leahy | Warner |
| Durbin | Levin | |
| Enzi | Lieberman | |

NAYS—4

| | |
|---|---|
| Bumpers | Harkin |
| Feingold | Wellstone |

NOT VOTING—8

| | | |
|---|---|---|
| Akaka | Hutchinson | Specter |
| Baucus | Rockefeller | Wyden |
| Glenn | Roth | |

The bill (S. 2057), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. WARNER. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, as a wind-up, I would like to speak for about 3 minutes.

Mr. President, I want to thank my colleagues for their support of this bill. It was their suggestions and comments that make this a strong bill—a bill that I am extremely proud will bear my name. I appreciate the support of the able majority leader, Senator LOTT. As a former member of the Armed Services Committee, I know he recognizes the importance of this bill to the Nation and our military. I thank the able minority leader for his fine cooperation and leadership.

Mr. President, I want to thank the members of the Armed Services Committee for their loyalty and support over the past years. I want to especially recognize Senator WARNER for his leadership during the past hours. It will serve him well in the future.

Finally, I want to recognize Senator CARL LEVIN, the ranking member of the Armed Services Committee. During the past 2 years, he has been my friend and counsel. I have the highest respect for his abilities and concern for the security of our Nation, I shall always call him my friend.

In closing, I want to recognize the hard work of the staff—both on the committee and in the personal offices. Under the leadership of the staff directors Les Brownlee and David Lyles; they have accomplished wonders.

I would be remiss if I did not recognize the work of the floor staff. They have spent countless and dedicated hours supporting the Senators and our staffs. Without their efforts, it would have been impossible to pass this bill.

Mr. President, this is a good bill for our Nation and most important to the men and women who wear the uniforms of our military services. It is and always will be my greatest honor to be associated with these patriots.

I thank the President and yield the floor.

Mr. LEVIN. Mr. President, let me join Senator THURMOND, our chairman, in thanking a number of people, the members of our committee. Let me not single out anybody, but I do want to pay a special tribute to Senator WARNER, Senator THURMOND's loyal lieutenant, who really worked along with Senator THURMOND and made it possible.

We have great members of this Armed Services Committee who worked with us on a bipartisan basis—David Lyles on our side and staff on our side, Les Brownlee and staff on the Republican side, working together, all the time, to try to fashion a bill on which all of us at the end can come together.

We want to thank our leaders, Senator LOTT, Senator DASCHLE who worked so hard to make this kind of effort happen in just a few days. It seemed like a long period of time this was on the floor, but as complicated a bill as this is, and involving as many issues and as much money as this bill does, we really, I think, disposed of this bill with great dispatch as well as bipartisanship.

This bill is a tribute to Senator THURMOND. Many have paid tribute to him tonight, and I won't repeat that except to say I will always remember this evening, naming a bill that strengthens our national security after Senator STROM THURMOND, who has meant so much to the national security of this country.

It has been a real pleasure and an honor to work with Senator THURMOND. I know that my staff, our staff here, as well as all the members of the committee on both sides of the aisle felt very, very good that this bill was named after Senator STROM THURMOND.

Mr. WARNER. Mr. President, I first want to thank my distinguished chairman who has been like a big brother to

me during my 19 years on the Senate and whose steady hand has remained on the helm of this committee for years, to give us the guidance and counsel that is so valued by all of us. All members of the Armed Services Committee have joined in the tribute.

I ask unanimous consent all members of the Armed Services Committee be made cosponsors of the amendment that the distinguished Senator from Michigan and I, together with our respective leaders, put forward.

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

Mr. WARNER. Now, Mr. President, I join Senator THURMOND and Senator LEVIN in extending our great appreciation to Colonel Brownlee, George, David Lyles, and all others, and those who represent the Senators who have worked so hard on this bill and could not. We could not have a bill of this magnitude without their help. That is night and day and weekends. Colonel Browning said there would be no weekend off this weekend. I hate to pass that on.

Mr. President, I thank my distinguished colleague from Michigan. We came to the Senate together, and God willing, we will work together in future years. We so rarely have a cross word between us. I thank him for his kind remarks.

Mr. President, now on behalf of the distinguished chairman, Mr. THURMOND, I ask unanimous consent that S. 2057, as amended, be printed as passed.

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

Mr. WARNER. On behalf of the distinguished chairman, I ask further unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 2058 through S. 2060, Calendar Order Numbers 365, 366, and 367; that all after the enacting clause of those bills be stricken and that the appropriate portion of S. 2057, as amended, be inserted in lieu thereof, as follows:

In lieu of S. 2058, Insert Division C of S. 2057, as Passed;

In lieu of S. 2059, Insert Division B of S. 2057, as Passed;

In lieu of S. 2060, Insert Division A of S. 2057, as Passed; and that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

I further ask unanimous consent that the Senate Report No. 105–189, the report to the Committee on Armed Services on S. 2060, be deemed to be the report of the committee accompanying S. 2057.

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

The bill (S. 2058) was deemed read the third time and passed.

(The text of S. 2058 will appear in a future edition of the RECORD.)

The bill (S. 2059) was deemed read the third time and passed.

(The text of S. 2059 will appear in a future edition of the RECORD.)

The bill (S. 2060) was deemed read the third time and passed.

(The text of S. 2060 will appear in a future edition of the RECORD.)

Mr. WARNER. On behalf of our distinguished chairman, Mr. President, with respect to H.R. 3616, the House-passed version of the National Defense Authorization Act for Fiscal Year 1999, is named in honor of our distinguished chairman. I ask unanimous consent that the Senate turn to its immediate consideration; that all after the enacting clause be stricken and the text of S. 2057, as passed, be submitted in lieu thereof; that the bill be advanced to third reading and passed; that the title of S. 2057 be substituted for the title of H.R. 3616; that the Senate insist on its amendments to the bill and the title and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses and the Chair be recognized to appoint conferees; that the motion to reconsider the above-mentioned vote be laid upon the table; and that the foregoing occur without intervening action or debate.

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

The bill (H.R. 3616), as amended, was considered, read the third time, and passed.

The PRESIDING OFFICER appointed Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND, conferees on the part of the Senate.

## UNANIMOUS CONSENT AGREEMENT—S. 2057, S. 2058, S. 2059 and S. 2060

Mr. WARNER. Mr. President, I ask unanimous consent with respect to S. 2057, 2058, 2059 and 2060, as just passed by the Senate, that if the Senate receives the message with respect to any one of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees; and that the foregoing occur without any intervening action or debate.

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

Mr. WARNER. Mr. President, I advise the Chair that there are no further matters relating to this important piece of legislation.

I thank the Chair.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business until 11:30, with Senators permitted to speak therein for up to 10 minutes each.

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

### RETIREMENT OF COLONEL RON FRANKS

Mr. THURMOND. Mr. President, I rise today to honor a fine Marine Officer, Colonel Ron Franks, the Deputy Legislative Assistant to the Commandant of the Marine Corps, who will soon retire from active duty.

Colonel Franks' career began more than twenty-five years ago, following his graduation from the University of Central Texas, when he became a Marine aviator flying the venerable Huey helicopter. A few years later, Ron Franks switched from rotor wing aircraft to fixed wing, becoming a C–130 pilot, but flying some of the world's most advanced aircraft would not be the limit of this officer's duties.

In a career as long as the one Colonel Franks has had, one is bound to have some interesting and challenging tasks and assignments. In the case of Ron Franks, his experiences have ranged from leading Marine aviators into combat during Operation Desert Storm as the squadron commander of VMGR–252 to helping the Commandant of the Marine Corps monitor the activities of the Legislative Branch. Without question, he was most efficient and successful in his duties monitoring Congress and working to represent the interests and concerns of the Marine Corps. Additionally, the Colonel is a graduate of the Naval War College, and earned a master's degree in business administration from Boston University, both of which are excellent indications not only of his commitment to seeking professional and personal improvement, but of the high caliber individual who serves as an officer of Marines. Finally, in almost three decades of service, Ron Franks has amassed an impressive list of awards and recognitions which include the Defense Meritorious Service Medal, the Meritorious Service Medal, and the Navy and Marine Corps Commendation Medal.

As Colonel Franks prepares to end his military service, I am certain that he will be missed by all those who have worked with him and come to know him. He has rendered the Nation a great service through his career as a Marine Officer and we are grateful for the sacrifices he has made in order that the United States may remain free and safe. I wish Colonel Franks, his wife Debby, and their children Kristen and Kimberly much health and happiness in the years ahead.

## 60TH ANNIVERSARY OF THE FAIR LABOR STANDARDS ACT

Mr. KENNEDY. Mr. President, sixty years ago today, President Roosevelt signed into law an historic piece of legislation. The Fair Labor Standards Act established a number of basic protections for workers, including one of the great landmarks of American law—the federal minimum wage.

President Roosevelt called that Act ''the most far-reaching, far-sighted program for the benefit of workers ever adopted here or in any other country.''

And he was right. 700,000 workers got a raise in 1938. The minimum wage helped pull the country out of the Great Depression. And, in the decades that followed, it helped to lift millions of working families out of poverty.

Our standard of living has improved steadily and dramatically since 1938. And, for thirty years, the minimum wage kept pace with those improvements.

But the last thirty years have seen an about-face. The real value of the minimum wage has dropped steeply since 1968. To have the purchasing power today that it had thirty years age, the minimum wage would have to be $7.38 and hour—40% higher than its current level of $5.15.

Working 40 hours a week, 52 weeks a year, minimum wage workers today earn just $10,700 a year—$2,900 below the poverty level for a family of three. In the midst of what many experts are calling ''the best economy ever,'' 12 million Americans are earning poverty-level wages.

For them survival is the daily goal. If they work hard enough and their hours are long enough, they can make ends meet—but only barely. They don't have time for their families. They can't participate in activities with their children. They can't afford to buy birthday presents or do the countless other things that most of us take for granted.

We know who minimum wage workers are. They are teachers' aides and home health aides. They care for our children in child care centers and our parents and grandparents in nursing homes. They sell us goods at the corner store, and serve us coffee at the local coffee shop.

They clean office buildings in communities across the country.

They are workers like Valerie Bell, a custodian for a contractor in Baltimore, who told us what a higher minimum wage means in human terms. For workers and their families, it means far more than dollars and cents. It means dignity. As she said, ''We no longer have to receive food stamps or other social services to supplement our incomes. We can fix up our homes and invest in our neighborhoods. We can spend more at the local grocery store.

We can work two low-wage jobs, rather than three low-wage jobs, and spend more time with our families. Our utilities won't be cut off. We can pay the medical bills we accumulated from not having health benefits in our jobs.''

That's why we say now is the time to raise the minimum wage. Our proposal will raise the minimum wage by 50 cents on January 1, 1999 and 50 cents more on January 1, 2000—bringing the minimum wage to $6.15 an hour at the turn of the century. Twelve million working families across the country deserve no less.

Our Republican friends just cut capital gains taxes for the wealthiest Americans by more than $300 million over the next five years. Yet they oppose giving minimum wage workers an additional $1 an hour. ''Let them eat cake,'' they say.

Plums for the rich and crumbs for everyone else is the wrong priority. We need to do more for hard-working families in communities across America, and we can do more. We can raise the minimum wage. And with the strong support of President Clinton and Democrats in the Senate and House, we will raise it.

I intend to offer the minimum wage on the first available legislation after the July 4th recess. No one who works for a living should have to live in poverty.

Mr. FEINGOLD. Mr. President, I rise today to commemorate the anniversary of the passage of the Fair Labor Standards Act and the establishment of the federal minimum wage. For sixty years, this law has provided hard-working Americans a promise—a promise that, in this country, we value the labor of all of our workers.

Over the last several decades, we have kept that promise by periodically raising the minimum wage. We have passed legislation six times since 1955 to ensure that this vital safety net is not just symbolic, but, instead, a true standard of decency. It is time to do this again.

Just like investors who expect a fair return for the money they put into the stock market, workers should expect a fair return for the labor they invest. In today's thriving economy, investors have gotten back more than they could have hoped for. Those making minimum wage, however, have seen a declining return on their investment. An hour of work does not give back what it used to.

In 1997 dollars, the minimum wage of today is more than two dollars less than what it was in the late 1960s. Our parents' generation had a minimum wage equivalent to $7.33. Now our children—despite an unparalleled booming economy—are faced with a minimum wage that places them below the poverty level.

That, Mr. President, is outrageous. People who work forty hour weeks year round, trying to provide for themselves and their families, are finding that their efforts are just not enough.

Perhaps, most troubling of all, this low minimum wage is having a disproportionately devastating effect on working moms. Sixty-two percent of all minimum wage workers are women, many the sole heads of their households. Where do these moms turn when they can't provide for their hungry children?

Many have been forced to seek outside assistance. Last year, a US Conference of Mayors study indicated that eighty-six percent of cities reported an increased demand for emergency food assistance. Thirty-eight percent of those people seeking food at soup kitchens and shelters were employed. This is an increase of fifteen percent since 1994.

This new trend is alarming. In a nation as great as ours, in a time as prosperous as this one, we should guarantee the American people that, if they are willing to work, then they will be able to live off of their income; they will be able to feed their children; they will be able to afford clothing and shelter, and they will be able to live their lives with basic dignity and fair compensation.

I call upon my colleagues to raise the minimum wage so that we can help millions of working people lift themselves up from poverty. Opponents of the minimum wage claim that we cannot afford to do this. But, for the most vulnerable in America's workforce, the truth is that we simply cannot afford not to.

## TRULY A BRIGHT IDEA: NO COST TO TAXPAYERS

Mr. HELMS. Mr. President, it is an exciting development that the electrical cooperatives in North Carolina are improving public education and the quality of classroom instruction without spending a dime of the taxpayer's money.

Since 1994, the electrical cooperatives in my state have sponsored a grant program for teachers called ''Bright Ideas'', and it has been a roaring success—encouraging creative teaching by awarding grants of up to $2,000 to K–12 teachers in annual competitions. There is no restriction on subject matter to apply; in fact, Mr. President, teachers are not required to teach in a cooperative service area to compete.

Teachers need only to show that they are using original, innovative ideas to improve the education of young people. These new teaching methods range from reading and music programs to creative math and science programs; from research involving computers and video technology to career-oriented programs to prepare teenagers for the working world. 2,000 teachers applied to cooperatives for grants this year, and more than 400 classrooms in North Carolina became ''Bright Ideas'' classrooms.

Mr. President, North Carolina's electric cooperatives operate in 93 of our 100 counties, providing power to almost a quarter of our state's population. Most members of these cooperatives aren't walking around with deep-pockets. They're hard-working folks in rural areas who recognize the value of a good education.

The ''Bright Ideas'' program initiated by these fine people continues to flourish. In 1994, North Carolina's electric cooperatives authorized a collaborative statewide effort and allocated $225,000 annually for Bright Ideas for a five-year period. But a funny thing happened, Mr. President. These grants proved so successful that individual cooperatives are getting into the act and supplementing already allocated funds with money of their own. Their initiative will allow the cooperatives to award more than $1 million dollars in grants a full year ahead of schedule.

In fact, Chuck Terrill, Executive Vice-President and CEO of the North Carolina Electric Membership Corporation says that ''Bright Ideas'' grants for North Carolina's school will top $1.5 million by the end of the 1998–1999 school year.

Mr. President, ''Bright Ideas'' is just one of the many ways the members of North Carolina's electric cooperatives help their communities and support their public schools. I congratulate them for seeing a need and providing precious resources to challenge the children in North Carolina's classrooms.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 24, 1998, the federal debt stood at $5,503,890,151,659.51 (Five trillion, five hundred three billion, eight hundred ninety million, one hundred fifty-one thousand, six hundred fifty-nine dollars and fifty-one cents).

One year ago, June 24, 1997, the federal debt stood at $5,336,558,000,000 (Five trillion, three hundred thirty-six billion, five hundred fifty-eight million).

Five years ago, June 24, 1993, the federal debt stood at $4,304,357,000,000 (Four trillion, three hundred four billion, three hundred fifty-seven million).

Ten years ago, June 24, 1988, the federal debt stood at $2,527,474,000,000 (Two trillion, five hundred twenty-seven billion, four hundred seventy-four million).

Fifteen years ago, June 24, 1983, the federal debt stood at $1,303,410,000,000 (One trillion, three hundred three billion, four hundred ten million) which reflects a debt increase of more than $4 trillion—$4,200,480,151,659.51 (Four trillion, two hundred billion, four hundred eighty million, one hundred fifty-one thousand, six hundred fifty-nine dollars and fifty-one cents) during the past 15 years.

## U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JUNE 19TH

Mr. HELMS. Mr. President, the American Petroleum Institute has reported that for the week ending June 19 that the U.S. imported 7,883,000 barrels of oil each day, more than a quarter million (253,000) barrels a day more than the 7,630,000 imported during the same week a year ago.

Americans relied on foreign oil for 55.5 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States imported about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

All Americans should ponder the economic calamity certain to occur in the U.S. if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 7,883,000 barrels a day at a cost of approximately $78,908,830 a day.

## SUPREME COURT'S LINE ITEM VETO DECISION

Mr. LEAHY. Mr. President, today the United States Supreme Court held the Line Item Veto Act unconstitutional. I voted against that Act when it was considered by the Senate and joined the senior Senator from West Virginia and others in warning giving the President, any President, line item veto authority would result in a dramatic shift in power from the legislative branch to the executive branch that was inconsistent with the constitutional principles of separation of powers. We warned that this shift in power that would damage our fundamental principle of majority rule, encourage horse trading between Members of Congress and the President, and not reduce the deficit in any meaningful way. Unfortunately, all of those warnings have come true.

In 1997 I called upon Congress to admit its mistake and repeal this unconstitutional Act before the courts struck it down. Congress was given a second opportunity to correct its ill-considered action when the Supreme Court dismissed, on the limited ground of lack of standing, the challenge brought by Senator BYRD. In that case, Byrd v. Raines, District Judge Jackson had ruled that the Act violated the Constitution.

Having failed to do its job properly, the majority in Congress is now confronted with a Supreme Court that was forced to do the Congress' job. Consistent with its judicial power under the Constitution, the Supreme Court has once again had to preserve the Constitution from legislative attack. As it did when it defended the First Amendment from being undermined by the so-called Communications Decency Act, and when it defended federalism against the encroachment of the Brady Act, here again the Supreme Court has been called upon to preserve, protect and defend the Constitution. As a Senator who voted against these measures in spite of their momentary popularity, and as a Vermonter who cherishes the Constitution and the freedoms that it guarantees, I thank the Court for its service.

I have long been concerned that the line item veto encourages minority rule by allowing a presidential item veto to stand with the support of only 34 Senators or 146 Representatives. That is not majority rule. Those anti-democratic super-majority requirements are fundamentally at odds with the principles underlying legislative action.

Our Founders rejected such super-majority requirements on matters within Congress' purview. Alexander Hamilton described super-majority requirements as a ''poison'' that serves ''to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority.'' Such super-majority requirements reflect a basic distrust not just of Congress, but of the electorate itself.

In addition, these super-majority requirements hurt small states, like my home State of Vermont, by upping the ante for those who dare take on the President. Under the line item veto, Members from small states have to convince two-thirds of each House to override the President's veto for the sake of a project. With Vermont having only one representative in the House, why would other Members risk the President's wrath to help us with a vetoed project? It is truly a task for Hercules to override a veto. Just look at the record—of the more than 2,500 Presidential vetoes in our history, Congress has been able to override 105.

As the senior Senator from West Virginia has so forcefully argued, we should tread carefully when expanding the fiscal powers of the presidency. The line item veto would have weakened one of the fundamental checks and balances that form the separation of powers under our Constitution. The line item veto would have handed over the power of the purse to the President.

I have heard the howls of some of my colleagues who lost worthy appropriations since the approval of the line item veto. And what if the President makes a mistake by line item vetoing a worthy project? The Administration even admitted that it mistakenly vetoed some projects. Do Senators trust the bureaucrats over at the Office of Management and Budget to decide, within a few short days, which projects are deserving and which are not? Is that consistent with the Founders' vision?

I was born and raised in Vermont and go home almost every weekend. I am confident that I have a better sense of Vermont than someone who thinks Vermont is an avenue that lies somewhere between K and L streets in northwest Washington, D.C.

Let us keep the power of the purse with Congress—where it belongs. As the Ranking Member of the Foreign Operations Subcommittee of the Appropriations Committee, I am frequently called upon to visit emerging

democracies. I often hear praise of our system of checks and balances and, in particular, the genius of having the power to spend reside in the legislative branch, not the executive. Many officials from new democracies believe that a legislature's power over the purse is the best weapon to fight the tyranny of a dictatorship. They have been there. They know. And it has proven to be so historically.

In his concurring opinion today in Clinton v. City of New York, Justice Kennedy noted:

> Separation of powers helps to ensure the ability of each branch to be vigorous in asserting its proper authority. . . . By increasing the power of the President beyond what the Framers envisioned, the statute compromises the political liberty of our citizens, liberty which the separation of powers seeks to secure.

As I said in the Senate debate on the Line Item Veto Act and in Senate debate on proposals to amend the Constitution with a balanced budget amendment, the Constitution is as good a law as has been written. That is why it has survived as the supreme law of the land with so few alterations throughout the last 200 years. It has contributed to our success as a nation by binding us together, rather than tearing us apart.

It contains the Great Compromise that allowed small states and large states to join together in a spirit of mutual accommodation and respect. It embodies the protections that make real the pronouncements in our historic Declaration of Independence and give meaning to our inalienable rights to life, liberty and the pursuit of happiness.

The Constitution requires due process and guarantees equal protection of the law. It protects our freedom of thought and expression, our freedom to worship or not as each of us chooses, and our political freedoms, as well. It is the basis for our fundamental right of privacy and for limiting government's intrusions and burdens in our lives.

I have opposed what I perceive to be a growing fascination with laying waste to our Constitution and the protections that have served us well for over 200 years. The First Amendment, separation of powers and power of the purse should be supported and defended. That is the oath we all swore when we entered this public service. That is our duty to those who forged this great document, our responsibility to those who sacrificed to protect and defend our Constitution, our commitment to our constituents and our legacy to those who will succeed us.

In this Congress we have seen over 100 constitutional amendments proposed. Yesterday, the Judiciary Committee voted to report an amendment that would cut back on the First Amendment for the first time in our nation's history. Today, the Committee was considering a second proposed amendment to the Constitution in as many days. Proposed amendments to our fundamental charter require consideration whether they are, in the language of Article V of the Constitution, constitutionally ''necessary''. I hope that we will not burden the states with a hodgepodge of poll-driven, popular sounding constitutional amendments.

This Senate only barely rejected the balanced budget amendment to the Constitution last year. I recall all too well when we were told that we could never achieve a balanced budget without a constitutional amendment. I recall the stacks of deficit-laden federal budgets proposed by Republican and Democratic Presidents since President Johnson and being told that the only answer to annual budget deficits was to pass an ill-conceived constitutional amendment whose terms and effects could not be explained.

I asked then why it is necessary to seek to amend the Constitution? If Congress could get close to a two-thirds majority vote to support a constitutional amendment declaring that we would normally balance the budget, we should be able to achieve a simple majority that will actually vote to reduce the deficit and pass a balanced budget.

I defended the Constitution during the course of the balanced budget amendment debate last year and this year President Clinton sent us the first balanced budget in almost 30 years. What some said could not happen without a constitutional amendment, did happen. With cooperation in the Congress, we can enact the first balanced budget since 1969, and we will have done it without inserting a fiscal straightjacket on future generations into the text of the United States Constitution.

They said it could not be done, but it can, as a result of the sound fiscal policies of this Administration which have led not only to balance but to the prospect of budget surplus. In 1993, a Democratic Congress put us on the right road to fiscal responsibility when we took the hard votes and passed the President's plan. This Congress should culminate that extraordinary 5-year effort without further delay.

April 15 was the legal deadline for Congress to have passed a budget resolution. While the Senate did some preliminary work on a flawed proposal earlier this year, Congress is recessing again this week without completing this fundamental task. The Senate should spend less time seeking to rewrite the work of the Framers and show more courage in completing its legislative responsibilities.

I hope that as Congress leaves for the Independence Day recess, we will reflect on what makes this country great, and that the majority will return committed to completing work on a balanced budget to serve the American people without additional delay. It should be balanced in two senses: It should be a balanced series of proposals to meet the health, education, environmental and law enforcement needs of the country. And it should also, for the first time in almost three decades, be a budget that will not rely on deficit financing.

Completing action on the budget is the first step toward Congress taking action on the annual appropriations bills that are so important to the government programs that protect the environment and assist State and local governments with education and law enforcement. Those contracting with the government, those working in partnership with government services and those dependent on government services deserve better. Americans deserve peace of mind and the assurance that their government is working. Congress needs to complete its budget and appropriations legislation so that the agencies and service providers can plan programs, pay workers and serve the American public in an effective manner.

It is high time for the congressional leadership to do its job and for the Congress to get on about the business of governing. Congress should not be taking breaks without having completed the work of the people. Such callous disregard for the needs of the American people has become too much the rule as year after year under Republican leadership Congress recesses without having completed its work on emergency supplementals, budgets, and appropriations bills. Republican congressional leadership is well-known for shutting down the government by not completing work on these basic measures in a timely way.

The Senate will also recess again this week without having passed a strong tobacco bill. Tobacco legislation is now added to the litany of important matters the Congress has left unfinished—added to the budget, campaign finance reform, and the prompt consideration of the many fine men and women the President has nominated to long vacant federal judgeships across the country.

I urge that when Congress reconvenes in July and in the 11 weeks in session left in this congressional year, it take seriously its responsibilities to the American people and show respect and appreciation for the Constitution by working to fulfil our legislative responsibilities.

## ARIZONA'S ELECTRIC POWER COMPETITION ACT

Mr. KYL. Mr. President, I rise today as a member of the Senate Energy and Natural Resources Committee to call attention to newly enacted legislation in my state of Arizona that stands as a model for opening electric power markets to competition and customer choice.

Under the Electric Power Competition Act signed into law May 29 by Arizona Governor Jane D. Hull, Arizona's public power utilities must open 20 percent of their markets to competition

by December 31 of this year and 100 percent to competition by December 31, 2000.

Residents, businesses, and multi-national corporations served by companies like the Salt River Project, a public power and water utility serving 670,000 customers in the greater Phoenix area, will gain more control over where they spend their energy dollars. Customers will be able to shop for savings among sources of electricity, ultimately choose billing and metering providers, and still depend on their local utility to provide reliable electric delivery and power backup services.

The Arizona legislation requires affected utilities to reduce rates for smaller customers at least 10 percent, as measured over a 10-year period, and caps rates for larger customers who choose to stay with their local utility. To protect consumers against deceptive marketing practices, power marketers can enroll customers only through written, signed contracts—a provision specifically aimed at stopping the notorious ''slamming'' and ''cramming'' abuses that have occurred with telephone deregulation. Strict enforcement measures are included for companies that fail to comply. The legislation also mandates that Arizona public utilities develop and pay for comprehensive public education programs to inform customers about their choices.

While the new law does not apply to investor-owned utilities under jurisdiction of the Arizona Corporation Commission, it creates a relatively uncomplicated means for opening Arizona's entire electric market to competition. It will encourage the transition from monopoly to competitive services within a reasonable timeframe, and will allow utilities to recover costs of past investments made to meet growth needs, but that could become ''stranded'' in a competitive market.

Improved services, economic efficiencies and new technologies should be among outcomes. At the same time, the legislation offers Arizona electric customers and suppliers a far less burdensome way of achieving choice than the costly plan adopted by California with effects that, so far, have slowed the development of competition. By contrast, Arizona's legislation strikes a balance between benefits stemming from free markets and the public interest in maintaining an economically secure, environmentally responsible electric infrastructure.

Arizona's Electric Power Competition Act was passed with support of major industries, consumer groups, low-income advocates, and the state's largest investor-owned utility, Arizona Public Service Company. It puts Arizona in the forefront of the nation's move to electric competition and establishes a policy that other states would do well to consider.

## KYOTO PROTOCOL IMPLEMENTATION

Mr. MURKOWSKI. Last week, the administration's climate change negotiators returned from Bonn, Germany.

These negotiators were in Bonn from June 2 through the 12 with their counterparts from many other countries, working out the details of how to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Mr. President, people often say ''the devil's in the details'' and I think we have a case here with this Kyoto Protocol where the devil is definitely there—in the details.

So, that is just what I want to talk about today—the details.

Back in October of last year, President Clinton outlined his climate change proposal during a speech. If it seems strange that I have to refer to the text of a speech to describe the administration's climate change proposal, I have to do that, because the speech is all we have.

Last year, I, along with Senators CRAIG, HAGEL, and HELMS, asked the General Accounting Office to review the administration's climate change proposal. The Committee on Energy and Natural Resources held a hearing earlier this month on GAO's results so far.

The Office of Management and Budget told the GAO auditors that the Administration has no documentation of its climate change proposal, beyond the President's speech last October. The speech is the plan. I must admit, I was amazed by this.

The administration is asking for an increase of $6.3 billion over the next five years for its climate change program, and the documentation of that program is a speech that is about 3 or 4 pages long. Out in the business world, you don't get $6.3 billion in financing based on a three page proposal.

So, in this brief climate change proposal, what do we find? We find a statement of the administration's principles for addressing climate change.

One of the administration's principles on climate change is: ''Developing Countries Must Participate.''

The President's climate change proposal says: ''The President has committed that the United States will not adopt binding obligations without developing country participation.''

Take note that this statement came from the Administration prior to the Kyoto negotiations, when the administration conveniently abandoned that principle, in order to come home with some kind of agreement to show everyone how successful they were.

The administration still claims to be committed to ''meaningful participation''—whatever that means—by developing countries. In fact, Mr. Dirk Forrister, the chairman of the White House Climate Change Task Force, told me during our hearing on June 4 that ''meaningful participation'' does include China and India.

So, the President's climate change proposal says you must have developing country participation. Mr. Forrister tells me just three weeks ago that we must get China and India to participate.

But then, what happens in Bonn, Germany? Over 1200 negotiators met there to start negotiating the details for the Kyoto treaty. The U.S. negotiating team had over 25 members.

I wasn't at the Bonn meeting, so let me read from a report of what happened in Bonn. This is from the Washington Times, June 13, 1998. The headline is: ''Third World, EU knock U.S. effort on global warming. Two week talks in Bonn end in impasse.'' The article says:

> Third World and European nations dealt a blow to President Clinton's effort to make the global warming treaty more palatable to Americans at a negotiating session . . . in Germany.
>
> China and India, speaking for a group of 77 developing countries, opposed even discussing proposals that would require them to drastically cut so-called greenhouse gas emissions as the United States and industrialized nations are required to do under the treaty.

Let me repeat that: China and India . . . opposed even discussing proposals . . . that would require them to . . . cut . . . emissions.

What are we to make of this? The administration says China and India must participate. Yet, in Bonn, China and India led an effort by developing countries to oppose even talking about their participation.

Let me point out another disconnect. President Clinton's climate change proposal says:

> The President is committed to a market-based emissions trading system, both domestically and internationally, that will harness the power of the market to reduce emissions . . .

The administration's climate change proposal states that an emissions trading system will allow the United States to meet its reductions targets ''with minimal economic costs.''

In fact, Janet Yellen, Chairman of the President's Council of Economic Advisors, has testified before Congress that according to the administration's economic analysis—the details of which, by the way, almost no one is allowed to see—that Kyoto targets can be met for minimal costs.

We are just finding out how you meet the Kyoto targets so cheaply. Apparently, the administration relies on achieving 85 percent of emissions reduction through emissions trading. They think we can ''buy our way out'' of the problem.

But let's see what happened in Bonn. What did the rest of the world have to say about extensive use of emissions trading?

Again, let me quote from the Washington Times article:

> The European Union said it would oppose extensive use of a complicated [emissions trading] scheme Mr. Clinton devised to ensure that Americans pay only modestly higher energy prices under the treaty, saying the

United States should bear the brunt of such costs, which could total in the hundreds of billions of dollars.

So, here are the results of Bonn.

1. Developing countries are still saying ''not interested'' when it comes to signing up for binding reduction targets.

2. Our European friends are saying, ''Hey America, you can't buy your way out of your commitments through emissions trading. We want you to take more expensive action at home.

What kind of actions might we take to reduce emissions, if we can't rely on emissions trading? To answer that question, I think it's helpful to look at the current situation.

Where do we currently get our electricity from? We generate 53 percent of our electricity from coal. The administration says coal pollutes so we have to cut back on dramatically on how much we rely on coal. We generate 18 percent of our electricity from nuclear power. This is our largest emission-free source of power. I've talked about this issue over the years and the percentage of nuclear keeps falling. A few years ago we were 22 percent nuclear, last year this figure was about 20 percent. I think we should be clear about why this number is falling.

We have an administration that won't deal with the nuclear waste problem. We have a President who says he will veto our nuclear waste bill, which has passed both this Congress by wide margins. The bottom line is that we are at risk of losing our nuclear power.

We generate 14 percent from natural gas, but the administration has issued OCS moritoria and won't provide access to public lands for gas production, so there are limits to what gas can do.

We generate 10 percent from hydroelectric power—another emissions-free source of electricity. But again, the Admin opposes hydropower and we have a Secretary of the Interior who brags he will be the first Interior Secretary to tear down a dam.

We generate about 3 percent—a little bit under 3 percent—from waste or ''biomass''. This is electricity from burning wood, garbage, old tires. This isn't exactly a carbon-free activity, so we will have to curtail our use of biomass for power production.

We generate 2 percent of our electricity from oil. Again, this is something unpopular with the administration. They are opposed to fossil fuel use, and they won't allow access to public lands for further oil exploration.

The remaining less than 0.1 percent comes from wind and solar. This is a very small percentage, yet the administration claims these are the technologies that will make-up for reductions in all the other sources. How realistic is this?

The Sierra Club refers to wind turbines as ''cuisinarts for the birds.'' Wind power also depends on a limited number of sites, with strong, dependable winds.

Solar technology has many obvious shortcomings. First of all, the sun doesn't shine at night. Also, solar panels take up a tremendous amount of space. It would take about 10,000 square miles of solar panels to replace the 18 percent of our electricity generated with nuclear power. This is about the size of the entire states of Vermont and Delaware, combined.

So there are obvious limits to renewable resources, but there are places where they make sense. For instance, remote villages in Alaska, where electricity is now generated with diesel fuel for 30–40 cents per kilowatt hour. But for large populations these renewable technologies probably are not feasible.

How does the President say we will meet our Kyoto targets? In addition to buying carbon credits from Russia and Ukraine, the President says we should increase energy efficiency . . . and ''pay the bill'' by deregulating electricity. I'm all for efficiency and rational deregulation . . . but if you've endangered your major sources of generation, efficiency and generation aren't much help.

The President is clearly pushing this issue off onto somebody else's watch. So, where does this leave us? Well, we are headed into larger, higher-level negotiations in Buenos Aires, Argentina this fall. Should we be hopeful that we will have any better success than we did in Bonn?

Don't get me wrong. I happen to think that principles are a great thing to have. The point is you have to stick to them.

I fear that in Buenos Aires, the administration will once again be desperate for the appearance of success. In their desperation, the administration might conveniently abandon more of the principles they claim to hold regarding what the U.S. should demand of the rest of the world in a climate change treaty.

Mr. President, I have been watching these events unfold for some time now. I have watched this climate change deal become more and more of a raw deal for Americans.

But to sum up, I don't think I can put it any better than one of my constituents, Sam Tatum from Wasilla, Alaska. He wrote me a letter saying ''this climate change treaty is bad news for our country.'' Well, Sam, hold on to your pocketbook and let's see what comes out of Buenos Aries.

I ask unanimous consent that an article from the Washington Times be printed in the RECORD, plus a table.

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

[From the Washington Times, June 13, 1998]

THIRD WORLD, EU KNOCK U.S. EFFORT ON GLOBAL WARMING

(By Patrice Hill)

Third World and European nations dealt a blow to President Clinton's efforts to make the *global warming treaty* more palatable to Americans as a negotiating session that ended yesterday in Germany.

China and India, speaking for a group of 77 developing countries, opposed even discussing proposals that would require them to drastically cut so-called greenhouse-gas emissions as the United States and industrialized nations are required to do under the treaty, said participants at the Bonn talks.

And the European Union said it would oppose extensive use of a complicated scheme Mr. Clinton devised to ensure that Americans pay only modestly higher energy prices under the treaty, saying the United States should bear the brunt of such costs, which could total in the hundreds of billions of dollars.

''China and India pointed out that the industrialized world still hasn't done anything to reduce emissions, and they didn't feel it was appropriate'' to discuss requiring Third World participation in the treaty until that happens, said Kelly Symms of Ozone Action.

The developing nations squelched a move to add discussions about their participation in the treaty to the agenda at the next negotiating session in Buenos Aires, Argentina, this fall. Clinton administration officials vow to nevertheless bring up Third World inclusion for discussion at the session.

''It was the same dynamic'' that Americans encountered in Kyoto, Japan, when the treaty was drafted, with most nations blaming the United States for the global warming problem, since it is the largest emitter of greenhouse gases, and saying it should bear the costs, said Miss Symms.

But Mr. Clinton faces just the opposite problem at home: a Congress that is livid that the Kyoto treaty excludes developing nations, which could become major emitters in the next century, and insisting that costs must be minimal for the treaty to have even a change of being ratified in the Senate.

''We all have our political situations,'' said Rafe Pomerance, deputy assistant secretary of state for environment, acknowledging that none of the Third World nations the administration is negotiating with are ready right now to voluntarily sign on to the treaty .

The administration has more hope of winning Europeans over to its emissions-trading scheme, which is designed to allow American companies to lower the cost of emissions cuts by buying credits from other countries where the costs are smaller.

The administration is relying on extensive trading of such credits to hold down what could be significant costs for Americans in its analysis of the economic effects of the treaty, he said.

Environmentalists say the administration's conclusion that the treaty would impose only ''modest'' costs on Americans assumes that 80 percent of the treaty's emissions reductions are achieved through international trading.

The administration only yesterday released details of its controversial and closely held cost estimates to the House Commerce Committee.

Europeans stridently oppose the extensive use of emissions trading saying the United States should first impose energy taxes and other measures used by European countries to cut emissions before ''buying'' reductions from the rest of the world.

''Their primary goal is to cripple the U.S. economy'' by quadrupling energy costs to the levels that prevail in Europe, said Deborah Fidelke, spokesman for Sen. Chuck Hagel, Nebraska Republican and a leading opponent of the treaty in the Senate.

The two-week-long negotiating session in Bonn—where the world's nations came to agreement on only one technical question involving reforestation—shows the futility of Mr. Clinton's efforts to forge a treaty that he hopes can get through the Senate, she said.

''This whole thing is going nowhere,'' especially in light of the hardships on China and

other Asian developing countries resulting from the Asian financial crisis, she said.

''Why on Earth would they now sign on to a treaty that would slow their growth even further?'' she asked. ''We just put economic sanctions on India and now we expect them to sign on to a treaty that will slow their growth? Let's live in the real world.''

*Sources of electricity used in the United States*

| | *In percent* |
|---|---|
| Coal | 53 |
| Nuclear energy | 18 |
| Natural gas | 14 |
| Hydro-electricity | 10 |
| Other* | 2.72 |
| Oil | 2 |
| Wind | 0.08 |
| Solar energy | 0.02 |

*=Waste (0.79%)=Biomass (2.0%)+Geothermal (0.44%)+Other (0.03%).

## MISSILE SALES BY NORTH KOREA

Mr. MURKOWSKI. Mr. President, I rise to call attention to an article which ran on the front page of the Washington Post yesterday morning regarding missile sales by North Korea. Although North Korea has denied selling missiles in the past, I for one have never taken them at their word on this and have long believed that they have been and continue to be actively engaged in the weapons trade; without question, the sale of weapons to rogue states has been and continues to be a major source of revenue for the North Korea government.

Well, despite their past denials, the Washington Post reports that North Korea now admits to selling weapons to countries such as Iran, Iraq and Syria, and has actively assisted these countries with their own missile development programs.

Mr. President, this article really comes as no surprise—it simply verifies what many of us have suspected all along. But I think we should also consider for a moment whether we have, in no small way, contributed to North Korea's missile development program.

I am referring, of course, to the 1994 Agreed Framework, whereby North Korea would dismantle its nuclear program in exchange for American assistance in building two light-water reactors. Without going into the details, Japan and South Korea would contribute several billion dollars worth of assistance to the construction of the reactors, and the United States would also supply heavy oil to North Korea until the reactors were up and running—this would help North Korea meet its energy needs pending construction of the facilities.

Mr. President, the Agreed Framework, no matter how well intentioned, puts a gaping hole in the international sanctions which we have levied against North Korea. The United Sates has already given close to $200 million taxpayer dollars, perhaps more, in combined food aid and to support the Korean Economic Development Organization (KEDO), which is tasked with sending heavy fuel oil to North Korea and carrying out other activities under the Agreed Framework. For a country whose economy is completely isolated and strapped for cash, this assistance frees up sizable amounts of money which North Korea can invest in other areas—including their national missile development program.

So, the North Koreans use the aid which comes from the United States, Japan, South Korea and other countries to support other aspects of their economy, freeing up resources which can be used to develop weapons. These weapons are then sold to our enemies, and pointed at our troops, our allies, and even us.

Mr. President, last year two North Korean defectors indicated in testimony before the Senate Government Affairs Committee that the North Korean missile development program already poses a verifiable threat to American forces in Okinawa and is on track to threaten parts of Alaska by the turn of the Century.

Mr. President, I have no problem with humanitarian aid in itself—this is not the issue. The issue is whether we have an effective policy toward gaining cooperation with North Korea? I would argue, and I think the facts back me up, that we do not! Think about it. Every concession North Korea has ever granted has been on their terms—not ours, theirs! And when things do not appear to go their way, they take action which we try to deter through additional concessions. Sounds to me like the tail is wagging the dog.

Last month, the New York Times ran a story indicating that North Korea announced it would suspend their efforts to carry out the 1994 nuclear freeze agreement, the Agreed Framework. I would ask that a copy of this article appear in the RECORD at this time.

What does this tell us, Mr. President? That North Korea is not committed to a freeze; and that the freeze is simply a vehicle by which North Korea can exploit aid and other concessions from the United States and our allies.

I am not at this time suggesting that we should cut off all assistance to North Korea, nor am I suggesting that we should cut off funding and assistance to KEDO. We can discuss these issues during the appropriations process—and I suspect we will.

But I am encouraging my colleagues to think hard about this issue. Last week, we were honored to receive President Kim Dae-jung from the Republic of Korea. He hinted that the United States should consider easing sanctions against North Korea. Well, Mr. President, in light of these incidents, I don't know how we could possibly consider easing sanctions against North Korea—although I wonder whether we haven't already vis a vis KEDO and other assistance which we continue to extend to the North Korean government.

Mr. President, when the Senate turns back to the Defense Authorization bill, Senator Kyl and I will offer an amendment which requires the Secretary of Defense to study the issue of effective deployment of a theater missile defense system for the Asia-Pacific region. This is obviously needed to protect our troops in Okinawa and on the Korean peninsula. This amendment will further require that Korea, Japan and Taiwan be allowed to purchase, should they desire, such a system from the United States. I suspect that all of them would be extremely interested in such a defense system, Mr. President, and I think it is incumbent upon us to extend this protection to them.

Finally, Mr. President, I would simply reiterate that the United States needs a policy whereby we can effectively gain cooperation with North Korea. KEDO does not appear to be that framework. Perhaps we need to evaluate this, or whether a different approach is needed.

Mr. President, I ask unanimous consent that relevant articles be printed in the RECORD.

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

[From the Washington Post]

N. KOREA ADMITS SELLING MISSILES—MOVE SEEN AS TEST OF U.S. EMBARGO

(By Kevin Sullivan)

SEOUL, June 16—North Korea declared today that it will continue to develop, test and export ballistic missiles, officially acknowledging for the first time a clandestine weapons trade that analysis say has helped build arsenals in Iran, Iraq and Syria.

North Korea's admission added to tensions in Asia following nuclear testing by India and Pakistan, which has also reportedly purchased some of North Korea's Soviet-inspired missiles.

The blunt disclosure of the missile program appears to be aimed directly at the United States, which has imposed a near total economic embargo on North Korea. Pyongyang has been trying for years to persuade Washington to lift the embargo, which is strangling North Korea at a time when its economy is in desperate need of outside assistance.

In Washington, the State Department branded the North Korean statement ''irresponsible'' and rejected the economic arguments Pyongyang offered to justify missile sales, staff writer Thomas W. Lippman reported.

''Their missile proliferation activities have been of concern to us for a long time,'' a State Department official said. ''It's well known that they sell missiles and technology virtually indiscriminately, including to regions in the Middle East and South Asia where we didn't think it was wise.''

If North Korea wants improved relations with the United States and an easing of sanctions, the official said, it should restrain its missile sales, not expand them.

The United States has imposed sanctions on North Korea four times for missile exports, most recently in April of this year after Pakistan conducted flight tests of missile of North Korean design known in Pakistan as the Ghauri.

Many U.S. officials have pointed to North Korea's missile sales to Iraq and other states as evidence that the Stalinist government in Pyongyang remains a threat to global security. The Clinton administration has pressed North Korea repeatedly to stop exporting missiles—which, until today, North Korea had flatly denied doing.

''We will continue developing, testing and deploying missiles,'' said the official Korean Central News Agency, monitored in Tokyo. ''If the United States really wants to prevent our missile export, it should lift the economic embargo as early as possible and make a compensation for the losses to be caused by discontinued missile export. . . . Our missile export is aimed at obtaining foreign money, which we need at present.''

It was unclear whether North Korean officials had timed their statements to take advantage of concern over the Indian and Pakistani nuclear tests. North Korea, facing desperate food shortages and an economy that has been in a downward spiral for eight years, is widely seen as a shrewd manipulator capable of turning tensions on the Indian subcontinent into an opportunity for itself.

Pyongyang also may be trying to build on any momentum created by South Korean President Kim Dae Jung's recent visit to the United States. Kim, who favors broader peaceful engagement with North Korea, suggested gently to President Clinton and members of Congress that sanctions could be lifted gradually in exchange for reciprocal acts of good faith by Pyongyang.

By pressing the missile point just three days after Kim's return to Seoul, officials in North Korea may be hoping to capitalize on any new softening of Washington's resolve on sanctions.

Donald Gregg, a former U.S. ambassador to South Korea and now chairman of the Korea Society in New York, said he met today with officials of the North Korean U.N. delegation and was told they were dissatisfied with the pace of oil deliveries from the United States promised under a 1994 agreement. In that deal, North Korea agreed to suspend its suspected nuclear weapons program in exchange for two new nuclear reactors and 500,000 tons of fuel oil each year until the reactors were producing electricity.

Several oil shipments have been delayed, and Gregg said the North Koreans complained that the United States was not living up to its end of the deal. He said they argued that steady deliveries of fuel are especially important now during the agricultural growing season.

Gregg said the North Koreans also may feel that there had been less movement on the sanctions issue than they expected following Kim's visit to Washington. That, combined with irritation over the oil deliveries, may have spurred today's announcement, he said.

''The hard-liners may have thought, 'Well, we've got to make a move,'' Gregg said, adding that it is good that North Korea's missile program had finally been ''flushed out.''

Pyongyang's announcement is not likely to win any friends in Washington. ''With missiles of the United States, which is at war with [North Korea] technically, aiming at our territory, we find no reason to refrain from developing and deploying missiles to counter them,'' the North Korean statement said.

The United States and North Korea began talks last year in which American negotiators hope to persuade Pyongyang to freeze its missile program and join an international agreement to restrict missile proliferation. The talks have gone virtually nowhere; the latest round, set for last August in New York, was canceled, and no new sessions are scheduled.

North Korea's missiles have long been a matter of grave concern in Asia. In 1993, it test-fired a medium-range Rodong-1 model into the Sea of Japan, demonstrating that parts of Japan, a key U.S. ally in the region, were well within the missile's 1,000-mile range.

Defense analysts say North Korea has since developed the Rodong-2 missile, which has a range of 1,500 miles, putting virtually all of Northeast Asia, including the 80 million residents of greater Tokyo, within striking distance. Analysts believe North Korea also is developing missiles with even longer ranges.

North Korea's provocative statements about its missile program come as Pyongyang has been more receptive and open on other issues. In recent months, relations between North and South Korea have thawed somewhat, especially on economic matters.

Under Kim Dae Jung's ''sunshine policy'' of engaging North Korea, many South Korean business leaders have been traveling to the North to discuss possible ventures there. For example, Chung Ju Yung, founder and honorary chairman of the Hyundai conglomerate, entered North Korea today with a donation of 500 cattle for the impoverished nation.

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[From the New York Times International, Wednesday, May 13, 1998]

NORTH KOREA SAYS IT WILL UNSEAL REACTOR

(By Elizabeth Rosenthal)

Beijing, May 12—North Korean officials have announced that they are suspending their efforts to carry out the 1994 nuclear freeze agreement that was intended to dismantle that country's nuclear program. United States officials have said the program was intended to produce weapons.

Protesting that the United States had failed to honor promises to send fuel oil, a high-ranking member of the North Korean Government told a visiting academic on Saturday that North Korea had recently decided to unseal a nuclear reactor that under the agreement, was to have been closed permanently, and had also barred technicians from packing the last of the reactor's spent fuel rods (or shipment out of the country. The rods contain plutonium that can be used in nuclear weapons.

Although North Korea's decision to reopen the plant, in Yong Byon, about 90 miles from the capital, Pyongyang, had no immediate effect, some arms experts called it an ominous symbolic action.

''This is like somebody dusting off the old .45 and making sure that it shines, but not loading it,'' said Gary Milhollin, director of the Wisconsin Project on Nuclear Arms Control. ''They're sending a clever signal in our direction saying, remember, we can stop cooperating.'' Mr. Milhollin also said the approximately 200 rods did not contain enough plutonium to pose a nuclear threat.

Under the 1994 agreement, North Korea pledged to dismantle its nuclear program in exchange for American promises to coordinate the building of two light-water reactors to generate electricity and to deliver 500 metric tons of oil annually. North Korea also promised to ease barriers to trade. Although the United States has had trouble raising the billions of dollars required for those measures, it has repeatedly said it would carry out its side of the agreement.

But last Friday, North Korea's Government-run Korean Central News Agency expressed deep displeasure with the pace of the United States' efforts, and hinted that the North Korean Government might restart its nuclear program. North Korea ''should no longer lend an ear to the empty promises of the United States side, but open and readjust the frozen nuclear facilities and do everything our own way,'' a statement from an unnamed Foreign Ministry official said.

And the next day, North Korea's Foreign Minister, Kim Young Nam, elaborated on the statement in a private two-hour meeting in Pyongyang with an American expert on Korea, Selig Harrison, of the Twentieth Century Fund.

According to Mr. Harrison, Mr. Kim said that on April 19, the North Koreans had opened up the previously sealed plant to ''conduct maintenance activities,'' and had also halted the ''canning of spent fuel rods'' from the reactor, which is being conducted under the auspices of the International Atomic Energy Agency. Agency supervisors have been asked to leave the reactor site, although not the country. Two hundred of the reactor's 8,000 rods have not yet been prepared, he said.

''We are keeping up our progress in implementing the nuclear freeze agreement, but the U.S. is behind,'' Mr. Kim told Mr. Harrison, who spoke with reporters in Beijing en route back to the United States. ''So we have now decided to slow down and suspend certain aspects of the agreement.'' He said that once the United States had a chance to ''catch up,'' North Korea would resume cooperation.

The North Koreans contend that the United States is behind schedule in heavy fuel shipments and in its preparations to build the new reactors, to be completed by 2003.

On Saturday, the State Department said the United States had lived up to its obligations, noting that even though oil shipments have been slow for the first part of the year, the stipulated quota would be met by year's end. ''Anything that would happen to undermine the integrity of that agreement from the North Korean side or from the outside would be, in our view, extremely lamentable and regrettable,'' Undersecretary of State Thomas Pickering said.

A State Department official who spoke on condition of anonymity said he had no information about the unsealing of the plant. He said that whether that act violates the agreement depends on what those ''maintenance activities are''

Although North Korea has generally honored its commitments under the 1994 agreement, the United States has been unhappy with what it sees as North Korea's tepid attempts to improve relations with South Korea. North Korea, in turn, had been angered by it regarded as the United States' halfhearted efforts to remove trade barriers—efforts that have so far been mostly limited to allowing phone and fax lines.

Plans for the two reactors promised under the agreement have also been slowed by the financial crisis in Japan and South Korea. The two countries have delayed payments of billions of dollars in cash they had pledged.

Despite the announcement, Mr. Harrison said North Korean leaders had made some conciliatory statements during his talks. He said they signaled that they might be willing to negotiate with both the United States and South Korea to create a threeway peacekeeping force and structure for the tense Korean demilitarized zone. North Korea has previously refused to deal with Seoul as an equal partner on the issue.

## 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 sundry nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

## REPORT ENTITLED ''SCIENCE AND ENGINEERING INDICATORS—1998''—MESSAGE FROM THE PRESIDENT—PM 141

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

*To the Congress of the United States:*

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled *Science and Engineering Indicators—1998*. This report represents the thirteenth in a series examining key aspects of the status of American science and engineering in a global environment.

Investments in science and engineering research and education have enjoyed bipartisan support. They are critical to America's ability to maintain world leadership and fulfill our potential as a Nation as we begin the transition into the 21st century.

This report provides a broad base of quantitative information about U.S. science, engineering, and technology in an international context. I commend *Science and Engineering Indicators—1998* to the attention of the Congress and those in the scientific and technology communities. It will assist us in better understanding the new developments and trends in what is rapidly becoming a global knowledge-based economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 25, 1998.*

## MESSAGES FROM THE HOUSE

At 1:05 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. 3830, An act to provide for the exchange of certain lands within the state of Utah.

H.R. 4101. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4103. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

At 2:11 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 297. Concurrent resolution providing for an adjournment of both Houses.

The message also announced that pursuant to the provisions of section 503(b)(3) of Public Law 103–227, the Speaker reappoints the following members on the part of the House to the National Skill Standards Board for four-year terms: Mr. James D. Burge of Washington, D.C. and Mr. Kenneth R. Edwards of Rockville, Maryland.

The message further announced that pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), as amended by section 2(d) of Public Law 102–586, the Speaker appoints the following members on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention: Mr. William Roberts Byars, Jr. of South Carolina, to a one-year term and Adele L. Grubbs of Georgia, to a three-year term.

At 6:57 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. 3152. An act to provide that certain volunteers at private non-profit food bank are not employees for purposes of the Fair Labor Standards Act of 1938.

H.R. 4112. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which requests the concurrence of the Senate:

H. Con. Res. 230. Concurrent Resolution honoring the Berlin Airlift.

The message further announced that the House agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for State that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.

### ENROLLED BILLS SINGED

The message further announced that the Speaker has singed the following enrolled bills:

S. 2069. An act to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

H.R. 1316. An act to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3152. An act to provide that certain volunteers at private non-profit food bank are not employees for purposes of the Fair Labor Standards Act of 1938; to the Committee on Labor and Human Resources.

H.R. 3820. An act to provide for the exchange of certain lands within the state of Utah; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 230. Concurrent Resolution honoring the Berlin Airlift; to the Committee on Foreign Relations.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times, and placed on the calendar:

H.R. 4101. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4103. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4112. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, 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–5716. 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 correcting technical errors in regulations on organobromide production wastes (RIN2050-AD79) received on June 23, 1998; to the Committee on Environment and Public Works.

EC–5717. 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 ''Approval and Promulgation of Implementation Plan; Indiana'' (FRL6115-7) received on June 23, 1998; to the Committee on Environment and Public Works.

EC–5718. 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 Municipal Solid Waste Emissions Guidelines in the State of Oregon (FRL6115-5) received on June 23, 1998; to the Committee on Environment and Public Works.

EC–5719. 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 ''Approval and Promulgation of Air Quality State Implementation Plans, Louisiana; Correction'' (FRL6116-8) received on June 23, 1998; to the Committee on Environment and Public Works.

EC–5720. 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 air quality regulations for volatile organic compounds in Pennsylvania (FRL6104-4) received on June 23, 1998; to the Committee on Environment and Public Works.

EC–5721. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the establishment of an account for contributions to defray the costs of U.S. operations in Southwest Asia; to the Committee on Appropriations.

EC–5722. A communication from the Acting Comptroller General of the United States, transmitting, the report of an updated compilation of historical information and statistics regarding proposed and enacted rescissions through October 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–5723. A communication from the Acting Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Official Testing Service for Corn Oil, Protein, and Starch'' (RIN0580–AA62) received on June 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5724. A communication from the Acting Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tolerances for Moisture Meters'' (RIN0580–AA60) received on June 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5725. A communication from the Secretary of Veterans Affairs, 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–5726. A communication from the Chairman of the Federal Trade Commission, transmitting the Commission's annual report for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–5727. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a certification regarding a proposed transfer of major defense equipment between Kuwait and Brazil (RSAT–2–98) received on June 24, 1998; to the Committee on Foreign Relations.

EC–5728. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the certification of a proposed Manufacturing License Agreement with Spain regarding amphibious assault vehicles (DTC80–98) received on June 24, 1998; to the Committee on Foreign Relations.

EC–5729. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the certification of a proposed Manufacturing License Agreement with Turkey regarding a thermal surveillance system (DTC72–98) received on June 24, 1998; to the Committee on Foreign Relations.

EC–5730. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the certification of a proposed Manufacturing License Agreement with Japan regarding certain missile systems (DTC75–98) received on June 24, 1998; to the Committee on Foreign Relations.

EC–5731. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the certification of a proposed Manufacturing License Agreement with Germany regarding aircraft engine parts (DTC81–98) received on June 24, 1998; to the Committee on Foreign Relations.

EC–5732. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the certification of a proposed Manufacturing License Agreement with Germany regarding a tank fire control system (DTC84–98) received on June 24, 1998; to the Committee on Foreign Relations.

EC–5733. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the certification of a proposed Manufacturing License Agreement with Germany regarding a missile system interface simulator (DTC73–98) received on June 24, 1998; to the Committee on Foreign Relations.

EC–5734. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Commercial Nuclear Fuel from U.S. and Russian Surplus Defense Inventories: Materials, Policies, and Market Effects''; to the Committee on Energy and Natural Resources.

## 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–497. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Finance.

HOUSE RESOLUTION NO. 482

Whereas, section 5536 of the Balanced Budget Act of 1997, Public Law 105–33, amended Federal law to require each state to have in place laws requiring applicants for recreational licenses (hunting and fishing) to provide their Social Security numbers; and

Whereas, the Commonwealth of Pennsylvania has implemented this Federal mandate through the amendatory act of December 16, 1997 (P.L. 549, No. 58), to Title 23; and

Whereas, the Commonwealth of Pennsylvania strongly supports all effective mechanisms to encourage payment of child support obligations; and

Whereas, requiring applicants for hunting and fishing licenses to provide their Social Security numbers does not appear to enhance effective enforcement of child support obligations inasmuch as hunting and fishing license records are not retrievable by reference to the Social Security numbers; and

Whereas, the vast majority of hunting and fishing licenses are not sold by government agencies but are sold by private businesses ranging in size from large department stores to small bait and outdoor shops; and

Whereas, imposing the requirements to collect Social Security number information on the businesses that sell hunting and fishing licenses unduly complicate the license issuance transaction; and

Whereas, many purchasers of hunting and fishing licenses object to disclosure of their Social Security numbers to the private businesses that sell these licenses; and

Whereas, the legitimate privacy concerns expressed by many purchasers of hunting and fishing licenses from private businesses need to be addressed; and

Whereas, collection of Social Security numbers from applicants for hunting and fishing licenses does not aid in effective enforcement of child support obligations but does unduly inconvenience both the sellers and purchasers of these licenses and raises legitimate concerns about protection of personal information, therefore, be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to eliminate the requirement that states must require applicants for hunting and fishing licenses to provide their Social Security numbers.

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POM—498. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Finance.

HOUSE RESOLUTION NO. 381

Whereas, costs borne by the taxpayers of the Commonwealth of Pennsylvania for long-term care under Medicaid exceed more than $500 million per fiscal year; and

Whereas, the costs of providing care for persons who can no longer take care of themselves have skyrocketed, with a national average of $38,000 per year for a nursing home stay and with costs as high as $50,000 in metropolitan areas like Philadelphia hitting the middle class particularly hard; and

Whereas, these costs to the Commonwealth will increase because of the demands of our aging population and the fact that baby boomers will soon be reaching retirement age; and

Whereas, a Pennsylvania solution to allow middle class Pennsylvanians to exempt for Medicaid eligibility, assets as a result of a purchase of private sector long-term care insurance so as to reduce the eventual costs borne by taxpayers for their care is stymied by section 1902(r)(2) of the Social Security Act (49 Stat. 620, 42 U.S.C. §1396a(r)(2)) which prohibits such shielding; therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact legislation repealing section 1902(r)(2) of the Social Security Act (49 Stat. 620, 42 U.S.C. §1396a(r)(2)); and be it further

*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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POM–499. A concurrent resolution adopted by the Legislature of the Commonwealth of Pennsylvania; to the Committee on Finance.

HOUSE RESOLUTION NO. 352

Whereas, the policy of the Commonwealth of Pennsylvania is to assure the health, safety and welfare of its citizens; and

Whereas, an adequate supply of tax-exempt private activity bond volume cap is essential and critically important in financing affordable, decent first-time homeownership opportunities in this State and the nation and serves other critically important purposes that contribute to the well-being of the citizens of this Commonwealth; and

Whereas, an adequate supply of low-income housing tax credits is essential and critically important to financing affordable, decent rental housing units that contribute to the well-being of the citizens of this Commonwealth; and

Whereas, the Congress of the United States, in the Tax Reform Code of 1986, established restrictions on tax-exempt private activity municipal bonds that imposed a limit, based on each state's population, not

to exceed the greater of $50 per capita or $150,000,000 per calendar year but failed to include an automatic inflationary multiplier to ensure that the purchasing power of this resource did not become diminished; and

Whereas, Pennsylvania's relatively small growth in population has limited the amount of tax-exempt private activity bonds available, thus leading to an inadequate amount to meet the tax-exempt private activity financing demands of the Commonwealth of Pennsylvania, its agencies and political subdivisions; and

Whereas, the Congress, in the Tax Reform Code of 1986, established restrictions on the low-income housing tax credit that imposed a limit based on each state's population to be equal to $1.25 per capita per calendar year but failed to include an automatic inflationary multiplier to ensure that the purchasing power of this resource did not become diminished; and

Whereas, since 1987 the effects of annual inflation have diluted the purchasing power of these housing and economic development efforts by 40%, thereby reducing the real value of private activity bonds from $600,000,000 in 1987 to only $360,000,000 in 1997 and reducing the real value of Pennsylvania's share of low-income housing tax credits from $1.25 per capita in 1987 to only $0.75 per capita in 1997; and

Whereas, losing $240,000,000 in the real value of tax-exempt private activity bonding resource along with $0.50 of annual per capita credits from the low-income housing tax credit resource has greatly impaired the ability of this State and the nation to provide affordable housing and job opportunities by reducing nearly in half the number of single-family housing units and multifamily housing units available and affordable to first-time homebuyers and renters in Pennsylvania and has reduced the ability of its agencies and political subdivisions to provide economic stimulation; and

Whereas, if the State and its agencies and political subdivisions continue to be unable to provide levels of tax-exempt private activity bond financing and low-income housing tax credit financing for these purposes, the health, safety and welfare of the citizens of the Commonwealth of Pennsylvania will be further grievously damaged; therefore be it

*Resolved (the Senate concurring),* That the General Assembly memorialize Congress to increase immediately the tax-exempt private activity volume cap and the allocation of low-income housing tax credits available to each state, including Pennsylvania, to levels that would fully restore the tax-exempt private activity bond volume cap purchasing power and the low-income housing tax credit purchasing power of each state, including Pennsylvania, to levels that would offset the diluted effects of inflation since 1987 and to index increases for these resources to inflation in future years; and be it further

*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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POM–500. A resolution adopted by the Town of Bourne, Massachusetts relative to contamination of the Campbell Elementary School on the Mass Military Reservation; to the Committee on Appropriations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 627. A bill to reauthorize the African Elephant Conservation Act (Rept. No. 105–222).

S. 2090. A bill to extend the authority of the Nuclear Regulatory Commission to collect fees through 2003, and for other purposes (Rept. No. 105–223).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 2095. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act (Rept. No. 105–224).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1482. A bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes (Rept. No. 105–225).

S. 1619. A bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes (Rept. No. 105–226).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 39. A bill to reauthorize the African Elephant Conservation Act.

By Mr. HELMS, from the Committee on Foreign Relations, with amendments and with a preamble:

S. Res. 240. A resolution expressing the sense of the Senate with respect to democracy and human rights in the Lao People's Democratic Republic.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

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.

By Mr. HELMS, from the Committee on Foreign Relations, with amendments and with a preamble:

S. Con. Res. 97. A concurrent resolution expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2003. (Reappointment)

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Michael J. Copps, of Virginia, to be an Assistant Secretary of Commerce.

Awilda R. Marquez, of Maryland, to be Assistant Secretary of Commerce, and Director General of the United States and Foreign Commercial Service.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

John D. Kelly, of North Dakota, to be United States Circuit Judge for the Eighth circuit.

Dan A. Polster, of Ohio, to be United States District Judge for the Northern District of Ohio.

Robert G. James, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Ralph E. Tyson, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Raner Christercunean Collins, of Arizona, to be United States District Judge for the District of Arizona.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Russell J. Anarde, 0781
Col. Anthony W. Bell, 4246
Col. Robert Damon Bishop, Jr., 9524
Col. Marion E. Callender, Jr., 6380
Col. Kevin P. Chilton, 6603
Col. Trudy H. Clark, 2591
Col. Richard L. Comer, 4255
Col. Craig R. Cooning, 4416
Col. John D.W. Corley, 9553
Col. David A. Deptula, 6792
Col. Gary R. Dylewski, 7306
Col. Edward R. Ellis, 9696
Col. Leonard D. Fox, 1435
Col. Terry L. Gabreski, 2941
Col. Jonathan S. Gration, 9630
Col. Michael A. Hamel, 2699
Col. William F. Hodgkins, 0138
Col. John L. Hudson, 5860
Col. David L. Johnson, 8568
Col. Walter I. Jones, 8782
Col. Daniel P. Leaf, 9223
Col. Paul J. Lebras, 9625
Col. Richard B.H. Lewis, 1265
Col. Stephen P. Luebbert, 9120
Col. Dale W. Meyerrose, 1611
Col. David L. Moody, 4219
Col. Quentin L. Peterson, 7151
Col. Douglas J. Richardson, 2865
Col. Ben T. Robinson, 7005
Col. John W. Rosa, Jr., 3351
Col. James G. Roudebush, 9187
Col. Ronald F. Sams, 5888
Col. Stanley A. Sieg, 3623
Col. James B. Smith, 5309
Col. Joseph B. Sovey, 2815
Col. Lawrence H. Stevenson, 8269
Col. Robert P. Summers, 8833
Col. Peter U. Sutton, 9325
Col. Donald J. Wetekam, 0322
Col. William M. Wilson, Jr., 9364

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Charles T. Robertson, Jr., 8691

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Walter S. Hogle, Jr., 6057

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. John L. Woodward, Jr., 3961

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Gregory S. Martin, 6337

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. John B. Sams, Jr., 6470

The following named officer for appointment in the United States Air Force as Dean of Faculty, United States Air Force Academy, a position established under title 10, United States Code, section 9335, and for appointment to the grade indicated in accordance with Article II, Section 2 of the Constitution of the United States:

*To be brigadier general*

Col. David A. Wagie, 0211

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Kenneth W. Hess, 2733

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Thomas J. Keck, 7924

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Marvin R. Esmond, 6588

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. Richard B. Myers, 7092

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Patrick K. Gamble, 2878

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

John P. Abizaid, 6229
Joseph W. Arbuckle 1975
Barry D. Bates, 4112
William G. Boykin, 5846
Charles C. Campbell, 6999
James L. Campbell, 9858
George W. Casey, Jr., 1204
Dean W. Cash, 1289
Dennis D. Cavin, 8558
Joseph M. Cosumano, Jr., 4186
Peter M. Cuviello, 4052
Robert F. Dees, 5138
John C. Doesburg, 2908
James E. Donald, 4190
Benjamin S. Griffin, 5044
Dennis K. Jackson, 1213
James T. Jackson, 4979
William J. Lennox, Jr., 1093
Albert J. Madora, 4210
David D. McKiernan, 8864
Geoffrey D. Miller, 7650
Willie B. Nance, Jr., 9605
Robert W. Noonan, Jr., 6884
Kenneth L. Privratsky, 8131
Hawthorne L. Proctor, 9888
Robert J. St. Onge, Jr., 1736
Robert L. Van Antwerp, Jr., 8468
Daniel R. Zanini, 1319

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Evan R. Gaddis, 5455
Brig. Gen. Alfred A. Valenzuela, 4832

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for appointment to the grade indicated under title 10, U.S.C., sections 601 and 5137:

*To be vice admiral*

Rear Adm. Richard A. Nelson, 1464

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Vice Adm. Richard W. Mies, 4623

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Charles W. Moore, Jr., 5696

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Robert J. Natter, 9953

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Thomas B. Fargo, 9953

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Walter F. Doran, 4942

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Arthur K. Cebrowski, 9746

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Dennis V. McGinn, 1807

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C, section 601:

*To be vice admiral*

Rear Adm. Daniel J. Murphy, Jr., 6221

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Vice Adm. James O. Ellis, Jr., 4995

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of September 18, 1997, January 29, 1998, April 29, 1998, May 15, 1998, May 22, 1998 and June 9, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 18, 1997, January 29, 1998, April 29, 1998, May 15, 1998, May 22, 1998 and June 9, 1998, at the end of the Senate proceedings.)

In the Navy nomination of Timothy W. Zeller, which was received by the Senate and appeared in the Congressional Record of September 18, 1997.

In the Army nominations beginning Sue H. Abreu, and ending Daryl N Zeigler, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Navy nominations beginning Daniel A. Acton, and ending Eric R. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998.

In the Air Force nominations beginning William E. Dickerson, and ending William E. Nelson, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 1998.

In the Army nominations beginning Herbert P. Fritts, and ending Willie H. Oglesby, Jr., which nominations were received by the Senate and appeared in the Congressional Record of May 15, 1998.

In the Navy nomination of Masako Hasebe, which was received by the Senate and appeared in the Congressional Record of May 15, 1998.

In the Navy nominations beginning Richard B. Alsop, and ending Theodore A. Zobel, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 1998.

In the Army nominations beginning Gary J. Dunn, and ending Michael C. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Army nominations beginning Larry P. Adamsthompson, and ending Douglas R. Wootten, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Marine Corps nomination of Lonny R. Haddox, which was received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Marine Corps nominations beginning Steven P. Martinson, and ending Brent A. Smith, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Navy nominations beginning Jason T. Baltimore, and ending Daniel P. Shanahan, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Navy nominations beginning David L. Grochmal, and ending Joel D. Newman, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Navy nominations beginning Ronald W. Hargraves, and ending Janice L. Walli, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Navy nomination of Stephen E. Palmer, which was received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Navy nominations beginning Gary L. Murdock, and ending Brian G. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

In the Army nominations beginning Isaac V. Gusukuma, and ending James I. Pylant, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 1998.

In the Army nominations beginning Michael D. Corson, and ending Kenneth H. Newton, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 1998.

In the Army nomination of *Timothy C. Beaulieu, which was received by the Senate and appeared in the Congressional Record of June 9, 1998.

In the Army nominations beginning *James E. Ragan, and ending *John H. Chiles, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 1998.

In the Marine Corps nominations beginning William M. Aukerman, and ending Dayle L. Wright, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 1998.

## 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 Mr. WELLSTONE:

S. 2215. A bill to provide transitional community employment for unemployed persons, and other individuals in poverty, who live in certain identified communities, and for other purposes; to the Committee on Finance.

By Ms. COLLINS:

S. 2216. A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. DOMENICI, Mr. LIEBERMAN, Mr. BURNS, Mr. BINGAMAN, Mr. GRAMM, and Mr. BREAUX):

S. 2217. A bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself, Mr. FAIRCLOTH, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 2218. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement a strategic master plan for States on the Atlantic Ocean to address problems associated with toxic microorganisms in tidal and nontidal wetlands and waters; to the Committee on Environment and Public Works.

By Mr. KERREY:

S. 2219. A bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation districts in the State of Nebraska; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 2220. A bill to provide the President with expedited Congressional consideration of line item vetoes of appropriations and targeted tax benefits; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MCCAIN (for himself and Mr. COATS):

S. 2221. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself, Mr. REID, Mr. HOLLINGS, and Mr. D'AMATO):

S. 2222. A bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program; to the Committee on Finance.

By Mr. GRAMS (for himself, Mr. FAIRCLOTH, Mr. BRYAN, Mr. THURMOND, Mr. BREAUX, Mr. ALLARD, Mr. AKAKA, Mr. BROWNBACK, Mr. INOUYE, Mr. DOMENICI, Mr. REID, Mr. GREGG, Mr. ASHCROFT, Mr. BENNETT, Mr. MACK, Mr. MCCAIN, and Mr. ENZI):

S. 2223. A bill to provide a moratorium on certain class actions relating to the Real Estate Settlement Procedures Act of 1974; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. HAGEL, Mr. BIDEN, and Mr. ROBERTS):

S. 2224. A bill to authorize the President to delay, suspend , or terminate economic sanctions if it is in the national security or foreign policy interest of the United States to do so; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2225. A bill to amend the Outer Continental Shelf Lands Act to prohibit new leasing activities in certain areas off the coast of Florida, and to permit exploration, production, or drilling activities on existing leases only if adequate studies are performed, to require adequate information and analyses for development and production activities, and to allow states full review of development and production activities; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 2226. A bill to amend the Idaho Admission Act regarding the sale or lease of school land; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 2227. A bill to amend title XVIII of the Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare+Choice organizations; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. GLENN, Mr. COCHRAN, Mr. LEVIN, Mr. BROWNBACK, and Mr. LIEBERMAN):

S. 2228. A bill to amend the Federal Advisory Committee Act (5 U.S.C. App.) to modify termination and reauthorization requirements for advisory committees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S. 2229. A bill to amend the Internal Revenue Code of 1986 to provide an increase in the lifetime learning education credit for expenses of teachers in improving technology training; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. D'AMATO, Mr. HATCH, Ms. MIKULSKI, Mr. JEFFORDS, Mr. ROCKEFELLER, and Mr. CONRAD):

S. 2230. A bill to amend the Internal Reveneue Code of 1986 to extend the work opportunity tax credit for 3 additional years; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK):

S. 2231. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. HUTCHINSON):

S. 2232. A bill to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. HATCH):

S. 2233. A bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities; to the Committee on Finance.

By Mr. DORGAN:

S. 2234. A bill to require the Secretary of Agriculture to carry out a trade compensation assistance program if the President, any other member of the executive branch, or any other provision of law causes exports from the United States to any country to be suspended for reasons of national security policy, and to require the Secretary of Defense to reimburse the Commodity Credit Corporation for the cost of each such program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CAMPBELL (for himself and Mr. JEFFORDS):

S. 2235. A bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. ROCKEFELLER, and Mr. LIEBERMAN):

S. 2236. A bill to establish legal standards and procedures for product liability litigation, and for other purposes; read the first time.

By Mr. LOTT (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. KYL, Mr. BROWNBACK, Mr. SHELBY, and Mr. MCCAIN):

S.J. Res. 54. A joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. FORD, and Mr. MOYNIHAN):

S. Con. Res. 106. A concurrent resolution to commend the Library of Congress for 200 years of outstanding service to Congress and the National, and to encourage activities to commemorate the bicentennial anniversary of the Library of Congress; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 2215. A bill to provide transitional community employment for unemployed persons, and other individuals in poverty, who live in certain identified communities, and for other purposes; to the Committee on Finance.

### STRATEGIC TRANSITIONAL EMPLOYMENT PROGRAM ACT

Mr. WELLSTONE. Mr. President, today I am introducing a piece of legislation, and Delegate ELEANOR HOLMES

NORTON has introduced this on the House side. This legislation is called the Strategic Transitional Employment Program, STEP. This legislation is an outgrowth of some of my work as a senator in Minnesota and in other communities around the country.

If I had to summarize my travel in our country in Delta, MS, or East Los Angeles, or Watts, or inner-city Baltimore, or inner-city Minneapolis, or rural Minnesota, or Appalachia, Letcher County, KY, or inner-city Chicago, over and over and over again, the one thing I heard from people was: Where are the jobs at decent wages that we can support our families on? More than anything in the world, Senator, we want to be able to earn a decent living and give our children the care they need and deserve.

Congresswoman NORTON and I had the opportunity to be at First Baptist Church here in D.C. Pastor Eldridge Spearman's church, in the Greenway community, working with the Marshall Heights Community Development Organization. There was a wonderful turnout of people from the community. They said this would be the best single thing we could talk about. Over the next 4 years, an effort to create 1.8 million jobs for people, transitional employment, moving toward living-wage jobs, opportunity for education, job training, so that we build up the human capital in our communities so that we then can attract the private capital.

This is a major issue that is off the political debate screen but should be on the political debate screen and should be part of our agenda. There is a jobs gap in our Nation now, close to 5 million jobs, and even with the economy humming along at peak economic performance, there are many communities, as the eminent scholar, William Julius Wilson, points out, where there is no work, work is the most important thing we can focus on. When people work, they contribute to family, they contribute to community, they have dignity. But there are too many communities in our country where there are almost no jobs at all.

This legislation speaks to that. I will be bringing to the floor of the Senate some sense-of-the-Senate amendments that talk about the need to have thorough study and investigation. I will work out amendments that come from this piece of legislation, build up support, and come to the floor over and over and over again to talk about this. This is a structural problem in our economy, and this is the key to economic opportunity.

Children do better when their parents are doing better. There is no more important priority than to focus on jobs and to focus on job opportunities. That is what this legislation does.

I thank Brian Ahlberg, on my staff, and Deanna Caldwell for doing such superior work, and I thank the Center for Community Change, the Center for Budget and Policy Priorities, Peter Edelman and William Julius Wilson for their work, as well.

The bill I introduce today, the Strategic Transitional Employment Program (STEP) Act of 1998 addresses what I consider to be one of the key moral issues facing our country. The issue is jobs. I often say that if you want to prevent crime, if you want to prevent drugs, broken homes, violence in our homes, violence in our schools and on the streets, then focus on providing all Americans with a good education, good health care and a good job. Too many Americans who want to work and are able to work cannot find a good job.

During my recent and continuing travels, I have found that even as official unemployment figures and other leading indicators suggest that we should be celebrating our economic success, many American communities continue to struggle with the demoralization of joblessness. When I traveled last year to Mississippi, Los Angeles, Chicago, Baltimore, Kentucky, urban and rural Minnesota, and when I travel to struggling communities, neighborhoods and barrios today, I heard and still hear the question: Senator, where are all the good jobs? We want to work. We are able to work. Where are the jobs?

Most Americans are aware that the gap between rich and poor in America is widening. Between the late 1970s and the mid 1990s, incomes of the richest fifth of families increased on average by 30 percent, or about $27,000 after adjusting for inflation. In contrast, the real incomes of the poorest families declined on average 21 percent, about $2,500. According to the Center on Budget and Policy Priorities, ''In the United States as a whole, the poorest 20 percent of families with children had an average income of $9,250 in the mid-1990s, while the average income of families with children in the top 20 percent of the income distribution was $117,500, or 13 times as large.''

In the United States today, poverty is becoming more and more concentrated, the poor are more and more isolated, and joblessness is more strongly associated with that poverty than ever before. Concentrated joblessness is increasing in urban neighborhoods and poor rural communities. Meanwhile, the joblessness is becoming more and more prolonged—a chronic condition—for residents of those areas.

Last Friday I took part in an event at First Baptist Church in Southeast Washington, D.C. First Baptist is just across the Anacostia River on Minnesota Avenue. It serves the communities of Greenway, Marshall Heights and many others across our nation's capitol. District of Columbia Delegate HOLMES-NORTON and I announced that we would be introducing this bill, and I would just like to thank the church, including its pastor Eldridge Spearman, as well as Mr. and Mrs. Strayhorn and others of the church's staff for welcoming us there. Representatives of the Marshall Heights Community Development Organization also were present and participated in what I believe was an important event.

The problem of joblessness persists today in Washington, D.C. and in communities across the country, even at a time when our economy is at peak performance. Between 4 and 5 million Americans of working age lack the jobs they need to support themselves and their families. Many have been jobless for prolonged periods. They have lost their jobs, or they have never been able to find a job. They lack the skills and experience to get a job, or there are no jobs nearby where they live. Many are so discouraged they no longer are seeking work. They are not even counted as unemployed.

We are not talking only about those who are already or soon will be losing welfare benefits. Those people, many of them women with children, will be required to find work. We also are talking about more than a million men—African-American men in our cities, men regardless of race or background in urban and rural areas. Many jobless men are fathers. They want to work. They are able to work. But they remain jobless.

Why has concentrated joblessness and poverty increased and intensified for some while the rest of the country is enjoying an abundance of work, when in fact in some areas there are labor shortages? There are a number of reasons, but two are fundamental: changes in the nature of work and in the location of work. Race is a third important factor.

We have experienced profound economic restructuring that has transformed the nature of work and the skills demanded for work. Industrial and manufacturing jobs, once a foundation of our economy, have given way to work that is driven by new technological developments and a global marketplace. The demand for skilled workers, those with education and training, is high. Lower-skilled workers, who have always been the most vulnerable to economic shifts, have seen their work opportunities dwindle or vanish. The gap between average earnings of high school graduates and college graduates has become a gulf. In fact, ''the unemployment rates for low-skilled men and women are five times that among their college-educated counterparts,'' according to the prominent social scientist and Harvard University Professor William Julius Wilson.

I am pleased that to say that I believe we are on the verge of completing conference work on the workforce legislation that will improve the country's job-training system. That is a crucial, bipartisan work-product of the Senate's Labor Subcommittee on Employment and Training, on which I am proud to serve as Ranking Minority Member. I am hopeful we can complete and enact that legislation in the coming weeks. The bill I introduce today is designed to fit closely with and complement that reform of the federal job-

training system. It would utilize the streamlined and improved job-training infrastructure that the workforce bill is designed to bring about.

The location of work also has changed. Business has moved to the suburbs. New jobs, even lower-skill jobs, are more likely to be found in suburban environments than central city or rural communities. In the 1980s, 87 percent of new jobs in the lower-paying and lower-skilled service and retail trade sectors were created in the suburbs, according to the Department of Housing and Urban Development (HUD). And all too often, jobs in the suburbs are inaccessible using public transportation.

Race is a further determinant of concentrated poverty and joblessness. We cannot ignore or dismiss the impact of racial discrimination. It has created islands of poverty and joblessness. It is no coincidence that the residents of most central cities, of most poor rural counties, are more likely to be racial minorities. William Julius Wilson describes how many of our central cities have become essentially racially segregated and poor:

> In addition to changes in the economy and in the class, racial, and demographic composition of inner-city ghetto neighborhoods, certain government programs and policies contributed, over the last fifty years, to the evolution of jobless ghettos. Prominent among these are the early actions of the FHA in withholding mortgage capital from inner-city neighborhoods, the manipulation of market incentives that trapped blacks in the inner cities and lured middle-class whites to the suburbs, the construction of massive federal housing projects in inner-city neighborhoods, and, since 1980, the New Federalism, which, through its insistence on localized responses to social problems, resulted in drastic cuts in spending on basic urban programs. Just when the problems of social dislocation in jobless neighborhoods have escalated, the city has fewer resources with which to address them.

HUD's State of the Cities report for 1997 observed that, ''In 1995, the poverty rate for whites (not of Hispanic origin) was 6.4 percent; for Asians and Pacific Islanders it was 12.4 percent; African Americans, 26.4 percent; and Hispanics 27.0 percent.''

The Eisenhower Foundation recently published a report that examines what has happened in the 30 years since the historic Kerner Commission report of 1968. Here is one finding from that report: ''Since the Kerner Commission, the U.S. has had the most rapid growth in wage inequality in the Western world, with racial minorities suffering disproportionately. . . [T]here cannot be meaningful progress in closing the racial divide without an economic corollary.''

The problem is not only urban. An American Indian in Minneapolis or a Mexican-American immigrant in Willmar, Minnesota might still not receive fair consideration from too many potential employers. With historic Civil Rights legislation through the years, we have largely transcended the most blatant policies of racial prejudice and segregation in our country. But to some degree we have replaced them with policies of inaction and neglect. Poor minorities have been made poorer, in some cases are more segregated, and many remain stereotyped.

We pay for neglect, for the failure to act, in a myriad of ways. Neglect breeds destructive behavior that harms individuals, that harms those in close proximity, and that eventually harms those far removed. Criminal behavior is a child of neglect. We know that there are strong relationships between poverty, unemployment, and crime. Work deters the kind of crime that is found in communities of concentrated joblessness and poverty. It may not be all that is needed, but legitimate work opportunity is integral. Without it there is no hope.

The STEP proposal would build a bridge to close the ''jobs gap''—the gap between those who are doing well in today's economy and those who are being left behind. The problem in this case is not the cyclical nature of our economy. It is chronic and structural joblessness. We cannot any longer disregard the substantial portion of our population that is being left out of the benefits of general prosperity.

The Center for Community Change estimates a jobs gap of about 4.4 million. In other words, 4.4 million people are out of work or economically in need of additional employment due to a lack of jobs appropriate to their skills and abilities. The estimate includes about 2.1 million of the officially unemployed who have been without work for 15 weeks or longer. It also includes about 330,000 persons who are without work but have given up their employment search and are therefore no longer officially unemployed—also called the discouraged worker. And it includes about 2 million full-time equivalent positions, which represent the nearly 4 million ''economically underemployed,'' people who work part-time because they cannot find a full-time job and who are also not included in the count of the officially unemployed.

The answer to the jobs gap is jobs, and our bill will create jobs—1.8 million of them over three years. The idea for this legislative proposal comes from people who have devoted much of their professional lives to attempting to solve this problem: the Center for Community Change, the Center for Budget and Policy Priorities, Peter Edelman, William Julius Wilson and grassroots organizations around the country which serve low-income communities. Our bill will not create every permanent job that is needed. Massive job-creation programs have been proposed and even tried in the past. They usually were designed as counter-cyclical interventions in the economy to address recessions. We also acknowledge that there are other reasons for joblessness which our bill does not directly address. If there are no jobs nearby, part of the solution may be transportation. If a jobless person is a parent, part of the solution may be affordable, quality child care.

Rather, the bill proposes for the first time a specific and limited policy tool to address a specific, crucial need. It is a realistic effort to provide for out-of-work individuals a transition between chronic joblessness and a non-subsidized job in the private or public sector. It is a serious, even if initial and partial, effort to close the jobs gap. What I propose today is a plan to provide nearly 2 million Americans with a significant step toward a full-time, living wage job.

It will help these jobless individuals living in poverty with meaningful employment experience for one year, as well as with skills-training and education.

It will provide hard-hit communities with needed economic development and services so they can attract more investment.

It will prepare workers who, at the end of a year of skills-developing work, can qualify for many of the positions that private employers are telling us they cannot fill because they can't find able and experienced workers. That also will help attract investment.

Finally, it will create a new demonstration program at the Small Business Administration to help target venture-capital investment to small enterprises that provide jobs in high-unemployment, high-poverty communities.

The core of the bill is a 4-year, $20-billion program to create 1.8 million entry-level, 12-month, transitional jobs. These will be community employment jobs, filling needs in the affected communities. The program would be administered by the Department of Labor, largely through the existing federal employment and training infrastructure, which we are in the midst of reforming and improving in substantial ways. Money and decision-making power would be pushed down to the local level. Participation by key groups—employers, labor, elected officials and community-based organizations—would be assured.

We are not simply providing make-work jobs leading to nowhere. State and local plans would have to specify how the jobs and the accompanying skills development would provide a transition to gainful employment after one year. Nor are we creating an exploited, low-wage workforce to displace current workers or undercut their wages, such as many allege is happening with Welfare-to-Work in some places. Strict anti-displacement language is included in the bill. Workers in the program would be paid slightly above minimum wage, plus benefits, and would receive full federal labor law protections.

The program would be paid for from discretionary funds, so no budgetary offset would be required for its enactment. Nonetheless, offsets are included in the bill. It would be paid for by eliminating unnecessary current spending. The bill would revoke the current

subsidy of excessive executive compensation among large American corporations—prohibiting the federal tax deduction for salaries paid to executives which are more than 25 times the compensation of another employee of the same company for the same year. And it would repeal the deferral of income tax owed on assets of U.S.-controlled foreign corporations.

Here is how the bill would work.

The STEP Act would provide transitional employment to place people firmly on the pathway to economic security.

The STEP Act would provide funding over four years to create entry-level jobs, and provide benefits, for people who have been jobless 15 weeks or more, who have a family income at or below poverty, and who are living in a community of concentrated poverty and unemployment. The jobs would be transitional—meaning that eligible participants could stay in the program for a maximum of twelve months, although some exceptions would be allowed.

Under the four-year STEP initiative, States and local communities would spend the first year carefully planning a job creation strategy to create, nationwide, 1.8 million jobs over three years. With an eye towards ensuring quality and the coordination of resources, the STEP Act incrementally builds the number of jobs created each year to reach the total of 1.8 million jobs. Funding is provided in the second (post-planning) year to create 200,000 jobs; in the third year to create 600,000 jobs; and in the fourth year to create 1 million jobs.

The number one priority of STEP is creating jobs for people who need work—people living in communities of concentrated poverty and unemployment. STEP is not just a job that ends in 12 months. It is the propellant for landing sustaining employment—employment that pays a living wage, the kind of job that could provide meaningful responsibilities to help people develop work skills and get sound work experience under their belt. At the same time, STEP participants would have paid time—10 hours per week—to get secondary, vocational, or post-secondary education. Their annual earnings would be consistent with living wage principals. They would be hooked into services such as transportation and child care which will be critical to their ultimate success. Also, they would have job search and job placement assistance to help ensure their successful transition out of the STEP program.

The second priority is to create jobs in communities where jobs are scarce—in communities of concentrated poverty—whenever possible. There is no lack of work to be done in poor neighborhoods. The STEP Act would authorize work, regardless of its location, for environmental conservation or restoration, to develop infrastructure or affordable housing, to provide human services or to support small businesses. Poor communities could use the wage subsidies that STEP would provide to help with the renovation of schools and community centers, to provide child care or community health care services, to provide elder care, to provide aides to school teachers, to provide after-school and summer recreational programs, to develop parks and playgrounds, to provide 911 phone service, to remove lead paint and asbestos, to build or renovate housing, and to provide community safety and crime prevention services. This is just some of the work that could be, and should be, done in communities with entrenched poverty.

The jobs that would be created and the location of those jobs would be determined by the people most familiar with the needs of the community and with the needs of local residents. Local community members, elected officials, labor unions, and representatives from for-profit business would collaborate to develop work proposals and identify worksite employers. When work could be physically located in or would benefit a community of concentrated poverty and unemployment, that work would receive funding before other proposals. We would allow jobs to be located outside a community of poverty for two reasons: (1) because we understand that the best skill-developing work opportunities may lie outside the boundaries of an impoverished community and our first priority is getting people to work; and (2) because we recognize that wages alone don't renovate schools or build houses. Other resources are necessary and may not be available to those communities. Participants, however, would have to be residents of a community of concentrated poverty and unemployment.

Employers could be local public agencies, private nonprofits, or private employers. Work created in public agencies and in nonprofits would be funded first.

The bill contains a number of measures to ensure that current employees would not be harmed or displaced. Labor organizations would play a significant role in selecting job proposals and in monitoring work conditions. It also contains provisions to ensure that workers would be provided health insurance benefits; would be covered by Federal, State, and local labor laws; would be covered by anti-discrimination statutes; and would be eligible for the Earned Income Tax Credit.

The cost of creating 1.8 million jobs over four years as I have outlined is $21 billion. That cost of providing jobs to those who need them is a bargain compares to the inescapable price that we pay, and that our children will pay, for doing nothing. The price of neglect is high—fiscally, emotionally and culturally.

The bill also provides funding for community development venture capital—a critical need in most low-income communities. Equity capital is in short supply in low-income areas. Grassroots community development organizations have accomplished much through self-help economic development efforts, including microlending and technical assistance to businesses. However, few of these organizations have the financial or technical capacity to make equity investments to launch businesses or to help them expand. A field of community development venture capita (CDVC)l funds is emerging to fill the gap. These CDVC funds are targeting businesses that traditional institutional investors shy away from for a variety of reasons. These are businesses that may be located in economically distressed urban or rural areas, or businesses in need of equity investment in smaller amounts than what the traditional investor would consider. Also unlike the traditional investment firm, CDVCs target companies that will create good jobs that pay decent wages and opportunities for advancement. They seek to shape the culture of young companies with respect to sustainable community development and environmental impact. That means providing entrepreneurial solutions to social problems, creating jobs and generating wealth in economically disadvantaged areas, and yielding competitive long-term investment returns.

There are about 30 community development venture capital funds currently operating around the country. Northeast Ventures Corporation in Duluth, Minnesota is an excellent example. Northeast Ventures invests primarily in a seven county area that is a restructured mining region. They invest in a wide range of industries, with ''typical'' initial investments ranging from $150,000 to $350,000.

The STEP Act would provide funding of $20 million over four years for community development venture capital initiatives. The program would help to build the capacity of existing CDVC funds and encourage the development of emerging funds. The funds would be channeled through experienced, qualified, nonprofit intermediary organizations to provide venture capital financing (loans, grants, and equity investments) to venture capital funds that serve low-income people and their communities. The funding would also be used to provide training, education and operating support to develop the technical and administrative capacity of emerging community development venture capital organizations.

Mr. President, the STEP Act would be an important effort towards bridging America's jobs gap. I hope my colleagues will support it.

I ask unanimous consent that a list of groups supporting the bill be printed in the RECORD.

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

GROUPS IN SUPPORT OF STEP ACORN

Alameda Corridor Jobs Coalition, California

Amalgamated Transit Union, Local 998, Milwaukee
American Federation of Government Employees, AFL-CIO
Anishinabe Council of Job Developers, Inc., Minneapolis
Arrowhead Economic Opportunity Agency, Minnesota
Californians for Justice
Campaign for a Sustainable Milwaukee
Center for Community Change
Community Resource Center, Colorado
Community Voices Heard, New York
Georgia Citizens Coalition on Hunger
Greater Bethany Economic Development Corporation, California
Hartford Areas Rally Together, Connecticut
HIRED, Minneapolis
Homeless Services Coordination Station, Georgia
J.E.D.I. For Women, Utah
Marshall Heights Community Development Organization, Inc., Washington, D.C.
Metropolitan Alliance of Congregations, Illinois
Minnesota Assistance Council for Veterans
National Low Income Housing Coalition
Northwest Federation of Community Organizations
Operation PEACE, Inc., Georgia
People and Policy Center of Mississippi
Philadelphia Unemployment Project, Pennsylvania
Reform Organization of Welfare, Missouri
Rural Minnesota Concentrated Employment Program (CEP), Inc.
San Luis Valley Welfare Advocates, Colorado
SENSES, New York
South Carolina, Fair Share
South Central Georgia Task Force for the Homeless
Southerners for Economic Justice, North Carolina
Tennessee Justice Center
University of Minnesota, Labor Education Service
University of Minnesota, Institute on Race and Poverty
Up and Out of Poverty Now! Coalition, Georgia
Utica Citizens in Action, New York
Virginia Organizing Project
Women's Opportunity and Resource Development, Inc., Montana
Wister Townhouses Neighborhood Networks Computer Training Center, Pennsylvania

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By Ms. COLLINS:

S. 2216. A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program; to the Committee on Finance.

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## GRADUATE MEDICAL EDUCATION TECHNICAL AMENDMENTS OF 1998

Ms. COLLINS. Mr. President, today I introduce the Graduate Medical Education Technical Amendments Act of 1998, which is intended to address some of the problems that small family practice residency programs in Maine and elsewhere are experiencing as a result of provisions in the Balanced Budget Act (BBA) of 1997 that were intended to control the growth in Medicare graduate medical education spending.

Of specific concern are the provisions in the BBA that cap the total number of residents in a program at the level included in the 1996 Medicare cost reports. Congress' goal in reforming Medicare's graduate medical education program was to slow down our nation's overall production of physicians, while still protecting the training of physicians who are in short supply and needed to meet local and national health care demands. While it is true that the BBA's provisions will curb growth in the overall physician supply, they do so indiscriminately and are thwarting efforts in Maine and elsewhere to increase the supply of primary care physicians in underserved rural areas.

Because Maine has only one medical school—the University of New England, which trains osteopathic physicians—we depend on a number of small family practice residency programs to introduce physicians to the practice opportunities in the state. Most of the graduates of these residency programs go on to establish practices in Maine, many in rural and underserved areas of the state. The new caps on residency slots included in the BBA penalize these programs in a number of ways.

For instance, the current cap is based on the number of interns and residents who were ''in the hospital'' in FY 1996. Having a cap that is institution-specific rather than program-specific has caused several problems. For instance, the Maine-Dartmouth Family Practice Residency Program had two residents out on leave in 1996—one on sick leave for chemotherapy treatments and one on maternity leave. Therefore, the program's cap was reduced by two, because it was based on the number of actual residents in the hospital in 1996 as opposed to the number of residents in the program.

Moreover, residents in this program have spent one to two months training in obstetrics at Dartmouth's Mary Hitchcock's Medical Center in Lebanon, New Hampshire. Because the cap is based on a hospital's cost report, these residents are counted toward Dartmouth Medical School's cap instead of the Maine-Dartmouth Family Practice Residency Program's. Last year, the Maine program was informed that Dartmouth would be cutting back the amount of time their residents are there. But the Maine-Dartmouth Family Practice Residency Program has no way of recouping the resident count from them in order to have the funds to support obstetrical training for their residents elsewhere.

Moreover, the cap does not include residents who continue to be part of the residency program, but who have been sent outside of the hospital for training. This penalizes all primary care specialties, but especially family medicine, where ambulatory training has historically been the hallmark of the specialty. This is particularly ironic since other specialty programs that now begin training in settings outside the hospital will, under the new rules, have those costs included in their Medicare graduate medical education funding.

All told, the Maine Dartmouth Family Practice Residency Program will see its graduate medical education funding reduced by over half a million dollars a year as a result of the cap established by the BBA.

The example I have just used is from Maine, but the problems created by the BBA's graduate medical education changes are national in scope. It has created disproportionately harmful effects on family practice residencies from Maine to Alaska. A recent survey of all family practice residency program directors has found that:

56 percent of respondents who were in the process of developing new rural training sites have indicated that they will either not implement those plans or are unsure about their sponsoring institutions' continued support.

21 percent of respondents report planning to decrease their family practice residency slots in the immediate future. The majority of those who are planning to decrease their slots are the sole residency program in a teaching hospital. This means that, under current law, they have no alternative way of achieving growth, such as through a reduction of other specialty slots in order to stay within the cap.

And finally, the vast majority of family practice residencies did not have their full residency FTEs captured in the 1996 cost reports upon which the cap is based.

In addition to this survey, we have anecdotal information from residencies across the country detailing how they have lost funding either because of where they trained their residents or because their residents had been extended sick or maternity leave. For example, one family practice residency in Washington State last year had an equivalent of 14 residents training outside of the hospital and four in the hospital. Under the BBA, their cap would be four. By contrast, had all of their residents been trained in the hospital up to this point, their payment base would have been capped at 18, even if they trained residents in non-hospital settings in the future.

The Medicare Graduate Medical Education Technical Amendments Act, which I am introducing today, will address these problems by basing the cap on the number of residents ''who were appointed by the approved medical residency training programs for the hospital'' in 1996, rather than on the number of residents who were ''in the hospital.''

I am also concerned that the Balanced Budget Act and its accompanying regulations will severely hamper primary care residency programs that are expanding to meet local needs. Specifically, a new residency program that had not met its full complement of accredited residency positions until after the cutoff date of August 5, 1997, is precluded from increasing its number of residents unless the hospital decreases the number of residents in one of its other specialty programs. However,

over forty percent of the nation's family practice residency programs are the only program sponsored by the hospital. This provision therefore completely precludes such a hospital from expanding its residency program to meet emerging primary care needs.

To address this problem, the legislation I am introducing today would exempt the small number of programs at hospitals that sponsor just one residency program from the cap. In addition, to enable a number of family practice residency programs that are already in the pipeline to get accredited and grow to completion, the bill extends the cutoff date to September 1999.

And finally, the Balanced Budget Act gave the Secretary of Health and Human Services the authority to give ''special consideration'' to new facilities that ''meet the needs of underserved rural areas.'' The Health Care Financing Administration has interpreted this to mean facilities that are actually in underserved rural areas. There have been several recent expansions in family practice residency programs that include a rural training track, with residents located in outlying hospitals, or with satellite programs designed specifically to train residents to work with underserved populations.

Even though these new programs or satellites required accrediting body approval, they are still part of the ''mother'' residencies, which may not be physically located in an underserved rural area. While these are not technically new programs, I believe that the definition should be expanded to include such endeavors, given the value of these programs in addressing the needs of underserved populations. Therefore, the Medicare Graduate Medical Education Technical Amendments Act would expand the definition to include ''facilities which are not located in an underserved rural area, but which have established separately accredited rural training tracks.''

Mr. PRESIDENT, while the changes I am proposing today are relatively minor and technical in nature, they are critical to the survival of the small family practice residency programs that are so important to our ability to meet health manpower needs in rural and underserved areas. I urge all of my colleagues to join me in cosponsoring the Medicare Graduate Medical Education Technical Amendments and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2216

*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 ''Graduate Medical Education Technical Amendments of 1998''.

**SEC. 2. INDIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.**

Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)) (as added by section 4621(b) of the Balanced Budget Act of 1997) is amended by striking ''in the hospital with respect to the hospital's most recent cost reporting period ending on or before December 31, 1996'' and inserting ''who were appointed by the hospital's approved medical residency training programs for the hospital's most recent cost reporting period ending on or before December 31, 1996. The preceding sentence shall not apply to a hospital that sponsors only 1 allopathic or osteopathic residency program.''.

**SEC. 3. DIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.**

(a) LIMITATION ON NUMBER OF RESIDENTS.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) (as added by section 4623 of the Balanced Budget Act of 1997) is amended by inserting ''who were appointed by the hospital's approved medical residency training programs'' after ''may not exceed the number of such full-time equivalent residents''.

(b) FUNDING FOR NEW PROGRAMS.—The first sentence of section 1886(h)(4)(H)(i) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(H)(i)) (as added by section 4623 of the Balanced Budget Act of 1997) is amended inserting ''and before September 30, 1999'' after ''January 1, 1995''.

(c) FUNDING FOR PROGRAMS MEETING RURAL NEEDS.—The second sentence of section 1886(h)(4)(H)(i) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(H)(i)) (as added by section 4623 of the Balanced Budget Act of 1997) is amended by striking the period at the end and inserting '', including facilities that are not located in an underserved rural area but have established separately accredited rural training tracks.''.

**SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

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By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. DOMENICI, Mr. LIEBERMAN, Mr. BURNS, Mr. BINGAMAN, Mr. GRAMM, and Mr. BREAUX):

S. 2217. A bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL RESEARCH INVESTMENT ACT

● Mr. ROCKEFELLER. Mr. President, I would like to join my colleagues Senators FRIST, LIEBERMAN, DOMENICI, BINGAMAN, BURNS, GRAMM, and BREAUX in introducing the Federal Research Investment Act. This legislation will set a long-term vision for federal funding of research and development programs so that the United States can continue to be the world leader in high-tech industries.

This is a very important time in our history. One only needs to look as far as the front page of the newspaper to see the effect of high-technology on our country. New drugs are becoming available for fighting cancer; new communication hardware is allowing more people to connect to the internet; and advances in fuel-cell technology are leading to low-emission, high-efficiency hybrid vehicles. In fact, seventy percent of all patent applications cite non-profit or federally-funded research as a core component to the innovation being patented. People are living longer, with a higher quality of life, in a better economy due to processes, procedures, and equipment which are based on federally-funded research.

What I am afraid of is that many people are not aware that these products do not just 'come along.' They are the result of a basis of knowledge which has been built up by researchers supported by federal funding. American companies pull from this knowledge base in order to develop the latest high-tech products which you and I read about in the paper and see on our store shelves.

I view this knowledge base as a bank. The US government puts in modest amounts of funding in the form of support for scientific research. The payback comes from the economic growth which is produced as this knowledge is turned into actual products by American companies. That is the good news.

The bad news is that the United States has been withdrawing more than it has been depositing for several years now. Just this year we are looking at the first budget surplus in 29 years. A large part of the current rosy economic situation is due to our dominate high-tech industries. High-tech companies are currently responsible for one-third of our economic output and half of our economic growth. However, we have not been supporting the fundamental, pre-competitive research which is critical to these industries at the levels necessary to allow us to continue at this pace. We must act now in order to try to correct this situation.

Recently, Senators GRAMM and LIEBERMAN, along with Senators DOMENICI and BINGAMAN, introduced S. 1305 the National Research Investment Act. Their idea was to double R&D funding in 10 years, a very noble and courageous effort. Even more importantly, I think, this bill caused members of the scientific and engineering community to pull together and fight as a whole for an idea. It has certainly caused the co-sponsors of this bill to pull together to try to move forward as a group with their original idea. Our bill is the next step in this process.

This bill is a long-term vision for federal R&D funding. It creates legislative language which stresses the importance of R&D funding to the strength of our nation's innovation infrastructure. It also sets out guidelines for Congress to use in prioritizing funding decisions.

Based on a careful review and analysis of our past history, our bill authorizes a real funding increase of 2.5% over the rate of inflation for the next 12 years for federally-funded, civilian, R&D programs. This would increase federal R&D spending from the current level of 2.1% to 2.6% of total, overall budget. It would also cause a doubling, in 1998 dollars, of R&D funding in approximately 12 years. In order to make

sure that these increases are fully incorporated into budgetary process we request that the President include these increases in his annual budget request to Congress.

Currently, as I have stated previously, we are in an economic upturn. This is the perfect time to increase funding for R&D so that we can continue this growth. I have faith that, as long as the economic situation allows it, my thoughtful and wise colleagues will support increasing R&D funding to the levels that we have laid out in this bill. However, I am also a realist. I realize that the economy may not always remain as strong as it is right now. That is why we have introduced a funding firewall. Without this firewall I am seriously concerned that history will repeat itself. In the past, R&D funding is one of the first things that has been cut during times of crisis. This is the wrong approach. I believe that cutting R&D funding levels below a bare minimum level causes serious, long-term harm to the R&D infrastructure in the United States. Our firewall would not allow this to happen. It is not meant as a goal, it is meant as a bare minimum which should only be implemented in the leanest of years.

Many, if not most, recent 'quantum leaps' in knowledge have occurred at the interface between traditional disciplines of research. Therefore, we legislatively mandate that this funding increase must be macroscopically balanced, so that there is not preferential growth of one agency, program or field of study at the expense of other, equally qualified and deserving agencies. One of the original reasons that I started to get involved with technology issues such as EPSCoR and EPSCoT, was because I believe that technology should be shared by everyone, not just those in Silicon Valley or the Route 128 corridor in Boston. Therefore, this bill should not be seen as a means of promoting elitist science but as a mechanism for allowing for diversity in our national innovation infrastructure.

Finally, so that we are able to assure other Members of Congress and the general public that this money authorized by this Act would be well spent, we have included accountability measures which will assure that there is no waste of federal money on out-dated, or ill-conceived projects. This bill puts into place a system of accountability for each affected agency. Our bill institutes a study by the National Academy of Sciences to determine how to effectively measure the progress of R&D based agencies and then have them institute performance measures based on these metrics. This will allow increases in funding without concerns over wasteful spending being generated.

In conclusion, with the help of Senators GRAMM, LIEBERMAN, DOMENICI, and BINGAMAN, Senator FRIST and I have put together a long-term vision for federal R&D funding which we hope will instigate real increases in federal funding for research and development. Federally-funded research has been, and will continue to be, a driving power behind our economic success. If we are to maintain and enhance our current economic prosperity we must make sure that research programs are funded at adequate levels. I urge my colleagues to support this bill.●

● Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues, the original cosponsors of S. 1305, the members of the Senate Science and Technology Caucus, and Senator BREAUX, as an original cosponsor of S. 2217, the Frist-Rockefeller Federal Research Investment Act. This is the next step in the effort to restore federal civilian R&D investments to their historical levels and assure American leadership in science, technology, and innovation into the 21st century.

I was pleased to introduce last October, along with Senators GRAMM, BINGAMAN, and DOMENICI, the National Research Investment Act of 1998, S. 1305, which now has 19 cosponsors. S. 1305 has been an important coalition-building vehicle that served to galvanize support for federal R&D programs within the Congress. It is time, now, to move forward with a new legislative instrument that can move through the committee process and onto the floor.

The Frist-Rockefeller bill adds an important policy piece to the Senate effort to double federal R&D investments—based upon the work this year of the Senate Science and Technology Caucus, which I co-Chair along with Senator FRIST—and adds performance-based accountability provisions to ensure the quality of programs funded with new monies. The policy piece is especially valuable because it outlines an investment strategy that can serve as a useful complement to the very important efforts of the House Science Committee in drafting a national policy for federal R&D programs.

We must fund research and development at levels commensurate with their contribution to the health and welfare of our citizenry. America's research enterprise is the most competitive and productive in the world. The strength of our innovation system depends on the steady stream of discovery that flows out of our nation's universities and industrial and national laboratories. The creation of new knowledge, and the education and training that is part and parcel of the knowledge-creation process, are critical enablers of wealth creation and future economic growth. I believe that adequately funding R&D and advanced scientific and technical education are two of the most effective measures we can undertake to promote the health and prosperity of America's high-tech economy.

I welcome the leadership of Senators FRIST and ROCKEFELLER. I look forward to working with them to assure the continued success of America's science and technology enterprise.

I'd like to take a moment to acknowledge the important work of the many people representing research and educational organizations who have labored long and hard to raise the level of understanding of those of us in Congress with respect to the contribution research makes to our national well being. They have helped to lay the groundwork for this legislation that was introduced today. Among those who have contributed to this effort are:

Mike Lubell and Frances Slakey, American Physical Society;

David Schutt and Melissa Kuckro, American Chemical Society;

Greg Schuckman and Pete Leon, American Association of Engineering Societies;

Kathy Tollerton, American Society for Engineering Education;

Mike Matlack, the National Society of Professional Engineers;

Raymond Paul, Institute of Electrical and Electronic Engineers;

Suzy Glucksman, American Society of Mechanical Engineers;

Sam Rankin, American Mathematical Society;

David Peyton, National Association of Manufacturers;

Stephanie Stitzer, American Electronics Association;

Taffy Kingscott, Coalition for Technology Partnerships, and the Semiconductor Industry Association;

Betsy Houston, Federation of Materials Societies;

Ron Kelley, Materials Research Society;

Elizabeth Baldwin, Optical Society of America;

Jerry Roschwalb, National Association of State Universities and Land-Grant Colleges;

George Leventhal, Association of American Universities;

Richard O'Grady and Jodi Kolber, American Institute of Biological Sciences;

Brian Gottlieb, American Society for Microbiology;

Nadine Lymn, Ecological Society of America;

Peter Folger, American Geophysical Union; and

Stephanie Beck, Research America! ●

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By Mr. SARBANES (for himself, Mr. FAIRCLOTH, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 2218. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement a strategic master plan for States on the Atlantic Ocean to address problems associated with toxic microorganisms in tidal and non-tidal wetlands and waters; to the Committee on Environment and Public Works.

ATLANTIC COAST TOXIC MICROORGANISM ENVIRONMENTAL REMEDIATION ACT

● Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleagues Senators FAIRCLOTH, WARNER, MIKULSKI and ROBB, to help address the serious problems posed by toxic microorganisms that are affecting the tidal and non-tidal wetlands and waters of the States along

the eastern seaboard. The ''Atlantic Coast Toxic Microorganism Environmental Remediation Act'' authorizes the Army Corps of Engineers to develop and implement a strategy to mitigate current and potential problems posed by these aquatic microorganisms.

Serious outbreaks of toxic microorganisms, such as Pfiesteria and Pfiesteria-like dinoflagellates, have recently struck inland waters and estuaries in Maryland, North Carolina, Delaware, Florida, and Virginia. Linked to the flow of excess nutrients and loss of habitat, these toxic microorganisms are seriously impacting regional economies and threatening finfish resources and economic and recreational sectors along the Atlantic Coast.

Between 1972 and 1995, the number of coastal and estuarine waters that host major, recurring attacks by harmful microbes has doubled. Last year alone, approximately 450,000 fish were killed in North Carolina by Pfiesteria, while tens of thousands of valuable fish met the same fate in tidal rivers in the eastern shore of my own State of Maryland last year. There are other harmful microbes, as well, that are similar to Pfiesteria in their effects and that may be poised in a moments notice to wreck havoc on our aquatic ecosystems and communities and which may pose serious threats to human health and safety.

In 1982, scientists were aware of 22 species of harmful water-borne dinoflagellates; now they are aware of over 60! So, we now face a situation where more than five dozen different harmful microbes can potentially produce catastrophic economic and environmental effects in waters extending along the eastern seaboard.

Experts note that such harmful attacks are increasing in frequency or severity in aquatic environments both in the United States and worldwide. Toxic dinoflagellates and harmful algae are microscopic, single-celled organisms that live in the sea, estuaries and near-shore inland waters along our coasts. Most species are not harmful, and are a key element in the aquatic food web. Unfortunately, a small number of these species also produce potent neurotoxins than can affect and even kill higher forms of life, such as shellfish, finfish, birds, marine mammals, as well as impact human health.

Last year, the Administration directed that an interagency research and monitoring strategy be developed in response to the outbreaks of Pfiesteria in the Chesapeake Bay. Seven federal agencies participated in developing this strategy including NOAA, EPA, the Departments of Interior and Agriculture and the Centers for Disease Control. Funding to implement actions called for under the plan and the Administration's Clean Water Initiative was included in the fiscal 1999 budget request. Unfortunately, the key Federal agency with expertise in water resources and aquatic habitat restoration—the Army Corps of Engineers—was not included in the interagency task force and habitat and related considerations were not integrated into the response plans.

The bill I am introducing seeks to address this shortcoming and to ensure that all the available expertise of the Federal government is brought to bear in combating these biotoxins. The legislation authorizes the Army Corps of Engineers, in partnership with State and local governments as well as other Federal agencies, to conduct an evaluation, develop a strategic master plan, and implement recommended actions to address problems in the degradation of aquatic habitat related to the presence of toxic microbes, including Pfiesteria, in wetlands and waters along the Atlantic coast. With its expertise in watershed management and restoration, the U.S. Army Corps of Engineers has a vital role to play in responding to the threats posed by toxic microorganisms and this legislation provides the funding and authority for this agency to do so.

Mr. President: I ask unanimous consent that the full text of the bill be included in the RECORD.

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

S. 2218

*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 ''Atlantic Coast Toxic Microorganism Environmental Remediation Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) effective protection of tidal and nontidal wetlands and waters of the United States is essential to sustain and protect ecosystems, as well as recreational, subsistence, and economic activities dependent on those ecosystems;

(2) the effects of increasing occurrences of toxic microorganism outbreaks can adversely affect those ecosystems and their dependent activities; and

(3) there needs to be a comprehensive evaluation, development, and implementation of strategic master plans for States.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE.—The term ''State'' means a State on the coast of the Atlantic Ocean.

(3) TOXIC MICROORGANISMS.—The term ''toxic microorganisms'' includes Pfiesteria piscicida and other potentially harmful aquatic dinoflagellates.

**SEC. 4. STUDY AND STRATEGY FOR AQUATIC HABITAT REMEDIATION.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall evaluate, develop, and implement a strategic master plan for each State (on a watershed basis) to address problems associated with the degradation of ecosystems and their dependent activities resulting from toxic microorganisms in tidal and nontidal wetlands and waters.

(b) FEDERAL AND NON-FEDERAL SHARES.—

(1) FEDERAL SHARE.—The Federal share of the cost of evaluating, developing, and implementing a strategic master plan for a State under subsection (a) shall be 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of evaluating, developing, and implementing a strategic master plan for a State under subsection (a) shall be provided in the form of cash, in-kind services, or materials.

(c) COOPERATIVE AGREEMENTS.—Subject to subsection (b), in carrying out this section, the Secretary may enter into cooperative agreements with Federal, State, and local government agencies under which the Secretary shall provide financial assistance to implement actions identified in each watershed strategic master plan.

(d) IMPLEMENTATION.—The Secretary shall carry out this section in cooperation with—

(1) the Secretary of the Interior;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the Administrator of the National Oceanic and Atmospheric Administration;

(5) the heads of other appropriate Federal, State, and local government agencies; and

(6) affected local landowners, businesses, and commercial entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.●

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By Mr. KERREY:

S. 2219. A bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation districts in the State of Nebraska; to the Committee on Energy and Natural Resources.

MISSOURI RIVER BASIN, MIDDLE LOUP DIVISION PROJECT FACILITIES CONVEYANCE ACT

● Mr. KERREY. Mr. President, today I am introducing the ''Missouri River Basin, Middle Loup Division Project Facilities Conveyance Act.''

The bill provides for the transfer of title of irrigation project facilities and lands from the Bureau of Reclamation, U.S. Department of Interior to the Middle Loup Division irrigation districts in central Nebraska. These districts have operated the facilities there for over 35 years.

The project facilities are part of the Missouri River Basin Project, and provide water from the Middle Loup River to over 64,000 acres of irrigable land, as well as providing recreation and fish and wildlife benefits. Principal features of the projects include the Sherman Dam and Reservoir, the Arcadia Diversion Dam, the Milburn Diversion Dam, irrigation canals and laterals, drains and pumping plants.

Crops grown on these irrigated lands primarily include alfalfa, small grains, sugar beets, and corn to provide feed for a thriving livestock-feeding economy in my state of Nebraska, which includes beef cattle, hogs, and poultry.

In 1995 the Vice President indicated that the Bureau of Reclamation of the U.S. Department of Interior should transfer title to allow local ownership of irrigation projects such as this. The Bureau has indicated to me that this project is a top candidate for title transfer to be achieved. When this legislation passes, Nebraska will become the first state where title transfer efforts have been successful.

A Nebraska-Middle Loup River Community Environmental Trust Fund is also created through the transfer, to be administered by a 7-member Interlocal Cooperation Agency (ICA). The fund is to be used for environmental and conservation enhancements to project lands and facilities, as agreed to by the 7-member ICA, and cannot be used for routine operation and maintenance of the project or facilities.

The irrigation projects and facilities were constructed between 1955 and 1966 under authorities of the Flood Control Act of 1944, and are currently operated and maintained under contracts between the Bureau and the irrigation districts and power producers. The transfer will provide for total repayment of all outstanding obligations on behalf of the irrigation districts and power producers, while retaining all current uses and purposes for the projects.

Mr. President, I urge my colleagues to join me in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2219

*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 ''Missouri River Basin, Middle Loup Division Project Facilities Conveyance Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) PROJECT.—The term ''project'' means each of the irrigation projects constructed by the United States under the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665), described as the ''Missouri River Basin, Middle Loup Division Project'' and locally known as the ''Farwell Irrigation Project'' and the ''Sargent Irrigation Project''.

(2) PROJECT BENEFICIARY.—The term ''project beneficiary'' means—

(A) the Farwell Irrigation District, Sargent Irrigation District, and Loup Basin Reclamation District, each of which is organized as a subdivision of government under the law of the State of Nebraska;

(B) a combination of the irrigation districts or reclamation district; and

(C) an organization established by 1 or more of the irrigation districts or reclamation district under the law of the State of Nebraska as an interlocal cooperation agency.

(3) PROJECT PROPERTY.—The term ''project property'' means—

(A) all contracts in effect on the date of enactment of this Act between the United States and a project beneficiary or other person that relate to a project or project facility, including any written or unwritten contract to provide power from a Federal power facility under the Act of December 22, 1944 (58 Stat. 887, chapter 665);

(B) all project distribution and drainage facilities, all reservoir and related diversion facilities, and all related land owned by the United States as of the date of enactment of this Act that the Secretary determines to be related to a project;

(C) all acquired land (including the surface estate and the subsurface estate) within a project;

(D) all water rights held by the United States relating to the project facilities;

(E) all right, title, and interest in all outstanding contracts, leases, licenses, outgrants, or permits on or relating to land associated with a project; and

(F) all personal property (including operating equipment, tools, materials, and other tangible personal property) owned by the United States that is used for the purpose of operating the project or serving the project facility.

(4) PROJECT PURPOSE.—The term ''project purpose'' means use of the project property and the water supply of the project (consistent with the recent use and experience with the project and not limited to the use envisioned when the project was originally authorized, and consistent with section 8) to—

(A) provide irrigation water for project land to which the project water rights are assigned;

(B) enhance the agricultural economy of the area served by the project;

(C) stabilize the water supply from surface and ground water sources in the area served by the project;

(D) develop and protect fish and wildlife resources native to the area served by the project; and

(E) develop and manage water- and land-based recreation facilities in the area that are related to the project property.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

**SEC. 3. CONVEYANCE.**

(a) CONVEYANCE.—

(1) IN GENERAL.—On January 1, 2000 (or on any earlier date that is agreeable to the Secretary and the project beneficiaries), the Secretary may, on terms in accordance with this Act, convey by quitclaim deed, patent, or other appropriate instrument, all right, title, and interest of the United States in and to the project property to the project beneficiaries, in the name or names of project beneficiaries as the project beneficiaries may determine.

(2) CONTAMINATED PROPERTY.—

(A) REMEDIAL ACTION.—Notwithstanding section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) or any other law, the Secretary shall make the conveyance under paragraph (1) not later than January 1, 2000, without regard to whether all necessary remedial action required under that Act on any part of the project property has been completed by that date.

(B) EFFECT.—Subparagraph (A) does not—

(i) relieve the United States of the obligation to complete any required remedial action expeditiously; or

(ii) place any obligation on the project beneficiaries to conduct or contribute to payment of the costs of any remedial action.

(3) COMPLETION OF NEPA STUDIES AND REPORTS.—The Secretary shall cause all studies and reports required on the project property under the National Environmental Policy Act of 1964 (42 U.S.C. 4321 et seq.) relating to the conveyance under paragraph (1) to be completed as far in advance of January 1, 2000, as practicable.

(b) CONSIDERATION.—The conveyance of the project property under subsection (a) shall be for consideration totaling $5,030,000, to be paid to the United States for credit against the Reclamation Projects Funds for the Missouri River Basin Project, as follows:

(1) PAYMENT BY PROJECT BENEFICIARIES.—

(A) IN GENERAL.—On the date of conveyance, the project beneficiaries shall pay the Secretary $3,530,000.

(B) CREDITING OF CONTRACT PAYMENTS.—There shall be credited against the amount specified in subparagraph (A) the amount of any payments made by the project beneficiaries between July 1, 1998, and December 31, 1999, under contracts between the project beneficiaries and the United States.

(2) PAYMENT BY POWER PRODUCERS.—

(A) IN GENERAL.—On the date of conveyance, the power producers under the Pick-Sloan Missouri Basin Program shall pay the Secretary $1,500,000.

(B) PAYMENT SOURCE.—As a source of funds for the payment under subparagraph (A), the power producers may use power sale revenues received in fiscal year 1998 or any subsequent fiscal year in which the amount of power sale revenues received exceeds the amount of interest and operation and maintenance obligations.

(c) SATISFACTION OF OUTSTANDING OBLIGATIONS.—

(1) IN GENERAL.—The payment of the sums provided for in subsection (b) shall be in full and complete satisfaction of all obligations against the project property, the project beneficiaries, and Missouri River Basin power producers existing before the date of conveyance of the project property under any contracts entered into between the United States, the project beneficiaries, or the Missouri River Basin power producers or under any obligations that may have been required by the Act of December 22, 1944 (58 Stat. 887, chapter 665) or other related Federal law.

(2) SATISFACTION OF OBLIGATIONS.—The completion of the conveyance of all project facilities under this Act and the payment of the consideration specified for the projects shall constitute full satisfaction of any and all obligations for further payments or repayments by the respective project beneficiaries or by the Missouri River Basin power producers for irrigation benefits of the project property and for any other benefits conveyed to the project beneficiaries.

(d) CONVEYANCE DOCUMENTS.—

(1) IN GENERAL.—With the assistance of the project beneficiaries, the Secretary—

(A) shall execute and deliver to the project beneficiaries all necessary conveyance documents (including quitclaim land deeds, court proceedings, decrees, bills of sale, certificates of title, lease contract transfers, water rights certificates and amendment documents, and notice filings) and make all such filings as may be required of the transferor; and

(B) take all such actions as may be required to consummate the conveyance of project property.

(2) FILING COSTS.—The cost of any required filing of documents shall be paid by the project beneficiaries.

(e) ASSUMPTIONS OF OBLIGATIONS.—On the date of the conveyance under subsection (a), the project beneficiaries shall—

(1) assume the rights and responsibilities under the contracts, leases, licenses, outgrants, and permits referred to in section 2(3)(E); and

(2) during the continued term of each contract, lease, license, outgrant, and permit, carry out all responsibilities of the United States under the contract, lease, license, outgrant, or permit unless released by the holder of the contract, lease, license, outgrant, or permit.

(f) NO DIMINISHMENT OF ESTATE.—The Secretary shall not transfer, modify, or restrict the interest of the United States in any part of the project property after the date of enactment of this Act and before the date of the conveyance under subsection (a).

(g) EFFECT OF AGREEMENT BY PROJECT BENEFICIARIES.—

(1) IN GENERAL.—By accepting the conveyance under subsection (a), the project beneficiaries agree—

(A) to operate, maintain, repair, replace, and rehabilitate the project in a manner designed to carry out the project purposes; and

(B) to cooperate with each person holding a contract, lease, license, outgrant, or permit referred to in section 2(3)(E) so as to ensure that the rights of the person under the contract, lease, license, outgrant, or permit are preserved after the conveyance.

(2) NOTIFICATIONS.—The project beneficiaries shall be responsible for notifying all State, regional, and local authorities (including authorities responsible for dam safety, monitoring, and inspections, water quality monitoring, and inspections and administration of water rights) regarding the conveyance of project property and the assumption of ownership of the project.

(h) PAYMENT OF NEPA STUDY COSTS.—All costs incurred by the United States in preparation of studies and reports required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relating to the conveyance under subsection (a)—

(1) up to the sum of $170,000, shall be paid equally by the United States and the project beneficiaries; and

(2) in excess of $170,000, shall be paid solely by the United States.

**SEC. 4. MIDDLE LOUP DRAINAGE FACILITIES AND LAND.**

(a) RESPONSIBILITY FOR DRAINAGE WORK.—

(1) IN GENERAL.—Except for any drainage work that is made necessary by acts or omissions of project beneficiaries in connection with project operations, any repair or modification of drainage work in existence on the date of enactment of this Act or any development of new additional drainage work that the project beneficiaries, in cooperation with Loup City, Nebraska, and the landowners on whose land drainage works exist at any time, determine is necessary to satisfactorily limit or reduce ground water encroachment on the land described in subsection (b), shall be the financial responsibility of the United States to the extent provided in paragraph (2).

(2) RACHETING DOWN OF FINANCIAL RESPONSIBILITY OF THE UNITED STATES.—For drainage work performed in the following fiscal years, the United States shall have financial responsibility for the following percentages of the cost of the drainage work, and the project beneficiaries shall have financial responsibility for the remainder:

| Fiscal year: | Percentage: |
|---|---|
| 2000 | 100 |
| 2001 | 95 |
| 2002 | 90 |
| 2003 | 85 |
| 2004 | 80 |
| 2005 | 75 |
| 2006 | 70 |
| 2007 | 65 |
| 2008 | 60 |
| 2009 | 55 |
| 2010 | 50 |
| 2011 | 45 |
| 2012 | 40 |
| 2013 | 35 |
| 2014 | 30 |
| 2015 | 25 |
| 2016 | 20 |
| 2017 | 15 |
| 2018 | 10 |
| 2019 | 5 |
| 2020 and thereafter | 0. |

(b) DESCRIPTION OF LAND.—The land described in this subsection is all land—

(1) in which the United States has any interest in the valley of the Middle Loup River in and around Loup City, Nebraska;

(2) that was developed or acquired by the United States for the purposes of collecting and draining excess ground water; and

(3) that is entirely outside the political subdivision boundaries of the project beneficiaries.

**SEC. 5. LIABILITY.**

Beginning on the date of the conveyance of the project property under section 3(a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the project property or a project except for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before that date.

**SEC. 6. MAINTENANCE OF PROJECT PURPOSES AND BENEFITS AND CREATION OF TRUST FUND.**

(a) CONTINUATION OF PROJECT PURPOSES.—

(1) IN GENERAL.—All project property conveyed under section 3 shall, to the extent practicable, be operated and maintained to achieve the project purposes.

(2) APPLICABILITY OF LAWS.—Operations of all project property conveyed under section 3 shall be subject to Federal and State laws under which the irrigation districts and reclamation district were established and the irrigation districts and reclamation district conduct operations.

(3) OTHER USES OF PROJECT FACILITIES.—All other uses of project facilities consistent with those laws and the operation of irrigation facilities, including fish, wildlife, and recreation uses, shall be preserved, protected, and enhanced to the extent practicable by the project beneficiaries.

(b) NEBRASKA-MIDDLE LOUP RIVER COMMUNITY ENVIRONMENTAL TRUST FUND.—

(1) ESTABLISHMENT.—As a condition to the conveyance under section 3, the project beneficiaries shall establish a fund, to be known as ''Nebraska-Middle Loup River Community Environmental Trust Fund''.

(2) ADMINISTRATION.—The fund shall be administered by an interlocal cooperation agency, organized under State law by the project beneficiaries, that includes at least—

(A) 1 member selected by the Loup Basin Reclamation District;

(B) 1 member each selected by the Farwell Irrigation District and the Sargent Irrigation District;

(C) 1 member from the Nebraska Game and Parks Commission, to be selected by the Commission;

(D) 1 member from the Nebraska Natural Resources Commission, to be selected by the Commission;

(E) 1 member of the Lower Loup Natural Resources District, selected by the District; and

(F) 1 member from the Nebraska Department of Water Resources, to be selected by the Governor of the State of Nebraska.

(3) DEPOSIT.—On receipt of payment of consideration under section 3(b), the Secretary shall deposit the payment in the fund.

(4) USE OF FUND.—

(A) IN GENERAL.—Amounts in the fund shall be used to preserve, protect, enhance, and manage project property in a manner that the interlocal cooperation agency determines is necessary to achieve the project purposes, including actions to—

(i) stabilize water supplies;

(ii) conserve water and land resources;

(iii) improve and enhance fisheries and recreational opportunities; and

(iv) expand knowledge of water and land sources for enhancing project operations to improve the service of project purposes.

(B) PROHIBITION.—Amounts in the fund shall not be used for any routine operation and maintenance work by the project beneficiaries or any cooperator, lessee, licensee, or permittee of the project beneficiaries.

**SEC. 7. ARCHAEOLOGICAL PRESERVATION RESPONSIBILITIES.**

(a) IN GENERAL.—The Secretary shall complete all investigation and preservation activities required under the National Historic Preservation Act (16 U.S.C. 470 et seq.) at archaeological sites on project property that, before the date of the conveyance under section 3(a), have been identified as being subject to the requirements of that Act.

(b) EASEMENT.—At the time of the conveyance of the project property, the project beneficiaries shall convey to the Secretary an easement to each archaeological site described in subsection (a) for the purpose of retaining access to and full use of the site for the purposes of concluding any required archaeological activity at the site.

(c) EFFECT ON PROJECT OPERATION.—The Secretary shall—

(1) ensure that archaeological activity at an archaeological site described in subsection (a) does not adversely affect the integrity of the operation any project property; or

(2) to the extent that it is not practicable for the Secretary to avoid any adverse effect, provide such alternative facilities as are necessary to maintain project integrity.

**SEC. 8. MODIFICATION OF PROJECT PURPOSES.**

The purposes of the project are modified to exclude flood control.●

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By Mr. JOHNSON:

S. 2220. A bill to provide the President with expedited Congressional consideration of line item vetoes of appropriations and targeted tax benefits; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be charged.

THE LEGISLATIVE LINE ITEM RESCISSION ACT

Mr. JOHNSON. Mr. President, I rise today in response to the decision by the Supreme Court striking down the Line Item Veto Act.

Today's decision does not surprise many who have looked closely at the constitutional questions raised by this law. The fundamental flaw of the Line Item Veto Act was that it violated the Presentment Clause of the Constitution by attempting to give the President the power to amend legislation passed by Congress. In the words of Justice Stevens, who wrote for the majority of the Court, ''If the Line Item Veto Act were valid, it would authorize the President to create a different law—one whose text was not voted on by either House of Congress or presented to the President for signature.''

The majority opinion goes on to state that ''if there is to be a new procedure in which the President will play a different role in determining the final text'' of a law, such change can only result from amending the Constitution.

Some of my colleagues, in reaction to today's decision, have already announced their support for a constitutional amendment giving the President this power. I hope that, in their haste, they do not overlook a legislative alternative that I am introducing in the Senate today to create a process for expedited consideration of presidentially-proposed rescissions.

I have been a supporter of line-item rescission legislation since the beginning of my first term in the House of Representatives. I first introduced legislation in August 1987, and I was pleased to see support for this concept grow over the years.

In November 1987, I wrote to President Reagan's Chief-of-Staff, Howard Baker, to request that line-item rescission be discussed during the Economic Budget Summit that was held during that year. Although the administration declined this request, President Reagan's budget proposal for Fiscal Year 1989 contained a proposal for line-item rescission that was very similar to the legislation that I had introduced.

Support continued to grow, and a variety of versions of this legislation were introduced in the House. Eventually, the supporters of line-item rescission banded together in 1992 behind a common vehicle, H.R. 2164, which passed the House in October of that year. Insufficient time was available in the legislative year, however, for the Senate to take up the bill.

After the momentous elections in the fall of 1992, I met with Karen Hancox of President-elect Clinton's transition team. I requested that Clinton support the line-item rescission concept. His endorsement helped win easy House passage of H.R. 1578 on April 29, 1993. To my disappointment, however, the Senate did not take up consideration of this bill, and the 103rd Congress adjourned without progress.

The 104th Congress brought a change in control of the Congress. With that partisan shift came an inclination to support a new form of line-item rescission, the so-called legislative line-item veto. Unlike line-item rescission, the line-item veto stated that the president's rescissions were to be considered automatically approved unless overridden by a two-thirds vote of both the House and the Senate. Although still a cosponsor of line-item rescission, I voted for the new bill with the knowledge that it would receive constitutional scrutiny by the courts.

Now that the Supreme Court has ruled, I believe that Congress should take another look at line-item rescission. The bill I submit today, S. 2220, does not cede power to the President to alter an act of Congress. Instead, it provides for an up-or-down vote in Congress of rescissions proposed by the President, thus exposing controversial items of spending to the light of day. If Congress believes the spending is merited, then it will vote to reject the rescission bill. Likewise, if the spending does not stand up to scrutiny, Congress can pass the rescission bill with a majority vote in each house and send it to the President for signature.

The American Law Division of the Congressional Research Service has conducted a preliminary review of my bill. According to this review, S. 2220 would meet the standard outlined in today's Court decision since the bill would not cede to the President the power to alter the text of legislation passed by Congress.

It seems clear that we still need a mechanism to highlight items of wasteful spending and to force a vote on this spending. Line-item rescission accomplishes this feat without unduly altering the balance of power between the legislative and executive branches of government. Before running off to amend the Constitution, we should give line-item rescission a try.

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By Mr. GRASSLEY (for himself, Mr. REID, Mr. HOLLINGS, and Mr. D'AMATO):

S. 2222. A bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program; to the Committee on Finance.

REINSTATEMENT OF THE MEDICARE REHABILITATION BENEFIT ACT OF 1998

Mr. GRASSLEY. Mr. President, today I introduce the ''Reinstatement of the Medicare Rehabilitation Benefit Act of 1998 with my colleagues, Senators REID, HOLLINGS, and D'AMATO. This legislation will enable seniors to receive rehabilitative services based on their condition and not on arbitrary payment limits. A similar version was introduced in the House of Representatives by Congressman Ensign earlier this year.

The Balanced Budget Act of 1997 is a very important accomplishment and one that I am proud to say I supported. However, in our rush to save the Medicare Trust Fund from bankruptcy, Congress neglected to thoroughly evaluate the impact the new payment limits on rehabilitative services would have on Medicare beneficiaries.

The BBA included a $1500 cap on occupational, physical and speech therapy services received outside a hospital setting. According to a recent study by Muse & Associates, these limitations on services would harm almost 13 percent (or 653,000) of Medicare beneficiaries because these individuals would exceed the cap. While many seniors will not need services that would cause them to exceed the $1500 cap, others, like stroke victims, will likely need services beyond what the arbitrary caps will cover. Unfortunately, it is those beneficiaries who need rehabilitative care the most who will be penalized by being forced to pay the entire cost for these services outside of a hospital setting.

The bill I am introducing would repeal the cap, which is scheduled to go into effect in January 1999. The Secretary of the Department of Health and Human Services would be required to implement a prospective payment system that would recoup any savings lost from the repeal of this provision by January 2000. In essence, the bill attempts to accomplish the primary goal of the $1500 cap, budgetary savings, but without harming the Medicare beneficiary. Payment is based on the patient's condition and not on an arbitrary monetary amount. Help us repeal the $1,500 cap, establish a system that makes sense, and still achieve the budget savings sought from the BBA without reducing Medicare benefits.

Please join me and my colleagues in passing this legislation. I ask unanimous that the full text of the bill be printed in the RECORD.

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

S. 2222

*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 ''Reinstatement of the Medicare Rehabilitation Benefit Act of 1998''.

**SEC. 2. REPEAL OF FINANCIAL LIMITATION ON REHABILITATION SERVICES.**

(a) REPEAL.—

(1) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by striking subsection (g).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after January 1, 1999.

(b) OFFSETTING PORTION OF ADDITIONAL EXPENDITURES THROUGH PAYMENT REFORM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for outpatient physical therapy services, outpatient occupational therapy services, and outpatient speech-language pathology services covered under title XVIII of the Social Security Act and furnished on or after January 1, 2000, the Secretary of Health and Human Services shall implement a new payment methodology based on the classification of individuals by diagnostic category, functional status, and prior use of services in both inpatient and outpatient settings.

(2) BUDGET NEUTRALITY IN IMPLEMENTATION.—Such payment methodology shall be designed so that the methodology, taking into account the increased expenditures resulting from the amendment made by subsection (a), does not result in any increase or decrease in the expenditures under title XVIII of the Social Security Act on a fiscal year basis.

● Mr. REID. Mr. President, I rise in strong support of the ''Reinstatement of the Medicare Rehabilitation Benefit Act of 1998'' (RMRA). This legislation repeals a provision in the Balanced Budget Act of 1997 (BBA 97) that imposes a $1500 annual per beneficiary cap on Medicare outpatient rehabilitation services. RMRA directs the Health Care Financing Administration (HCFA) to develop and implement an alternative payment system that is based on individual diagnosis and prior therapy in both inpatient and outpatient facilities by January 1, 2000.

The BBA created annual caps for two categories of therapy provided to beneficiaries under Medicare Part B: a $1500 annual cap on physical therapy and speech language combined; and a separate cap for occupational therapy. These arbitrary limits on rehabilitation therapy were hastily included in the BBA without the benefit of Congressional hearings or thorough review by HCFA. As a result, the $1500 limits bear no relation to the medical condition of the patient, or the health outcomes of the rehabilitative services.

The $1500 cap would create serious access and quality problems for Medicare's oldest and sickest beneficiaries. Senior citizens who suffer from common conditions such as stroke, hip fracture, and coronary artery disease, will not be able to obtain the rehabilitative services they need to resume normal activities of daily living. A stroke patient typically requires more than $3,000 in physical therapy alone. Rehabilitation therapy for a patient suffering from Multiple Sclerosis or ALS costs even more. Without access to outpatient therapy, patients must remain in institutional settings longer, be transferred to a higher cost hospital facility, or in some cases, just go without necessary services.

Coverage for rehabilitative therapy should be based on medically necessary treatment, not arbitrary spending limits that ignore a patient's clinical needs. I urge you to join me in protecting Medicare's most vulnerable beneficiaries by supporting the ''Reinstatement of the Medicare Rehabilitation Benefit Act of 1998''.●

● Mr. HOLLINGS. Mr. President, I am delighted to join my colleagues, Senator GRASSLEY, Senator REID, and Senator D'AMATO in introducing legislation which would repeal provisions of the Balanced Budget Act of 1997 pertaining to the establishment of annual caps of $1,500 on all outpatient rehabilitation services except those furnished in a hospital outpatient department.

The ''Reinstatement of the Medicare Rehabilitation Benefit Act of 1998'' that we introduce today is made necessary because of the negative impact these provisions will have on Medicare beneficiaries who require therapy services. Senior citizens suffering from medical conditions common to the elderly such as stroke, hip fracture, and coronary artery disease will not be able to obtain the rehabilitative care they need to resume normal activities of daily living because of this arbitrarily imposed cap. This is especially true in South Carolina, which has a significant number of Medicare recipients who live in rural areas. A patient who has met the $1,500 cap will have no choice but to seek care in a hospital outpatient department, not only at a much greater distance but also at a substantially higher cost.

The ''Reinstatement of the Medicare Rehabilitation Benefit Act'' would also repeal the provision combining speech-language pathology and physical therapy services under the same $1,500 cap. These are two very separate and distinct functions, and there is no rational basis for including them under one cap. As my constituent, Beth Fleming of Anderson, South Carolina, said recently, and I agree, ''Patients should not have to choose between walking and talking.''

I urge my distinguished colleagues to join Senator GRASSLEY, Senator REID, Senator D'AMATO and me in supporting this legislation.●

By Mr. GRAMS (for himself, Mr. FAIRCLOTH, Mr. BRYAN, Mr. THURMOND, Mr. BREAUX, Mr. ALLARD, Mr. AKAKA, Mr. BROWNBACK, Mr. INOUYE, Mr. DOMENICI, Mr. REID, Mr. GREGG, Mr. ASHCROFT, Mr. BENNETT, Mr. MACK, Mr. MCCAIN and Mr. ENZI):

S. 2223. A bill to provide a moratorium on certain class actions relating to the Real Estate Settlement Procedures Act of 1974; to the Committee on the Judiciary.

MORTGAGE LITIGATION REFORM ACT OF 1998

● Mr. GRAMS. Mr. President, today I introduce the Mortgage Litigation Reform Act of 1998. This legislation is a narrowly crafted, bipartisan bill. Its goal is to provide relief from frivolous class action lawsuits resulting from the regulatory ambiguity over the payment of certain fees by mortgage bankers to mortgage brokers.

A spate of recent class action lawsuits have called into question the legality of yield spread premiums, although there is no statute or regulation ruling that such fees are per se illegal. This legislation simply places a moratorium, from the date of enactment through July 1, 1999, on class action lawsuits regarding these fees. It is important to note that the bill is narrowly crafted and does not prohibit personal rights of action or criminal prosecution related to these payments.

During the moratorium period, I am hopeful that either the Department of Housing and Urban Development will publish a clear ruling governing the payment of yield spread premiums or, better yet, Congress will achieve the long sought after overhaul of the Real Estate Settlement Procedures Act (RESPA) and Truth In Lending Act (TILA).●

● Mr. FAIRCLOTH. Mr. President, I introduce legislation entitled the ''Mortgage Litigation Reform Act of 1998'' to stop the filing of frivolous class action lawsuits in the mortgage lending process. At dispute in these class actions is whether the payment of a yield spread premium by a lender to another lender or a mortgage broker is a violation of RESPA (Real Estate Settlement Procedures Act).

The Real Estate Settlement Procedures Act, a federal statute enacted in 1974, was passed to provide consumers with meaningful disclosures about the home buying process and protect them from paying unnecessary and costly fees when buying a house. Today, the statute is confusing to consumers and no longer meets the needs of industry because of changes in technology and business affiliations. I held two hearings on RESPA and the Truth in Lending Act (TILA) last summer and found that consumer groups and the real estate and lending community agreed that there must be major overhaul of the statutes.

One issue among these problems is whether payment of a yield spread premium is legal. HUD's own home settlement booklet indicates that a mortgage broker may be paid by a borrower, a lender or both. This would indicate to a reasonable person that the payments are legal. However, when I questioned HUD point-blank on the legality of these fees during the hearings last summer, the Department refused to give me a straight answer. Instead, the agency proposed a cumbersome and confusing rule that would have given legality to some of the fees in certain circumstances. Many of us believed that the rule if put into final form would have encouraged more frivolous litigation.

Today, consumer and industry groups and HUD and the Federal Reserve are working on legislative recommendations to overhaul RESPA and TILA. We hope to have hearings on those recommendations later this year and pass a reform package next session. While these efforts are underway, I believe that we should pass this narrowly-tailored moratorium on class action lawsuits until the issue of yield spread premiums is clarified by HUD or by the Congress. This bill would not affect the filing of private rights of action by individual consumers so that the legality can be adjudicated on a case-by-case basis.

I believe that much work still needs to be done on RESPA and TILA reform but this legislation will enable one of those controversial issues to be set aside for the time being.●

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By Mr. DODD (for himself, Mr. HAGEL, Mr. BIDEN, and Mr. ROBERTS):

S. 2224. A bill to authorize the President to delay, suspend, or terminate economic sanctions if it is in the national security or foreign policy interest of the United States to do so; to the Committee on Foreign Relations.

SANCTIONS RATIONALIZATION ACT OF 1998

Mr. DODD. Mr. President, I rise today to introduce legislation on behalf of myself, Senators HAGEL, BIDEN and ROBERTS. The objective of this bill is to restore some rationality to what has become a very complex and problematic compilation of Congressionally imposed unilateral economic sanctions laws.

The bill we are introducing today—the ''1998 Sanctions Rationalization Act'' would give the President the authority to delay, suspend or terminate a sanction that he believes not to be in the United States national interest. But it would also give Congress an opportunity to review each Presidential exercise such authority, and to enact a resolution of disapproval to maintain a particular sanction, under the expedited procedures, within thirty days of Presidential action.

Mr. President, on June 4, I joined with Senator LUGAR and others as a cosponsor of S. 1413—the Enhancement of Trade, Security, and Human Rights Through Sanctions Reform Act. This bill creates a framework for future

consideration by the legislative and executive branches of unilateral economic sanctions. I applaud Senator LUGAR for his vision in putting together this piece of legislation in cooperation with Congressman LEE HAMILTON.

I believe that the legislation I am introducing today complements the efforts of Senator LUGAR and Congressman HAMILTON by dealing with sanctions that are already imbedded in statute and which have come to threaten the ability of the President of the United States to conduct United States foreign policy in furtherance of U.S. national interests.

Mr. President, U.S. sanctions—predominantly economic, but also political and sometimes even military penalties—are being employed more and more frequently for a variety of purposes. The United States, more than any other country, uses sanctions to further its many, sometimes conflicting, foreign policy objectives. We have used them among other things to discourage the proliferation of weapons of mass destruction and transfer of ballistic missiles, to advance human rights, to end state supported terrorism, to discourage armed aggression, to protect the environment, to thwart drug trafficking, and in isolated instances to oust unacceptable governments.

Some recently released statistics illustrate just how pervasive U.S. sanctions have become, and at what cost to the United States. Since World War II, the United States has imposed sanctions on roughly 100 occasions—more than sixty percent of those sanctions have occurred just since 1993. Between 1993–1996, sixty-one U.S. laws and executive orders have been enacted authorizing various types of unilateral economic sanctions against thirty-five countries in the name of foreign policy. The sanctioned countries encompass 42% of the world's population—roughly 2.3 billion potential consumers of U.S. goods and services.

In our zeal to punish foreign governments for offensive behavior, we have managed to cut ourselves off from approximately 20% of the world's export markets. Our allies and trading partners think we are crazy. They have happily filled the American void, often times gaining mid to long term competitive advantages in these markets even after specific sanctions have been repealed, to the extent that happens.

Rarely, if ever, Mr. President is a careful and thoughtful analysis done of the costs and benefits of the proposed sanction or the likelihood of its altering the sanctioned behavior. In most instances, the issue is rushed to the Senate or House floor, so that the Congress can express its outrage at some perceived misdeed that just appeared in print or live on CNN. To the best of my knowledge there has never been any systematic effort on the part of the Congress to review sanctions once imposed, to consider whether they have achieved their objectives or have turned out to be counterproductive.

Unilateral economic sanctions have truly become the foreign policy ''flavor of the month'' imposed by the Congress, in the heat of the moment, often at the behest of special interest lobbies. Mr. President, we may make ourselves feel good by voting to cut off foreign access to United States markets, goods, people and ideas. We may even please the particular domestic constituency that has clamored for Congressional action. But in most instances we simply fool ourselves if we think that we have done much, if anything, to alter the behavior or policy of the government that has been targeted. In fact, we have probably made it easier for governments, particularly the authoritarian ones, to resist any internal pressures to change, because they can blame their domestic failures on U.S. sanctions policy.

Since we don't appropriate funds to cover the actual private sector costs incurred when sanctions are imposed, some in the Congress have come to view them as a cost free way to influence the Administration's conduct of foreign policy. Nothing could be further from the truth. Sanctions are one of the most pernicious ''unfunded mandates'' that the Congress can impose on the private sector, with virtually no prior consultation or input from it.

According to the Institute for International Economics, a Washington-based think tank, the cost of sanctions in 1995 alone was nearly $20 billion in lost exports and 200,000 lost American jobs. If we carry those costs forward by five years, these same sanctions would cost the American economy $100 billion in foregone exports and one million jobs. That is a high price to pay for a policy that is successful. More often than not U.S. sanctions fail to alter behavior or policies.

The costs incurred due to sanctions are more than simply direct economic costs. There are indirect costs as well—tangible and intangible. The cost to us diplomatically and politically with our friends and allies can be extremely high. I suspect, for example, that United States officials have expended a great deal of our diplomatic capital in defusing the anger of European officials and other interested governments concerning the extra-territorial application of certain recently enacted sanctions law. Such capital is not inexhaustible, and should be husbanded for those occasions when international support is critical to the United States effectively dealing with a major national security or foreign policy challenge—Iraq, Bosnia, Pakistan, India and even Kosovo come readily to mind.

The time has come to call a halt to the indiscriminate use of unilateral sanctions as the foreign policy instrument of ''first resort.'' Perhaps we should consider the ''old fashioned'' way of conducting foreign policy—it's called diplomacy. While diplomacy may take longer to produce results and isn't as dramatic as voting to impose draconian measures against other countries, it more often than not gets us where we want to go.

In saying that, I am not arguing that the United States should remove the sanctions option from its foreign policy arsenal, just as I would never suggest that we rule out the use of force as an option. Clearly there are occasions when sanctions or military force are the appropriate responses to a particular situation—Iraq for one. However, in recent years we have elected to exercise the sanctions option far too frequently, and in so doing we are undermining its continued effectiveness as a U.S. foreign policy tool.

The United States, particularly the Congress must become more precise in the choice of sanctions, more realistic with respect to what is achievable, better informed of the potential costs to the U.S. economy and the American people, and more sensitive to the potential impact on innocent populations and on relations with other governments. It is especially problematic when Congress enacts sanctions and fails to include any flexibility in the statute to enable the President to respond effectively to what we all know is an ever changing political landscape. I believe that some of the measures enacted by the Congress are actually harmful to our long term foreign policy interests.

A perfect example of this has occurred recently with respect to India and Pakistan. Because of the so called Pressler amendment, President Clinton had very little to offer in the way of ''carrots'' to Pakistan to dissuade it from following India in testing its nuclear weapons capabilities. The President has even less flexibility today to respond to the new threat that exists following both India's and Pakistan's defiance of the international community's pleadings to forgo testing. I say this because under existing nuclear non-proliferations statutes enacted by the Congress, sanctions are automatic and the President has no authority to lift them absent Congressional action to modify existing law.

The international reaction to recent events in India and Pakistan has been very telling. Even our closest allies who share our concerns about nuclear proliferation have failed to follow our lead by imposing economic sanctions on India and Pakistan. Why? Because they do not believe that such an approach is likely to force India and Pakistan to sign onto international non-proliferations regimes. In fact, quite the opposite. It is likely to further isolate them, heightening domestic political pressure in both countries and encouraging each one to perfect even further their nuclear weapons capability and God forbid, even to consider using it against one another in a moment of paranoia.

As I have said earlier, I do not believe that we should ever totally rule out the use of sanctions as a foreign policy instrument. But before we impose them we should be clear about

what our foreign policy goals are. We should be selective in our choice of sanctions. They should be imposed for a finite time period, with an option to extend them, if the situation warrants it. We should also include a certain measure of flexibility in any Congressionally imposed sanctions to allow the Secretary of State and the President to fulfill their Constitutional obligations to conduct our nation's foreign policy—without their arms tied behind their backs.

We should also endeavor to get other governments to join us in imposing sanctions. Multilaterally imposed sanctions have a far better likelihood of succeeding than those that are unilaterally imposed and they minimize the competitive disadvantages to the U.S. economy. This will mean that we must have patience as diplomatic efforts are undertaken to garner international support.

If we find that we must go it alone, we should keep to a minimum the adverse effects of our sanctions on third countries, particularly friends and allies. We should also be more selective in the choice of sanctions we impose—opting for those that will be felt by the offending government officials, rather than those that are more general in scope and harm the general population—people who in most cases have little or no ability to influence the behavior of their government leaders.

With economic sanctions fast becoming the very core of United States foreign policy, I believe that a more thoughtful and comprehensive approach to them is desperately needed before we do serious harm to our own national interests. The legislation introduced by Senator LUGAR would provide such a framework in the context of future sanctions. The bill I am introducing today would create a similar framework of rationality with respect to existing sanctions regimes.

I believe that the Lugar and Dodd bills, taken together, will help to sharpen the focus of the debate on this important subject. I believe such a focus is long overdue. I look forward to working with Senator LUGAR and other interested Senators in forging a comprehensive legislative package that incorporates the approaches contained in the two bills so that our colleagues will have an opportunity to vote on these very important matters in the very near future.

Mr. BIDEN. Mr. President, I am pleased to join my friend from Connecticut, as well as Senators HAGEL and ROBERTS, in introducing the ''Sanctions Rationalization Act of 1998.''

The bill establishes a means for the President to delay, suspend, or terminate certain unilateral economic sanctions, or a portion thereof, if doing so is important to U.S. national interests. The bill also provides a means for Congress to overturn any such decision, and provides for expedited procedures within the House and Senate for consideration of a resolution to reverse a Presidential decision.

I have become increasingly concerned that Congress' efforts to impose sanctions is unduly hampering the President's ability to conduct U.S. foreign policy. To say this is not to suggest that Congress has exceeded its authority in the foreign affairs area. Under the Constitution, both Congress and the President have considerable foreign policy powers. As Professor Edward Corwin, a noted authority on the Presidency, once wrote, the Constitutional design on foreign policy tenders an ''invitation to struggle.''

Indeed, Congress has several powers under the Constitution in the foreign affairs area.

It has, among other things, the power of the purse, the power to declare war, the power to raise and support the military, and the power to regulate foreign commerce.

Congress is well within its power to impose sanctions against foreign governments. And in many instances, sanctions—or the embarrassment to the foreign government which flows from their imposition—have had a positive effect in advancing U.S. policy.

But what Congress cannot do is to conduct the daily business of diplomacy. Only the President can undertake negotiations with foreign governments and leaders. And any law which limits the ability of the United States to engage with foreign nations necessarily limits the options available to the President as he seeks diplomatic solutions to foreign policy problems.

Foreign policy, however, usually involves a complex mosaic of interests, and requires use of a wide range of diplomatic instruments. Moreover, foreign policy is not static—constantly changing circumstances often require calibrations in policy.

The imposition of statutory sanctions, in many cases, serves to undermine the ability of the President to balance the competing interests and to respond to changes on the ground overseas.

In sum, statutory sanctions are often a blunt instrument, when the situation at hand may call for an instrument which the President can fine-tune.

The most significant part of this legislation, in my view, is that it gives the President the power to calibrate sanctions once imposed—that is, to adjust or modify the application of a sanction as the situation may warrant. Accordingly, he can use the authority in this bill to try to induce the desired action by the foreign government by lifting or modifying a sanction progressively.

The bill does not allow the President to terminate those measures that are imposed on a multilateral basis, including obligations under resolutions of the United Nations Security Council, nonproliferation and export control arrangements like the Australia Group, the Nuclear Supplier's Group, the Missile Technology Control Regime, and the Wassenaar Arrangement.

The bill also does not allow the President to terminate those measures taken under treaty obligations, such as those under the Chemical Weapons Convention, the Nuclear Non-Proliferation Treaty and the Biological Weapons Convention.

Further, the bill does not apply to several types of measures, including foreign military financing, export controls and restrictions under the Arms Export Control Act, any measure taken pursuant to section 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, any measure to restrict imports of products and services in order to protect domestic health or safety, any measure to enforce a federal criminal law, and any retaliatory trade measure authorized under our trade statutes or international trade agreements.

In proposing this legislation, I do not envisage that the authority granted to the President would be employed casually. Instead, like analogous waiver authority in the Foreign Assistance Act—section 614 of that Act—I expect that this power would be used only when absolutely necessary, only after careful consideration in the Executive Branch, and only after careful consultation with the appropriate committees of Congress.

And in cases where the President does abuse the authority this bill grants him, Congress would still have the power to reverse the President's decision, and resolutions to do so will be entitled to expedited procedures which would ensure their prompt consideration.

I wish to emphasize that I do not regard this bill as a final product. Rather, it is a work in progress. This is a complicated subject; defining what constitutes a ''sanction'' is a difficult undertaking, as is drafting the necessary exclusions.

Accordingly, I welcome contributions from our colleagues, the Executive Branch, and non-governmental organizations.

Of course, this is not the only legislation on this subject. Our colleagues, Senator LUGAR, and Representative HAMILTON, have made an important contribution in promoting the debate on this subject in introducing their sanctions reform legislation. The Majority and Minority Leaders plan to appoint a special task force to review the issue, and I am certain that legislative proposals will emerge from those discussions.

In closing, I should state that I am under no illusion that passing this legislation will be easy. It may be that we cannot reach a consensus on acceptable legislation in the remaining months of the 105th Congress.

What is important now is that the Executive and the Congress have initiated a dialog, on a bipartisan basis, on a subject of considerable importance to our national interests. I look forward to engaging in that debate in the weeks and months ahead.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2225. A bill to amend the Outer Continental Shelf Lands Act to prohibit new leasing activities in certain areas off the coast of Florida, and to permit exploration, production, or drilling activities on existing leases only if adequate studies are performed, to require adequate information and analyses for development and production activities, and to allow states full review of development and production activities; to the Committee on Energy and Natural Resources.

FLORIDA COAST PROTECTION ACT

• Mr. GRAHAM. Mr. President, today with my good friend and colleague Senator MACK I introduce the ''Florida Coast Protection Act''. This legislation will protect Florida's fragile coastline from outer continental shelf leasing and drilling in three important ways.

First, it transforms the annual moratorium on leasing and preleasing activity off the coast of Florida into a permanent ban covering Planning Areas in the Eastern Gulf of Mexico, the Straits of Florida, and the South Atlantic Planning Area.

Second, it raises the bar for approval of development and production requests on existing leases off the coast of Florida. It establishes a Joint Federal-State Outer Continental Shelf Task Force comprised of experts from the Environmental Protection Agency, the Minerals Management Service, the National Oceanic and Atmospheric Administration, the Fish and Wildlife Service, the National Marine Fisheries Service, the Biological Resources Division of the United States Geological Survey, state representatives, and professional scientist nominated by the National Academy of Sciences. This Joint Task Force will ensure that all data required to make a determination of the environmental and economic effects of oil and gas production and development on local communities is available to the Secretary of Interior and the State of Florida.

Third, the Florida Coast Protection Act corrects an egregious conflict in regulatory provisions where an affected state is required to make a consistency determination for proposed oil and gas production or development under the Coastal Zone Management Act prior to receiving the Environmental Impact Statement (EIS) from the Mineral Management Service. Our bill requires that the EIS is provided to affected states six months before they make a consistency determination.

Mr. President, you may recall that we introduced similar legislation under the same title in June of 1997. The focus of that bill was the cancellation of the lease tract 17 miles off the coast of Pensacola, resulting in the elimination of six oil and gas leases. Since that time, these leases were relinquished by the Mobil Corporation back to the control of the U.S. Department of the Interior. In addition, these areas are covered by the moratorium on leasing in the Eastern Gulf—a protection that President Clinton recently extended through 2012 as part of the Year of the Ocean efforts to protect this extremely valuable natural resource.

What would this bill mean for Florida? The elimination of preleasing activity and lease sales off the coast of Florida protects our economic and environmental future.

In 1997, over 47 million tourists visited Florida, spending $41 billion. The five western counties of the Florida Panhandle brought in over $8 million from tourist development tax in 1996. Three cities in this area—Panama City, Pensacola, and Fort Walton Beach—recorded over $1.5 billion in tourism and recreation taxable sales during the same period.

It is home to some of the richest estuarine areas in the world. These habitats provide an irreplaceable link in the life cycle of both marine and terrestrial species. Florida's commercial fishing industry relies heavily on these estuaries as they support the nurseries for most commercially harvested fish. In addition, nearly 90 percent of the reef fish resources in the Gulf of Mexico are caught on the West Florida Shelf.

Mr. President, the environmental and economic value of this area is evidenced by the many state and federal land holdings in designated environmental preservation, conservation, and recreation areas. Fifty of these areas are located along 175 miles of coastline in the Florida Panhandle.

In testimony before the House Resources Subcommittee on Energy and Mineral Resources on May 14, 1998, Florida Governor Lawton Chiles provided the following perspective on the potential damage to Florida's coastline that could be caused by offshore drilling. He said that ''oil spills remain the most visible . . . however, there are other detrimental environmental effects that these activities could have on the shallow, clean water marine communities found on the Florida outer continental shelf . . . [including] . . . physical disturbances caused by anchoring, pipeline placement and rig construction, the resuspension of bottom sediments, and the chronic pollution from discharges of drilling effluents, production effluents, and possible accidental releases of oil or other toxic material . . .''

Throughout my time in the Senate, I have opposed offshore oil drilling off the coast of Florida because of the threat it presents to the state's greatest natural and economic resource—our coastal environment. With my colleagues in the Florida delegation, I have worked successfully to obtain moratoria on additional leasing off the west Florida coast. With the passage of the Florida Coast Protection Act, this annual moratoria will evolve into permanent protection for the Florida coastline.

The Florida Coast Protection Act is a milestone in our attempts to protect our natural coastal resources in the State of Florida and throughout the nation. I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2225

*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 ''Florida Coast Protection Act of 1998''.

**SEC. 2. LEASING ACTIVITY OFF THE COAST OF FLORIDA.**

(a) PROHIBITION.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Except as provided in subsection (p), the Secretary''; and

(2) by adding at the end the following:

''(p) LEASING ACTIVITY OFF THE COAST OF FLORIDA.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADEQUATE.—The term 'adequate', in reference to information means, as defined by the National Research Council reports described in paragraph (2)(E)—

''(i) sufficiently complete so as to provide for appropriate breadth and depth of basic scientific information in all relevant disciplines needed to understand the environmental risks associated with OCS decisions; and

''(ii) of sufficient scientific quality to be repeatable, reliable, and valid in measurements and analyses with appropriate subjects methods of inquiry and interpretation that reflect the state of good practice in each scientific field.

Methods of inquiry and interpretation must reflect the state of good practice in each scientific field.

''(B) COVERED AREA.—The term 'covered area' means—

''(i) Eastern Gulf of Mexico Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333(a)(2)(A);

''(ii) the Straits of Florida Planning Area (as established by the Secretary); and

''(iii) the South Atlantic Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333 (a)(2)(A);

within 100 miles off the coast of Florida.

''(C) JOINT TASK FORCE.—The term ''joint task force'' means the Joint Federal-State Outer Continental Shelf Task Force established by paragraph (3)(C).

''(D) PRELEASING ACTIVITY.—

''(i) IN GENERAL.—The term 'preleasing activity' means an activity relating to a lease that is conducted before a lease sale is held.

''(ii) INCLUSIONS.—The term 'preleasing activity' includes—

''(I) the scheduling of a lease sale;

''(II) the issuance of a request for industry interest;

''(III) the issuance of a call for information or a nomination;

''(IV) the identification of an area for prospective leasing;

''(V) the publication of a draft or final environmental impact statement or a notice of sale; and

''(VI) the performance of any form of rotary drilling in a prospective lease area.

''(iii) EXCLUSIONS.—The term 'preleasing activity' does not include an environmental,

geologic, geophysical, economic, engineering, or other scientific analysis, study, or evaluation.

''(E) REPORT OF THE NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMY OF SCIENCES.—The term 'report of the National Research Council' means—

''(i) the report entitled ''The Adequacy of Environmental Information for Outer Continental Shelf Oil and Gas Decisions: Florida and California'' issued in 1989 by the National Research Council's Committee to Review the Outer Continental Shelf Environmental Studies Program and supported by the President's Outer Continental Shelf Leasing and Development Task Force through Department of the Interior Contract No. 1435000130495; and

''(ii) parts I, II, and III of the document entitled ''Assessment of the United States Outer Continental Shelf Environmental Studies Program'' issued in 1990 and 1992 by the committee referred to in subclause (I), with support from Department of the Interior Contract No. 14–12–001030342.

''(2) PROHIBITION OF PRELEASING ACTIVITIES AND LEASE SALES.—The Secretary shall not conduct any preleasing activity or hold a lease sale under this Act in a covered area.

''(3) ACTIVITIES IN EXISTING LEASE AREAS.—

''(A) IN GENERAL.—With respect to a lease in a covered area entered into before the date of an enactment of this subsection, the Secretary may approve or permit an exploration, production, or drilling activity in the lease area only if—

''(i) all assessments, studies, and research required for the area under subparagraph (B) have been completed;

''(ii) all such assessments, studies, and research have been peer reviewed, by qualified scientists, as provided for and supervised by the joint task force; and

''(iii) the Secretary submits to Congress and the Governor of the State of Florida a report, which has been approved by the joint task force, certifying that the available physical oceanographic, ecological, and socioeconomic information, and other information pertaining to the environment, endangered and threatened species, and marine mammals, is adequate to enable the Secretary to carry out the responsibilities of the Secretary in the area under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and other laws, with a minimal level of uncertainty, with respect to the proposed exploration, production, or drilling activity.

''(B) ASSESSMENTS, STUDIES, AND RESEARCH.—The assessments, studies, and research referred to in subparagraph (A) are as follows:

''(i) EASTERN GULF OF MEXICO PLANNING AREA.—With respect to the area described in paragraph (1)(B)(I):

''(I) The Assessment of the Historical, Social, and Economic Impacts of Outer Continental Shelf Development on Gulf Coast Communities, to be conducted by the Minerals Management Service.

''(II) The series of studies identified as the Northeastern Gulf of Mexico Coastal and Marine Ecosystem Program, to be conducted by the Biological Resources Division of the United States Geological Survey.

''(III) Any additional physical oceanographic studies identified and recommended by the Northeast Gulf of Mexico Physical Oceanography Workshop conducted by the Minerals Management Service in conjunction with Florida State University and identified in the workshop proceedings OCS Study MMS 94–0044.

''(IV) Any additional studies or research in the area identified by the joint physical oceanographic/ecological workshop to be held by the Minerals Management Service in conjunction with the University of West Florida in August 1998.

''(V) Any additional studies or research in the area needed to acquire information on a subject on which a report of the National Research Council found available information to be less than adequate.

''(VI) Any additional physical oceanographic, ecological, or socioeconomic or other environmental studies, endangered and threatened species surveys, or marine mammal surveys requested by the Governor of the State of Florida and recommended by the joint task force to minimize the uncertainty about the effects of the proposed preleasing activity, leasing, or exploration, production, or drilling activity on the marine environment, the coastal environment, and the human environment of the State of Florida, including any such request for the expansion of assessments, duties, or research described in subclauses (I) through (V).

''(ii) STRAITS OF FLORIDA PLANNING AREA.—With respect to the area described in paragraph (1)(B)(ii):

''(I) An assessment of the Social and Economic Impacts of Outer Continental Shelf oil and gas activities on Florida's coastal communities.

''(II) Any additional studies or research in the area needed to acquire information on a subject on which a report of the National Research Council found available information to be less than adequate.

''(III) Any additional physical oceanographic, ecological, or socioeconomic or other environmental studies, endangered and threatened species surveys, or marine mammal surveys requested by the Governor of the State of Florida and recommended by the joint task force to minimize the uncertainty about the effects of the proposed preleasing activity, leasing, or exploration, production, or drilling activity on the marine environment, the coastal environment, and the human environment of the State of Florida.

''(iii) SOUTH ATLANTIC PLANNING AREA.—With respect to the area described in paragraph (1)(B)(iii):

''(I) An assessment of the social and economic impacts of Outer Continental Shelf oil and gas activities on Florida's coastal communities.

''(II) Any additional studies or research in the area needed to acquire information on a subject on which a report of the National Research Council found available information to be less than adequate.

''(III) Any additional physical oceanographic, ecological, or socioeconomic or other environmental studies, endangered and threatened species surveys, or marine mammal surveys requested by the Governor of the State of Florida and recommended by the joint task force to minimize the uncertainty about the effects of the proposed preleasing activity, leasing, or exploration, production, or drilling activity on the marine environment, the coastal environment, and the human environment of the State of Florida.

''(C) JOINT TASK FORCE.—

''(i) ESTABLISHMENT.—There is established a Joint Federal-State Outer Continental Shelf Task Force for the purpose of carrying out the responsibilities assigned to the joint task force under this paragraph in the areas described in subparagraph (B).

''(ii) RESPONSIBILITIES.—The responsibilities of the Joint Federal-State Outer Continental Shelf Task Force shall be—

''(I) to ensure the acquisition and consideration of adequate information in all relevant disciplines needed to understand the environmental risks associated with OCS activities and for the protection of marine, coastal, and human environments of the State of Florida; and

''(II) to provide recommendations, with the assistance of the OCS Scientific Committee, on the adequacy, types, and methodologies of assessments, studies, and research needed to enable the Secretary to carry out the responsibilities of the Secretary in the areas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and other laws, with a minimal level of uncertainty;

''(III) to facilitate the resolution of conflicts between the State of Florida and the Minerals Management Service or other Federal agency regarding OCS activities and environmental studies;

''(IV) to assist the Minerals Management Service and other Federal agencies in coordinating research; and

''(V) to participate in the review of, and assist in obtaining review by, qualified scientists of all assessments, studies and research required by this subsection.

''(ii) MEMBERSHIP.—The joint task force shall consist of—

''(I) 1 representative, at the assistant secretary level or equivalent, of each of—

''(aa) the Environmental Protection Agency;

''(bb) the Minerals Management Service;

''(cc) the National Oceanic and Atmospheric Administration;

''(dd) the United States Fish and Wildlife Service;

''(ee) the National Marine Fisheries Service; and

''(ff) the Biological Resources Division of the United States Geological Survey;

''(II) 6 representatives of the State of Florida, appointed by the Governor of the State; and

''(III) 3 members appointed by the Secretary of Commerce from a list of individuals nominated by the National Academy of Sciences who are professional scientists in the fields of physical oceanography, marine ecology, and social science.

''(iii) COMPENSATION.—

''(I) IN GENERAL.—Members of the joint task force appointed under clause (ii)(III) may be compensated at a rate to be fixed by the Secretary of Commerce, but not in excess of the maximum rate of pay payable for a position classified above GS–15 under section 5108 of title 5, United States Code, for each day that the member spends performing the duties of the joint task force.

''(II) TRAVEL AND TRANSPORTATION EXPENSES.—Members of the joint task force appointed under clause (ii)(III), while performing official duties under this Act, shall receive compensation for travel and transportation expenses under section 5703 of title 5, United States Code.

''(D) OIL AND GAS EXPLORATION.—Approval of the first exploration plan submitted after the date of enactment of this subsection under section 11 and any other exploration plan deemed significant by the Secretary and each affected State in each of the covered areas shall be subject to the requirement of the preparation of a detailed statement submitted under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

(b) OIL AND GAS DEVELOPMENT AND PRODUCTION.—

(1) DEVELOPMENT AND PRODUCTION PLAN.—Section 25(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(c)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following:

''(6) thorough descriptions of the area affected by the proposed development and production activities and analyses of the primary, secondary, and cumulative effects of such development and production on the ocean, coastal, land, human, air, social, and economic resources of the affected area; and

''(7) specific information in the necessary detail for inclusion in permit applications for all permits needed to conduct development and production activities whether issued by the Secretary or another Federal or State agency, including air quality permits, water quality permits, applications for permit to drill, applications for the approval of the installation of a lease term pipeline or for the granting of a right-of-way; and platform applications.''.

(2) CONCURRENCE BY THE STATE.—Section 25(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(d)) is amended—

(1) by striking ''The Secretary shall not'' and inserting the following:

''(d) CONCURRENCE BY THE STATE.—The Secretary shall not approve any Development and Production Plan or Development Operations Coordination Document or''; and

(2) by adding at the end the following:

''(2) UNAVAILABILITY OF INFORMATION.—Should any of the information required in subsection (c) not be available for inclusion in the plan for development and production activities at the time that the plan is submitted to the Secretary and subsequently to a State for which the activities described in the plan affects any land use or water use in the coastal State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), the State's consistency response to the consistency certification that accompanied the plan shall be considered to be preliminary and provisional, subject to the receipt and review of the complete information identified under paragraph (1). When the information required under paragraph (1) is developed and submitted to the Secretary or developed by the Secretary, each affected State shall be afforded the opportunity to complete its consistency review and response.''.

(3) MAJOR FEDERAL ACTION.—Section 25(e)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1351 (e)(1)) is amended—

(A) by inserting before ''At least'' the following: ''The Secretary shall consult with and obtain the concurrence of each affected State in determining if the approval of a development and production plan constitutes to be a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''; and

(B) by adding at the end the following

''(3) On a finding by the Secretary, in consultation with each affected State, that the approval of a development and production plan is a major Federal action subject to the procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall ensure that each affected State for which the development and production plan affects any land use or water use in the coastal zone of the State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), receives the final environmental impact statement 6 months prior to determining concurrence or objection to the coastal zone consistency certification which must accompany the environmental impact statement pursuant to section 307(c)(3)(B) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(3)(B)). Coastal states for which a development and production plan that has been determined to be a major Federal action for purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and that affects any land use or water use of a State without an approved coastal zone management program must receive the final environmental impact statement 3 months prior to submission of comments and recommendations under subsection (g) .''.

(4) APPROVAL OR DISAPPROVAL.—Section 25(h)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(h)(1)) is amended in the first sentence—

(A) by striking ''within sixty days'' following 'the Secretary shall,';

(B) by striking ''sixty days'';

(C) by inserting after ''modifications of the plan'' the following: '', and after receipt of concurrence or objection by a State with respect to the consistency certification accompanying the environmental impact statement pursuant to section 307(c)(3)(B) of that Act (16 U.S.C. 1456(c)(3)(B)) unless the Secretary of commerce makes the finding authorized by section 307(c)(3)(B)(iii) of that Act (16 U.S.C. 1456(c)(3)(B)(iii)), whichever is later''; and

(D) by inserting after require ''modifications of the plan'' the following: ''within 60 days.''.

(5) APPLICATION OF SECTION.—Section 25(l) of the Outer Continental Shelf Lands Act (3 U.S.C. 1351(l)) is amended by striking ''may'' and inserting ''shall''.●

● Mr. MACK. Mr. President, today with my colleague, Senator GRAHAM. I introduce the Florida Coast Protection Act of 1998. It was a little over a year ago that we introduced similar legislation to protect the pristine environment off of Florida's coasts. That legislation would have banned leasing within 100 miles of the coast of Florida, and would have canceled six oil and gas leases on the Outer Continental Shelf closest to Florida's coast held by the Mobil Corporation. Fortunately, soon after we introduced our bill, Mobil decided to pull out of those leases. Nevertheless, the threat to Florida's coastline remains.

Mr. President, Floridians have always been justifiably concerned about the prospect of oil and gas exploration in the waters off our state. We are well aware of the risk this activity poses to our environment and our economy because, in Florida. A healthy environment means a healthy economy. Millions of people come to our State each year to enjoy the climate, our beaches, and our fine quality of life. The tourism industry in Florida provides millions of jobs and generates revenues in the billion of dollars. It would take only one disaster to end Florida's good standing as America's vacationland. We cannot afford to let that happen.

Throughout my tenure in the Senate I have opposed exploration and drilling off Florida's coasts. My goal—and the goal the entire Florida Congressional delegation—is to permanently remove this threat from our coasts. In recent years, we have stood together in opposition to drilling and have successfully extended the annual moratorium on all new leasing activities on Florida's continental shelf.

Mr. President, while the opposition of Floridians to oil drilling is well-documented, the reality remains that leases have been let, potential drilling sites have been explored and it is likely that actual extraction of resources could take place within the next few years. For these reasons, I rise with Senator GRAHAM to protect our state from the ravages of drilling.

First, our legislation makes permanent the ban on any new leasing activity within 100 miles of our coast in order to prevent a repeat of the past mistake of leasing in the OCS off Florida. Second, it requires additional studies be conducted prior to the issuance of permits of oil and gas production on existing leases. Finally, it gives the state flexibility to make a determination regarding the consistency of oil and gas development and production plans with The Coastal Zone Management Act after an environmental impact statement detailing the direct and cumulative impacts of the project is completed by the Minerals Management Service.

Mr. President, removing the threat of oil and gas exploration permanently from our shores will require responsible leadership from the Congress. This legislation, in my view, is absolutely necessary to protect our state's economic and environmental well-being. I urge my colleagues to support this worthwhile effort. We look forward to working with Senator Murkowski, Chairman of the Senate Committee on Energy and Natural Resources, to meet this goal.●

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By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 2226. A bill to amend the Idaho Admission Act regarding the sale or lease of school land; to the Committee on Energy and Natural Resources.

AMENDMENTS TO THE IDAHO ADMISSIONS ACT

● Mr. CRAIG. Mr. President, today with my friend and colleague from Idaho, Senator KEMPTHORNE, introduce a bill to amend the Idaho Admission Act of July 3, 1890, to provide for the better management of school lands within our state. In doing so, I note that our Idaho colleagues Congressmen CHENOWETH and CRAPO will offer identical legislation in the House of Representatives today.

Mr. President, this piece of legislation is simple, straightforward, and of vital importance to my state. It brings federal statute into line with amendments to the Idaho Constitution passed by the Idaho State Legislature earlier this year and has but one goal: to bring about the better management of state lands to the financial benefit of our public schools.

The legislation, along with that passed by the Legislature, were developed to implement the recommendations of a special committee of state leaders who sought to secure financial security for Idaho's schools. This legislation accomplishes the goal with only a few changes to current statute.

First, it allows the Board of Land Commissioners to exercise its fiduciary responsibility as managers of the state endowments by treating both land and fiscal assets as one trust.

Second, the proposal creates an earnings reserve account that will serve as a ''shock absorber'' to allow the endowments to provide a more predictable income stream.

Third, it provides increased and stable funding for public education by allowing investments in assets that will provide higher rates of return. The state committee projected that through this single change, public education in our state could receive up to $20 million or more annually without raising taxes.

Fourth, it establishes a land bank account for proceeds from the sale of endowment lands. The account gives the Board of Land Commissioners the flexibility to re-invest in other real property for the land trust.

Mr. President, the legislation we introduce today is supported by the Idaho State Legislature and was written in compliance with the Joint Memorial passed by the Legislature and sent to us earlier this year. It is vitally important to our Governor, the Board of Land Commissioners, and all those involved in public education in our state.

Like most western states, certain lands within Idaho were reserved for the benefit of public education upon admission to the Union. These lands are spread throughout the state and are managed for the financial benefit of our children. The Idaho Admission Act is very specific in how these lands are to be administered. And while these specifications worked well in 1890, they have now become outdated. These century old regulations have severely limited the state's efforts to maximize funding for public schools. The legislation we introduce today brings the management of endowment lands into modern times and employs modern financial tools to the benefits of Idaho children.

Mr. President, I implore my colleagues to act on this measure in a timely matter and hope they might all join me in this important endeavor to help Idaho public education and the children it serves.●

● Mr. KEMPTHORNE. Mr. President, this Congress and the citizens of Idaho must seize a unique opportunity to pass legislation this year that will provide the ability to increase Idaho public education funding at least $20 million and possibly $30 million annually. And it will do so without raising taxes, cutting services or asking the federal government for one thin dime.

This is no smoke and mirrors.

This is creativity and innovation at its best.

This legislation will empower Idaho to be better stewards of the endowment created 108 years ago that helps pay for Idaho's public education. By using prudent, time-tested investment strategies, the endowment will be better equipped to pay for teaching Idaho's children in the 21st century.

Legislation I am introducing today with Senator LARRY CRAIG will reform federal law that now restricts the way Idaho's Endowment Fund is managed. This legislation, along with constitutional amendments Idaho voters must approve in November, will modernize the legal framework of the endowment. According to financial experts, this legislative package will substantially increase funds available for Idaho school children. Specifically, this legislation gives greater flexibility for investing and managing endowment funds, and for managing the sale and lease of endowment lands.

The bottom line is that the bill provides more money for educating our kids, money that can be used to buy computers, increase teachers' salaries, or buy new textbooks.

And all this without raising taxes, cutting services or asking the federal government for one thin dime.

I will work to get this bill passed in the Senate, in the House of Representatives and signed into law by President Clinton this year.

Here is the background.

In writing the 1890 law that made Idaho the 43rd state, the citizens of Idaho worked with Congress to set aside 3.5 million acres of land as a permanent endowment to help finance the education of Idaho children in the 20th century.

Today this endowment is worth a combined total of $3.4 billion that consists of 2.5 million acres of land valued at $2.7 billion and an endowment fund worth nearly $700 million. In 1997, land and timber sales and investment interest generated $110 million of income. Of that, $55 million was reinvested into the endowment; $35 million was devoted to public schools and $10 million paid for other state endowments.

But we can do even better for Idaho.

In FY97, this $3.4 billion endowment earned $110 million, or a rate of return of just 3%. By virtually any investment standard, this is a low rate of return. If this rate increased by just one additional percent, to 4%, an extra $32 million would be created.

The reason the Idaho Endowment Fund earned 3% and not any higher is because its investment and management structure is terribly outdated. The endowment was created in the 1800s when there was no developed securities market and before inflation became a major factor in investment decisions. As a result, the fund has no investment in equities or other higher yielding instruments. Right now, the endowment is exclusively invested in low yielding debt instruments like government securities, mortgages, and corporate bonds.

Right now, the law requires the endowment to be managed the way land and money were managed in 1890, not in the 1900s. That's like keeping laws on the books that restrict the delivery of health care to procedures and drugs that were available in 1800s.

The problem is simple. Current laws keep Idaho from earning higher rates of return. This results in less money being available for school children who do not received as much as they might, and it requires their parents to pay more taxes to make up the difference. While this problem is simple, so is the solution. And that is to allow the fund to be invested in a broader array of investments and require that investments must follow what is known as the ''prudent investor'' test. This test requires managers to use reasonable care and caution in making investment decisions.

In addition, both current federal law and the Idaho State Constitution contains provisions that restrict the ability of the land trust to maximize the sale and management of the endowment lands.

If prudent, time-tested investment strategies were applied to the land trust and endowment fund, financial experts agree that rates of return would increase, investment risk would decrease, and fluctuations in annual cash flows would be eliminated.

The bottom line is this: More money for Idaho school children. And less taxes for their parents.

Congress and the citizens of Idaho must work together to prepare the Idaho Endowment to meet the needs of children in the 21st century.

That's the goal of the legislation Senator CRAIG and I are introducing today.

Section Five of the original Idaho Admissions Act of 1890 created the endowment fund, and rules governing sale and lease of endowment land.

The measure we are introducing today will replace Section 5 with a new section that gives land and investment managers greater flexibility in managing both the endowment land and endowment funds. Here is how:

Under current law, income from lands sales can only be placed in the endowment fund. Once placed in the endowment fund, funds cannot be used to buy land, even if doing so will ultimately produce more funds for education.

To provide more flexibility for land sales, legislation we are introducing today would give the state the authority to establish a new land bank fund which can be used to purchase additional land. For example, this land bank would allow the state to sell land that is difficult to manage in order to purchase land of higher functionality and greater investment return.

Under current law, no flexibility exists for managing endowment fund cash flow.

The legislation we are introducing today establishes an Earnings Reserve Fund. This earning reserve can be managed in a way that insures a steady, and likely higher source of funds for public education than what is now provided. With this earnings reserve in place, the assets of the endowment are placed in investments that over time have higher yields than less fluctuating, lower yielding investments. This reserve fund gives investment managers greater flexibility that have

higher returns and facilitate a steadier and higher stream of distributions.

Under current law, there is a 10-year limit on leases of endowment lands.

The Craig-Kempthorne legislation repeals the 10-year limit, and allows the state land board to establish agreements that will maximize the long-term financial return on any lease that is made. This provision makes the management of lands available for education purposes on equal footing with the management of land in other endowments.

These changes may sound technical but in truth bring common-sense to managing the Idaho Endowment. The endowment, if it were created today, would be managed as a whole, and would have a diversified mix of equity assets, with smaller portions of fixed income and real estate. In addition, cash flow would be better regulated to meet a more consistent, and higher, level of distributions. This is the overwhelming practice of most endowments.

Instead, the Idaho Endowment is two separate entities, the land trust and the endowment fund. There is currently little coordination between these two entities, and each part of the endowment is concentrated in a particular type of asset. The land trust is dominated by timber, and the financial assets are exclusively fixed income, lower-yielding assets. There is currently no management of the distributions of overall cash flow and the investment policy has no long-term investment strategy, or prudent management of cash flow or a policy to decrease the concentration of assets to reduce investment risk. This is an outdated investment strategy. And there is now no comprehensive plan for the entire trust.

Governor Phil Batt appointed a committee of financial experts and public officials to review the endowment and land trust. This committee, chaired by Douglas Dorn, reviewed the endowment and the trust, and made a number of recommendations. Of particular importance, the committee recommended and concluded that the endowment should be managed as one fund by one governing body that would decide overall investment strategy using modern day so-called prudent investor investment strategies.

The creation of the land bank and the earnings reserve are key elements of this strategy. That is what this legislation provides, and I urge the Senate to adopt this bill at the first opportunity. And I will be urging the citizens of Idaho to do their part this November and vote for the constitutional amendments that are needed to modernize the legal framework of the Endowment.

I commend Governor Batt for his leadership and innovation in developing this legislative package which will clearly benefit Idaho children. I also want to commend Doug Dorn, and his committee of Rep. William L. Deal, State Controller J.D. Williams, Robert Montgomery, Dr. Thomas Stitzel, Robert Maynard, Michael Brassey, Clive Strong and Michael Ferguson for their effective and bipartisan work.

Today we see the results of the wisdom and foresight of the decisions made 100 years ago by Congress and the citizens of Idaho. I trust this Congress and the citizens of Idaho will match the wisdom of their predecessors, and adopt this legislative package which will provide more money so we can teach our children well.●

## THE MEDICARE+CHOICE PAYMENT EQUITY ACT OF 1998

● Mr. WYDEN. Mr. President, last year's balanced budget agreement contained provisions to make Medicare more efficient by moving away from wasteful practices that the private sector long ago consigned to history, while offering seniors in Oregon and other states more and better choices for their health care service. The bipartisan bill Senator SMITH and I are introducing today will make sure that those provisions are implemented in a way that will indeed bring about the full potential of these reforms.

The Medicare+Choice Payment Equity Act of 1998 will finish what we started with the Balanced Budget Act of 1997 by creating payment equity under Medicare's formula for paying for managed care services . Without equity in payment, beneficiaries in Oregon could be penalized because they may never get the same kinds of services in their Medicare managed care package that are available in other areas of the country with less efficient health care systems.

For states like Oregon with cost efficient health care systems, the Medicare formula resulted in lower payment. While we made progress in correcting this inequity through the Balanced Budget Act, changes made at the last minute in the legislation will actually prevent efficient states from ever gaining full equity in payment under Medicare managed care plans.

This legislation corrects that by requiring full funding of what is known as the ''blend'' portion of the formula. With managed care taking a larger role in Medicare it is more important now to assure equity in the payment formula. This legislation is supported by the Fairness Coalition and the American Hospital Association.

I ask unanimous consent that a copy of the bill be printed for the RECORD.

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

S. 2227

*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 ''Medicare+Choice Payment Equity Act of 1998''.

**SEC. 2. ELIMINATION OF BUDGET NEUTRALITY ADJUSTMENT FACTOR IN CALCULATING THE BLENDED CAPITATION RATE FOR MEDICARE+CHOICE ORGANIZATIONS.**

(a) IN GENERAL.—Section 1853(c) of the Social Security Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1)(A), by striking the comma at the end of clause (ii) and all that follows before the period at the end; and

(2) by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6) respectively.

(b) CONFORMING AMENDMENTS.—Part C of the Social Security Act (42 U.S.C. 1395w–21 et seq.) is amended—

(1) in section 1853(c)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''(6)(C) and (7)'' and inserting ''(5)(C) and (6)''; and

(B) in paragraphs (1)(B)(ii) and (3)(A)(i), by striking ''(6)(A)'' and inserting ''(5)(A)''; and

(2) in subsections (b)(3)(B)(ii) and (c)(3) of section 1859, by striking ''1853(c)(6)'' and inserting ''1853(c)(5)''.

(c) SUBMISSION TO CONGRESS.—Not later than 20 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a legislative proposal that provides for aggregate decreases in Federal expenditures under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as are equal to the aggregate increases in such expenditures under such program resulting from the amendments made by subsections (a) and (b).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made under contracts entered into on or after January 1, 1999.●

● Mr. SMITH of Oregon. Mr. President, today with my colleague, Senator WYDEN, I introduce legislation to restore equity in the Medicare payment rate otherwise known as the Average Adjusted Per Capita Cost (AAPCC) formula under Medicare. This formula, which is implemented by the Health Care Financing Administration, determines the payment rates made to health maintenance organizations (HMOs) that offer coverage to Medicare beneficiaries.

Mr. President, prior to the passage of the Balanced Budget Act of 1997, AAPCC rates were determined by calculating the five-year average of per-capita Medicare fee-for-service spending by county, as well as the graduate medical education (GME) and disproportionate share (DSH) payments. Since Medicare utilization rates, GME and DSH rates vary from county to county throughout the United States, those areas that have low Medicare utilization rates subsequently receive a lower payment than other areas where Medicare utilization rates are much higher. In 1997, those rates varied from $286 in Gilliam County, Oregon to $748 in Dade County, Florida.

The result of such disproportionate levels in payments to HMOs is a disproportionate amount of benefits provided to Medicare beneficiaries. For example, HMOs that provide coverage for Medicare beneficiaries living in Los Angeles, California or Dade County, Florida receive a significantly higher payment; therefore, they can afford to provide additional benefits such as prescription drugs, eye glasses, and dental

coverage. Meanwhile, HMOs that provide coverage to beneficiaries in Portland, Oregon receive a lower payment rate and cannot afford to provide such additional benefits. Mr. President, this is blatantly unfair, and unacceptable. Medicare beneficiaries deserve the same access to the same benefits, regardless of where they live in this country.

To address this discrepancy, the Balanced Budget Act of 1997 included three main provisions to change the calculation of the AAPCC payment rates. First, a minimum ''floor'' payment of $367 was implemented to provide assistance to those rural counties with low Medicare utilization rates. Second, a blended rate was established to benefit low and mid-level payment counties to slowly bring them up to a more equitable level. Third, a minimum two percent ''hold-harmless'' was established so that all counties, even those at a higher payment level, are guaranteed at least a two percent increase in their current payment rates.

As a member of the Senate Committee on the Budget, I was proud to support these provisions; however, the only component of this proposal that has been implemented, is the guaranteed two percent increase for all counties due to budget neutrality restrictions. While the two percent increase is a good start in restoring some equity to the payment system, beneficiaries living in rural counties in Oregon and throughout the country will not have access to Medicare+Choice options if we cannot find a way to provide funding for the blend component. This was the original intent of Congress, and I believe we have a responsibility to implement all three of these provisions in order to restore equity to the Medicare system.

The legislation that Senator WYDEN and I are proposing today would remove the budget neutrality provision used in calculating the blended capitation rate for Medicare+Choice organizations. To put this simply, we propose to fund the blend. Under this legislation, the Secretary of Health and Human Services would submit to Congress a legislative proposal outlining ways in which to restructure federal Medicare expenditures in order to implement the blend. We believe this is a fair and fiscally responsible way to address this matter and look forward to the Finance Committee's consideration of this issue in the year ahead.

Mr. President, I would like to commend my colleague, Senator WYDEN, for drafting this legislation and for the work of Stephanie Kennan of his staff on this bill. He has been a strong proponent of Medicare reform both as a member of the House of Representatives and as a member of the Senate Committee on the Budget. I thank him for this opportunity to join him in this effort.●

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By Mr. THOMPSON (for himself, Mr. GLENN, Mr. COCHRAN, Mr. LEVIN, Mr. BROWNBACK and Mr. LIEBERMAN):

S. 2228. A bill to amend the Federal Advisory Committee Act (5 U.S.C. App.) to modify termination and reauthorization requirements for advisory committees, and for other purposes; to the Committee on Governmental Affairs.

THE ADVISORY COMMITTEE TERMINATION AND STREAMLINING ACT OF 1998

● Mr. THOMPSON. Mr. President, our democracy depends not just on our citizens exercising the franchise at every election. It also depends on the active participation of citizens in the operations of the government. To that end, the federal government has sought input and advice from citizens on a wide variety of issues by creating advisory committees. To solicit this input, however, costs the government around $180 million a year, and results in an accretion of advisory committees that continue long after their useful purpose is satisfied.

The operations of advisory committees are governed by the Federal Advisory Committee Act of 1972, commonly called ''FACA.'' This law was enacted out of a concern that federal advisory committees were proliferating without adequate review, oversight, or accountability. In adopting the FACA, Congress intended that the number of advisory committees be kept to the minimum necessary and that all advisory committees operate openly under uniform standards and procedures.

Although the FACA was not enacted until 1972, agencies of the federal government had been using advisory committees for many years. For example, the Board of Visitors of the Naval Academy was established by Congress in 1879. There are four types of advisory committees used by federal agencies: committees mandated by Congress; committees authorized, but not mandated, by Congress; committees mandated by executive order of the President; and, finally, committees established by agencies under their organic statutes. Over the years, the number of advisory committees grew. In enacting the FACA, Congress mandated that all then-existing advisory committees terminate within two years but did not apply this mandate to advisory committees established directly by Congress, only to those created by agencies themselves. Despite this termination mandate, the number of advisory committees continued to increase after enactment of the FACA. Many of the advisory committees terminated two years after the FACA's enactment were simply reestablished, and many new committees have since come into existence.

While allowing public participation in government, advisory committees cost the federal government money. According to the General Services Administration, the 968 federal advisory committees used by federal agencies cost the government $178 million in fiscal year 1997 and consumed 1254 full-time equivalent positions. Advisory committees are expected to cost the government $183 million this year. Even though the number of advisory committees has fallen from 1305 in 1993, their costs have continued to increase, even in constant dollars. In 1988, the cost to operate advisory committees was $93 million. The cost to operate fewer advisory committees in 1997 was about $136 million in 1988 dollars.

The costs associated with advisory committees would be even higher were it not for initiatives taken to reduce the number of advisory committees created by executive branch agencies. The number of these ''discretionary'' committees, those created not at the direction of Congress or the President, is limited to 534. The GSA also conducts an annual review of advisory committees that no longer serve a useful purpose. Through this review, GSA has identified 61 advisory committees mandated by law that should be eliminated. The termination of these committees would save $8.4 million this year.

The time has come for Congress to step up and do its part to achieve further cuts in current advisory committees. Unless Congress acts, the cost of advisory committees will continue to increase, as new committees are created and old, useless committees continue with no legitimate purpose.

Today, joined by a bipartisan group of my colleagues on the Committee on Governmental Affairs, I am introducing the Advisory Committee Termination and Streamlining Act of 1998. I am pleased to be joined by the ranking member of the Committee, Senator GLENN, who has a long history of involvement with the FACA; Senator COCHRAN; Senator LEVIN, who formerly chaired the Subcommittee with oversight responsibility for the FACA; Senator BROWNBACK, Chairman of the Subcommittee on Oversight of Government Management and Restructuring; and Senator LIEBERMAN, the ranking member on the Government Management and Restructuring Subcommittee. This bill has been developed with the assistance of the Administration, which proposed many of its provisions.

Let me briefly lay out what this legislation would accomplish. The focus of the legislation is to force the reappraisal of the need for all current advisory committees. To achieve this goal, the bill would terminate all advisory committees within three years of the bill's enactment. This three-year window applies to all advisory committees, whether established by congressional or presidential mandate, congressional authorization, or agency decision. Any advisory committee established by presidential order or agency decision will be subject to continuation if an affirmative decision is made that the committee's continuation is warranted. Similarly, three years will allow Congress enough time to review

the advisory committees it has mandated, determine which of these continue to serve useful functions, and reauthorize such committees. This provision will clear away many advisory committees that continue to exist from inertia but no longer serve a useful function.

The bill excludes two categories of advisory committees. Advisory committees that provide peer review of grant applications, such as those used by the National Institutes of Health, will continue, whether or not they are reauthorized, as the termination provision does not apply to them. The second category exempt from the termination provision covers those committees that provide advice relating to the academic certification of federal institutions. This category includes the Boards of Visitors of the service academies. Finally, the bill exempts from the termination provision all advisory committees that ''address critical needs relating to health, safety, national security, or other concerns as the President may certify.'' This exemption allows sufficient flexibility to preserve those advisory committees that continue to serve useful purposes in areas deemed important by the President.

The other provisions of the bill can be quickly summarized. First, the bill allows the GSA to issue binding regulations and not just administrative guidelines. This change, proposed by the Administration, is needed to promote consistent, uniform application of the FACA's requirements throughout the executive branch. Second, the bill changes the date on which the Administration's annual report on advisory committees must be submitted to Congress from December 31 to March 15. The GSA has consistently failed to meet the December 31 deadline, due largely to its inability to collect the necessary information from other agencies in a timely manner. This change will provide a more realistic date for submission of the report, and the GSA has assured us that it will be able to meet the new March 15 deadline. Finally, the bill will allow the GSA to promulgate regulations authorizing notice of advisory committee meetings through means other than publication in the Federal Register. Many who have an interest in the work of specific advisory committees do not read the Federal Register, and the Administration is interested in experimenting with providing notice of meetings through the Internet or other electronic formats in order to determine whether other forms of notice are more effective at reaching large numbers of interested persons.

Mr. President, this bill would streamline the government and save us money. It will have the additional benefit of requiring Congress and the Administration to work jointly to revisit the charters of all advisory committees and evaluate the need for their continuation. I thank the Administration for working with us to develop this bill and my cosponsors for working towards a consensus on this matter.

I ask unanimous consent that the bill and a copy of a June 22, 1998 article from the Gannett News Service entitled ''Committees Dwindle—but Costs Don't,'' which details some of these facts, be inserted in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2228

*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 ''Advisory Committee Termination and Streamlining Act of 1998''.

**SEC. 2. TERMINATION OF ADVISORY COMMITTEES.**

Section 14 of the Federal Advisory Committee Act (5. U.S.C. App.) is amended by adding at the end the following:

''(d)(1) Notwithstanding any other provision of law (including section 4(a) of this Act and this section) and except as provided under paragraph (2), each advisory committee established, authorized, or reauthorized by statute shall terminate 3 years after the date of enactment of the Advisory Committee Termination and Streamlining Act of 1998.

''(2) This subsection shall not apply to any advisory committee the purpose of which is to—

''(A) provide for peer review of Federal grant or research applications or similar activities;

''(B) provide advice and recommendations relating to academic certification of Federal institutions; or

''(C) address critical needs relating to health, safety, national security, or other concerns as the President may certify.

''(3) Nothing in this subsection shall be construed to reauthorize the continuation of any advisory committee covered under paragraph (1) beyond the termination date specified in the original authorization or any reauthorization for the committee.''.

**SEC. 3. REGULATIONS.**

Section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended in the first sentence by striking: ''administrative guidelines'' and inserting ''regulations''.

**SEC. 4. ANNUAL REPORT.**

Section 6(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by striking the first sentence and inserting: ''Not later than March 15 of each year, the President shall submit an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year.''.

**SEC. 5. ADVISORY COMMITTEE PROCEDURES.**

Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended to read as follows:

''(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register. The Administrator shall prescribe regulations to provide for other types of public notice in addition to, or in lieu of, notices in the Federal Register to ensure that all interested persons are notified of such meeting prior thereto.''.

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COMMITTEES DWINDLE—BUT COSTS DON'T

(By Chris Collins)

WASHINGTON.—In early 1993, President Clinton vowed to whack away at the tangled growth of hundreds of advisory committees that he described as proliferating throughout the federal government ''like kudzu,'' the notorious vine that engulfs objects virtually overnight.

Today, the number of such panels is down, as Clinton promised: 963 in 1997, the most recent year for which numbers are available, compared to 1,305 in 1993, when he issued an executive order to pare the committees.

But hold the applause. Both the number of committee members on the remaining panels and their cost to taxpayers have soared to all-time highs.

In 1993, according to the General Accounting Office, 28,317 people served on advisory committees. By 1997, the number of committee members had jumped to 36,586, although the number of committees was way down.

Costs were up, too: $178 million last year, compared to $143.9 million in 1993. Even using constant 1988 dollars, the cost to operate advisory committees has risen in the past decade from $93 million in 1988 to about $136 million in 1997, GAO said.

James L. Dean, director of the Committee Management Secretariat at the General Services Administration, attributes the bulk of the increase in committee members to the National Institutes of Health's increasingly prevalent practice of rapidly rotating memberships on some of its peer review committees.

NIH spokeswoman Laura Vazquez confirmed that ''memberships'' on NIH's 141 committees appear to have tripled in recent years as NIH pulled more experts onto its committees for temporary, often one-meeting tenures. In 1997, for example, NIH had 8,366 such short-term participants and 4,140 longer-term committee members.

But the cost of the committees to taxpayers is not higher simply because there are more members. The cost of caring for each committee member has risen, too: From $90,816 per member in 1988 to $184,868 in 1997, GAO said. Even in constant 1988 dollars, per-member expenses rose from $90,816 to $140,870 in that period.

Most of that money—$75.5 million last year—pays for federal staff support for the committees, Dean said. Most panelists are not paid for their time; only $10.4 million went last year to compensate non-federal committee members, said Dean, whose office had eight employees and a $645,000 budget in 1997 (up from $220,000 in 1988).

None of this, however, shows up in the annual message the president is required to send to Congress on the status of federal advisory committees.

Clinton's last message, sent in September, bragged about how the number of committees has dropped during his tenure and that $2.5 million was saved during the 1996 budget year by cutting out additional panels. There wasn't a mention of how much overall costs and overall membership had risen.●

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By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. D'AMATO, Mr. HATCH, Ms. MIKULSKI, Mr. JEFFORDS, Mr. ROCKEFELLER, and Mr. CONRAD):

S. 2230. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for 3 additional years; to the Committee on Finance.

THE WORK OPPORTUNITY TAX CREDIT EXTENSION ACT

● Mr. CHAFEE. Mr. President, on behalf of myself and Senators BAUCUS, HATCH, D'AMATO, CONRAD, MIKULSKI, JEFFORDS and ROCKEFELLER. I am introducing legislation that extends the

current Work Opportunity Tax Credit (WOTC) program for three years. The program expires at the end of this month. While it is clear that the program will not be extended before we leave for the Fourth of July recess, I hope that Congress will act quickly upon its return to make sure that this very important program is reinstated and that no gap in the availability of the credit is created.

The WOTC program is a public-private partnership which encourages businesses to hire individuals on public assistance or who otherwise have life situations that make them difficult to employ. Employers who hire these individuals receive an income tax credit of as much as forty percent of the first $6,000 in wages they pay.

The WOTC program was established in 1996 as a replacement for the Targeted Jobs Tax Credit (TJTC). Last year, as part of the Taxpayer Relief Act Congress affirmed its strong support for this program by extending it for nine months along with the other so-called ''expiring provisions.'' Unfortunately, the tax credit will expire at the end of this month before Congress will have an opportunity to extend it.

The legislation we are introducing today extends the program for three years. This extension is vital to the continued success of the WOTC program. In speaking with employers who utilize the program, their biggest concern is the on again, off again nature of the credit. Participation in the program requires significant resources and time commitments on the part of the employer. The uncertainty surrounding the continuation of this program makes it very difficult for employers to make that commitment. The loss of program certainty reduces the incentive to hire those currently on public assistance. During previous breaks employers have scaled back their programs, and some have even abandoned the program altogether.

Individuals hired under the WOTC program often require substantial time and effort on the part of an employer. In many instances these individuals lack even the most basic skills necessary to hold a job. Without the WOTC program there would be a strong disincentive for employers to make any effort to hire these individuals. The tax credit levels the playing field and gives these individuals an opportunity to move off the welfare rolls and take control of their futures. Thus far, nearly 300,000 people—mostly single mothers—have been hired under this program.

Those eligible for the WOTC are: members of families receiving AFDC benefits; qualified veterans who are members of families receiving food stamp benefits; 18–24 years olds who are members of families receiving food stamp benefits; 18–24 year olds who live in an empowerment zone or enterprise community; summer youth (16–17 year olds) who live in an empowerment zone or enterprise community who are hired during the summer months; SSI recipients; economically disadvantaged ex-felons; and individuals with physical or mental disabilities who have been referred to employers after or while receiving rehabilitative services under the Rehabilitation Act of 1973.

As I mentioned earlier, an employer will receive an income tax credit of forty percent of the first $6,000 in wages paid to an employee who is a member of one of these groups. Therefore, the maximum credit available is $2,400. The only exception is summer youth employees where the maximum amount of wages used to calculate the credit is $3,000. An employer can only receive this maximum credit, however, if the employee is employed for at least 400 hours. While that may sound like a short period of time, for many of these individuals, that represent a significant period of employment, perhaps longer than any job they've ever held.

A smaller credit equal to 25% of the first $6,000 of wages is available to an employer in those instances where the employee works less than 400 hours. No credit is available for any employee who works less than 120 hours.

The Work Opportunity Tax Credit is an important component of our efforts to make welfare reform work over the long term. It provides transitional assistance to employers who are willing to hire and take the time to train individuals before they become long-term welfare recipients and young people at high risk of going on public assistance programs.

I hope my colleagues will join me in supporting a long-term extension of the Work Opportunity Tax Credit.●

● Mr. BAUCUS. Mr. President, I am pleased today to join my colleague Senator JOHN CHAFEE in introducing legislation to extend the Work Opportunities Tax Credit (WOTC). This program was created after extensive consultations between the Congress and the Administration as a replacement for the Targeted Jobs Tax Credit. It was improved in the Taxpayer Relief Act of 1997 with changes designed to make the program more accessible to employers who identify, hire and train welfare recipients and equip them with basic job skills necessary for long-term employment.

As the June 30, 1998 expiration date for the WOTC program approaches, we are introducing this bill as a statement of Congressional commitment to the future continuation of the credit. WOTC encourages employers to participate in the national goal of moving millions from welfare to work through a hiring tax incentive that helps to offset the costs of recruiting, hiring and training those with few basic job skills.

Congress enacted welfare reform in 1996. Since that time, employers have utilized WOTC to hire nearly one in four of those coming off public assistance. The time limits that were implemented through the welfare reform legislation are now reaching many of the more difficult welfare cases, those with the fewest job skills that have had the most difficulty finding jobs. As these welfare recipients search for jobs, it is extremely important to continue providing an incentive which will help defray the extra costs experienced by companies hiring these workers.

The legislation we are introducing today will extend WOTC for three years. The current practice of extending the credit on a year-to-year, or partial-year, basis makes it extremely difficult for employers to use the credit. Small businesses in particular require some time to set up and use the program. All employers need some level of certainty for tax planning, which is not available when the credit is extended on a short-term basis. A multi-year extension will provide that certainty, and will show that Congress is serious about making the program work.

I thank Senators CONRAD, D'AMATO, HATCH, JEFFORDS, MIKULSKI and ROCKEFELLER for joining Senator CHAFEE and myself as original cosponsors of this bill. I look forward to working with all of my colleagues to enact a multi-year extension of the Work Opportunities Tax Credit before the end of this legislative session.●

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By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK):

S. 2231. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT

● Mr. HATCH. Mr. President, today with my friend and colleague Senator BAUCUS I introduce the International Tax Simplification for American Competitiveness Act of 1998. This bill will provide much-needed tax relief from complex and inconsistent tax laws that burden our American-owned companies which are attempting to compete in the world marketplace.

Our foreign tax code is in desperate need of reform and simplification. The rules in this arena are way too complex and, often, their results are perverse.

Mr. President, the economy of this country has entered into an environment like no other in our history. The American economy has experienced significant growth and prosperity. That success, however, is becoming more and more intertwined with the success of our businesses in the global marketplace. As the economic boundaries from country to country merge closer together, as technology blurs traditional geographical boundaries, and as competition continues to increase from previously lesser-developed nations, it is imperative that American-owned businesses be able to compete effectively.

It seems to me that any rule, regulation, requirement, or tax that we can alleviate to enhance competitiveness will insure to the benefit of American companies, their employees, and shareholders.

There are many barriers that the U.S. economy must overcome in order to remain competitive that Congress cannot hurdle by itself. All around the world, we have international trade negotiators working hard to remove the barriers to foreign markets that discourage and hamper U.S. trade. This is very important to the future economic growth of the U.S. economy. However, this effort has largely ignored the largest source of artificial and unnecessary trade barriers experienced by U.S. companies operating abroad—the complexities and inconsistencies contained in our own tax code.

We cannot continue the status quo—we must work to remove the barriers in our own back yard as diligently as we attack those imposed by other countries. The failure to do so will even jeopardize our own domestic economy as American companies are lured to other countries with simple, more favorable tax treatment.

The business world is changing at an increasingly rapid pace. Tax laws have failed to keep pace with the rapid changes in the world technology and economy. We enacted some foreign tax simplification in last year's Taxpayer Relief Act, but these changes are not enough. Too many of the international provisions in the Internal Revenue Code have not been substantially debated and revised in over a decade. Since that time, existing international markets have changed significantly and we have seen new markets created. The U.S. tax code needs to adapt to the changing times as well. The continued use of a confusing and archaic tax code only results in a mismatch with commercial reality.

If we close American companies out of the international arena due to complex and burdensome tax rules on exports and foreign production, then we are denying them the ability to compete and dooming the, and ourselves, to anemic economic growth and all its adverse subsidiary effects.

The bill we are introducing today is not a comprehensive solution, neither is it a set of bold new initiatives. Instead, this bill contains a set of important intermediate steps which will take us a long way toward simplifying the rules and making some sense of the international tax regime. The bill contains provisions to simplify and update the tax treatment of controlled foreign corporations, fix some of the rules relating to the foreign tax credit, and make other changes to international tax law.

Some of these changes are in areas that are in dire need of repair, and others are changes that take into consideration the changes we have seen in international business practices and environments during the last decade. The provisions in this bill are necessary to facilitate the American economy's ability to remain the driving economic force in the world of the future.

One example of the need for updating our laws to more adequately represent rapid changes that have occurred in the last few years is the financial service industry. This industry has seen technological and global changes that have changed the very nature of the way these corporations do business both here and abroad. This bill contains several provisions to help adapt the foreign tax regime to keep up with these changes.

In particular, I want to highlight the provision regarding a Subpart F Exception for active financial services income. This provision is based in large part on the one-year rule embodied in H.R. 2513, the House-passed bill that resulted from lengthy negotiations between the Treasury Department and the financial services industry. The bill's provisions are not intended to replace H.R. 2513. Rather, this bill goes further and provides additional options to facilitate discussion regarding the parameters of a permanent rule that would effectively level the playing field with respect to our foreign competition. This discussion is even more important in view of the Supreme Court's ruling on the line-item veto this morning.

The bill also allows deferral for cross-border income received by controlled foreign corporations engaged in the active conduct of a banking, financing, or similar business under narrowly defined circumstances. This provision is designed to preclude opportunities for excessive ''mobility'' of income. The first safeguard is the requirement that income eligible for deferral must be derived from a transaction with a ''customer.'' The definition of a customer would not permit a related-party transaction to qualify if one of the principal purposes for such transaction was to satisfy the underlying provision. Second, the requirement that employees meet a ''material participation'' test will reinforce the active nature of the covered activities. Thus, corporations holding passive investments would be precluded from relying on the rule.

There are many areas of the international tax regime not covered by this bill. This legislation represents a pragmatic collection of proposals, not an exhaustive one. One area I think needs to be explored is the foreign tax rules as they apply to foreign corporations with U.S. operations and subsidiaries. These companies are helping the U.S. economy grow. They buy and sell U.S. products, and they employ U.S. workers. We need to examine the international tax law and any barriers it creates for these companies. We must ensure that the U.S. tax law is written and enforced fairly for all companies operating in the U.S. I hope that we can include provisions in this area in future versions of this legislation.

This bill is not the end of the international tax debate. if we were to pass every provision it contains, we would still not have a simple tax code. We would need to make more reforms yet. We cannot limit this debate to only the intermediate changes such as those in this bill. We must not lose sight of the long term. I intend to continue this debate with an eye to the future and propel the discussion to broader, more sweeping areas in need of reform such as interest allocation, the international tax treatment of partnerships, issues raised by the European Union, and a broader debate of Subpart F itself. I believe that we must address these concerns in the next few years if we are to put U.S. corporations and the U.S. economy in a position to maintain economic position in the global economy of tomorrow.

This bill is important to the future of every American citizen. Without these changes, American businesses will see their ability to compete diminished, and the U.S. will have an uphill battle to remain the preeminent economic force in a changing world. This credible package of international tax reforms will help to keep our businesses and our economy competitive and a driving force in the world economic picture. I urge my colleagues to support this legislation.●

● Mr. BAUCUS. Mr. President, I am very pleased today to join with my colleague, Senator HATCH, to introduce another in our series of international simplification bills. The International Simplification for American Competitiveness Act of 1998 will provide much-needed relief to American-owned companies that are struggling to compete in the world marketplace by simplifying our overly complicated international tax rules.

America's economy, and economies of our individual States, are increasingly interlinked with the success of our businesses in the international economy. As the economies of previously less-developed countries around the world begin to expand, and the economic boundaries between our countries become more blurred, it is increasingly important for our businesses to be able to operate abroad from their most competitive position. Restraining American companies through redundant and unnecessary complexity in our own tax code dampens their ability to compete for foreign business. This only hurts our own economy.

I have worked through the Trade Subcommittee to lower barriers to foreign markets and encourage agreements to keep trade free and fair. I have sought to open foreign markets for many Montana products, from beef to wheat, because of the positive impact on Montana's economy, and on the economy of our country. While we have made much progress on the trade front in opening barriers, our tax code remains mired in antiquated provisions that have not kept pace with the rapidly expanding global economic frontier. We must simplify our code, remove duplicative or outmoded provisions, and provide incentives for trade whenever possible, if we are to ensure continued U.S. success in the world

economy. If we miss this opportunity, we risk the erosion of U.S. international competitiveness as countries with simple, favorable tax treatment of businesses lure away our foreign customers.

There is a strong correlation between American corporate competitiveness overseas and the ability of those companies to continue providing jobs at home. According to a report prepared by the accounting firm of Price Waterhouse, United States exports in 1996 totaled over $600 billion and supported almost 7 million direct and indirect jobs. Exports alone account for over 11% of our Gross Domestic Product, and when combined with imports, total about 17% of GDP. Even in Montana, a state which is struggling to expand its foreign markets, exports totaled almost one-half billion dollars and supported 58,000 jobs in 1996.

This bill does not by any means cure all of the problems in the international tax arena. But it is a good starting point which simplifies existing law, reduces the cost of compliance, and begins to rationalize the rules that need to be drafted with the competitiveness of U.S. businesses in mind. There are a lot of important international issues that this bill does not deal with. The problems associated with the interest allocation rules, for example. But Senator HATCH and I feel that these are larger issues that need more time to resolve, so they have not been included in this bill. I look forward to working with him, the Treasury Department and industry groups in an effort to find solutions to these bigger-picture issues over the next months.

We live in a global economy. And we must help make American companies competitive in this economy, while fairly taxing their profits, if we are to keep this unprecedented period of economic expansion going. The ''International Tax Simplification for American Competitiveness Act of 1998'' is a major step in that direction, and I look forward to working with Senator HATCH and my other colleagues on the Finance Committee to have its provisions enacted into law.●

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By Mr. BUMPERS (for himself and Mr. HUTCHINSON):

S. 2232. A bill to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes; to the Committee on Energy and Natural Resources.

LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE

● Mr. BUMPERS. Mr. President, today I am introducing legislation to designate Central High School in Little Rock, Arkansas, as a National Historic Site. Central High School is perhaps the most well-known school in the nation, as a result of the high profile and pivotal role it played in the desegregation of public schools in America. I am pleased to be joined by Senator HUTCHINSON in sponsoring this legislation.

In 1954, the U.S. Supreme Court issued its landmark decision, Brown versus Board of Education, which held that the segregation of public schools was unconstitutional. The following year, in its Brown II decision, the Court ruled that integration of the public schools was the responsibility of local school districts, to be carried out ''with all deliberate speed.'' This set the stage for the eventual confrontation in Little Rock.

Prior to the Brown decision, Central High was attended only by white students. Following the Court's decision, the Little Rock School Board initially made plans to comply with the decision in phases to be carried out over six years. However, by the time the district began to implement the decision in the fall of 1957, the political controversy had increased to the extent that only 9 black students decided to enroll at Central High, with approximately 1,900 white students. Those nine students later became known as the ''Little Rock Nine,'' and are an inspiration to America.

Mr. President, earlier this Congress, Senator Mosely-Braun and I introduced legislation, S. 1283, to award the Congressional Gold Medal to those nine extraordinary individuals—Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrance Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas. It is my strong desire that both S. 1283 and this legislation will be enacted into law in the remaining months of this Congress. These nine sons and daughters of Little Rock are proud symbols of the progress we have made and a solemn reminder of the progress we have yet to make.

By the time the Little Rock Nine attempted to enter Central High in September of 1957, the issue of desegregation had polarized not only Little Rock, but the entire nation. The Governor of Arkansas, Orville Faubus, ordered the Arkansas National Guard to prevent the desegregation of Central High. Following several days of unrest, a Federal District Court in Little Rock issued an order preventing the National Guard from further obstructing desegregation efforts in Little Rock. Amid this period of intense feelings and acrimony, President Eisenhower issued an Executive Order which federalized the National Guard and deployed Federal troops to enforce the district court's order. Although several events of the following days were tense and often ugly, the eventual peaceful resolution that followed helped to ensure the successful implementation of the Brown decision, not only in Little Rock, but throughout the South.

Last fall, on the 40th anniversary of the 1957 events, the attention of the nation was once again focused on Central High, and the Little Rock Nine once again entered through the school's main doors. However, this time those doors were held open by the President of the United States and the Governor of Arkansas.

Establishment of the Little Rock Central High School National Historic Site will, for the first time, provide the National Park Service with the ability to interpret for all Americans the complete history of the desegregation of our public schools, certainly one of the most important social events in the history of our country. Let me hasten to add, Mr. President, that Central High will continue to be a functioning high school, managed by the Little Rock School District. Designation of the school as a National Historic Site will also complement the very successful interpretive activities already undertaken by the Central High Museum and Visitor Center.

There is no question as to the national significance of Central High School. The school is included on the National Register of Historic Places, and was designated in 1982 as a National Historic Landmark by the Secretary of the Interior.

There is strong support for this bill, both in Little Rock and with the entire Arkansas Congressional delegation. The City of Little Rock, the Little Rock School District, Central High Museum, Inc., area residents, and many other organizations and individuals in Little Rock have expressed support for this proposal. It is my hope to have a hearing scheduled for this bill in the very near future, with passage by the Senate shortly thereafter.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2232

*Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,*

**SECTION 1. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) the 1954 U.S. Supreme Court decision of *Brown* v. *Board of Education*, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States;

(2) the admission of nine African-American students, known as the ''Little Rock Nine'', to Little Rock's Central High School as a result of the Brown decision, was the most prominent national example of the implementation of the Brown decision, and served as a catalyst for the integration of other, previously segregated public schools in the United States;

(3) 1997 marked the 70th anniversary of the construction of Central High School, which has been named by the American Institute of Architects as ''the most beautiful high school building in America'';

(4) Central High School was included on the National Register of Historic Places in 1977 and designated by the Secretary of the Interior as a National Historic Landmark in 1982 in recognition of its national significance in the development of the Civil Rights movement in the United States; and

(5) the designation of Little Rock Central High School as a unit of the National Park System will recognize the significant role the school played in the desegregation of public schools in the South and will interpret for future generations the events associated with early desegregation of southern schools.

(b) PURPOSE.—The purpose of this Act is to preserve, protect, and interpret for the benefit, education, and inspiration of present and

future generations, Central High School in Little Rock, Arkansas, and its role in the integration of public schools and the development of the Civil Rights movement in the United States.

**SEC. 2. ESTABLISHMENT OF CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE.**

(a) ESTABLISHMENT.—The Little Rock Central High School National Historic Site in the State of Arkansas (hereinafter referred to as the ''historic site'') is hereby established as a unit of the National Park System. The historic site shall consist of lands and interests therein comprising the Central High School campus in Little Rock, Arkansas, as generally depicted on a map entitled _____ and dated June, 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall administer the historic site in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16 U.S.C. 461–467): *Provided,* That nothing in this Act shall affect the authority of the Little Rock School District to administer Little Rock Central High School.

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with appropriate public and private agencies, organizations, and institutions (including, but not limited to, the State of Arkansas, the City of Little Rock, the Little Rock School District, Central High Museum, Inc., Central High Neighborhood, Inc., or the University of Arkansas) in furtherance of the purposes of this Act.

(2) The Secretary shall coordinate visitor interpretation of the historic site with the Little Rock School District and the Central High School Museum, Inc.

(d) GENERAL MANAGEMENT PLAN.—Within two years after the date funds are made available, the Secretary shall prepare a general management plan for the historic site.

(e) CONTINUING EDUCATIONAL USE.—The Secretary shall consult and coordinate with the Little Rock School District in the development of the general management plan and in the administration of the historic site so as to not interfere with the continuing use of Central High School as an educational institution.

(f) ACQUISITION OF PROPERTY.—The Secretary is authorized to acquire by purchase with donated or appropriated funds, by exchange, or donation the lands and interested therein located within the boundaries of the historic site: *Provided,* That the Secretary may only acquire lands or interests therein within the consent of the owner thereof: *Provided further,* That lands or interests therein owned by the State of Arkansas or a political subdivision thereof, may only be acquired by donation or exchange.

**SEC. 3. DESEGREGATION IN PUBLIC EDUCATION THEME STUDY.**

(a) THEME STUDY.—Within two years after the date fund are made available, the Secretary shall prepare an transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a National Historic Landmark Theme Study (hereinafter referred to as the ''theme study'') on the history of desegregation in public education. The purpose of the theme study shall be to identify sites, districts, buildings, structures, and landscapes that best illustrate or commemorate key events or decisions in the historical movement to provide for racial desegregation in public education. On the basis of the theme study, the Secretary shall identify possible new national historic landmarks appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites for national historic landmark designation.

(b) OPPORTUNITIES FOR EDUCATION AND RESEARCH.—The theme study shall identify appropriate means to establish linkages between sites identified in subsection (a) and between those sites and the Central High School National Historic Site established in section 2, and with other existing units of the National Park System to maximize opportunities for public education and scholarly research on desegregation in public education. The theme study also shall recommend opportunities for cooperative arrangements with State and local governments, educational institutions, local historical organizations, and other appropriate entities to preserve and interpret key sites in the history of desegregation in public education.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with one or more major educational institutions, public history organizations, or civil rights organizations knowledgeable about desegregation in public education to prepare the theme study and to ensure that the theme study meets scholarly standards.

(d) THEME STUDY COORDINATION WITH GENERAL MANAGEMENT PLAN.—The theme study shall be prepared as part of the preparation and development of the general management plan for the Little Rock Central High School National Historic Site established in section 2.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this Act.●

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By Mr. CONRAD (for himself and Mr. HATCH):

S. 2233. A bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities; to the Committee on Finance.

BIOMASS AND COAL FACILITIES EXTENSION ACT

Mr. CONRAD. Mr. President, today I am pleased to join with my friend from Utah, Senator HATCH, in the introduction of the Biomass and Coal Facilities Extension Act. This legislation would extend by eight months the placed-in-service date under section 29 of the Internal Revenue Code.

This change is necessary in order to alleviate the hardship suffered by taxpayers who relied on action Congress took almost two years ago, and made substantial commitments of resources to develop alternative fuel technology projects. These commitments were made in good faith pursuant to the 1996 Small Business Protection Act, in which Congress amended section 29 for synthetic coal and biomass by extending the ''binding contract'' provision for 12 months to December 31, 1996 and extending the ''placed-in-service'' provision for 18 months to June 30, 1998.

That should have settled the matter. However, when the Administration's fiscal year 1998 budget was submitted in February 1997, it contained a proposal to shorten by a full year the placed-in-service date for facilities producing gas from biomass and synthetic fuel from coal. The Administration was concerned about what it characterized as rapid growth in the section 29 credit. Congress considered that argument and concluded that any concern about the growth in the credit had been dealt with adequately in the 1996 Act.

In the tax legislative arena, even a mere proposal can have consequences, as the Administration's proposal to shorten the placed-in-service date illustrates. The Joint Committee on Taxation's analysis of the proposal, made in March 1997, warned Congress about just such a consequence as it noted that ''[b]ecause the binding contract date has already passed * * * the proposal might place an unfair financial burden on those taxpayers who are bound to contracts entered into prior to the Administration's announcement.''

Mr. President, that is exactly what happened—taxpayers in that situation lost their sources of financing because financial institutions had to treat the Administration proposal as a real possibility. Because the tax credit plays a significant role in the overall financial situation that lenders have to consider, its potential loss made securing necessary financing impossible for taxpayers who were proceeding under binding contracts made in good faith reliance on the Small Business Protection Act of 1996.

The bill we offer today would simply restore some of the lost time that taxpayers endured as a result of the unintended consequences stemming from Congressional consideration of the Administration's 1997 budget proposal. It would extend the placed-in-service date from June 30, 1998 to a date eight months from the date of the bill's enactment.

Taxpayers took Congress at its word in 1996 when it said that the development of environmentally friendly fuels from domestic biomass and coal resources was worth supporting. Their subsequent investment of large amounts of time, effort, and money should be allowed to fulfill its objectives rather than simply be forfeited as a result of circumstances over which these taxpayers had no control.

This is a modest proposal; it would not disturb the ''binding contract'' date of the 1996 Act. Thus, no new projects would qualify because of its enactment. It seeks only to allow taxpayers who began projects under the 1996 Act to proceed in an orderly manner—an option that was effectively denied them as a result of the uncertainty created during consideration of the fiscal year 1998 budget.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2233

*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 ''Biomass and Coal Facilities Extension Act''.

**SEC. 2 EXTENSION OF PLACED IN SERVICE DATE FOR BIOMASS AND COAL FACILITIES.**

(a) IN GENERAL.—Section 29(g)(1)(A) of the Internal Revenue Code of 1986 (relating to extension for certain facilities) is amended by striking ''July 1, 1998'' and inserting ''the date which is 8 months after the date of the enactment of the Biomass and Coal Facilities Extension Act''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.●

● Mr. HATCH. Mr. President, today with my colleague, Senator CONRAD, I introduce the Biomass and Coal Facilities Extension Act. This legislation would extend the ''placed in service'' date under section 29 for facilities that produce alternative fuels by 8 months.

Section 29 was originally created to encourage the development of alternative fuels to reduce our dependence on imports and to reduce the environmental impacts of certain fuels. With the enormous reserves of low rank coals and lignite in the United States and around the world, and with the potential for use of biomass and other alternatives, it is particularly important to the American economy and the world's environment that new, more environmentally friendly fuels are brought to market here and in developing nations.

Bringing new technologies to market is financially risky. In particular, finding investors to take a new technology from a laboratory table to the market is difficult because working the bugs out of a first-of-a-kind, full-sized plant is a costly undertaking. Incentives to bring new, clean energy technologies to the market in the U.S. are a worthwhile use of the code.

The 1996 Small Business Protection Act provided sufficient incentives to make the development of alternative fuels a viable pursuit. In particular, it extended the section 29 ''placed in service'' date for facilities designed to produce energy from biomass or processed coals to July 1, 1998, provided that those facilities were constructed pursuant to a binding contract entered into before January 1, 1997.

However, the Administration's budget proposal, released in February 1997, effectively nullified the extension granted by Congress in the 1996 Small Business Protection Act. The Administration proposed that the placed in service date be moved up one year, to July 1, 1997, which, for many of these projects, was an impossible deadline to meet.

Without the assurance of the section 29 tax credit, financing for these projects dried up, stranding taxpayers in contracts, some of which contained significant liquidated damages clauses, already entered into in reliance on the Small Business Protection Act of 1996. As a result of the Administration's proposal, taxpayers essentially lost 8 months of the extension given them in 1996.

Mr. President, the bill before us would give these lost months back to companies with contracts signed by January 1, 1997. This bill does not extend the contract deadline, allow more projects to be initiated, or change the 2008 deadline for receiving the section 29 tax credit. This bill simply restores the time taxpayers lost in their efforts to develop environmentally friendly fuels under section 29.

Bringing new alternative fuel technologies to the market is an important part of our commitment to a cleaner environment and a secure economy. We reflected that commitment in our efforts to mitigate some of the financial risk involved in developing this much needed technology in the Small Business Protection Act of 1996. This bill maintains that commitment. I urge my colleagues to support this legislation.●

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By Mr. CAMPBELL (for himself and Mr. JEFFORDS):

S. 2235. A bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers; to the Committee on the Judiciary.

THE SCHOOL RESOURCE OFFICERS PARTNERSHIP GRANT ACT OF 1998

Mr. CAMPBELL. Mr. President, today I introduce the School Resource Officers Partnership Grant Act of 1998, a bill which will be an important step in our efforts to end crime in our nation's schools. This bill will help build thousands of deep, meaningful and lasting partnerships between America's local school systems, school children, and local law enforcement agencies. I am joined in introducing this legislation by my friend and colleague from Vermont, Senator JIM JEFFORDS, as an original cosponsor.

The need for this bill is clear. Violence in schools is both serious and deadly. Violence is disrupting our children's opportunity and ability to learn. No child anywhere in America should have to go to school with fear on their mind, rather than learning. The recent school-related shootings stand as stark and horrific examples of just how urgent the situation has become. These recent school shootings have occurred in suburbs, small towns, and major metropolitan areas all across our nation. They have shattered the myth that school violence is a problem solely confined to the inner cities. Events now clearly show that the potential for serious and deadly school violence is everywhere. Something must be done to ensure that our schools provide a safe place for our children to learn and grow.

Under this bill, schools in partnerships with local law enforcement agencies would be eligible to receive federal funding to hire ''School Resource Officers'' (SROs). A SRO would be a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations. The SROs would be able to assist in several primary activities. First, SROs would address crime and disorder problems with a special focus on gangs, drug-related activities, and other crimes occurring in or around our schools. Second, SROs would develop or expand crime prevention efforts in cooperation with students. Third, SROs would help educate potential school-age victims in crime prevention and personal safety awareness. Fourth, SROs would develop or expand community justice initiatives. Fifth, and clearly increasingly more important in light of the recent school shootings, is that the SROs would train students in conflict resolution and teach students how to resolve their differences without feeling the need to resort to violence. Where childhood schoolyard hard feelings used to occasionally result in a scuffle, we now live in a time where they are resolved with firearms and lead to serious wounds and even death. This simply must end. Sixth, SROs would help identify changes in the school environment, like new graffiti or other indications of gang activity, that provide vital indicators. And finally, SROs would assist with the development of anti-crime, school policy and procedural changes.

According to the National School Safety Center, 25 students have been killed in U.S. schools since January 1, 1998. This is the same number of students that were killed for the full 1996 school year, but in half the time. At this rate, we are on track to a doubling of the schoolyard murder rate in just two short years.

The current school-based partnership grant program, which is administered by the Justice Department's Office of Community Oriented Policing Services (COPS), is not defined by statute, nor is the description of the qualifications and responsibilities of SROs. This legislation would ensure that SROs are career law enforcement officers, deployed in community-oriented policing assignments and directed by their agencies to work in collaboration with schools and other community-based organizations to address crime problems and assist school authorities in educating students about crime and violence prevention.

This legislation complements the existing school-based partnership research grant program administered by the COPS office. The existing demonstration program provides funds to specific, and relatively small scale, youth crime prevention programs. My legislation would build on this solid foundation, and allow the COPS program resources to be freed up for widespread and comprehensive partnerships between our nation's schools and law enforcement agencies, with the SROs providing the vital link between the two.

In addition, my bill is a companion to H.R. 4009, which our colleague in the House of Representatives, Congressman

JIM MALONEY of Connecticut, introduced on June 5, 1998. This bill has received the endorsement of a number of education and law enforcement groups including the National Education Association, the International Brotherhood of Police, the Fraternal Order of Police. I believe that this powerful combination of endorsements clearly reflects the strength of, and compelling need for, this legislation.

On June 23rd , Senator JUDD GREGG, Chairman of the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, unveiled a $210 million Safe Schools Initiative. Largely thanks to Senator GREGG, the funding needed to combat school violence is on track to be made available in a few short months, on October 1st, 1998, the start of Fiscal Year 1999.

Together, these initiatives will target important funding and resources to where it is most urgently needed, in our nation's schools. I urge my colleagues to support passage of this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2235

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SCHOOL RESOURCE OFFICERS.**

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;''; and

(2) in section 1709—

(A) by redesignating the first 3 undesignated paragraphs as paragraphs (1) through (3), respectively; and

(B) by adding at the end the following:

''(4) 'school resource officer' means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

''(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

''(B) to develop or expand crime prevention efforts for students;

''(C) to educate likely school-age victims in crime prevention and safety;

''(D) to develop or expand community justice initiatives for students;

''(E) to train students in conflict resolution, restorative justice, and crime awareness;

''(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

''(G) to assist in developing school policy that addresses crime and to recommend procedural changes.''.

By Mr. LOTT (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. KYL, Mr. BROWNBACK, Mr. SHELBY, and Mr. MCCAIN):

S.J. Res. 54. A joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations; to the Committee on Foreign Relations.

IRAQI VIOLATIONS OF INTERNATIONAL OBLIGATIONS

Mr. LOTT. Mr. President, I am pleased to introduce today S.J. Res. 54 concerning Iraq's violations of the cease-fire agreement that ended Operation Desert Storm in 1991.

Yesterday, the Chairman of the United Nations Special Commission (UNSCOM) presented clear and compelling evidence to the U.N. Security Council that Iraq has lied about a critical aspect of its weapons of mass destruction programs.

UNSCOM has uncovered proof that Iraq has turned the deadly nerve agent known as VX into missile warheads. Iraq still denies the truth today, but no one should be fooled. The proof is certain.

And no one should be surprised. Iraq has consistently lied to UNSCOM for 8 years. It denied having any biological weapons. Iraq concealed the number of missiles it possessed. Iraq has refused to account for its chemical weapons programs. Iraq has refused to provide access to sites or documents necessary for UNSCOM to complete its work.

In the past, under both this administration and the previous administration, Iraq's violations led to action on the part of the U.S. Iraq has been found to be in material breach on many occasions which are spelled out in this resolution. Military action has been threatened and even employed to force compliance.

But now there is a different tune from the Clinton Administration. Now the Clinton Administration is on the defensive. Just keeping U.N. sanctions on seems to be enough—even though a U.S. veto would keep sanctions in place regardless of Russian or French pressure. I cannot understand why the Administration has been so passive in the face of the smoking fun demonstrating Iraq's deception to the world.

Earlier this year, President Clinton came close to using military force in response to Iraq's violations. Instead, U.N. Secretary General Annan went to Baghdad and made a deal with Saddam Hussein. Hussein promised to do what he has been obligated to do since 1991. In return, a new ''Special Envoy'' for Iraq was created. Special procedures of certain UNSCOM inspections were laid out.

If the goal was to avoid the difficult decision to use force, the Clinton Administration was successful. If the goal was to achieve Iraqi compliance with its international obligations, the Clinton Administration has failed.

In recent months there are a number of signs that the Clinton Administration is abandoning a serious policy toward Iraq. First, U.S. military deployments in the Persian Gulf have been reduced. There has been no change in Iraqi behavior. Congress fully funded the deployments through the fiscal year. Yet the force without which diplomacy is empty has been significantly and unilaterally reduced.

Second, the Administration refuses to support effective opposition to Saddam Hussein. The Congress provided $5 million in support for the Iraqi democratic opposition and required the Administration to submit its plan to Congress for using the money in 30 days. Today, almost 60 days later, we have received no report.

The Administration has refused to provide direct support to the Iraqi National Congress—the opposition group most effective in challenging Saddam Hussein in the past. Instead, they provided a list of dozens of so-called opposition groups that included fronts for Syrian intelligence, groups compromised by Iraq, groups linked to Iran, and a number of cultural and religious groups with no history in political opposition. This list—and the absence of a report—make it seem the Administration has no interest in an effective policy of supporting the Iraqi opposition.

Third, the Administration is acting in a very bizarre way in the case of Iraqis detained by the Immigration and Naturalization Service in California. Six Iraqis involved in efforts to overthrow Saddam Hussein—part of more than 6,000 evacuated after Saddam invaded northern Iraq—are now subject to secret deportation proceedings. former CIA Director Woosley is representing them free of charge, but even he has been denied an opportunity to see the alleged ''evidence'' gathered by INS. Something very suspicious is going on here. The Congress will look at why the executive branch is trying to send Iraqis who supported our goals in Iraq back to certain death at the hands of Saddam Hussein.

Fourth, the U.S. acquiesced in a dramatic expansion of Iraq's oil exports for the ostensible purpose of feeding Iraqis. The new program, approved just before Secretary General Annan left for Baghdad, allows Iraq to export more than $10 billion a year. This is not about feeding Iraqis—it is about repairing Iraq's oil infrastructure, building roads and otherwise helping Saddam Hussein provide the services he has been denied because of U.N. sanctions. It goes a long way to allowing Saddam Hussein to enjoy the benefits of ending sanctions while the U.S. has received no additional support for keeping sanctions on Iraq. It is a bad deal that seems to be getting worse—for our position.

Finally, there is the mute response to evidence of the weaponization of VX by Saddam Hussein's regime. This is one of the most deadly substances know to man. A single drop can kill a person. Saddam Hussien had it in missile warheads. He denied it. UNSCOM caught him in his lies—again.

The Administration needs to do more than simply hear the evidence and say the sanctions should remain. They need to develop and implement a coherent policy that addresses the threat posed by Saddam Hussien's regime. The need to respond—as the U.S. and even the U.N.—has responded before to material breaches by Iraq. Instead they are, in effect, looking the other way and hoping the French and Russians are not too offended by UNSCOM.

This resolution is intended to put pressure on the Administration to act on the information uncovered by UNSCOM. This is a material and unacceptable breach of Iraq's obligations. If the Administration refuses to act, Congress will be forced to step into the vacuum.

I would like to thank the cosponsors of the resolution: Senators LIEBERMAN, HELMS, KYL, SHELBY, BROWNBACK, and MCCAIN. I look forward to continuing to work with them in supporting an effective policy toward Iraq.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 54

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

Whereas In June 1991, Iraq forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in UN Security Council Resolution 707 which found Iraq to be in ''material breach'' of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

Whereas in January and February of 1992, Iraq rejected plans to instal long-term monitoring equipment and cameras called for in UN resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in ''continuing material breach'' of its obligations;

Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting the Security Council Presidential Statement of February 28, 1992 which reiterated that Iraq was in ''continuing material breach'' and noted a ''further material breach'' on account of Iraq's failure to allow destruction of ballistic missile equipment;

Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992 which declared that Iraq was in ''material and unacceptable breach'' of its obligations under UN resolutions;

Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface to air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying UN weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993 which declared that Iraq was in an ''unacceptable and material breach'' of its obligations under UN resolutions;

Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993 reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17 with an allied missile attack on Iraqi targets;

Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993 declaring Iraq's refusal to comply to be a ''material and unacceptable breach'';

Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on March 8, 11, 14 and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning ''clear violations by Iraq of previous Resolutions 687, 707 and 715.'';

Whereas from June 11–15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the ''clear violation on United Nations Security Council Resolutions 687, 707 and 715'' and in response to Iraq's continued violations, issued a Presidential statement detailing Iraq's ''gross violation of obligations'';

Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the UN oil for food plan;

Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council presidential statement which ''deplore[d]'' Iraq's refusal to cooperate with UNSCOM;

Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of ''specific consultation'' with the Council;

Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a UN Security Council presidential statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

Whereas on September 13, 1997 during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997 adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for non-compliance with UN resolutions;

Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down U.S. U–2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997 which imposed the travel ban on Iraqi officials and threatened unspecified ''further measures.''

Whereas on November 13, 1997, Iraq expelled U.S. inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council presidential statement demanding Iraq revoke the expulsion;

Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption on a United Nations Security Council presidential statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

Whereas, despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations Secretary General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998 of United Nations Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the ''severest consequences'' for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the UN Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX;

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security; and

Whereas the United States has existing authority to defend United States interests in the Persian Gulf region; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Government of Iraq is in material and unacceptable breach

of its international obligations, and therefore, the President of the United States is urged to act accordingly.

## ADDITIONAL COSPONSORS

S. 246

At the request of Mr. GREGG, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 246, a bill to amend title XVIII of the Social Security Act to provide greater flexibility and choice under the medicare program.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 438

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 438, a bill to provide for implementation of prohibitions against payment of Social Security benefits to prisoners, and for other purposes.

S. 1222

At the request of Mr. CHAFEE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1222, a bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1413

At the request of Mr. LUGAR, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1635

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1635, a bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains rates, to index capital assets for inflation, and to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 1918

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1918, a bill to require the Secretary of Agriculture to make available to producers of the 1998 and subsequent crops of wheat and feed grains nonrecourse loans that provide a fair return to the producers in relation to the cost of production.

S. 1976

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors 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. 2021

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2021, a bill to provide for regional skills training alliances, and for other purposes.

S. 2040

At the request of Mr. BAUCUS, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2040, a bill to amend title XIX of the Social Security Act to extend the authority of State medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities.

S. 2078

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. CAMPBELL) 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. 2084

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2084, a bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on mineral exploration, development, or production activity in adjacent State waters.

S. 2110

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2110, a bill to authorize the Federal programs to prevent violence against women, and for other purposes.

S. 2130

At the request of Mr. GRAMS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor 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. 2156

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2156, a bill to amend the Arms Export Control Act to exempt any credit, credit guarantee or other financial assistance provided by the Department of Agriculture for the purchase or other provision of food or other agricultural commodities from sanctions provided for under the Act.

S. 2162

At the request of Mr. MACK, the names of the Senator from Ohio (Mr. GLENN) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2162, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2196

At the request of Mr. GORTON, the name of the Senator from Arkansas (Mr. BUMPERS) 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. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2208

At the request of Mr. FRIST, the names of the Senator from Maine (Ms. COLLINS) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 2208, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor 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 CONCURRENT RESOLUTION 97

At the request of Mrs. FEINSTEIN, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

SENATE RESOLUTION 237

At the request of Mr. FEINGOLD, the names of the Senator from Indiana (Mr. COATS) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 237, a resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

AMENDMENT NO. 2728

At the request of Mr. BURNS the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 2728 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. 2808

At the request of Mr. FEINGOLD the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 2808 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. 2902

At the request of Mr. WELLSTONE the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2902 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. 2981

At the request of Mr. HELMS his name was added as a cosponsor of amendment No. 2981 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. 2982

At the request of Mrs. MURRAY her name was added as a cosponsor of amendment No. 2982 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 106—COMMENDING THE LIBRARY OF CONGRESS FOR 200 YEARS OF OUTSTANDING SERVICE TO CONGRESS AND THE NATION

Mr. WARNER (for himself, Mr. FORD, and Mr. MOYNIHAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 106

Whereas the Library of Congress was established in 1800 and will celebrate the 200th anniversary of the Library of Congress in 2000;

Whereas the goal of the bicentennial commemoration is to inspire creativity in the century ahead and ensure a free society through greater use of the Library of Congress and libraries everywhere;

Whereas the bicentennial goal will be achieved through a variety of national, State, and local projects, developed in collaboration with the offices of the Members of Congress, the staff of the Library of Congress, and special advisory committees; and

Whereas the bicentennial commemorative activities include significant acquisitions, symposia, exhibits, issuance of a commemorative coin, and enhanced public access to the collections of the Library of Congress through the National Digital Library: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress commends the Library of Congress on 200 years of service to Congress and the Nation, and encourages the American public to participate in activities to commemorate the bicentennial anniversary of the Library of Congress.

## AMENDMENTS SUBMITTED

## THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

### HUTCHISON AMENDMENT NO. 3003

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her 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:

On page 14, line 6, reduce the amount by $23,400,000.

On page 29, line 2, increase the amount by $23,400,000.

On page 41, after line 23, insert the following:

**SEC. 219. H–1 ROTARY WING AIRCRAFT UPGRADE.**

Of the total amount authorized to be appropriated under section 201(2), $121,942,000 shall be available for upgrade of H–1 rotary wing aircraft.

### DODD AMENDMENT NO. 3004

Mr. DODD proposed an amendment to the bill, S. 2057, supra; as follows:

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

**SEC. 634. ELIMINATION OF BACKLOG OF UNPAID RETIRED PAY.**

(a) REQUIREMENT.—The Secretary of the Army shall take such actions as are necessary to eliminate, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (a).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

(c) FUNDING.—Of the amount authorized to be appropriated under section 421, $1,700,000 shall be available for carrying out this section.

### MURRAY (AND OTHERS) AMENDMENT NO. 3005

Mrs. MURRAY (for herself, Mr. MURKOWSKI, Mr. SARBANES, Ms. MIKULSKI, and Mr. INHOFE) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

**SEC. 1064. BURIAL HONORS FOR VETERANS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Throughout the years, men and women have unselfishly answered the call to arms, at tremendous personal sacrifice. Burial honors for deceased veterans are an important means of reminding Americans of the sacrifices endured to keep the Nation free.

(2) The men and women who serve honorably in the Armed Forces, whether in war or peace, and whether discharged, separated, or retired, deserve commemoration for their military service at the time of their death by an appropriate military tribute.

(3) It is tremendously important to pay an appropriate final tribute on behalf of a grateful Nation to honor individuals who served the Nation in the Armed Forces.

(b) CONFERENCE ON MILITARY BURIAL HONOR PRACTICES.—(1) Not later than October 31, 1998, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, convene and preside over a conference for the purpose of determining means of improving and increasing the availability of military burial honors for veterans. The Secretary of Veterans Affairs shall also participate in the conference.

(2) The Secretaries shall invite and encourage the participation at the conference of appropriate representatives of veterans service organizations.

(3) The participants in the conference shall—

(A) review current policies and practices of the military departments and the Department of Veterans Affairs relating to the provision of military honors at the burial of veterans;

(B) analyze the costs associated with providing military honors at the burial of veterans, including the costs associated with utilizing personnel and other resources for that purpose;

(C) assess trends in the rate of death of veterans; and

(D) propose, consider, and determine means of improving and increasing the availability of military honors at the burial of veterans.

(4) Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the conference under this subsection. The report shall set forth any modifications to Department of Defense directives on military burial honors adopted as a result of the conference and include any recommendations for legislation that the Secretary considers appropriate as a result of the conference.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code.

## BINGAMAN (AND DOMENICI) AMENDMENTS NOS. 3006–3008

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted three amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 3006

At the end of subtitle B of title III, add the following:

**SEC. 314. DEFENSE SYSTEMS EVALUATION PROGRAM.**

Of the amount authorized to be appropriated under section 301(a)(12) for flying hours, $2,500,000 shall be available for activities of the New Mexico Air National Guard in support of testing activities at White Sands Missile Range, New Mexico, that relate to the Defense Systems Evaluation program.

AMENDMENT NO. 3007

On page 41, below line 23, add the following:

**SEC. 219. PLANNING AND DESIGN FOR ASTRONOMICAL RESEARCH FACILITY AT MAGDALENA RIDGE OBSERVATORY, NEW MEXICO.**

Of the amounts authorized to be appropriated by this title, $5,000,000 shall be available for planning and design with respect to an astronomical research facility at Magdalena Ridge Observatory, New Mexico, for the support of activities of the Ballistic Missile Defense Organization and test activities at White Sands Missile Range.

AMENDMENT NO. 3008

On page 397, between lines 6 and 7, insert the following:

**SEC. 3137. RELOCATION OF NATIONAL ATOMIC MUSEUM, ALBUQUERQUE, NEW MEXICO.**

Of the amounts authorized to be appropriated by this title, $1,500,000 shall be available for planning and design relating to the relocation of the National Atomic Museum in Albuquerque, New Mexico.

## REID (AND OTHERS) AMENDMENT NO. 3009

Mr. REID (for himself, Mr. BRYAN, Mr. INOUYE, Mr. WYDEN, Mr. KERREY, Mr. DURBIN, Mrs. MURRAY, and Mr. FEINGOLD) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 347 strike line 21 through line 13 on page 366 and insert the following:

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 2205 of the Military Construction Authorization Act for Fiscal Year 1997 is repealed. This section shall take place one day after the date of this bill's enactment.

## GRAMM AMENDMENT NO. 3010

Mr. GRAMM proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, add the following:

**SEC. . ATTENDANCE OF RECIPIENTS OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AT PARTICIPATING COLLEGES OR UNIVERSITIES.**

Section 2107 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) Notwithstanding any other provision of law or any policy or regulation of the Department of Defense or of the Department of the Navy, recipients of Naval Reserve Officers' Training Corps scholarships who live in the state which has more scholarship awardees than slots available under the Navy quotas in their state colleges or universities may attend any college or university of their choice in their state to which they have been accepted, so long as the college or university is a participant in the Naval Reserve Officers' Training Corps program.

''(2) The Department of Defense and the Department of the Navy are prohibited from setting maximum limits on the number of Naval Reserve Officers' Training Corps scholarship students who can be enrolled at any college or university participating in the Naval Reserve Officers' Training Corps program in such state.''

## BYRD AMENDMENT NO. 3011

Mr. BYRD proposed an amendment to amendment No. 3010 proposed by Mr. GRAMM to the bill, S. 2057, supra; as follows:

At the end of the amendment insert the following:

SEC. ____. (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 platoons and separate housing for male and female recruits**

''(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

''(1) male recruits shall be assigned to platoons consisting only of male recruits; and

''(2) female recruits shall be assigned to platoons consisting only of female recruits.

''(b) 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.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army 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 subsection (b) 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 subsection (b) 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 subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) 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.

''(d) 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 platoons and separate housing for male and female recruits.''.

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), 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.

(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 small units and separate housing for male and female recruits.

**''§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits**

''(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

''(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

''(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

''(b) 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.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy 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 subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) 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 subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) 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.

''(d) 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''.**

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), 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 16, 1999.

(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 flights and separate housing for male and female recruits**

''(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

''(1) male recruits shall be assigned to flights consisting only of male recruits; and

''(2) female recruits shall be assigned to flights consisting only of female recruits.

''(b) 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.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force 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 subsection (b) 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 subsection (b) 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 subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) 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 dormitory or other troop housing facility.

''(d) 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 flights and separate housing for male and female recruits.''.

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), 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.

SECTION 527 NOT TO TAKE EFFECT.—Section 527 shall not take effect.

## BUMBERS (AND FEINGOLD) AMENDMENT NO. 3012

Mr. BUMPERS (for himself and Mr. FEINGOLD) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike from line 1, page 25 through page 27, line 10, and insert in lieu thereof the following:

**SEC. 133. LIMITATION ON ADVANCE PROCUREMENT OF F–22 AIRCRAFT.**

Amounts available for the Department of Defense for any fiscal year for the F–22 aircraft program may not be obligated for advance procurement for the six Lot II F–22 aircraft before the date that is 30 days after the date on which the Secretary of Defense submits a certification to the congressional defense committees that the Air Force has completed 601 hours of flight testing of F–22 flight test vehicles according to the test and evaluation master plan of the F–22 aircraft program, as in effect on October 1, 1997.

## UNITED STATES BUFFALO NICKEL ACT OF 1998

## CAMPBELL AMENDMENT NO. 3013

(Ordered referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill (S. 1112) to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Buffalo Coin Act of 1998''.

**SEC. 2. BUFFALO HALF-DOLLAR.**

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

''(n) BUFFALO HALF-DOLLAR.—

''(1) DENOMINATIONS.—Notwithstanding any other provision of law, during the 3-year period beginning on January 1, 2000, the Secretary shall mint and issue each year not more than 500,000 half-dollar coins, minted in accordance with this title.

''(2) DESIGN REQUIREMENTS.—The design of the half-dollar coins minted under this subsection shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 to 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side a representation of a buffalo.

''(3) SELECTION.—The design for the coins minted under this subsection shall be—

''(A) selected by the Secretary, after consultation with the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate and the Commission of Fine Arts; and

''(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

''(4) QUALITY OF COINS.—Coins minted under this subsection shall be issued in uncirculated and proof qualities.

''(5) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under this subsection from sources that the Secretary deems appropriate, including from stockpiles established under the Strategic and Critical Materials Stockpiling Act.

''(6) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this subsection.

''(7) SALE OF COINS.—

''(A) IN GENERAL.—The coins issued under this subsection shall be sold by the Secretary at a price equal to the sum of—

''(i) the face value of the coins;

''(ii) the surcharge provided in subparagraph (D) with respect to such coins; and

''(iii) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

''(B) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this subsection at a reasonable discount.

''(C) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this subsection before the issuance of such coins. Sale prices with respect to prepaid orders shall be at a reasonable discount.

''(D) SURCHARGES.—All sales of coins minted under this subsection shall include a surcharge of $3.00 per coin.

''(8) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be paid promptly by the Secretary to the Numismatic Public Enterprise Fund established under section 5134. Proceeds from the sale of coins minted under this subsection shall be made available to the National Museum of the American Indian for the purposes of—

''(A) commemorating the tenth anniversary of the establishment of the Museum; and

''(B) supplementing the endowment and educational outreach funds of the Museum.''.

Mr. CAMPBELL. Mr. President, I take the time today to submit an amendment which will update legislation I introduced last year. On July 31, 1997, I introduced a bill, S. 1112, which would authorize the Mint to produce a commemorative Buffalo Nickel, based on the design of the original nickel which was in circulation from 1913 to 1938. In February of this year, I presented the design of the coin to the Mind and provided testimony regarding the history of the nickel and its design. Former Ambassador to Austria and Colorado buffalo rancher, Swanee Hunt, joined me at this presentation to share her support.

Since introducing that bill and making the presentation, I have been working closely with officials at the Treasury and the Citizens Commemorative Coin Advisory Committee. The recommendation of the Committee is necessary in order to bring the coin into circulation. In their annual report, the Committee approved the minting of a coin, based on the design of the Buffalo Nickel. However, the CCCAC recommended that the coin be a half-dollar denomination, rather that a nickel, which will go into circulation in 2001.

This amendment I am submitting today reflects their recommendation and complies with Title 31, the Commemorative Coin Act. All proceeds from the sale of this coin will continue to be paid to the Smithsonian Institution's National Museum of the American Indian, as the original legislation directed. The Committee's recommendation to put the coin into circulation in 2001 will coincide well with the Museum's scheduled opening date of 2002.

This legislation reflects the goals of all interested parties, and still maintains the original goal of raising funds for the preservation of Native American artifacts in the Museum of the American Indian. I urge my colleagues to support passage of this bill.

## THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

### FAIRCLOTH AMENDMENT No. 3014

Mr. FAIRCLOTH proposed an amendment to the bill. S 2057, supra; as follows:

On page 321, between lines 16 and 17, insert the following:

**SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.**

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) is hereby increased by $8,300,000.

(b) AVAILABILITY OF FUNDS.—Funds available as a result of the increase in the authorization of appropriations made by subsection (a) shall be available for purposes of construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

(c) OFFSET.—The amount authorized to be appropriated by section 2404(a)(9) is hereby reduced by $8,300,000.

### THURMOND (AND OTHERS) AMENDMENT NO. 3015

Mr. THURMOND (for himself, Mr. STEVENS, Mr. LEVIN, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, and Mr. ROBB) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 110, line 13, strike out ''3.1 percent.'' and insert in lieu thereof the following:

3.6 percent.

(c) OFFSETTING REDUCTIONS IN AUTHORIZATIONS OF APPROPRIATIONS.—(1) Notwithstanding any other provision of title I, the total amount authorized to be appropriated under title II is hereby reduced by $150,000,000.

(2) Notwithstanding any other provision of title II, the total amount authorized to be appropriated under title II is hereby reduced by $275,000,000.

### WARNER (AND OTHERS) AMENDMENT NO. 3016

Mr. WARNER (for himself, Mr. LEVIN, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Mr. LOTT, Mr. DASCHLE, and Mr. MURKOWSKI) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out section 1 and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

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

(1) Senator Strom Thurmond of South Carolina first became a member of the Committee on Armed Services of the United States Senate on January 19, 1959. His continuous service on that committee covers more than 75 percent of the period of the existence of the committee, which was established immediately after World War II, and more than 20 percent of the period of the existence of military and naval affairs committees of Congress, the original bodies of which were formed in 1816.

(2) Senator Thurmond came to Congress and the committee as a distinguished veteran of service, including combat service, in the Armed Forces of the United States.

(3) Senator Thurmond was commissioned as a reserve second lieutenant of infantry in 1924. He served with great distinction with the First Army in the European Theater of Operations during World War II, landing in Normandy in a glider with the 82nd Airborne Division on D-Day. He was transferred to the Pacific Theater of Operations at the end of the war in Europe and was serving in the Philippines when Japan surrendered.

(4) Having reverted to Reserve status at the end of World War II, Senator Thurmond was promoted to brigadier general in the United States Army Reserve in 1954. He served as President of the Reserve Officers Association beginning that same year and ending in 1955. Senator Thurmond was promoted to major general in the United States Army Reserve in 1959. He transferred to the Retired Reserve on January 1, 1965, after 36 years of commissioned service.

(5) The distinguished character of Senator Thurmond's military service has been recognized by awards of numerous decorations that include the Legion of Merit, the Bronze Star medal with ''V'' device, the Belgian Cross of the Order of the Crown, and the French Croix de Guerre.

(6) Senator Thurmond has served as Chairman of the Committee on Armed Services of the Senate since 1995 and as the ranking minority member of the committee from 1993 to 1995. Senator Thurmond concludes his service as Chairman at the end of the 105th Congress, but is to continue to serve the committee as a member in successive Congresses.

(7) This Act is the fortieth annual authorization bill for the Department of Defense for which Senator Thurmond has taken a major responsibility as a member of the Committee on Armed Services of the Senate.

(8) Senator Thurmond, as officer and legislator, has made matchless contributions to the national security of the United States that, in duration and in quality, are unique.

(9) It is altogether fitting and proper that this Act, the last annual authorization Act for the national defense that Senator Thurmond manages in and for the United States Senate as Chairman of the Committee on Armed Services of the Senate, be named in his honor.

(b) SHORT TITLE.—This Act shall be cited as the ''Strom Thurmond National Defense Authorization Act for Fiscal Year 1999''.

### THOMAS (AND ENZI) AMENDMENT NO. 3017

Mr. WARNER (for Mr. THOMAS for himself and Mr. ENZI) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 320, line 25, strike out ''$95,395,000'' and insert in lieu thereof ''$108,979,000''.

On page 14, line 6, reduce subparagraph (5) by $13,584,000

### HARKIN AMENDMENT NO. 3018

Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 219. PERSIAN GULF ILLNESSES.**

(a) ADDITIONAL AMOUNT FOR PERSIAN GULF ILLNESSES.—The total amount authorized to be appropriated under this title for research and development relating to Persian Gulf illnesses is the total amount authorized to be appropriated for such purpose under the other provisions of this title plus $10,000,000.

(b) REDUCED AMOUNT FOR ARMY COMMERCIAL OPERATIONS AND SUPPORT SAVINGS PROGRAM.—Of the amount authorized to be appropriated under section 201(1), $23,600,000 shall be available for the Army Commercial Operations and Support Savings Program.

### DEWINE AMENDMENT NO. 3019

Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

**SEC. 2827. REAUTHORIZATION OF LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for purposes of activities relating to public schools in Youngstown, Ohio.

(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 City.

(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.

(e) REPEAL OF SUPERSEDED AUTHORITY.—Section 2861 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 573) is repealed.

### DODD AMENDMENT NO. 3020

Mr. LEVIN (for Mr. DODD) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 157, between lines 13 and 14, insert the following:

**SEC. 708. LYME DISEASE.**

Of the amounts authorized to be appropriated by this Act for Defense Health Programs, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

### ROCKEFELLER (AND OTHERS) AMENDMENT NO. 3021

Mr. LEVIN (for Mr. ROCKFELLER for himself, Mr. DURBIN, and Mr. HARKIN) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 41, below line 23, add the following:

**SEC. 219. DOD/VA COOPERATIVE RESEARCH PROGRAM.**

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(4) is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(4), as increased by paragraph (1), $10,000,000 shall be available for the DoD/VA Cooperative Research Program.

(b) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) is hereby decreased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(2), as decreased by paragraph (1), not more than $18,500,000 shall be available for the Commercial Operations and Support Savings Program.

(c) EXECUTIVE AGENT.—The Secretary of Defense, acting through the Army Medical Research and Materiel Command and the Naval Operational Medicine Institute, shall be the executive agent for the utilization of the funds made available by subsection (a).

## DOMENICI (AND BINGAMAN) AMENDMENT NO. 3022

Mr. WARNER (for Mr. DOMENICI for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 397, between lines 6 and 7, insert the following:

**SEC. 3137. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.**

(a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-DEPARTMENT PERSONS AND ENTITIES.—(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agencies of State and local governments, and private persons and entities.

(2) The research and other activities that may be conducted under paragraph (1) are those which the Secretary is authorized to conduct by law, and include, but are not limited to, research and activities authorized under the following:

(A) Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053).

(B) Section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817).

(C) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) CHARGES.—(1) The Secretary shall impose on the department, agency, or person or entity for whom research and other activities are carried out under subsection (a) a charge for such research and activities equal to not more than the full cost incurred by the contractor concerned in carrying out such research and activities, which cost shall include—

(A) the direct cost incurred by the contractor in carrying out such research and activities; and

(B) the overhead cost including site-wide indirect costs associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary may waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(c) PILOT PROGRAM OF REDUCED FACILITY OVERHEAD CHARGES.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy may encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor may enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.

(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department, the cost of the program to the Federal government and any impact on the execution of the Department's mission.

## WYDEN (AND SMITH) AMENDMENT NO. 3023

Mr. LEVIN (for Mr. WYDEN for himself, and Mr. SMITH of Oregon) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 196, between lines 18 and 19, insert the following:

**SEC. 908. MILITARY AVIATION ACCIDENT INVESTIGATIONS.**

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

(1) In February 1996, the GAO released a report highlighting a 75% reduction in aviation Class A mishaps, a 70% reduction in aviation mishap fatalities and a 65% reduction in Class A mishap rates from 1975–1995 (Military Aircraft Safety—Significant Improvements since 1975).

(2) In February 1998, the GAO completed a follow-up review of military aircraft safety, noting that the military experienced fewer serious aviation mishaps in fiscal years 1996 and 1997 than in previous fiscal years (Military Aircraft Safety; Serious Accidents Remain at Historically Low Levels).

(3) The report required by section 1046 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1888) concluded, ''DoD found no evidence that changing existing investigation processes to more closely resemble those of the NTSB would help DoD to find more answers more quickly, or accurately.''

(4) The Department of Defense must further improve its aviation safety by fully examining all options for improving or replacing its current aviation accident investigation processes.

(5) The inter-service working group formed as a result of that report has contributed to progress in military aviation accident investigations by identifying ways to improve family assistance, as has the formal policy direction coordinated by the Office of the Secretary of Defense.

(6) Such progress includes the issuance of Air Force Instruction 90–701 entitled ''Assistance to Families of Persons Involved in Air Force Aviation Mishaps,'' that attempts to meet the need for a more timely flow of relevant information to families, a family liaison officer, and the establishment of the Air Force Office of Family Assistance. However, formal policy directions and instructions have not adequately addressed the failure to provide primary next of kin of members of the Armed Forces involved in military aviation accidents with interim reports regarding the course of investigations into such accidents, and the Department of Defense must improve its procedures for informing the families of the persons involved in military aviation mishaps.

(7) The report referred to in paragraph (3) concluded that the Department would ''benefit from the disappearance of the misperception that the privileged portion of the safety investigation exists to hide unfavorable information''.

(8) That report further specified that ''[e]ach Military Department has procedures in place to provide redacted copies of the

final [privileged] safety report to the families. However, families must formally request a copy of the final safety investigation report''.

(9) Current efforts to improve family notification would be enhanced by the issuance by the Secretary of Defense of uniform regulations to improve the timeliness and reliability of information provided to the primary next of kin of persons involved in military aviation accidents during and following both the legal investigation and safety investigation phases of such investigations.

(b) EVALUATION OF DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall establish a task force to—

(A) review the procedures employed by the Department of Defense to conduct military aviation accident investigations; and

(B) identify mechanisms for improving such investigations and the military aviation accident investigation process.

(2) The Secretary shall appoint to the task force the following:

(A) An appropriate number of members of the Armed Forces, including both members of the regular components and the reserve components, who have experience relating to military aviation or investigations into military aviation accidents.

(B) An appropriate number of former members of the Armed Forces who have such experience.

(C) With the concurrence of the member concerned, a member of the National Transportation Safety Board.

(3)(A) The task force shall submit to Congress an interim report and a final report on its activities under this subsection. The interim report shall be submitted on December 1, 1998, and the final report shall be submitted on March 31, 1999.

(B) Each report under subparagraph (A) shall include the following:

(i) An assessment of the advisability of conducting all military aviation accident investigations through an entity that is independent of the military departments.

(ii) An assessment of the effectiveness of the current military aviation accident investigation process in identifying the cause of military aviation accidents and correcting problems so identified in a timely manner.

(iii) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(iv) An assessment of the advisability of centralized training and instruction for military aircraft investigators.

(v) An assessment of any costs or cost avoidances that would result from the elimination of any overlap in military aviation accident investigation activities conducted under the current so-called ''two-track'' investigation process.

(vi) Any improvements or modifications in the current military aviation accident investigation process that the task force considers appropriate to reduce the potential for aviation accidents and increase public conference in the process.

(c) UNIFORM REGULATIONS FOR RELEASE OF INTERIM SAFETY INVESTIGATION REPORTS.—(1)(A) Not later than May 1, 1999, the Secretary of Defense shall prescribe regulations that provide for the release to the family members of persons involved in military aviation accidents, and to members of the public, of reports referred to in paragraph (2).

(B) The regulations shall apply uniformly to each military department.

(2) A report under paragraph (1) is a report on the findings of any ongoing privileged safety investigation into an accident referred to in that paragraph. Such report shall be in a redacted form or other form appropriate to preserve witness confidentiality and to minimize the effects of the release of information in such report on national security.

(3) Reports under paragraph (1) shall be made available—

(A) in the case of family members, at least once every 30 days or upon the development of a new or significantly changed finding during the course of the investigation concerned; and

(B) in the case of members of the public, on request.

## THURMOND (AND OTHERS) AMENDMENT NO. 3024

Mr. WARNER (for Mr. THURMOND for himself, Mr. DOMENICI, Mr. THOMPSON, Mr. BINGAMAN, and Mr. FRIST) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place add the following: Section 3307 of Title 5, United States Code, is amended as follows:

(1) by striking in subsection (a) ''and (d)'' and inserting in its place ''(d), (e), and (f)''; and

(2) by adding the following new subsection (f) after subsection (e):

''(f) The Secretary of Energy may determine and fix the maximum age limit for an original appointment to a position as a Department of Energy nuclear materials courier, so defined by section 8331(27) of this title.''.

SEC. 2. Section 8331 of Title 5, United States Code, is amended as follows: By adding the following new paragraph (27) after paragraph (26):

''(27) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapon components, strategic quantities of special nuclear materials or other materials related to national security, including and employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position.''.

SEC. 3(a) The first sentence of Section 8334(a)(1) of Title 5. United States Code, is amended by striking ''and a firefighter,'' and inserting in its place ''a firefighter, and a Department of Energy nuclear materials courier,''.

(b) Section 8334(c) of Title 5, United States Code, is amended by adding the following new schedule after the schedule for a Member of the Capitol Police:

| | | |
|---|---|---|
| ''Department of Energy nuclear materials courier for courier service (while employed by DOE and its predecessor agencies). | 5 ..... | July 1, 1942 to June 30, 1948. |
| | 6 ..... | July 1, 1948 to October 31, 1956. |
| | 6½ ..... | November 1, 1956 to December 31, 1969. |
| | 7 ..... | January 1, 1970 to December 31, 1974. |
| | 7½ ..... | After December 31, 1974.''. |

SEC. 4. Section 8336(c)(1) of Title 5, United States Code, is amended by striking ''or firefighter'' and inserting in its place, ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 5. Section 8401 of Title 5, United States Code, is amended as follows: By adding the following new paragraph (33) after paragraph (32):

''(33) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapons components, strategic quantities of special nuclear materials, or other materials related to national security, including an employee who remains fully certified to engaged in this activity who is transferred to a supervisory, training, or administrative position.''.

SEC. 6. Section 8412(d) of Title 5, United States Code, is amended by striking ''or firefighter'' in paragraphs (1) and (2) and inserting in its place, ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 7. Section 8415(g) of Title 5, United States Code, is amended by striking ''firefighter'' and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 8. Section 8422(a)(3) of Title 5, United States Code, is amended by striking ''firefighter'' in the schedule and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 9. Sections 8423(a)(1)(B)(i) and 9423(a)(3)(A) of Title 5, United States Code, are amended by striking ''Firefighters'' and inserting in its place ''firefighters, Department of Energy nuclear materials couriers,''.

SEC. 10. Section 8335(b) of Title 5, United States Code, is amended by adding the words ''or Department of Energy Nuclear Materials Couriers'' after the word ''officer'' in the second sentence.

SEC. 11. These amendments are effective at the beginning of the first pay period in fiscal year 2000, and applies only to those employees who retire after fiscal year 1999.

SEC. 12. Any payments made by the Department of Energy to the Civil Service Retirement or Disability Fund pursuant to this Act shall be made from the Weapons Activities account.

## JEFFORDS (AND LEAHY) AMENDMENT NO. 3025

Mr. WARNER. (for Mr. JEFFORDS for himself and Mr. LEAHY) proposed an amendment to the bill, S. 2057, supra; as follows:

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

**SEC. 1031. REVIEW AND REPORT REGARDING THE DISTRIBUTION OF NATIONAL GUARD RESOURCES AMONG STATES.**

(a) REQUIREMENT FOR REVIEW.—The Chief of the National Guard Bureau shall review the process used for allocating and distributing resources, including all categories of full-time manning, among the States for the National Guard of the States.

(b) PURPOSE OF REVIEW.—The purpose of the review is to determine whether the process provides for adequately funding the National Guard of the States that have within the National Guard no unit or few (15 or less) units categorized in readiness tiers I, II, and III.

(c) MATTERS REVIEWED.—The matters reviewed shall include the following:

(1) The factors considered for the process of determining the distribution of resources, including the weights assigned to the factors.

(2) The extent to which the process results in funding for the units of the States described in subsection (b) at the levels necessary to optimize the preparedness of the units to meet the mission requirements applicable to the units.

(3) The effects that funding at levels determined under the process will have on the National Guard of those States in the future,

including the effects on all categories of full-time manning, and unit readiness, recruitment, and continued use of existing National Guard armories and other facilities.

(d) REPORT.—Not later than March 15, 1999, the Chief of the National Guard Bureau shall submit a report on the results of the review to the congressional defense committees.

## WELLSTONE AMENDMENT NO. 3026

Mr. LEVIN (for Mr. WELLSTONE) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, add the following:

Paragraph (1) of section 1076(e) of Title 10, United States Code, is amended to read as follows:

(1) The administering Secretary shall furnish an abused dependent of a former member of a uniformed service described in paragraph (4), during that period that the abused dependent is in receipt of transitional compensation under section 1059 of this title, with medical and dental care, including mental health services, in facilities of the uniformed services in accordance with the same eligibility and benefits as were applicable for that abused dependent during the period of active service of the former member.'

## WYDEN (AND GRASSLEY) AMENDMENT NO. 3027

Mr. LEVIN (for Mr. WYDEN for himself, and Mr. GRASSLEY) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, insert the following:

**SEC. ___. ELIMINATING SECRET SENATE HOLDS.**

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection or hold in the Congressional Record not later than 2 session days after the date of the notice.

(b) RULEMAKING.—This section is adopted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

## DOMENICI (AND BINGAMAN) AMENDMENT NO. 3028

Mr. THURMOND (for Mr. DOMENICI for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 219 LOW COST LAUNCH DEVELOPMENT PROGRAM.**

(a) AMOUNT FROM AIR FORCE FUNDING.—Of the total amount authorized to be appropriated under section 201(3), $5,000,000 is available for the Low Cost Launch Development Program.

## DURBIN AMENDMENT NO. 3029

Mr. LEVIN (for Mr. DURBIN) 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. DEFENSE BURDENSHARING.**

(a) REVISED GOALS FOR EFFORTS TO INCREASE ALLIED BURDENSHARING.—Subsection (a) of section 1221 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1935; 22 U.S.C. 1928 note) is amended to read as follows:

''(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

''(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

''(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a percentage level commensurate to that of the United States by September 30, 1999.

''(3) Increase the military assets (including personnel, equipment, logistics, support and other resources) that it contributes or has pledged to contribute to multinational military activities worldwide by 10 percent by September 30, 1999.

''(4) Increase its annual budgetary outlays for foreign assistance (funds to promote democratization, governmental accountability and transparency, economic stabilization and development, defense economic conversion, respect for the rule of law and internationally recognized human rights, or humanitarian relief efforts) by 10 percent, or to provide such foreign assistance at a minimum annual rate equal to one percent of its gross domestic product, by September 30, 1999.''.

(b) REVISED REQUIREMENT FOR REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Subsection (c) of such section is amended to read as follows:

''(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report on—

''(1) steps taken by other nations toward completing the actions described in subsection (a);

''(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

''(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on October 1, 1996, and ending on September 30, 1997, and during the period beginning on October 1, 1997, and ending on September 30, 1998, or, in the case of any nation for which the data for such periods is inadequate, the difference between the amounts for the latest periods for which adequate data is available; and

''(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).''.

(c) EXTENSION OF DEADLINE FOR REPORT REGARDING NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—Subsection (d)(2) of such section is amended by striking out ''March 1, 1998'' and inserting in lieu thereof ''March 1, 1999''.

## GRAHAM (AND BENNETT) AMENDMENT NO. 3030

Mr. LEVIN (for Mr. GRAHAM for himself and Mr. BENNETT) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 213, between lines 21 and 22, insert the following:

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

(1) Because of the way computers store and process dates, most computers will not function properly, or at all, after January 1, 2000, a problem that is commonly referred to as the year 2000 problem.

(2) The United States Government is currently conducting a massive program to identify and correct computer systems that suffer from the year 2000 problem.

(3) The cost to the Department of Defense of correcting this problem in its computer systems has been estimated to be more than $1,000,000,000.

(4) Other nations have failed to initiate aggressive action to identify and correct the year 2000 problem within their own computers.

(5) Unless other nations initiate aggressive actions to ensure the reliability and stability of certain communications and strategic systems, United States nationally security may be jeopardized.

On page 213, line 22, strike out ''(a)'' and insert in lieu thereof ''(b)''.

On page 214, line 7, strike out ''(b)'' and insert in lieu thereof ''(c)''.

On page 215, between lines 20 and 21, insert the following:

(9) The countries that have critical computer-based systems any disruption of which, due to not being year 2000 compliant, would cause a significant potential national security risk to the United States.

(10) A discussion of the cooperative arrangements between the United States and other nations to assist those nations in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in their communications and strategic systems, or other systems identified by the Secretary of Defense, that make the systems not year 2000 compliant.

(11) A discussion of the threat posed to the national security interests of the United States from any potential failure of strategic systems of foreign countries that are not year 2000 compliant.

On page 215, line 21, strike out ''(c)'' and insert in lieu thereof ''(d)''.

On page 215, between lines 23 and 24, insert the following:

(e) INTERNATIONAL COOPERATIVE ARRANGEMENTS.—The Secretary of Defense, with the concurrence of the Secretary of State may enter into a cooperative arrangement with a representative of any foreign government to provide for the United States to assist the foreign government in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in communications, strategic, or other systems of that foreign government that make the systems not year 2000 compliant.

On page 215, line 24, strike out ''(d)'' and insert in lieu thereof ''(f)''.

## WARNER (AND SANTORUM) AMENDMENT NO. 3031

Mr. WARNER (for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out the matter proposed to be inserted, and insert in lieu thereof the following:

**SEC. 1064. REVIEW OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.**

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the functions of the Defense Automated Printing Service in accordance with this section and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the matters required under subsection (d) not later than March 31, 1999.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select the General Accounting Office, an experienced entity in the private sector, or any other entity outside the Department of Defense to perform the review. The Comptroller General shall perform the review if the Secretary selects the Comptroller General to do so.

(c) REPORT.—The entity performing the review under this section shall submit to the Secretary of Defense a report that sets forth the findings and recommendations of that entity resulting from the review. The report shall contain the following:

(1) The functions that are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(2) The functions that are appropriate for transfer to another appropriate entity to perform, including private sector entity.

(3) Any recommended legislation and any administrative action that is necessary for transferring or outsourcing the functions.

(4) A discussion of the costs or savings associated with the transfers or outsourcing.

(5) A description of the management structure of the Defense Automated Printing Service.

(6) A list of all sites where functions of the Defense Automated Printing Service are performed by the Defense Automated Printing Service.

(7) The total number of the personnel employed by the Defense Automated Printing Service and the locations where the personnel perform the duties as employees.

(8) A description of the functions performed by the Defense Automated Printing Service and, for each such function, the number of employees of the Defense Automated Printing Service that perform the function.

(9) For each site identified under paragraph (6), an assessment of each type of equipment at the site.

(10) The type and explanation of the networking and technology integration linking all of the sites referred to in paragraph (6).

(11) The current and future requirements of customers of the Defense Automated Printing Service.

(12) An assessment of the effectiveness of the current structure of the Defense Automated Printing Service in supporting current and future customer requirements and plans to address any deficiencies in supporting such requirements.

(13) A description and discussion of the best business practices that are used by the Defense Automated Printing Service and of other best business that could be used by the Defense Automated Printing Service.

(14) Options for maximizing the Defense Automated Printing Service structure and services to provide the most cost effective service to its customers.

(d) REVIEW AND COMMENTS OF SECRETARY OF DEFENSE.—(1) After reviewing the report, the Secretary of Defense shall submit the report to Congress, together with the Secretary's comments on the report and a plan to transfer or outsource from the Defense Automated Printing Service to another appropriate entity the functions of the Defense Automated Printing Service that—

(1) are not identified in the report as being inherently national security functions; and

(2) the Secretary believes should be transferred or outsourced for performance outside the Department of Defense in accordance with law.

(e) EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF SERVICES.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266), as amended by section 351(a) of Public Law 104–201 (110 Stat. 2490) and section 387(a)(1) of Public Law 105–85 (111 Stat. 1713), is further amended by striking out ''1998'' and inserting in lieu thereof ''1999''.

## SANTORUM AMENDMENT NO. 3032

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 14, line 23, increase the amount by $17,000,000.

On page 42, line 23, reduce the amount by $17,000,000.

## SANTORUM AMENDMENT NO. 3033

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 157, between lines 13 and 14, insert the following:

The program under this section will allow retail to compete for services in delivery of pharmacy benefits without increasing costs to the government or the beneficiaries.

## DORGAN (AND CONRAD) AMENDMENT NO. 3034

Mr. WARNER (for Mr. DORGAN for himself and Mr. CONRAD) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

**SEC. 2827. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FINLEY AIR FORCE STATION, FINLEY, NORTH DAKOTA.**

Section 2835 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3063) is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following new subsections (a), (b), and (c):

''(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the City of Finley, North Dakota (in this section referred to as the 'City'), all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, in the vicinity of Finley, North Dakota, described in paragraph (2).

''(2) The real property referred to in paragraph (1) is the following:

''(A) A parcel of approximately 14 acres that served as the support complex of the Finley Air Force Station and Radar Site.

''(B) A parcel of approximately 57 acres known as the Finley Air Force Station Complex.

''(C) A parcel of approximately 6 acres that includes a well site and wastewater treatment system.

''(3) The purpose of the conveyance authorized by paragraph (1) is to encourage and facilitate the economic redevelopment of Finley, North Dakota, following the closure of the Finley Air Force Station and Radar Site.

''(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for purposes of the economic development of Finley, North Dakota, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.''; and

(c) ABATEMENT.—The Secretary of the Air Force may, prior to conveyance, abate any hazardous substances, in the improvements to be conveyed.

## BIDEN (AND LEVIN) AMENDMENT NO. 3035

Mr. LEVIN (for Mr. BIDEN for himself and Mr. LEVIN) proposed an amendment to the bill, S. 2057, supra; as follows:

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

**SEC. 1031. REPORT ON THE PEACEFUL EMPLOYMENT OF FORMER SOVIET EXPERTS ON WEAPONS OF MASS DESTRUCTION.**

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the need for and the feasibility of programs, other than those involving the development or promotion of commercially viable proposals, to further United States nonproliferation objectives regarding former Soviet experts in ballistic missiles or weapons of mass destruction. The report shall contain an analysis of the following:

(1) The number of such former Soviet experts who are, or are likely to become within the coming decade, unemployed, underemployed, or unpaid and, therefore, at risk of accepting export orders, contracts, or job offers from countries developing weapons of mass destruction.

(2) The extent to which the development of nonthreatening, commercially viable products and services, with or without United States assistance, can reasonably be expected to employ such former experts.

(3) The extent to which projects that do not involve the development of commercially viable products or services could usefully employ additional such former experts.

(4) The likely cost and benefits of a 10-year program of United States or international assistance to projects of the sort discussed in paragraph (3).

(b) CONSULTATION REQUIREMENT.—The report shall be prepared in consultation with the Secretary of State, the Secretary of Energy, and such other officials as the Secretary of Defense considers appropriate.

## KYL (AND MURKOWSKI) AMENDMENT NO. 3036

Mr. WARNER (for Mr. KYL for himelf and Mr. MURKOWSKI) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

**SEC. 1064. INCREASED MISSILE THREAT IN ASIA-PACIFIC REGION.**

(a) STUDY.—The Secretary of Defense shall carry out a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense

system in the Asia-Pacific region that would have the capability to protect key regional allies of the United States.

(b) REPORT.—(1) Not later than January 1, 1999, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

(A) the results of the study conducted under subsection (a);

(B) the factors used to obtain such results; and

(C) a description of any existing United States missile defense system that could be transferred to key allies of the United States in the Asia-Pacific region to provide for their self-defense against limited ballistic missile attacks.

(2) The report shall be submitted in both classified and unclassified form.

## BINGAMAN (AND DOMENICI) AMENDMENT NO. 3037

Mr. LEVIN (for Mr. BINGAMAN for himself and Mr. DOMENICI) proposed an amendment to the bill. S. 2057, supra; as follows:

On page 397, between lines 6 and 7, insert the following:

**SEC. 3137. RELOCATION OF NATIONAL ATOMIC MUSEUM, ALBUQUERQUE, NEW MEXICO.**

The Secretary of Energy shall submit to the Defense Committees of Congress a plan for the design, construction and relocation of the National Atomic Museum in Albuquerque, New Mexico.

## MURKOWSKI AMENDMENT NO. 3038

Mr. WARNER (for Mr. MURKOWSKI) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, insert:

The Senate finds that:

(1) Compliance with international obligations to destroy the U.S. chemical stockpile by April 28, 2007, as required under the Chemical Weapons Convention (CWC), is a national priority.

(2) The President should ensure that the Department of Defense and the Department of the Army receive all necessary assistance from federal agencies in expediting and accelerating the destruction of the lethal chemical stockpile.

(3) The Environmental Protection Agency, as one of the federal agencies with responsibilities to assist the Department of Defense and the Department of the Army, has asserted that is not adequately funded to provide, or meet its national responsibilities under the Resource Conservation and Recovery Act (RCRA) permitting requirements in order to assist the U.S. government in meeting its international obligations to destroy its lethal chemical stockpile.

(4) The Environmental Protection Agency (EPA) should work in concert with the State and local governments in this process, and that they should properly budget for this process.

REPORT REQUIRED. The Department of Defense, in coordination with the Environmental Protection Agency, shall report to the congressional defense committees by April 1, 1999, on the following:

(1) responsibilities associated with obligations under the Resource Conservation and Recovery Act (RCRA) permitting process related to U.S. international obligations under the CWC to destroy the U.S. chemical stockpile;

(2) technical assistance provided by the EPA to its regional offices and the States and local governments in the permitting process, and how that assistance facilitates the issuance of the environmental permits at the various sites;

(3) responsibility of the Department of Defense to provide funding to the EPA, for the facilitation of meetings of the National Chemical Agent Demilitarization Workgroup, meetings between the Office of Solid Waste and the affected EPA Regional Offices and States; and meetings between the Office of Solid Waste, the Program Manager for Chemical Demilitarization and the Department of Defense; and,

(4) responsibility of the Department of Defense and the Department of the Army to provide funds to the Environmental Protection Agency to hire full-time equivalents to assist in the formulation of RCRA permits.

## BYRD AMENDMENT NO. 3039

Mr. LEVIN (for Mr. BYRD) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title VII, add the following:

**SEC. 708. PROCESS FOR WAIVING INFORMED CONSENT REQUIREMENT FOR ADMINISTRATION OF CERTAIN DRUGS TO MEMBERS OF ARMED FORCES.**

(a) LIMITATION AND WAIVER.—(1) Section 1107 of title 10, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) LIMITATION AND WAIVER.—(1) An investigational new drug or a drug unapproved for its applied use may not be administered to a member of the armed forces pursuant to a request or requirement referred to in subsection (a) unless—

''(A) the member provides prior consent to receive the drug in accordance with the requirements imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); or

''(B) the Secretary obtains—

''(i) under such section a waiver of such requirements; and

''(ii) a written statement that the President concurs in the determination of the Secretary required under paragraph (2) and with the Secretary's request for the waiver.

''(2) The Secretary of Defense may request a waiver referred to in paragraph (1)(B) in the case of any request or requirement to administer a drug under this section if the Secretary determines that obtaining consent is not feasible, is contrary to the best interests of the members involved, or is not in the best interests of national security. Only the Secretary may exercise the authority to make the request for the Department of Defense, and the Secretary may not delegate that authority.

''(3) The Secretary shall submit to the chairman and ranking minority member of each congressional defense committee a notification of each waiver granted pursuant to a request of the Secretary under paragraph (2), together with the concurrence of the President under paragraph (1)(B) that relates to the waiver and the justification for the request or requirement under subsection (a) for a member to receive the drug covered by the waiver.

''(4) In this subsection, the term 'congressional defense committee' means each of the following:

''(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(B) The Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(2) The requirements for a concurrence of the President and a notification of committees of Congress that are set forth in section 1107(f) of title 10, United States Code (as added by paragraph (1)(B)) shall apply with respect to—

(A) each waiver of the requirement for prior consent imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (or under any antecedent provision of law or regulations) that—

(i) has been granted under that section (or antecedent provision of law or regulations) before the date of the enactment of this Act; and

(ii) is applied after that date; and

(B) each waiver of such requirement that is granted on or after that date.

(b) TIME AND FORM OF NOTICE.—(1) Subsection (b) of such section is amended by striking out '', if practicable'' and all that follows through ''first administered to the member''.

(2) Subsection (c) of such section is amended by striking out ''unless the Secretary of Defense determines'' and all that follows through ''alternative method''.

## HUTCHISON AMENDMENT NO. 3040

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

**SEC. 2827. CONVEYANCE OF UTILITY SYSTEMS, LONE STAR ARMY AMMUNITION PLANT, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey at fair market value all right, title, and interest of the United States in and to any utility system, or part thereof, including any real property associated with such system, at the Lone Star Army Ammunition Plant, Texas, to the redevelopment authority for the Red River Army Depot, Texas, in conjunction with the disposal of property at the Depot under 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).

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit or otherwise limit the Secretary from conveying any utility system referred to in that subsection under any other provision of law, including section 2688 of title 10, United States Code.

(c) UTILITY SYSTEM DEFINED.—In this section, the term ''utility system'' has the meaning given that term in section 2688(g) of title 10, United States Code.

## MURKOWSKI AMENDMENT NO. 3041

Mr. WARNER (for Mr. MURKOWSKI) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place in the bill insert the following:

**SEC. .**

No later than December 1, 1998, the Secretary shall submit to the Congress a report recommending alternative means through which a refiner that qualifies as a small disadvantaged business and that delivers fuel by barge to Defense Energy Supply Point-Anchorage under a contract with the Defense Energy Supply Center can—

(a) fulfill its contractual obligations,

(b) maintain its status as a small disadvantaged business, and

(c) receive the small disadvantaged business premium for the total amount of fuel under the contract,

when ice conditions in Cook Inlet threaten physical delivery of such fuel.

Any inability by such refiner to satisfy its contractual obligations to the Defense Energy Supply Center for the delivery of fuel to Defense Energy Supply Point-Anchorage may not be used as a basis for the denial of such refiner's small disadvantaged business status or small disadvantaged business premium for the total amount of fuel under the contract where such inability is a result of ice conditions in Cook Inlet, through February 1999, as determined by the U.S. Coast Guard and if the Secretary of Defense determines that such inability will result in an inequity to the refiner.

## HUNA TOTEM CORPORATION LAND EXCHANGE ACT

### MURKOWSKI AMENDMENT NO. 3042

Mr. BURNS (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1158) to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes; as follows:

In lieu of the Committee substitute strike all after Section 1. And insert the following:

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read: ''SEC. . HUNA TOTEM CORPORATION LAND EXCHANGE.

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c): *Provided*, That, the exchange of lands described in this section shall be on the basis of equal value.

''(b) The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

MUNICIPAL WATERSHED AND GREENBELT BUFFER—T43S, R61E, C.R.M.

Portion of Section:

| | *Approximate acres* |
|---|---|
| 16 | 2 |
| 21 | 610 |
| 22 | 227 |
| 23 | 35 |
| 26 | 447 |
| 27 | 400 |
| 33 | 202 |
| 34 | 76 |
| Approximate total | 1,999 |

''(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

''(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''

## KAKE TRIBAL CORPORATION LAND EXCHANGE ACT

### MURKOWSKI AMENDMENT NO. 3043

Mr. BURNS (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1159) to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes; as follows:

In lieu of the Committee substitute strike all after Section 1. And insert the following:

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof: ''SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c): *Provided*, That, the exchange of lands described in this section shall be on the basis of equal value.

''(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

MUNICIPAL WATERSHED COPPER RIVER MERIDIAN—T56S, R72E

Section:

| | *Approximate acres* |
|---|---|
| 13 | 82 |
| 23 | 118 |
| 24 | 635 |
| 25 | 640 |
| 26 | 346 |
| 34 | 9 |
| 35 | 349 |
| 36 | 248 |
| Approximate total | 2,427 |

''(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

''(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

''(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

## MINIDOKA PROJECT ACT OF 1998

### CRAIG AMENDMENT NO. 3044

Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes; as follows:

Paragraph 1(c)(1) of the Committee amendment is modified to read as follows:

''(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(1) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District; and

(2) that are for use on lands within the Burley Irrigation District; and

(3) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court

of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of *Twin Falls Canal Company* v. *Charles N. Foster, et al.*, commonly referred to as the ''Foster decree''.

''(B) Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

''(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.''

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

### BURNS AMENDMENT NO. 3045

Mr. BURNS proposed an amendment to the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . (a) Notwithstanding any other provision of this Act, the amount appropriated by the heading ''MILITARY CONSTRUCTION, NAVY'' is hereby increased by $5,780,000.

(b) Notwithstanding any other provision of this Act, the amount appropriated by the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' is hereby decreased by $11,000,000.

(c) Notwithstanding any other provision of this Act—

(1) the amount appropriated by the heading ''FAMILY HOUSING, AIR FORCE'' is hereby increased by $5,220,000; and

(2) the amount appropriated by that heading for Construction is hereby increased by $5,220,000.

### THOMAS (AND ENZI) AMENDMENT NO. 3046

Mr. BURNS (for Mr. THOMAS for himself and Mr. ENZI) proposed an amendment to the bill, supra, as follows:

At the appropriate place insert the following:

SEC. . (a) Notwithstanding any other provision of this Act, the amount appropriated by this Act under the heading ''MILITARY CONSTRUCTION, ARMY NATIONAL GUARD'' is hereby increased by $12,716,000.

(b) Notwithstanding any other provision of this Act, the amount appropriated by this Act under the heading ''MILITARY CONSTRUCTION, ARMY RESERVE'' is hereby decreased by $12,716,000.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 25, 1998. The purpose of this meeting will be to mark up child nutrition and WIC reauthorization legislation.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. 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 Thursday, June 25, 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. WARNER. 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 Thursday, June 25, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nomination of William J. Massey to be a Member of the Federal Energy Regulatory Commission.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 25, 1998, at 2:00 pm to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, June 25, 1998, at 10:30 a.m. for a hearing on Defense Technology Security Administration role in the interagency decision process of approving critical technology exports.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. 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 Thursday, June 25, 1998, at 9:00 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. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Health Insurance and Older Workers during the session of the Senate on Thursday, June 25, 1998, at 10:00 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 25, 1998 at 10:00 a.m. to hold a closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, June 25, 1998 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''A Review of the Judgeship Needs of the 6th and 7th Circuits.''

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 2146, a bill to provide for the exchange of certain lands within the State of Utah.

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

## ADDITIONAL STATEMENTS

### 60TH ANNIVERSARY OF THE FAIR LABOR STANDARDS ACT

• Mrs. FEINSTEIN. Mr. President, today we honor the 60th anniversary of the historic Fair Labor Standards Act. The Fair Labor Standards Act is landmark legislation, creating the federal minimum wage, establishing the forty-hour work week and banning oppressive child labor practices. Each element is an important component in our federal commitment to workers and their families.

We can all appreciate the current strength of the economy: 300,000 more Americans started new jobs in May alone; unemployment was steady at 4.3%, the lowest in 28 years; and median family income has increased for three years in a row and today, more Americans own their own homes than ever before.

However, while the U.S. economy is expanding, all Americans are not sharing equally in the benefits of the growing economy. Despite growth in both gross domestic product and employment between 1989 and 1994, median family income in 1994 was still $2,168 lower than it was in 1989. In the current economy, growth is not leading to improved economic well-being for typical families. Some working families, particularly single women, are falling

further and further behind. For these families, a minimum wage increase is not a windfall, but a necessary step to allow them to attain a real ''living wage.'' This uneven growth should concern us all in Congress.

The Clinton Administration's plan is to increase the current minimum wage of $5.15 by $0.50 in January 1999 and another $0.50 a year later, resulting in a wage floor of $6.15 in the year 2000. I support the proposal and would like to take a moment to put the proposed increase in context. If we do nothing, the minimum wage in the year 2000 would be equal to $4.82, a level that cannot support a family. The administration proposal, if fully implemented in the year 2000, would result in a minimum wage of $6.15 per hour. However, based on the inflation estimates of the Congressional Budget Office, that $6.15 wage in the year 2000 would equal only $5.72 in today's dollars.

The proposed increase would move the minimum wage back to the level of the early 1980s, before inflation was allowed to erode the real value of the minimum wage by 30 percent. Throughout the 1960s and much of the 1970s, the minimum wage was as much as a dollar above the current proposal. The fact is that the minimum wage increases in the 1990s, including the one currently under consideration, will only restore some of the lost ground and real earning power of America's lowest paid workers.

Despite the 1996 increase, the minimum wage remains below its real value from 1956 through 1983. And if no action is taken, its value will once again erode over time. From 1980 through 1995, inflation rose 86 percent, but the minimum wage increased by only 27 percent. As a result, working families fall further and further behind. Because of inflation, it now takes $7.33 to buy what the minimum wage did in 1968. The current minimum wage of $5.15 has nearly 30% less buying power than it did thirty years ago. That's unfair for low-income individuals, struggling to provide for themselves and their families.

Since the late 1970s, wage inequality has grown steadily. Wage inequality is the gap between those at the bottom, the middle of the wage scale and those earning the highest income. In 1996, the wealthiest one-fifth of the population, those whose earnings place them in the highest 20% of household earnings, collected 49% of all national income, an increase from 42.8 percent in 1968. By contrast, the share earned by the remaining 80 percent of all Americans declined. The decline in the real value of the minimum wage is a large part of this widening gap. By raising the minimum back to its 1979 level, we can help close the gap and ensure that low-wage workers get a fairer share of the economic growth. The minimum wage helps workers get their fair share of our economic growth and prosperity, raising wages for millions of workers across the country.

The 60-year-old Fair Labor Standards Act serves as our basic commitment to America's workers. FLSA was subsequently amended by the Pay Equity Act roughly thirty-five years ago, pledging equal pay for equal work. Of the 12 million workers who would benefit from an increase in the minimum wage, 60% are women. Pay equity is an important issue in the minimum wage debate.

Today, the median annual earnings for women is only 71% of a man's earnings, just 71 cents for each dollar. Expressed another way, the median annual income for women in 1995, less than $22,500, was the male median earnings level of the early 1980s. We've all been through the 1980s and shouldn't be expected to go back.

After more than a decade of wage growth for most women, the bottom two-thirds of women in the workforce saw their wages decline between 1989 and 1995. At the same time, jobs have become less secure and less likely to offer health and pension benefits.

By increasing the minimum wage, we can provide strong support and raise family income for low income families across the country, helping to address widening income inequality for women, particularly single women raising children.

Who are minimum wage workers? They are men and women who operate airport metal detectors and X-ray machines at Los Angeles International airport are among those making the state's minimum wage of $5.75 an hour. They receive no benefits, no sick days, and no vacation, and yet they protect the safety of millions of passengers who travel though the nation's second-busiest airport every year.

Minimum wage workers are disproportionately women, often single heads of households with children. The average minimum wage worker is responsible for providing more than half of his or her family's earnings. Working 40 hours a week, 52 weeks a year, a minimum wage worker earns $10,712 a year, approximately $2,900 below the poverty level for a family of three.

During the successful 1996 effort to increase the minimum wage, opposition in the business community argued the increase would trigger a loss of minimum wage jobs. However, recent studies suggest otherwise. A review of the 1996 minimum wage increase found the increase raised wages of almost 10 million workers. Approximately 71 percent of those were adults, with roughly half working full time, and another third worked 20 to 34 hours a week. The study found no impact on the level of jobs or inflation, but workers got the raise they deserve.

Contrary to Republican critics, the increases were well-targeted, disproportionately benefiting low-income working households. The poorest 20% of American households, those with an average income of $15,728, received 35 percent of the benefits from the minimum wage increase. Raising the minimum wage lifts family income for low-income workers, without the adverse effects and job loss claimed.

During the 1996 welfare reform debate, there was widespread support for the concept of ''making welfare work.'' Raising the minimum wage is particularly important for those moving off welfare as a result of welfare reform. We need to make sure these workers are able to find work that enables them to make ends meet. Minimum wage workers are primarily adults, with more than half serving as their family's primary wage earner. Raising the minimum wage plays an important role in moving people from welfare assistance to supporting themselves and their family.

An Oregon study found that, following an increase in the state minimum wage, the average wage of an individual leaving welfare increased as well. By contrast, the average wage of an individual leaving welfare fell by 5 percent in the years prior to the increase. Nearly one-third who found work, and one-half of those finding part-time work, received the minimum wage. A strong minimum wage offers strong protection for low-income families and can assist them to make a successful transition from welfare to work.

Mr. President, by any measure, whether its education level or test scores, low-wage workers are equally if not more skilled than the workers of 20 years ago. These workers have more labor market experience, more education and have contributed to an expanding economy which has experienced overall labor productivity growth of 22 percent since 1979.

Yet today's minimum wage earner receives nearly 30% less buying power than they did thirty years ago. That's unfair for low-income individuals, struggling to provide for themselves and their families. Today, about 12 million workers earn the minimum wage. These low income workers deserve a share of the benefit. These workers deserve a raise.●

## A SALUTE TO GENERAL DANIEL SMITH

● Mr. FRIST. Mr. President, General Daniel Smith, a builder of civilization in the Tennessee Frontier, will be remembered at his home, Rock Castle in Hendersonville, Tennessee, on October 17, 1998 for his 250th birthday. As a licensed surveyor, Daniel Smith worked with Thomas Walker in 1781 to extend the state lines of North Carolina and Virginia to determine the boundary between the unsettled territories of the future Kentucky and Tennessee.

After serving as Captain in the Revolutionary War, he received a 3,140 acre land grant from North Carolina as payment for his surveying work and service during the Revolution. In 1784, Daniel Smith brought his family from Virginia to the North Carolina Territory that would become Tennessee. He served as Brigadier General of the

Metro District and Secretary of the Territory South of the River Ohio.

In 1784, Daniel Smith produced the first map of the ''Tennessee Government.'' As chairman of the committee to draft a state constitution, he is credited with naming the State of Tennessee. He served twice as a United States Senator. I now yield to my colleague from Tennessee.

Mr. THOMPSON. Daniel Smith's many and great accomplishments are far too numerous to list in this venue, but are celebrated daily in the freedom of our Nation and the struggles of the early Westward movement. Thomas Jefferson wrote of Smith after his death:

> For intelligence, well cultivated talents, for integrity, and usefulness, in soundness of judgement, in the practice of virtue and in shunning vice he was equaled by few men, and in the purity of motive, excelled by none.

As Tennessee's United States Senators, we salute the vision of General Daniel Smith. He saw the vast potential in this young nation's early Westward movement, and his love of Tennessee is an inspiration to us all. We are proud to follow in his footsteps in the United States Senate, and we join our fellow Tennesseans in remembering this proud statesman on the 250th anniversary of his birth.●

## GRAND FORKS EXHIBITION

● Mr. CONRAD. Mr. President, I am here today to talk about a very special photo exhibit entitled ''Come Hell and High Water,'' which is on display this week in the Rotunda of the Russell Senate Office Building.

Through some of the most amazing photographs I have ever seen, the exhibit poignantly tells the story of the residents throughout the Red River Valley of North Dakota and Minnesota who struggled through the most devastating of circumstances during the winter and spring of 1997.

From the most brutal winter in 50 years, which, when all was said and done, had dropped more than 100 inches of snow on the region; to the most significant flooding in recorded history that resulted in the Red River cresting 26 feet above flood stage at Grand Forks and forcing an evacuation of nearly all 50,000 residents in the middle of the night; to, when no one could imagine it getting any worse, the devastating fire that destroyed the heart of downtown Grand Forks; to the tremendous outpouring of assistance that brought hope from the Administration and organizations such as the American Red Cross, and the thousands of volunteers from throughout the United States; to the beginning of the recovery process, which continues to this day and will continue as the cities of Grand Forks and East Grand Forks rebuild bigger, better, and stronger than they were before these devastating events. Each of these 37 photographs is worth not only a thousand words, but thousands of lives—the lives that were so greatly impacted by these events.

I am proud to say to my colleagues today that the City of Grand Forks has made tremendous strides in overcoming these seemingly insurmountable odds. The flood destroyed more than 800 homes in Grand Forks. Today, Grand Forks Homes, in partnership with several agencies and local lenders, have contracted to build 222 new homes in three new subdivisions. Fifty-four of these homes are complete, and 158 homes are in the framing stage. During the winter months, 287 families were housed in FEMA-provided mobile homes. Currently, only 119 mobile homes are occupied. Of the 41 historic downtown buildings destroyed by flood waters and 11 destroyed by fire, 20 properties have been acquired through the Central Business District Business Acquisition program, and 25 more have been targeted for buyout. The Business and Industry Disaster Assistance Program has committed more than $1.5 million to 76 businesses to help provide for post-flood economic development. The Noah's Ark building, a 170,000 square foot office and industrial building that will provide new economic development opportunities for the community, is slated to be finished July 1st. The Corporate Center, composed of two buildings currently under construction in downtown Grand Forks, will house three larger businesses and will provide economic vitality to this area.

I commend the residents of Grand Forks for their strength, perseverance, and commitment to their wonderful community.

I would like to take this time to thank the exhibit sponsors: the Bremer Foundation of St. Paul and the Knight-Ridder Corporation of Miami, who have allowed this exhibit to be displayed at the Newseum, the U.S. Geological Survey, the Kennedy Center, and throughout the State of North Dakota.

Also, a special thank you to all the photographers who so dramatically captured the events, the lives, the emotions, and the heart of the Red River Valley.

I urge my colleagues to take the time to view this exhibit and begin to truly understand not only the devastation of the events of 1997, but more importantly, the resilience, the spirit, and the strength of the citizens of the Red River Valley.●

## TRIBUTE TO MICHAEL E. STEPHENS

● Mr. SHELBY. Mr. President, I rise today to honor Mr. Michael E. Stephens, the founder of ReLife, Inc., a nation-wide rehabilitation system, and the namesake of the Michael E. Stephens College of Business at the University of Montevallo in Alabama. Mr. Stephens is a remarkable man, a distinguished citizen and a leader in the field of health care and physical rehabilitation.

Mr. Stephens was born and raised in Alabama and began attending the University of Montevallo in 1962. However, his path through college was a long, complicated one. Though Michael Stephens is today a highly successful entrepreneur, recognized for his many accomplishments and his generous civic spirit, his first attempt at college was incomplete! Instead, Mr. Stephens left the University in 1966 for a series of jobs in the insurance industry. Several years later, at the age of 26, he broke his neck in a horrible diving accident. Despite being told he would never walk again, with extensive rehabilitation—and steely determination—Michael Stephens overcame the most significant obstacle of his life. Amazingly, he fully recovered in less than a year, and almost ten years after he had begun his college education, Mr. Stephens returned to the University of Montevallo.

Michael Stephens received his undergraduate degree in business from the University of Montevallo in 1973 and his Master's Degree in 1975 from the University of Alabama at Birmingham. He went to work in rehabilitative services for the Lakeshore Rehabilitation Hospital. Based upon his own experience, Mr. Stephens was committed to providing comprehensive services and quality care to people with physical disabilities. Under his leadership, Lakeshore Hospital became a world-class rehabilitative center. By introducing new rehabilitative services, such as speech therapy, recreational programs, psychological counseling and outpatient job training, Mr. Stephens created a new way of dealing with disability. In fact, Forbes Magazine said, ''Stephens turned little Lakeshore into a model laboratory for his idea about rehabilitation.'' In the mid-1980's, he founded the Lakeshore Foundation, a non-profit organization designed to assist people with physical disabilities. Specifically, the Foundation focused on training athletes. Almost overnight, Mr. Stephens' athletic program grew. Lakeshore's athletes went on to become among the most successful in the paralympics: breaking records in all events and winning numerous gold, silver and bronze medals. His successful approach to rehabilitation led to his founding of ReLife, a publicly-traded national health-services corporation, in 1986.

Through ReLife, Mr. Stephens realized his dream of reinventing rehabilitation. By 1992, ReLife ran over forty rehabilitation facilities. In 1994, when ReLife merged with HealthSouth Corporation, Michael Stephens focused his attention and considerable talents on other needs of his community. He became a member of the board of trustees of the Alabama Symphony Orchestra and the Naples, Florida Philharmonic Center for the Arts. Additionally, he is a former member of both the President's Committee on Hiring the Handicapped and the National Association of Rehabilitation Facilities and is active in the Alabama State Health Coordinating Council. Mr. Stephens' business

prowess is not limited to rehabilitation: he also owns several car dealerships, a real estate development company and a champion horse breeding farm.

His leadership was recognized by the University of Montevallo in 1995, when he was awarded the Doctor of Humane Letters. Mr. Stephens serves as a member of the Board of Trustees of the University, and recently donated one million dollars to their capital funds campaign.

As a result of business endeavors, community service, philanthropic projects and long-standing support for higher education, on October 9, 1997, the University of Montevallo honored Mr. Stephens by deciding to re-name the business school the Michael E. Stephens College of Business. The citation issued by the University's Board of Trustees stated: ''His leadership and service deserve lasting recognition and are worthy of holding as exemplary to this and future generations of Montevallo students, faculty, alumni and friends.'' Mr. Stephens has promised to remain very active in the Stephens College of Business, and I believe that all of the current and future Montevallo students will benefit greatly from his involvement.

On that day last year, Michael Stephens, loved and respected by all who have known him, was honored as a friend and leader to not only the University of Montevallo, but all the citizens of Alabama. I, too, want to honor Mr. Stephen's example of strength, vision, courage and community spirit. On behalf of my wife, Annette, an alumna of the University of Montevallo, we wish Michael Stephens our sincerest thanks and congratulations for his dedication to making a difference.●

## ELLEN BENNETT KANTROWITZ: A REMARKABLE NEW YORKER

● Mr. MOYNIHAN. Mr. President, a milestone will occur on Tuesday, July 7th, which I do not want to go unacknowledged: Ellen Bennett Kantrowitz, a remarkable New Yorker, will celebrate her 80th birthday.

Mrs. Bennett Kantrowitz is a native of Queens, New York. She married Matt Bennett of Brooklyn, New York and had four children: daughter Pat, and sons Bill, Mike and Matt. Today they all have achieved much success which they attribute to the guidance provided by their strong mother. Pat is a program assistant with the National Association of Secondary School Principals in Reston, Virginia. Bill is a Long Island businessman. Mike is News Director of WHUD/WLNA in Peekskill, New York. Matt is a partner in a Goshen, New York law firm.

Forty years ago, a tragic accident claimed the life of Matt Bennett. The lawsuit which followed led Mrs. Bennett Kantrowitz to enlist the help of New York lawyer Moses Kantrowitz. Seven years later, the pair were married. For twenty three years this couple lived happily, continuing to promote and sustain the strong family bonds which characterize the Bennett Kantrowitz family, until Moses Kantrowitz's death in 1989.

Mrs. Bennett Kantrowitz is the matriarch of a large and loving family, one which extends throughout the state of New York from Huntington, North Babylon, Massapequa, Selden, Brooklyn, Queens, and Staten Island to Upstate, Monroe, Highland Mills, Central Valley, Newburgh and Beacon. She remains steadfast in her dedication to her children, grandchildren and great-children, undeterred by age and ailment.

As Ellen Bennett Kantrowitz turns 80 she will be surrounded by family at a celebration July 4th weekend in Monroe, New York. With appreciation and admiration I take this opportunity to congratulate her on her 80th birthday, and wish her many more.●

## READJUSTING GLOBAL MILITARY FORCE POLICY

● Mr. GRASSLEY. Mr. President, debate concerning drugs and drug policy has reached new levels. The letters and phone calls which my office receive are a constant reminder that the influx of drugs into this country are at the top of constituents' concerns. Our fight against drugs exists on two fronts. Within our border we must educate our young about the dangers of drugs in an effort to reduce demand.

Along our borders there exists another battle. This battle, to keep drugs from entering the U.S. has become increasingly difficult as drug runners have been employing more sophisticated technologies and techniques. Small planes are using remote landing strips to ferry drugs across the border. In the Caribbean traffickers are using high-speed boats to escape the Coast Guard. I need not reiterate how these preexisting conditions are straining the effort of our front-line law enforcement people on the border. As the methods which drug traffickers along the Mexican border continue to improve, we are beginning to lose ground in our ''War on Drugs.'' This current predicament calls for an increasing and appropriate role for the U.S. military.

In recognition of this need, I am joining with Senator DEWINE amd Senator GRAHAM in sponsoring an amendment which, has been accepted, to the Department of Defense reauthorization bill. This amendment calls upon the Secretary of Defense to add drug interdiction and counter-drug activities under military operations other than war, in the Global Military Force Policy. This would effectively give counter-drug efforts greater priority than military exercises. In addition, it would come at no extra cost to the taxpayer. Military resources such as AWAC's and other military hardware would be reallocated and instead of being sent out on exercises, they would be used to detect and intercept drug traffickers.

Elevating the priority of drug interdiction within the Global Military Force Policy is necessary in helping stem the flow of illegal drugs into this country. In conclusion, if we are to ''get tough on drugs'' in the face of increasingly modernizing drug trade, we must seek to incorporate the U.S. military in our effort.●

## 81ST ANNIVERSARY OF THE NATIONAL OCEANIC AND ATMOSPHERIC COMMISSIONED CORPS

● Mr. SARBANES. Mr. President, this year marks the 81st anniversary of the National Oceanic and Atmospheric Administration Commissioned Corps, one of the seven uniformed services of the United States. The officers of the NOAA corps play an integral role in the National Oceanic and Atmospheric Administration and serve this multidisciplinary scientific organization and our nation with distinction.

The roots of the NOAA Corps can be found in 1807, when our third President, Thomas Jefferson, created the United States Coast and Geodetic Survey. Directed by Congress, the Department of War and the Department of the Navy provided the Survey with commissioned officers to chart the coastlines and map the shores of our nation, allowing for the expansion of maritime commerce. On May 22, 1917, an Act of Congress formally established a uniformed service, patterned after the military, to meet the growing responsibilities and unique needs of the Survey. This commissioned service of the United States Coast and Geodetic Survey (C&GS) served with distinction in both world wars.

Since its inception, the NOAA Corps has enabled its members to perform remote, sometimes hazardous and otherwise arduous duties in a wide range of environmental measurement and stewardship responsibilities. Indeed, the NOAA Corps is truly on the front line of NOAA's operations. Today's corp officers combine unique qualifications as research ship and aircraft operators; as technical experts with advanced academic backgrounds in hydrography, geodesy, fisheries sciences, meteorology, and oceanography; and as leaders in technical program and data management contributing to the coherence, integrity, and effectiveness of the administrative structure of NOAA.

In order to discharge the responsibilities of NOAA, the NOAA Corps continues to provide a highly effective interface with other branches of the armed forces, most notably the Coast Guard, Navy, Air Force, and Army Corps of Engineers. Additionally, the Corps, our nation's experts in nautical charting, ensure the safe navigation of foreign trade, 98% of which travels in U.S. coastal waters.

In recent years, the NOAA Corps has contributed its valuable scientific and engineering skills to the Armed Services and to the Nation, particularly during times of national emergency.

Mr. President, you may recall that it was the crew from the NOAA Ship *Rude* that so swiftly located the wreckage of TWA Flight 800. The *Rude* and a shore component of NOAA officers were also responsible for creating a highly detailed map which greatly aided Navy divers in their retrieval of the wreckage. For their efforts, they were recognized by then Secretary of Transportation Pena and by NOAA's parent bureau, the Department of Commerce, with the Department's highest award, the Commerce Gold Medal.

Additionally, it was the NOAA Corps who provided ship, aircraft and technical expertise for an environmental appraisal and the first comprehensive study of the Persian Gulf following the Gulf War. While shore personnel provided expertise in the management of hazardous materials, scientists above the NOAA Ship *Mt. Mitchell* evaluated and determined the extent of environmental damage to the Gulf. Not only did the work of the NOAA Corps grant instant credibility to both the United States and the other nations involved in the Gulf conflict, it also provided a safe, effective research platform. Once again, the Captain and crew were lauded for their service, receiving a Commerce Gold and Silver Medal, respectively.

Whether charting our nation's coastline, assessing its fisheries stock, or flying into hurricanes for the benefit of science and mankind, today's NOAA Corp maintains a standard of excellence in steadfastly following its mission, always ready to apply their scientific and service skills to the management of the United States' oceanic and atmospheric resources.

On this, the 81st anniversary of the National Oceanic and Atmospheric Commissioned Corps, I urge all Americans to join with me in taking a moment to honor these men and women for their distinguished service in their efforts to explore, chart, and protect the oceans and atmosphere not only of the United States, but of the entire world.●

## TRIBUTE TO THE KINGSWOOD HIGH SCHOOL KNIGHTS VARSITY BASEBALL TEAM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the players of the Kingswood High School varsity baseball team for winning their first division championship.

As any baseball fan well knows, winning a division championship is no easy task. Yet what makes the Knights' season all the more remarkable is the fact that they ended their season with a spectacular record of 22 wins and only 1 loss. The Knights battled for the championship against Somersworth High School. Pitcher Kyle Frank and the team's four other seniors, Allie Shelley, Shaun St. Ong, Corey Eastman and Matt Pearson, led their team to an 8–5 victory to win the school's first championship.

Equally as important as the team's victory is the way the players carry themselves both on and off the field. The Kingswood Knights' hard work, fierce determination and positive attitude in the face of tough competition are traits that exemplify true champions and should make every student at Kingswood Regional High School proud.

The Kingswood Knights are a refreshing example of a principle that often gets lost in today's sports world: dedicated baseball playing. The Knights play because of a love and respect for the game of baseball and this is evident in their division championship.

Kingswood's victory is also very special to me personally. Twenty years ago, as a teacher at Kingswood Regional High School, I had the privilege of coaching the Knights and, in fact, had Coach Chip Skelley on my team. Mr. President, I want to once again congratulate the Kingswood Knights as well as Coach Skelley and Assistant Coach Bill Rollins. It is an honor to represent the Kingswood Knights in the United States Senate.●

## HONORING DR. ELBERT W. FRIDAY, JR., ON HIS RETIREMENT FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

● Mr. HOLLINGS. Mr. President, in over 30 years as a U.S. Senator, I have had the opportunity to work with hundreds of Federal employees. Among all of those hard-working public servants, there are a few individuals who stand out for their commitment to doing the best possible job for the American people and who have the skills to get that job done. Today, I would like to recognize one of those individuals on the occasion of his retirement—Dr. Elbert W. ''Joe'' Friday, Jr., former director of the Department of Commerce's National Weather Service.

Dr. Friday has given 38 years of outstanding service to this country. Twenty of those years were as a U.S. Air Force Weather Detachment Commander in Saigon, Vietnam, and Nakhon Phanom, Thailand, and as the Director of Environmental and Life Sciences in the Office of the Under Secretary of Defense for Research and Engineering. The remaining eighteen years were served in the National Oceanic and Atmospheric Administration (NOAA). During his tenure at NOAA, Joe served as associate administrator for both the National Weather Service and the Office of Oceanic and Atmospheric Research.

As the head of the National Weather Service, Joe has guided the agency through the most significant changes in its 200-year history. Weather service modernization has required the implementation of powerful new observational technologies, updated information and forecast systems, and a streamlined organizational structure. When complete, it will yield revolutionary advancements in our national public weather warning and forecast system. In fact, in recent years we have already begun to document dramatic improvements in the accuracy and timeliness of the Service's forecasts of weather events. For example, the Weather Service has lengthened the warning time for tornadoes from 6 minutes back in 1994 to 10 minutes today. That may not seem like a huge accomplishment, but it can mean the difference between life and death for individuals who are caught in a tornado's deadly path. Under Dr. Friday's leadership, we have also seen substantial improvements in the accuracy of predicting hurricane landfall, allowing local managers to make better and less costly evacuation plans and emergency preparations.

In 1989, an anxious nation watched as Hurricane Hugo moved relentlessly towards the Southeastern coast. As we waited, there was one person, Joe Friday, that I could count on to answer my questions and provide accurate information for tracking the storm. During weather service modernization when local communities in every region raised concerns about the closing of weather stations and the placement of radars, one person, Joe Friday, sorted through the rumors, listened, and gave us straight information. In recent years, budgetary difficulties have provided Joe with some of his greatest challenges. However, he succeeded in protecting the National Hurricane Center and other essential programs from sweeping cutbacks that would have hampered the ability of the Weather Service to do its job.

Last year, Joe moved over to NOAA's Office of Oceanic and Atmospheric Research, where he is responsible for environmental research and technology programs like Sea Grant and Climate and Global Change. These programs are critical for addressing such diverse issues as global warming, climate prediction, El Niño events, red tides, and *Pfiesteria*. I am sure that many at NOAA would echo my view when I say that I regret not being able to entice Dr. Friday to stay longer in his new position.

Throughout his career, Joe Friday has shared credit for successes, but never blamed others for problems or difficulties. He is a rare mix of gifted scientist, decorated soldier, and eloquent speaker—a charismatic man who leads by example and has inspired a generation of men and women at the National Weather Service. His strong leadership, clear vision, loyalty, and concern for his colleagues were instrumental in creating an effective team of professionals. His simple but powerful philosophy has always been that, as a public servant, his responsibility is to provide the highest level of products and services to the people of the United States and the world. In all his endeavors, he has supplied endless energy, sound judgment, keen intelligence, and a sense of humor to the government he

is so proud to serve. It was no surprise to anyone when he was awarded the 1993 Federal Executive of the Year, an outstanding and well deserved recognition for his contributions.

I am confident that I speak for many of my colleagues when I express admiration and thanks to Joe for his invaluable contributions to the United States of America and to the global scientific community. He has our best wishes and deepest gratitude for his accomplishments in his 38 years of Federal Service.●

## EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT OF 1998

● Mr. COVERDELL. Mr. President, yesterday, the Senate passed the conference report to H.R. 2646, the Education Savings and School Excellence Act of 1998 by a bipartisan vote of 59–36. With respect to the Reading Excellence provision of the bill, I wanted to state for the RECORD that there was a technical error in the report regarding the participation of private schools. I will seek to correct this technical problem when the opportunity arises to ensure the participation of private schools in the literacy program authorized under this bill.●

## SUPREME COURT DECISION ON THE REACHBACK TAX

● Mr. CONRAD. Mr. President, the Senate has often heard me speak about the people of North Dakota, and at times I have been compelled to speak about the injustices North Dakotans have been forced to endure because of something our Federal government has done to them.

Today, the Supreme Court handed down a decision which should mark the beginning of the end for the reachback tax, which has been a terrible burden for the largest lignite producer and largest coal industry employer in our state.

This very important part of our economy was unfairly and unjustly saddled with the reachback tax under the 1992 Coal Industry Retiree Health Benefit Act. The Coal Act has been draining millions of dollars from this company every year.

The Supreme Court, while agreeing that Congress has the power to help fund retired unionized bituminous coal miners' health benefits, held that Congress did so improperly. We subjected honest, tax-paying corporate citizens to a truly onerous levy without an adequate basis for doing so. If the Senate had taken the time either in committee or in a floor debate to consider fully the scope of this reachback tax, perhaps the rebuke Congress received this morning from the Supreme Court could have been avoided.

In the opinion of the Court, the Act places a ''severe, disproportionate, and extremely retroactive burden'' on the reachback company that brought the action. As such, the Court held that the tax imposition it reviewed violates the Constitution's takings clause.

In short, Mr. President, the Supreme Court has affirmed the arguments that many of us have pursued in this body for some time—namely, that Congress needs to revisit the whole problem of how to fund the health benefits for retired unionized bituminous coal miners.

Since its inception, I have fought for reform of the Coal Act. Many of my colleagues over the years have joined me in this bipartisan fight. With the impetus of today's decision by the Supreme Court, the Senate should commit itself to fixing the Coal Act soon. I am confident that we can devise a plan that assures benefits for affected retirees and their families, treats the industry fairly, and passes Constitutional muster.●

## TRIBUTE TO JAMES EDWIN ''JIMMY'' WALKER

● Mr. SHELBY. Mr. President, I rise today to salute a great Alabamian and a great American whose life was cut short by war—Lieutenant James Edwin ''Jimmy'' Walker. I did not have the pleasure of knowing Jimmy, but many people from my home state who knew this young man have nothing but praise for him.

Born in 1913, Jimmy became one of the most outstanding athletes in the history of Holt High School. He was the captain of the football, baseball, and basketball teams, leading his small school to athletic prominence in the state. Jimmy's former high school coach and teacher described him as having ''superior athletic abilities, and as being a great and popular leader.'' He further described Jimmy as ''a joy and an inspiration to those who had the good fortune to work and play with or for him.''

In 1932, Jimmy entered the University of Alabama, in Tuscaloosa, on an athletic scholarship. Throughout his three years of varsity competition, he started on both the football and basketball teams. On campus, as well as on the athletic field, Jimmy was well known, loved and respected. He was a member of the ''A'' Club, Alabama Quadrangle, Jason's Honorary Junior Society, Pi Gamma Alpha Fraternity, O.D.K., Cotillion Club, and the Court of Appeals of the Student Government. Notably, Jimmy was captain of the victorious Rose Bowl and national championship football team of 1935, as well as captain of the 1934 Crimson Tide Basketball team. He was an All-Conference, All-Southeastern, and All-American basketball player while remaining active on campus and successful in the classroom. Jimmy ultimately received his Bachelor of Science degree in 1935.

Jimmy continued in athletics, coaching basketball at Virginia Military Institute. As in high school, Jimmy led a small school to great heights. His teams were outstanding, consistently ranking higher than the much larger southern schools. At the time, newspapers called his accomplishment ''a coaching masterpiece.''

Despite his considerable professional and personal success and his growing notoriety, Jimmy asked for a leave of absence from coaching to join the United States Navy at the start of World War II. When he became a First Lieutenant in the Navy, he told his family that he had finally ''made the team.'' After a period of distinguished wartime service, on December 22, 1943, this Alabama sports-hero-turned-Naval-officer sadly died in South America, from wounds received while in the performance of his official duties.

Jimmy died serving his country. He was a true leader, not only on the athletic field but in all areas of life. As a coach, a student, and a military officer, he was a fine role model for those around him. His dedicated, patriotic spirit will be remembered for a long time. He truly gave his all for victory.

Today, 45 years after his untimely passing, my thoughts are with Jimmy's family and friends. His spirit will forever live on in those who knew him. Perhaps Jimmy's sister, Neta Walker Laycock, of Tuscaloosa, Alabama, captured his outstanding personality best when she said: ''If you knew him, you loved him. If you didn't, you missed a treat.''●

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now turn to calendar No. 422, H.R. 4059, that all after the enacting clause be stricken, and the text of S. 2160 be inserted in lieu thereof, and the bill be amended by two conforming amendments at the desk.

AMENDMENTS NOS. 3045 AND 3046

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes amendments numbered 3045 and 3046, en bloc.

The amendments (Nos. 3045 and 3046) are as follows:

AMENDMENT NO. 3045

(Purpose: To adjust appropriations for Navy military construction, Air Force family housing construction, and Defense-Wide military construction to accommodate the authorizations of appropriations for such construction for fiscal year 1999)

At the appropriate place insert the following:

SEC. . (a) Notwithstanding any other provision of this Act, the amount appropriated by the heading ''MILITARY CONSTRUCTION, NAVY'' is hereby increased by $5,780,000.

(b) Notwithstanding any other provision of this Act, the amount appropriated by the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' is hereby decreased by $11,000,000.

(c) Notwithstanding any other provision of this Act—

(1) the amount appropriated by the heading ''FAMILY HOUSING, AIR FORCE'' is hereby increased by $5,220,000; and

(2) the amount appropriated by that heading for Construction is hereby increased by $5,220,000.

AMENDMENT NO. 3046

(Purpose: To increase by $12,716,000 the appropriation for military construction for the Army National Guard and to decrease the appropriation for military construction for the Army Reserve by $12,716,000)

At the appropriate place insert the following:

SEC. (a) Notwithstanding any other provision of this Act, the amount appropriated by this Act under the heading ''MILITARY CONSTRUCTION, ARMY NATIONAL GUARD'' is hereby increased by $12,716,000.

(b) Notwithstanding any other provision of this Act, the amount appropriated by this Act under the heading ''MILITARY CONSTRUCTION, ARMY RESERVE'' is hereby decreased by $12,716,000.

Mr. DOMENICI. Mr. President, the pending military construction appropriations bill provides $8.5 billion in new budget authority and $2.6 billion in new outlays for Military Construction and Family Housing programs for the Department of Defense for fiscal year 1999.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 1999 program total $9.1 billion.

Compared to 1998 appropriations, this bill is $417 million lower in budget authority, and it is $477 million lower in outlays.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's allocation.

Because Congress has not yet passed the final 1999 congressional budget resolution, prior year outlays for this bill have not yet been revised to reflect Congress' override of President Clinton's Line Item Veto of 37 FY 1998 military construction projects. When this adjustment is made, outlays prior to 1999 will be revised upward by $112 million. It is my understanding that this necessary adjustment will be made when CBO revises its baseline for this legislation, which should be before this bill is reported back to the Senate from Conference with the House.

The bill provides important increases over the President's request for 1999, and I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

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

S. 2160, MILITARY CONSTRUCTION APPROPRIATIONS, 1999—SPENDING COMPARISONS, SENATE-REPORTED BILL

[Fiscal year 1999, dollars in millions]

| Category | Defense | Nondefense | Crime | Mandatory | Total |
|---|---|---|---|---|---|
| Senate-reported bill: | | | | | |
| Budget authority | 8,481 | | | | 8,481 |
| Outlays | 9,120 | | | | 9,120 |
| Senate 302(b) allocation: | | | | | |
| Budget authority | 8,484 | | | | 8,484 |
| Outlays | 9,120 | | | | 9,120 |
| President's request: | | | | | |
| Budget authority | 7,784 | | | | 7,784 |
| Outlays | 9,059 | | | | 9,059 |
| House-passed bill: | | | | | |
| Budget authority | | | | | |
| Outlays | | | | | |
| SENATE-REPORTED BILL COMPARED TO: | | | | | |
| Senate 302(b) allocation: | | | | | |
| Budget authority | −3 | | | | −3 |
| Outlays | | | | | |
| President's request | | | | | |
| Budget authority | 697 | | | | 697 |
| Outlays | 61 | | | | 61 |
| House-passed bill: | | | | | |
| Budget authority | 8,841 | | | | 8,481 |
| Outlays | 9,120 | | | | 9,120 |

Note. Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriation bill and report for fiscal year 1999.

This bill reflects the bipartisan approach that the ranking Member, Senator MURRAY of Washington, and I have tried to maintain regarding military construction and this subcommittee. It has been a pleasure to work with Senator MURRAY, her staff and the members of the subcommittee throughout this process. I very much appreciate all of their support.

Mr. President, this bill was reported out of the full Appropriations Committee on June 11, by a unanimous vote of 27 to 0. The bill recommended by the full Committee on Appropriations is for $8,480,574,000. This is $696.5 million over the budget request.

However, this bill provides $702 million less than what was appropriated last year—a reduction of 8.2 percent overall spending authority for the committee from the amount appropriated in fiscal year 1998.

Further, more importantly, the bill reflects a reduction of 23 percent since fiscal year 1997—almost $2 billion less from just two years ago.

We have sought to recommend a balanced bill to the Senate, and we believe it addresses key, military construction requirements for readiness, family housing, barracks, quality of life and the Guard & Reserve components.

This bill honors the commitment we have to our Armed Forces. It helps ensure that the housing and infrastructure needs of the military are given proper recognition.

Also, I am pleased to report to the Senate that the bill is within the committee's 302(b) budget allocation for both budget authority and outlays.

Mr. President, this bill has some points I want to mention. We added $98 million above the budget request to provide better and more modern family housing for our service personnel and their families.

On another quality of life measure, we have added substantially to the budget request for medical and hospital facilities. We have provided $708 million for some 46 barracks construction projects to provide single service members a more favorable living environment.

The committee also fully funds the budget request of $97 million for funding 15 class I violation environmental projects.

We also addressed the shortfalls that continue to plague our Reserve components. The Department continues to walk away from the total force concept. Recognizing this, we have again lent support by adding $267 million to the Guard and Reserve accounts. In each case, the funds will help satisfy essential mission, quality of life or readiness requirements.

22 percent of the bill, or $1.731 billion, is for downsizing defense infrastructure, or better known as the Base Closure and Realignment Program. This includes funding for the last two rounds of BRAC.

Almost a quarter of all military construction dollars goes toward the base closure and realignment process.

All of the projects that we have recommended are included in the Senate-passed version of the defense authorization bill. We will work very closely with the Armed Services Committee,

as we put together a conference package for military construction.

We have tried to accommodate the sizeable administration request for overseas projects in such places as Korea, Germany and the Middle East. 18 percent of the administration's budget request for military construction projects is for overseas areas. We have funded only the essential of those projects.

There are many other issues that I could speak about at this time. I urge the Members of the Senate to support this bill and move it forward expeditiously.

I would like to yield to my ranking member, Senator MURRAY.

Mrs. MURRAY. Mr. President, it is my pleasure to join Chairman BURNS in recommending for the Senate's consideration the FY 1999 military construction appropriations bill. Through a bipartisan effort, we have created what I think is a very fair and just bill that should please both DoD and my colleagues here in the Senate.

As he does every year, Chairman BURNS had to weigh the priorities of the Department of Defense, the requests of his colleagues, and the recommendations of the Armed Services Committee. He had to do this with an unacceptably low budget request of $7.784 billion, which was $1.4 billion less than the $9.18 billion we appropriated last year. Thanks to Chairman SEVENS, that budget request was raised to an $8.48 billion allocation—which we have completely allocated in an equitable and bipartisan way.

You will find that the budget request yet again tremendously short ended the Guard and Reserve—asking for only $179 million compared to the $390 million we appropriated last year. Thanks to some creative maneuvering and forward thinking, we were able to fund the Guard and Reserve this year at $446 million without disadvantaging any other portion of our bill.

As Chairman BURNS noted, the active components were given $2.57 billion for military construction. In an attempt to fund even more projects, Chairman BURNS and I have also created a $200 million package of quality of life projects that has been added to the authorization bill. These adds are included in our bill, and the criteria used in choosing them was that the programs had to be quality of life, had to be in the future year defense plan, and had to represent a broad number of States and services. These are inherently valuable projects, and include improvements to family housing, child development centers, dining facilities, barracks renewal, and physical fitness centers. I encourage all members to support this important initiative to provide a better quality of life to our service men and women.

Mr. President, this is a good bill—and it's a bill that all of the Senators here should be pleased to support. Again I'd like to thank Chairman BURNS for his fair, honest, and excellent work at drafting a bi-partisan and equitable bill. I'd also like to thank and commend his appropriations staff, Sid Ashworth, as well as minority staff in past. Emily East and Dick Diamond for commitment to producing this first-rate bill. I hope my colleagues can join Chairman BURNS and me in supporting this bill and voting to adopt it today.

I yield the floor.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3045 and 3046) were agreed to.

Mr. BURNS. Mr. President, I ask unanimous consent that H.R. 4059, as amended, be considered read the third time, and passed, and the motion to reconsider be laid on the table, all without further action or debate.

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

The bill (H.R. 4059), as amended, was considered read the third time, and passed as follows:

(The text of the bill (H.R. 4059) will be printed in a future edition of the RECORD.)

Mr. BURNS. Mr. President, I move that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

The motion was agreed to and the Chair appointed Mr. BURNS, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. CRAIG, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUYE, and Mr. BYRD, conferees on the part of the Senate.

## UNANIMOUS CONSENT AGREEMENT—S. 1882

Mr. BURNS. Mr. President, I ask unanimous consent that the majority leader, after the notification of the Democratic leader may turn to calendar No. 354, S. 1882, the higher education bill, and upon the reporting by the clerk, the chairman be immediately recognized to modify the committee-reported substitute. I further ask that there be 7 relevant first degree higher education amendments in order for each leader, with relevant second-degree amendments, and following the disposition of these amendments, the substitute be agreed to and the bill be advanced to third reading and the Labor Committee be immediately discharged from the House companion bill, H.R. 6.

I further ask that the Senate proceed to its immediate consideration and all after the enacting clause be stricken, the text of S. 1882, as amended, be inserted, H.R. 6 be advanced to third reading and a vote occur on passage, all without any intervening action or debate.

Finally, I ask unanimous consent that the Senate bill, S. 1882, be returned to the calendar.

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

## MEASURE READ THE FIRST TIME—S. 2236

Mr. BURNS. Mr. President, I send a bill to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2236) to establish legal standards and procedures for product liability litigation.

Mr. BURNS. I now ask for its second reading and will object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk.

## COMMENDING THE LIBRARY OF CONGRESS FOR 200 YEARS OF SERVICE

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 106, submitted earlier by Senators WARNER and FORD.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) to commend the Library of Congress for 200 years of outstanding service to Congress and the Nation, and to encourage activities to commemorate the bicentennial anniversary of the Library of Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution (S. Con. Res. 106) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 106

Whereas the Library of Congress was established in 1800 and will celebrate the 200th anniversary of the Library of Congress in 2000;

Whereas the goal of the bicentennial commemoration is to inspire creativity in the century ahead and ensure a free society through greater use of the Library of Congress and libraries everywhere;

Whereas the bicentennial goal will be achieved through a variety of national, State, and local projects, developed in collaboration with the offices of the Members of Congress, the staff of the Library of Congress, and special advisory committees; and

Whereas the bicentennial commemorative activities include significant acquisitions, symposia, exhibits, issuance of a commemorative coin, and enhanced public access to

the collections of the Library of Congress through the National Digital Library: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress commends the Library of Congress on 200 years of service to Congress and the Nation, and encourages the American public to participate in activities to commemorate the bicentennial anniversary of the Library of Congress.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BURNS. Mr. President, as in executive session, I ask unanimous consent that on Friday, June 26, it be in order for the majority leader, after consultation with the minority leader, to proceed to executive session for the consideration of the nomination of executive calendar No. 574, the nomination of A. Howard Matz, to be U.S. District Judge for the Central District of California.

I further ask consent that at that time the Senate proceed immediately to a vote on the confirmation of the nomination, and that immediately following that vote, the Senate proceed to a vote on the nomination of executive calendar No. 621, Victoria A. Roberts, to be U.S. District Judge for the Eastern District of Michigan.

I further ask consent that following the votes, the motions to reconsider be laid upon the table, 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.

## EXECUTIVE SESSION

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the military nominations which were reported today by the Armed Services Committee.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, 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 nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Russell J. Anarde, 0781.
Col. Anthony W. Bell, 4246.
Col. Robert Damon Bishop, Jr., 9524.
Col. Marion E. Callender, Jr., 6380.
Col. Kevin P. Chilton, 6603.
Col. Trudy H. Clark, 2591.
Col. Richard L. Comer, 4255.
Col. Craig R. Cooning, 4416.
Col. John D. W. Corley, 9553.
Col. David A. Deptula, 6792.
Col. Gary R. Dylewski, 7306.
Col. Edward R. Ellis, 9696.
Col. Leonard D. Fox, 1435.
Col. Terry L. Gabreski, 2941.
Col. Jonathan S. Gration, 9630.
Col. Michael A. Hamel, 2699.
Col. William F. Hodgkins, 0138.
Col. John L. Hudson, 5860.
Col. David L. Johnson, 8568.
Col. Walter I. Jones, 8782.
Col. Daniel P. Leaf, 9223.
Col. Paul J. Lebras, 9625.
Col. Richard B. H. Lewis, 1265.
Col. Stephen P. Luebbert, 9120.
Col. Dale W. Meyerrose, 1611.
Col. David L. Moody, 4219.
Col. Quentin L. Peterson, 7151.
Col. Douglas J. Richardson, 2865.
Col. Ben T. Robinson, 7005.
Col. John W. Rosa, Jr., 3351.
Col. James G. Roudebush, 9187.
Col. Ronald F. Sams, 5888.
Col. Stanley A. Sieg, 3623.
Col. James B. Smith, 5309.
Col. Joseph B. Sovey, 2815.
Col. Lawrence H. Stevenson, 8269.
Col. Robert P. Summers, 8833.
Col. Peter U. Sutton, 9325.
Col. Donald J. Wetekam, 0322.
Col. William M. Wilson, Jr., 9364.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Charles T. Robertson, Jr., 8691.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Walter S. Hogle, Jr., 6057.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. John L. Woodward, Jr., 3961.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Gregory S. Martin, 6337.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. John B. Sams, Jr., 6470.

The following named officer for appointment in the United States Air Force as Dean of Faculty, United States Air Force Academy, a position established under title 10, United States Code, section 9335, and for appointment to the grade indicated in accordance with Article II, Section 2 of the Constitution of the United States.

*To be brigadier general*

Col. David A. Wagie, 0211.

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Kenneth W. Hess, 2733.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Thomas J. Keck, 7924.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Marvin R. Esmond, 6588.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. Richard B. Myers, 7092.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Patrick K. Gamble, 2878.

IN THE ARMY

The following named officers for appointments in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

John P. Abizaid, 6229
Jospeh W. Arbuckle, 1975
Barry D. Bates, 4112
William G. Boykin, 5846
Charles C. Campbell, 6999
James L. Campbell, 9858
George W. Casey, Jr., 1204
Dean W. Cash, 1289
Dennis W. Cavin, 8558
Joseph M. Cosumano, Jr., 4186
Peter M. Cueviello, 4052
Robert F. Dees, 5138
John C. Doesburg, 2908
James E. Donald, 4190
Benjamin S. Griffin, 5044
Dennis K. Jackson, 1213
James T. Jackson, 4979
William J. Lennox, Jr., 1093
Albert J. Madora, 4210
David D. McKiernan, 8864
Geoffrey D. Miller, 7650
Willie B. Nance, Jr., 9605
Robert W. Noonan, Jr., 6884
Kenneth L. Privratsky, 8131
Hawthorne L. Proctor, 9888
Robert J. St. Onge, Jr., 1736
Robert L. Van Antwerp, Jr., 8468
Daniel R. Zanini, 1319

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Evan R. Gaddis, 5455.
Brig. Gen. Alfred A. Valenzuela, 4832.

IN THE NAVY

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for appointment to the grade indicated under title 10, U.S.C., sections 601 and 5137:

*To be vice admiral*

Rear Adm. Richard A. Nelson, 1464.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Vice Adm. Richard W. Mies, 4623.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Charles W. Moore, Jr., 5696.

The following named officer for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Robert J. Natter, 9953.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Thomas B. Fargo, 9953.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Walter F. Doran, 4942.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Arthur K. Cebrowski, 9746.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be To be vice admiral*

Rear Adm. Dennis V. McGinn, 1807.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Daniel J. Murphy, Jr., 6221.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Vice Adm. James O. Ellis, Jr., 4995.

IN THE AIR FORCE

Air Force nominations beginning WILLIAM E. DICKERSON, and ending WILLIAM E. NELSON, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 1998.

IN THE ARMY

Army nominations beginning SUE H. ABREU, and ending DARYL N. ZEIGLER, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 1998.

Army nominations beginning HERBERT P. FRITTS, and ending WILLIE H. OGLESBY, JR., which nominations were received by the Senate and appeared in the Congressional Record on May 15, 1998.

Army nominations beginning GARY J. DUNN, and ending MICHAEL C. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Army nominations beginning LARRY P. ADAMSTHOMPSON, and ending DOUGLAS R. WOOTTEN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Army nominations beginning ISAAC V. GUSUKUMA, and ending JAMES I. PYLANT, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

Army nominations beginning MICHAEL D. CORSON, and ending KENNETH H. NEWTON, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

Army nomination of *TIMOTHY C. BEAULIEN, which was received in the Senate and appeared in the Congressional Record of June 9, 1998.

Army nominations beginning *JAMES E. RAGAN, and ending *JOHN H. CHILES, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

IN THE MARINE CORPS

Marine Corps nomination of LONNY R. HADDOX, which was received in the Senate and appeared in the Congressional Record of May 22, 1998.

Marine Corps nominations beginning STEVEN P. MARTINSON, and ending BRENT A. SMITH, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Marine Corps nominations beginning WILLIAM M. AUKERMAN, and ending DAYLE L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

IN THE NAVY

Navy nomination of TIMOTHY W. ZELLER, which was received in the Senate and appeared in the Congressional Record of September 18, 1997.

Navy nominations beginning DANIEL A. ACTON, and ending ERIC R. ZUMWALT, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 1998.

Navy nomination of MASAKO HASEBE, which was received in the Senate and appeared in the Congressional Record of May 15, 1998.

Navy nominations beginning RICHARD B. ALSOP, and ending THEODORE A. ZOBEL, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 1998.

Navy nominations beginning JASON T. BALTIMORE, and ending DANIEL P. SHANAHAN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Navy nominations beginning DAVID L. GROCHMAL, and ending JOEL D. NEWMAN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Navy nominations beginning RONALD W. HARGRAVES, and ending JANICE L. WALLI, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Navy nomination of STEPHEN E. PALMER, which was received by the Senate and appeared in the Congressional Record of May 22, 1998.

Navy nominations beginning GARY L. MURDOCK, and ending BRIAN G. WILSON, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

## EXECUTIVE CALENDAR

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 264, 501, 646, 650, and 651.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, 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 nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

Mary Anne Sullivan, of the District of Columbia, to be General Counsel of the Department of Energy.

DEPARTMENT OF THE INTERIOR

Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife.

REFORM BOARD (AMTRAK)

Michael S. Dukakis, of Massachusetts, to be a Member of the Reform Board (AMTRAK) for a term of five years. (New Position)

John Robert Smith, of Mississippi, to be a Member of the Reform Board (AMTRAK) for a term of five years. (New Position)

Tommy G. Thompson, of Wisconsin, to be a Member of the Reform Board (AMTRAK) for a term of five years. (New Position)

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if my friend from Montana would simply allow me to announce, for those who have been anxiously awaiting the acceptance of Executive Calendar 264, that was the nomination of Mary Anne Sullivan to be the general counsel of the Department of Energy. I know that Secretary Pena has been very interested in that, as well as Mary Anne Sullivan. I am very pleased with this action today; and, further, Executive Calendar No. 501, the nomination of Mr. Donald J. Barry to be Assistant Secretary of Interior, Fish and Wildlife. I know that Secretary Babbitt, as well as Mr. Barry, has been anxious for this evening.

I wanted to take this opportunity with the indulgence of the President to make that statement.

I thank the Senator.

## AMTRAK REFORM BOARD

Mr. MCCAIN. Mr. President, the Senate has confirmed three members to the new Amtrak Reform Board, as provided for under the Amtrak Reform and Accountability Act, P.L. 105–134. That law required a new 7-member Reform Board to replace Amtrak's current Board of Directors. By today's confirmation of Governor Tommy Thompson, Governor Michael Dukaskis, and Mayor John Robert Smith, along with the automatic confirmation of Secretary Rodney Slater, a quorum of new members will be constituted and in turn, the new Board will immediately assume the old Board's responsibilities. This action ensures Amtrak's authorization remains in tact.

I think it is important to discuss the background leading up to today's confirmations. As my colleagues know, the Amtrak reform legislation enacted last December required Amtrak to operate more like a real business. After 27 years and more than $22 billion in taxpayers subsidies, that new law finally

sends a real signal that this is Amtrak's ''last chance'' to turn itself into a viable operation. The status quo has been, and remains, unacceptable. If Amtrak cannot find a way to free itself from its subsidy ''fix,'' then the Amtrak we know today will cease to exist.

Amtrak has been directed to institute substantive changes to enable it to operate free of subsidies by 2002. As such, Congress and the Administration agreed that new leadership at Amtrak was imperative, which is why we provided for a new Reform Board to replace the current Amtrak Board of Directors. It is absolutely necessary to instill a 'new culture' among Amtrak employees and management if Amtrak is ever to become a legitimate business. And that new culture necessitates changes that start from the top.

Let me remind my colleagues that during the last days of negotiations on the reform legislation, three members of the Amtrak Board of Directors, along with Secretary Slater who is also a Board member, negotiated a new labor agreement to give union employees a raise. In the real world it is not very typical for Board members to negotiate labor deals. Yet these three—and at times four—did. They agreed to raise salaries, which is projected to cost Amtrak $35 million in FY 1998 alone, as it is assumed its terms will be extended to all its other unions. It is further projected these costs will grow to $60 million in future year obligations.

One must ask, how could these Board members have been upholding their fiduciary responsibilities by agreeing to increase Amtrak's obligations at the very time Amtrak is looming on the brink of bankruptcy? Amtrak's projected net loss for FY 1998 is greater than the previous year's due in part to the current Board's own actions. Its losses are growing, Mr. President, even though under the law Amtrak has less than two years to demonstrate it can achieve its financial goals, or risk dissolution.

Mr. President, the Democratic Presidentially-appointed Board Members who negotiated the union salary hike assured us at the time that their high-priced labor agreement would require no action by Congress—nor more importantly, would the labor agreement place any additional obligations on the American taxpayers. That was their assurance, even though one of the agreement's contingencies was that the Administration had to request $1.4 billion in additional funding above Amtrak's glidepath projections. So, what has the Administration done?

The Administration didn't request the additional funding, yet the Board did nothing to nullify the contract. Instead, the Administration and Amtrak are now asking Congress to agree to shuffle Amtrak's operating and capital costs. Specifically, they want us to agree to shift labor costs into Amtrak's ''capital'' account so that Amtrak can pay for the Board's labor agreement with funds currently directed for capital investment.

When are we going to say enough is enough? Just how long are the American taxpayers going to be forced to cover the expenses stemming from Amtrak's poor management decisions? It surely won't be hard for Amtrak to tell Congress it met requirements to be free of operating subsidy if the current group at Amtrak can pull this one off. All operating costs could essentially vanish with the stroke of a pen and become capital costs.

And, if Amtrak and the Administration are successful—and I acknowledge Amtrak's political clout in the Congress—how will Amtrak make up for its loss in capital? If Amtrak is permitted to shift capital funds to cover wage increases and other items traditionally considered operating costs, would someone please tell me how Amtrak will make up for the corresponding loss in funding for its capital improvements. I think I know how. Amtrak will just come a calling to Congress to bail it out, just like always.

Mr. President, time and again we have been told Amtrak faces critical infrastructure investment needs which must be met if Amtrak is to have any chance of becoming a viable operation. Time and again we have been told Amtrak needs capital resources to invest in its future. But as I see it, the change they propose has the potential for completely jeopardizing Amtrak's abilities to meet its capital needs which it has sought so long to accomplish.

Mr. President, it is unconscionable that while Congress was under intense negotiations to reach agreement on reform legislation, which was required to release the $2.3 billion so-called ''tax credit'' to Amtrak, the Amtrak Board was doing anything it could to appease the labor unions. Of course, it is no secret who the democratic party is beholden to. While Amtrak's financial situation is in dire straights—looming on the brink of bankruptcy—its democratic Board members agreed to raise union salaries, increasing Amtrak's opperating—and I stress operating—costs by millions of dollars annually. By adopting these wage increases, the current Board failed to fulfill its fiduciary responsibilities not only to Amtrak, but to the American taxpayer as well. Is it any wonder the Congress decided that the Board has to go?

The Congress should be concerned about this situation because two of the six Presidential nominees for the new board are holdovers from the current Board. Another holdover is the Secretary of the Department of Transportation. That makes THREE holdovers according to my count. And these are three of the four that negotiated this sweetheart deal for labor. Surely we did not call for a new Board only to maintain the current members? Doesn't the Administration have any respect for Congressional intent?

The Administration can not argue that it was unaware of Congressional intent because Administration representatives participated in the reform legislation negotiations. Let me remind the Administration about the provisions we discuss today. First, a new 7-member reform Board is to be established. Second, specific eligibility criteria was incorporated in the new law in an attempt to ensure that the new Board members would be qualified to perform their duties. Third, the law requires the new Board to be comprised of individuals with transportation, corporate, or financial expertise.

To further enhance Amtrak's operations, several provisions were included to prompt timely action by the Administration and Congress on filling the new Board. Unfortunately, the spirit of these provisions was met with little respect by the Administration.

The law required the new Board to be in place by March 31, 1998—more than 2 months ago. Yet, the Senate did not receive even a single nomination from the President until the eve of the Memorial Day Recess. Due to concerns that the Administration may drag its feet indefinitely—which only would hurt Amtrak—Amtrak's authorization was linked to the nomination and confirmation of a new Board. Specifically, the law provides that if the new Reform Board has not assumed the responsibilities of the Amtrak Board of Directors before July 1st, Amtrak's authorization lapses. The law also automatically discharged pending Board nomination from the Senate Commerce Committee if the Committee had failed to act by June 1st.

As I said, the new Reform Board was to be in place more than two months ago. Presidential nominations require Senate confirmation, with hearings and review by the appropriate Senate Committees accompanying nominations. Yet due to the lack of timely action by the Administration, the Commerce Committee had no opportunity to carry out its duties prior to the statutory automatic June 1st discharge. I must ask, was the Administration's timing a direct attempt to circumvent the Commerce Committee's authority in this regard?

Mr. President, my position regarding the new Board was made clear from day one. I repeatedly voiced my concerns to the Administration each time I heard rumors of its plans to reappoint current members. I was very clear that the Commerce Committee would not report favorably any Board hold-overs and I remained firm on that position. I truly believed even the Administration would acknowledge we didn't create a new Board only to reappoint the same members.

So what happened? The Administration sent up the nominations as Congress headed into the Memorial Day recess. Two of the six nominations needing confirmation were Board holdovers—that is, one-third. The Administration must have known that the Commerce Committee would be unable to fulfill its hearings and review prior

to the statutory discharge date, given the Administration's stealth nomination submission.

Mr. President, if a new board is not constituted before July 1st, Amtrak's authorization will lapse. That is why the Majority Leader, myself and others are seeking to move forward with some of the nominations in order to meet that deadline. But I stand firm that we should not take these or any other confirmations lightly.

We should demand the intent of the law be fulfilled. We should demand that the new Board not be riddled with potential conflicts of interest by members representing competing transportation businesses and serving on state transit agencies. We should demand some legitimacy to this operation if we really expect Amtrak is to ever become a viable transportation provider.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## THE CALENDAR

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills en bloc:

Calendar No. 185, S. 1158; Calendar No. 195, S. 1159; Calendar No. 216, S. 439; Calendar No. 217, S. 846; Calendar No. 239, S. 799; Calendar No. 240, S. 814; Calendar No. 241, H.R. 960; Calendar No. 246, S. 538; Calendar No. 252, H.R. 651; Calendar No. 253, H.R. 652; Calendar No. 254, H.R. 848; Calendar No. 255, H.R. 1184; and, Calendar No. 256, H.R. 1217.

Mr. President, I ask unanimous consent that any committee amendments be agreed to, except those that are modified in the amendments that are to be adopted.

I also ask unanimous consent that amendment No. 3042 to S. 1158, amendment No. 3043 to S. 1159, and amendment No. 3044 to S. 538 be considered as read and agreed to, en bloc, the bills be read for the third time and passed, as amended, if amended, the motions to reconsider be laid upon the table, that any statements relating to the bills appear in the RECORD, with the above occurring en bloc.

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

## HUNA TOTEM CORPORATION LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1158) to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Huna Totem Corporation Land Exchange Act''.

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read:

**''SEC. . HUNA TOTEM CORPORATION LAND EXCHANGE.**

''(a) GENERAL.—The Secretary of Agriculture referred to as (Secretary) in this section in accordance with the equal value provisions of section 22(f) shall, subject to valid existing rights and easements, convey to the Huna Totem Corporation the surface estate to the Federal lands described in subsection (b)(2) of this section and convey to Sealaska Corporation title to the subsurface estate in such lands.

''(b) DESCRIPTION AND DEADLINES.—The land to be exchanged is located in the Copper River Meridian and is further described as follows:

(1) The surface and subsurface estates to the land to be conveyed by Huna Totem Corporation and Sealaska to the United States, no later than ninety (90) days after the effective date of this section, is depicted on the map dated September 1, 1997, and labeled attachment A, and is described as follows:

''MUNICIPAL WATERSHED AND GREENBELT BUFFER

T43S, R61E, C.R.M.

| Portion of Section | Approximate Acres |
|---|---|
| 16 | 2 |
| 21 | 610 |
| 22 | 227 |
| 23 | 35 |
| 26 | 447 |
| 27 | 400 |
| 33 | 202 |
| 34 | 76 |
| Approximate total | 1,999 |

''(2) The surface and subsurface estates to the land to be conveyed to Huna Totem Corporation and Sealaska by the Secretary of Agriculture shall be lands readily accessible to Hoonah and, where possible, located on the road system to Hoonah, and shall be conveyed within one hundred eighty (180) days after the conveyance of lands in subsection (b)(1); and are to be selected from the lands depicted on the map dated September 1, 1997, and labeled Attachment B.

''(c) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

''(d) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section is, for all purposes, considered land conveyed under the Alaska Native Claims Settlement Act.

''(e) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the office of the Secretary of the Interior, Washington, DC. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''

In lieu of the Committee substitute strike all after Section 1. And insert the following:

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read: ''SEC. . HUNA TOTEM CORPORATION LAND EXCHANGE.

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c): *Provided*, That, the exchange of lands described in this section shall be on the basis of equal value.

''(b) The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

MUNICIPAL WATERSHED AND GREENBELT BUFFER—T43S, R61E, C.R.M.

Portion of section:

| | *Approximate acres* |
|---|---|
| 16 | 2 |
| 21 | 610 |
| 22 | 227 |
| 23 | 35 |
| 26 | 447 |
| 27 | 400 |
| 33 | 202 |
| 34 | 76 |
| Approximate total | 1,999 |

''(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

''(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''

The amendment (No. 3042) was agreed to.

The bill (S. 1158), as amended, was passed, as follows:

S. 1158

*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 ''Huna Totem Corporation Land Exchange Act''.

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read:

**''SEC._____. HUNA TOTEM CORPORATION LAND EXCHANGE.**

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c): *Provided,* That, the exchange of lands described in this section shall be on the basis of equal value.

''(b) DESCRIPTION.—The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

''MUNICIPAL WATERSHED AND GREENBELT BUFFER

''T43S, R61E, C.R.M.

| ''Portion of Section | Approximate Acres |
|---|---|
| 16 | 2 |
| 21 | 610 |
| 22 | 227 |
| 23 | 35 |
| 26 | 447 |
| 27 | 400 |
| 33 | 202 |
| 34 | 76 |
| Approximate total | 1,999 |

''(c) DEADLINE.—Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

''(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''.

## KAKE TRIBAL CORPORATION LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1159) to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Kake Tribal Corporation Land Exchange Act''.

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof:

**''SEC. KAKE TRIBAL CORPORATION LAND EXCHANGE.**

''(a) GENERAL.—The Secretary of Agriculture in accordance with the equal value provisions of section 22(f) shall convey to the Kake Tribal Corporation the Federal land as described in subsection (c).

''(b) TITLE TO SURFACE AND SUBSURFACE.—Subject to valid existing rights and easements, the Secretary shall, no later than the deadline specified in (c)(2) of this section, convey to Kake Tribal Corporation title to the surface estate in the land described in subsection (c)(2) and convey to Sealaska Corporation title to the subsurface estate in that land.

''(c) DESCRIPTION AND DEADLINES.—The land to be conveyed under this section is in the Copper River Meridian and is further described as follows:

''(1) the surface and subsurface estates to the municipal watershed land to be conveyed by Kake Tribal Corporation and Sealaska to the United States no later than 90 days after the effective date of this section is shown on the map dated September 1, 1997, and labeled Attachment A, and is described as follows:

MUNICIPAL WATERSHED

T56S, R72E

| Section | Approximate acres |
|---|---|
| 13 | 82 |
| 23 | 118 |
| 24 | 635 |
| 25 | 640 |
| 26 | 346 |
| 34 | 9 |
| 35 | 349 |
| 36 | 248 |
| Approximate total | 2,427 |

and

''(2) the surface and subsurface estates to the land to be conveyed to Kake Tribal Corporation and Sealaska by the Secretary of Agriculture shall be lands in the Hamilton Bay and Saginaw Bay areas and shall be conveyed within 180 days after the conveyance of lands in subsection (c)(1); and are to be selected from the lands depicted on the maps dated September 1, 1997, and labeled Attachments B and C.

''(d) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

''(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this Act is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be for all purposes, considered land conveyed under the Alaska Native Claims Settlement Act.

''(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, DC. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''.

In lieu of the Committee substitute strike all after Section 1. and insert the following:

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof: ''SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c): *Provided,* That, the exchange of lands described in this section shall be on the basis of equal value.

''(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

MUNICIPAL WATERSHED COPPER RIVER MERIDIAN—T56S, R72E

Section:

| | *Approximate acres* |
|---|---|
| 13 | 82 |
| 23 | 118 |
| 24 | 635 |
| 25 | 640 |
| 26 | 346 |
| 34 | 9 |
| 35 | 349 |
| 36 | 248 |
| Approximate total | 2,427 |

''(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachment B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the

list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

''(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

''(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

The amendment (No. 3043) was agreed to.

The bill (S. 1159), as amended, was passed, as follows:

S. 1159

*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 ''Kake Tribal Corporation Land Exchange Act''.

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding at the end thereof:

**''SEC._____. KAKE TRIBAL CORPORATION LAND EXCHANGE.**

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Kake Tribal Corporation pursuant to subsection (c): *Provided,* That, the exchange of lands described in this section shall be on the basis of equal value.

''(b) DESCRIPTION.—The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

''MUNICIPAL WATERSHED COPPER RIVER MERIDIAN

''T56S, R72E

| ''Section | Approximate Acres |
|---|---|
| 13 | 82 |
| 23 | 118 |
| 24 | 635 |
| 25 | 640 |
| 26 | 346 |
| 34 | 9 |
| 35 | 349 |
| 36 | 248 |
| Approximate total | 2,427 |

''(c) DEADLINE.—Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

''(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

''(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''.

Mr. MURKOWSKI. Mr. President, today I offer substitute amendments to two similar bills passed out of the Energy and Natural Resources Committee earlier this year. The two bills are S. 1158, a bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation Public Interest Land Exchange, and S. 1159, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation Public Interest Land Exchange. Both of these bills direct the Secretary of Agriculture to conclude land exchanges which collectively will allow Kake and Huna to exchange land needed as municipal watershed in exchange for other Forest Service lands.

By passing these bills two objectives will be met. First, the two corporations will finally be able to fully recognize the economic benefits promised to them under ANCSA. Second, the watersheds that provide the respective communities of Hoonah, Alaska and Kaka, Alaska will be protected in order to provide safe water for those communities.

The substitutes I offer today clarify several issues that were raised during the Committee hearings and mark-up. First, the substitutes again direct that the Sealaska subsurface interest will mirror the Kake and Huna lands to be conveyed to the Secretary of Agriculture and the new lands to be conveyed to the corporations. Second the substitute clarifies that these exchange are to be done on an equal value basis. Both the Secretary of Agriculture and the corporations insisted this be the case. I believe this is critical, Mr. President, because both S. 1158 and S. 1159 provide that any timber derived from the newly acquired lands be processed in-state, a requirement that does not currently exist on the watershed lands the corporations are exchange. Therefore, if this exchange was simply done on an acre-for-acre basis it is likely that the acreage the corporations are exchanging, without any timber export restrictions, would have a much higher value then what they get in return. It is for this reason that these exchanges were not done on an acre-for-acre basis. If it ends up that either party has to receive additional compensation, either additional land or cash to equalize the value, then it is my hope this is done in an expeditious way to allow the exchange to move forward within the times specified in the legislation.

I believe these two pieces of legislation are in the best interest of the native corporations, the Alaska communities where the watersheds are located, and the Federal government. It is my intention to try and pass these bills out of the Senate before the end of this session of Congress.

## HYDROELECTRIC PROJECTS ACT OF 1997

The Senate proceed to consider the bill (S. 439) to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the Sate of Hawaii, to provide an exemption for portion of a hydroelectric project locate in the State of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**[SECTION. 1. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.**

**[**The Federal Power Act, as amended (16 U.S.C. 1791a et seq.) is further amended by adding the following at the end of section 23:

**[**''(c) In the case of any project works in the State of Alaska—

**[**''(1) that are not part of a project licensed under this Act prior to the date of enactment of this subsection;

**[**''(2) for which a preliminary permit or a license application has not been accepted for filing by the Commission prior to the date of enactment of this subsection (unless such application is withdrawn at the election of the applicant);

[''(3) that have a power production capacity of 5,000 kilowatts or less;

[''(4) that are located entirely within the boundaries of the State of Alaska; and

[''(5) that are not located in whole or in part on any Indian reservation, unit of the National Park System, component of the Wild and Scenic Rivers System or segment of a river designated for study for potential addition to such system,

the State of Alaska shall have the exclusive authority to authorize such project works under State law, in lieu of licensing by the Commission under the otherwise applicable provisions of this part, effective upon the date on which the Governor of the State of Alaska notifies the Secretary of Energy that the State has in place a process for regulating such projects which gives appropriate consideration to the improvement or development of the State's waterways for the use or benefit of intrastate, interstate, or foreign commerce, for the improvement and use of waterpower development, for the adequate protection, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds), and for other beneficial public uses, including irrigation, flood control, water supply, recreational and other purposes, and Indian rights, if applicable.

[''(d) In the case of a project that would be subject to authorization by the State under subsection (c) but for the fact that the project has been licensed by the Commission prior to the enactment of subsection (c), the licensee of such project may in its discretion elect to make the project subject to the authorizing authority of the State.

[''(e) With respect to projects located in whole or in part on Federal lands, State authorizations for project works pursuant to subsection (c) of this section shall be subject to the approval of the Secretary having jurisdiction with respect to such lands and subject to such terms and conditions as the Secretary may prescribe.''

[''(f) Nothing in subsection (c) shall preempt the application of Federal environment, natural, or cultural resources protection laws according to their terms.''.]

***SECTION 1. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.***

*Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:*

***''SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.***

*''(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—*

*''(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);*

*''(2) gives equal consideration to the purposes of—*

*''(A) energy conservation;*

*''(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);*

*''(C) the protection of recreational opportunities,*

*''(D) the preservation of other aspects of environmental quality,*

*''(E) the interests of Alaska Natives, and*

*''(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and*

*''(3) requires, as a condition of a license for any project works—*

*''(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;*

*''(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and*

*''(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.*

*''(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term ''qualifying project works'' means project works—*

*''(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;*

*''(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);*

*''(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;*

*''(4) that are located entirely within the boundaries of the State of Alaska; and*

*''(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.*

*''(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.*

*''(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—*

*''(1) the approval of the Secretary having jurisdiction over such lands; and*

*''(2) such conditions as the Secretary may prescribe.*

*''(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.*

*''(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.*

*''(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.*

*''(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this Part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.*

*''(i) DETERMINATION BY THE COMMISSION.—*

*''(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).*

*''(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).*

*''(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).''.*

**SEC. 2. VOLUNTARY LICENSING OF HYDROELECTRIC PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.**

Section 4(e) of the Federal Power Act is amended by striking ''several States, or upon'' and inserting ''several States (except fresh waters in the State of Hawaii, unless a license would be required by section 23 of the Act), or upon''.

**SEC. 3. LIMITED EXEMPTION FOR TRANSMISSION FACILITIES ASSOCIATED WITH THE EL VADO HYDROELECTRIC PROJECT.**

(a) Part I of the Federal Power Act, and the jurisdiction of the Federal Energy Regulatory Commission under such part I, shall not apply to the transmission line facilities associated with the El Vado Hydroelectric project (FERC project No. 5226) which are described in subsection (b).

(b) The facilities to which the exemption under subsection (a) applies are those transmission facilities located near the Rio Chama, a tributary of the Rio Grande, in Rio Arriba County, New Mexico, referred to as the El Vado transmission line, a three phase 12-mile long 69 kV power line installed within a 50-foot wide right-of-way in Rio Arriba County, New Mexico, originating at the El Vado project's switchyard and connecting to the Spills 69 kV switching station operated by the Northern Arriba Electric Cooperative Inc.

**SEC. 4. FERC EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE FOR HYDROELECTRIC PROJECTS.**

The second sentence in section 13 of the Federal Power Act (15 U.S.C. 806) is amended to read as follows: ''The period for the commencement of construction may be extended by the Commission for not longer than ten years from the issuance date of the license when not incompatible with the public interest, and the period for the completion of construction carried on in good faith and with reasonable diligence may be extended by the Commission when not incompatible with the public interest.''.

***SEC. 5. TECHNICAL CORRECTION.***

*Section 6 of the Federal Power Act (16 U.S.C. 799) is amended by adding at the end the following:*

*Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this Act, and may be altered or surrendered only upon mutual agreement between the license and the Commission after thirty days' public notice.*

The amendments were agreed to.

The bill (S. 439), as amended, was passed.

## FEDERAL POWER ACT AMENDMENT ACT

The bill (S. 846) to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.**

Section 4(e) of the Federal Power Act (16 U.S.C. 798(e)) is amended by striking ''several States, or upon'' and inserting ''several States (except fresh waters in the State of Hawaii, unless a license would be required by section 23), or upon''.

## STEFFENS FAMILY PROPERTY ACT

The Senate proceeded to consider the bill (S. 799) to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. TRANSFER OF STEFFENS FAMILY PROPERTY.**

(a) CONVEYANCE.—Subject to valid existing rights, the Secretary of the Interior is directed to issue, without consideration, a quitclaim deed to Marie Wambeke of Big Horn County, Wyoming, the personal representative of the estate of Fred Steffens, to the land described in subsection (b): Provided, That all minerals underlying such land are hereby reserved to the United States.

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is the approximately 80-parcel known as ''Farm Unit C'' in the E½NW¼ of Section 27 in Township 57 North, Range 97 West, 6th Principal Meridian, Wyoming.

(c) REVOCATION OF WITHDRAWAL.—The Bureau of Reclamation withdrawal for the Shoshone Reclamation Project under Secretrial Order dated October 21, 1913 is hereby revoked with respect to the lands described in subsection (b).

The amendment was agreed to.

The bill (S. 799), as amended, was passed.

## BIG HORN COUNTY PATENT CORRECTION ACT

The Senate proceeded to consider the bill (S. 814) to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. TRANSFER OF LOWE FAMILY PROPERTY.**

(a) CONVEYANCE.—Subject to valid existing rights, the Secretary of the Interior is directed to issue, without consideration, a quitclaim deed to John R. and Margaret J. Lowe of Big Horn County, Wyoming, to the land described in subsection (b): Provided, That all minerals underlying such land are hereby reserved to the United States.

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is the approximately 40-acre parcel located in the SW¼SE¼ of Section 11, Township 51 North, Range 96 West, 6th Principal Meridian, Wyoming.

The amendment was agreed to.

The bill (S. 814), as amended, was passed.

## VALIDATING CONVEYANCES IN THE CITY OF TULARE, CALIFORNIA

The bill (H.R. 960) to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## MINIDOKA PROJECT ACT OF 1997

The Senate proceeded to consider the bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. CONVEYANCE OF FACILITIES.**

(a) DEFINITIONS.—In this section:

(1) BURLEY.—The term ''Burley'' means the Burley Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) DIVISION.—The term ''Division'' means the Southside Pumping Division of the Minidoka project, Idaho.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, without consideration or compensation except as provided in this section, convey to Burley, by quitclaim deed or patent, all right, title, and interest of the United States in and to acquired lands, easements, and rights-of-way of or in connection with the Division, together with the pumping plants, canals, drains, laterals, roads, pumps, checks, headgates, transformers, pumping plant substations, buildings, transmission lines, and other improvements or appurtenances to the land or used for the delivery of water from the headworks (but not the headworks themselves) of the Southside Canal at the Minidoka Dam and reservoir to land in Burley, including all facilities used in conjunction with the Division (including the electric transmission lines used to transmit electric power for the operation of the pumping facilities of the Division and related purposes for which the allocable construction costs have been fully repaid by Burley).

(2) COSTS.—The first $80,000 in administrative costs of transfer of title and related activities shall be paid in equal shares by the United States and Burley, and any additional amount of administrative costs shall be paid by the United States.

(c) WATER RIGHTS.—

(1) TRANSFER.—The Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation District, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and ground water rights held in the name of the United States for the benefit of, and for use on land within, the Burley Irrigation District as described in the contracts between Burley and the United States including the provisions on use of any waste, seepage, and return flow set forth in such contracts: Provided, That such transfer shall not impair the integrated operation of the Minidoka project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.

(2) ALLOCATION OF STORAGE SPACE.—The Secretary shall provide an allocation to Burley of storage space in Minidoka Reservoir, American Falls Reservoir, and Palisades Reservoir, as described in Burley Contract Nos. 14–06–100–2455 and 14–06–W–48, subject to the obligation of Burley to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by the Bureau of Reclamation.

(d) PROJECT RESERVED POWER.—The Secretary shall continue to provide Burley with project reserved power from the Minidoka Reclamation Power Plant, Palisades Reclamation Power Plant, Black Canyon Reclamation Power Plant, and Anderson Ranch Reclamation Power Plant in accordance with the terms of the existing contracts, including any renewals thereof as provided in such contracts.

(e) SAVINGS.—

(1) Nothing in this Act or any transfer pursuant thereto shall affect the right of Minidoka Irrigation District to the joint use of the gravity portion of the Southside Canal, subject to compliance by the Minidoka Irrigation District with the terms and conditions of a contract between Burley and Minidoka Irrigation District, and any amendments or changes made by agreement of the irrigation districts.

(2) Nothing in this Act shall affect the rights of any person or entity except as may be specifically provided herein.

(f) LIABILITY.—Effective on the date of conveyance of the project facilities, described in section (1)(b)(1), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. 2671 et seq.

(g) COMPLETION OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall complete the conveyance under subsection (b) (including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) not later than 2 years after the date of enactment of this Act.

(2) REPORT.—The Secretary shall provide a report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within eighteen months from the date of enactment of this Act on the status of the transfer, any obstacles to completion of the transfer as provided in this section, and the anticipated date for such transfer.

Paragraph 1(c)(1) of the Committee amendment is modified to read as follows:

''(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

''(1) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District; and

''(2) that are for use on lands within the Burley Irrigation District; and

''(3) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of *Twin Falls Canal Company* v. *Charles N. Foster, et al.*, and commonly referred to as the ''Foster decree''.

''(B) Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

''(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.''

The amendment (No. 3044) was agreed to.

The committee amendment was agreed to.

The bill (S. 538), as amended, was passed, as follows:

S. 538

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVEYANCE OF FACILITIES.**

(a) DEFINITIONS.—In this section:

(1) BURLEY.—The term ''Burley'' means the Burley Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) DIVISION.—The term ''Division'' means the Southside Pumping Division of the Minidoka project, Idaho.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, without consideration or compensation except as provided in this section, convey to Burley, by quitclaim deed or patent, all right, title, and interest of the United States in and to acquired lands, easements, and rights-of-way of or in connection with the Division, together with the pumping plants, canals, drains, laterals, roads, pumps, checks, headgates, transformers, pumping plant substations, buildings, transmission lines, and other improvements or appurtenances to the land or used for the delivery of water from the headworks (but not the headworks themselves) of the Southside Canal at the Minidoka Dam and reservoir to land in Burley, including all facilities used in conjunction with the Division (including the electric transmission lines used to transmit electric power for the operation of the pumping facilities of the Division and related purposes for which the allocable construction costs have been fully repaid by Burley).

(2) COSTS.—The first $80,000 in administrative costs of transfer of title and related activities shall be paid in equal shares by the United States and Burley, and any additional amount of administrative costs shall be paid by the United States.

(c) WATER RIGHTS.—

(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(i) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District;

(ii) that are for use on lands within the Burley Irrigation District; and

(iii) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of Twin Falls Canal Company v. Charles N. Foster, et al., and commonly referred to as the ''Foster decree''.

(B) Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.

(2) ALLOCATION OF STORAGE SPACE.—The Secretary shall provide an allocation to Burley of storage space in Minidoka Reservoir, American Falls Reservoir, and Palisades Reservoir, as described in Burley Contract Nos. 14–06–100–2455 and 14–06–W–48, subject to the obligation of Burley to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by the Bureau of Reclamation.

(d) PROJECT RESERVED POWER.—The Secretary shall continue to provide Burley with project reserved power from the Minidoka Reclamation Power Plant, Palisades Reclamation Power Plant, Black Canyon Reclamation Power Plant, and Anderson Ranch Reclamation Power Plant in accordance with the terms of the existing contracts, including any renewals thereof as provided in such contracts.

(e) SAVINGS.—

(1) Nothing in this Act or any transfer pursuant thereto shall affect the right of Minidoka Irrigation District to the joint use of the gravity portion of the Southside Canal, subject to compliance by the Minidoka Irrigation District with the terms and conditions of a contract between Burley and Minidoka Irrigation District, and any amendments or changes made by agreement of the irrigation districts.

(2) Nothing in this Act shall affect the rights of any person or entity except as may be specifically provided herein.

(f) LIABILITY.—Effective on the date of conveyance of the project facilities, described in section (1)(b)(1), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. 2671 et seq.

(g) COMPLETION OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall complete the conveyance under subsection (b) (including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) not later than 2 years after the date of enactment of this Act.

(2) REPORT.—The Secretary shall provide a report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within eighteen months from the date of enactment of this Act on the status of the transfer, any obstacles to completion of the transfer as provided in this section, and the anticipated date for such transfer.

## FEDERAL POWER ACT AMENDMENT ACT OF 1997

The bill (H.R. 651) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## FEDERAL POWER ACT DEADLINE EXTENSION ACT OF 1997

The bill (H.R. 652) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## AUSABLE HYDROELECTRIC PROJECT ACT OF 1997

The bill (H.R. 848) to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## BEAR CREEK HYDROELECTRIC PROJECT ACT OF 1997

The bill (H.R. 1184) to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## FEDERAL POWER ACT DEADLINE EXTENSION ACT OF 1997

The bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## UNANIMOUS CONSENT AGREEMENT—S. 660

Mr. BURNS. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed to the consideration of Calendar No. 208, S. 660,

regarding University of Alaska public lands.

I ask unanimous consent that upon the consideration of the bill, the committee substitute be agreed to and considered as original text for the purpose of further amendment.

I further ask unanimous consent that the total debate time be limited to 6 hours equally divided between the chairman and the ranking member.

I further ask that the only amendments in order be the following: two relevant amendments offered by Senator BUMPERS; one relevant amendment offered by Senator MURKOWSKI.

I further ask consent that no second-degree amendments be in order, and following the expiration of time, and the disposition of any pending amendments, the bill be read a third time, and the Senate proceed to the vote on passage of the bill with no intervening action or debate.

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

## UNANIMOUS CONSENT AGREEMENT—S. 1092

Mr. BURNS. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed to the consideration of Calendar 218, S. 1092, regarding Cold Bay and King Cove.

I further ask consent that total debate time be limited to 6 hours equally divided between the chairman and the ranking member.

I further ask that the only amendments in order be the following: two relevant amendments offered by Senator BUMPERS; one relevant amendment offered by Senator MURKOWSKI.

I further ask consent that no second-degree amendments be in order, and that following expiration of the time and disposition of any pending amendments, the bill be read the third time, and the Senate proceed to vote on passage of the bill with no intervening action or debate.

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

## NATIONAL PEACE GARDEN LEGISLATIVE AUTHORITY CONSTRUCTION EXTENSION

Mr. BURNS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 731) to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 731) entitled ''An Act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That notwithstanding section 10(b) of Public Law 99–652 and section 1(a) of Public Law 103–321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.*

***SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.***

*Section 5 of the Act entitled ''An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes'', approved March 10, 1966 (Public Law 89–366; 16 U.S.C. 459g–4), is amended by inserting ''(a)'' after ''SEC. 5.'', and by adding at the end the following new subsection:*

*''(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the ''seashore''): Provided, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).*

*''(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—*

*''(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and*

*''(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.*

*''(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—*

*''(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or*

*''(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or*

*''(C) except in the case of an emergency, or to protect public health and safety.*

*''(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.*

*''(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.*

*''(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.''.*

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

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

## MARTIN LUTHER KING, JR. MEMORIAL

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 421, H.J. Res. 113, a joint resolution approving the location of the Martin Luther King, Jr. Memorial in the Nation's Capital, that the joint resolution be considered read three times, passed, and the motion to reconsider be laid upon the table, and that the preamble be agreed to with the above occurring without any intervening action or debate.

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

The joint resolution (H.J. Res. 113) was passed.

The preamble was agreed to.

Mr. WARNER. Mr. President, I rise to applaud the passage of this important legislation authorizing the placement of a Martin Luther King, Jr. Memorial in Area I of the Capital.

I would like to take this opportunity to recognize Senator SARBANES and Congresswoman MORELLA for the leadership they have both shown over the years we have worked together on legislation authorizing the establishment of a Martin Luther King, Jr. Memorial.

In 1996, Congress passed and the President signed legislation, also sponsored by Senator SARBANES and myself, authorizing the Alpha Phi Alpha Fraternity, the oldest predominantly African-American fraternity in the United States, to establish without cost to the federal government a memorial to Martin Luther King, Jr., in the District of Columbia.

The Alpha Phi Alpha fraternity wishes to honor Dr. King with a memorial in the nation's Capital as tangible recognition of his remarkable role in the history of our nation. Dr. King's message of nonviolence and freedom for all should be passed from generation to generation. A memorial in his name will be effective in helping us reach this important goal.

This legislation establishes the memorial in Area I, which consists of the Mall and environs. As you know, the Department of Interior, after consulting with the National Capital Memorial Commission, transmitted its formal recommendation that the memorial be located in Area I in a letter to the President of the Senate dated January 29, 1998.

Requirements contained in the Commemorative Works Act stipulate that the Department of Interior's recommendation regarding location of a memorial in Area I shall be disapproved if not enacted into law within 150 days of its transmittal to Congress. Therefore it was critical that the Senate consider and pass this legislation prior to that deadline.

# *Daily Digest*

HIGHLIGHTS

Senate passed Strom Thurmond National Defense Authorization Act.

Senate passed Military Construction Appropriations, 1999.

The House agreed to the conference report on H.R. 2676, IRS Restructuring and Reform Act.

The House passed H.R. 4112, Legislative Branch Appropriations Act.

House Committees ordered reported 16 sundry measures, including the following appropriations for fiscal year 1999: Interior and VA, HUD and Independent Agencies.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S7039–S7079*

Measures Introduced: Twenty two bills and two resolutions were introduced, as follows: S. 2215–2236, S.J. Res. 54, and S. Con. Res. 106.

**(See next issue.)**

Measures Reported: Reports were made as follows:

S. 627, to reauthorize the African Elephant Conservation Act. (S. Rept. No. 105–222)

S. 2090, to extend the authority of the Nuclear Regulatory Commission to collect fees through 2003. (S. Rept. No. 105–223)

S. 2095, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, with amendments. (S. Rept. No. 105–224)

S. 1482, to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors. (S. Rept. No. 105–225)

S. 1619, to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes. (S. Rept. No. 105–226)

H.R. 39, to reauthorize the African Elephant Conservation Act.

S. Res. 240, expressing the sense of the Senate with respect to democracy and human rights in the Lao People's Democratic Republic, with amendments.

S. 1976, 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, with an amendment in the nature of a substitute.

S. Con. Res. 97, expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan, with amendments. **(See next issue.)**

Measures Passed:

*Congressional Adjournment:* Senate agreed to H. Con. Res. 297, providing for an adjournment of both Houses. **(See next issue.)**

*Strom Thurmond National Defense Authorization Act for Fiscal Year 1999:* By 88 yeas to 4 nays (Vote No.181), Senate passed S. 2057, to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on amendments proposed thereto, as follows: **Pages S7039–50, S7057–78 (continued next issue)**

Adopted:

By 48 yeas to 45 nays (Vote No. 174), Inhofe Amendment No. 2981, to modify the restrictions on the general authority of the Department of Defense

regarding the closure and realignment of military installations, and to express the sense of the Congress on further rounds of such closures and realignments. **Pages S7039, S7042–46**

Dodd Amendment No. 3004, to require actions to eliminate the backlog of unpaid retired pay for members and former members of the Army. **Pages S7057–58**

Murray/Murkowski/Sarbanes Amendment No. 3005, relating to burial honors for deceased veterans. **Pages S7058–60**

Gramm Amendment No. 3010, to permit recipients of Naval Reserve Officers' Training Corps scholarships to attend the participating college or university of their choice. **(See next issue.)**

Faircloth Modified Amendment No. 3014, to authorize funds for the construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina. **(See next issue.)**

Thurmond/Levin Amendment No. 3015, to increase the percent by which the rates of basic pay are to be increased. **(See next issue.)**

Burns Amendment No. 2728, to improve the quality of life for members of the Armed Forces by authorizing additional military construction and military family housing projects. **(See next issue.)**

Warner/Levin/Lott/Daschle Amendment No. 3016, to name the bill in honor of Senator Strom Thurmond. **(See next issue.)**

Thurmond (for Coats) Amendment No. 2823, to require the Director of the Federal Emergency Management Agency to carry out a program of assistance for State and local governments to ensure the preparedness of those governments to respond to potential emergencies resulting from the destruction of lethal chemical agents and munitions. **(See next issue.)**

Levin (for Biden) Modified Amendment No. 2867, to make available $30,000,000 for the Initiatives for Proliferation Prevention program and $30,000,000 for the so-called ''nuclear cities'' initiative. **(See next issue.)**

Thurmond (for Stevens) Modified Amendment No. 2909, to require the Secretary of Defense to provide new incentives for retention of personnel for critical military specialties. **(See next issue.)**

Levin (for Mikulski) Modified Amendment No. 2791, to require the Secretary of the Navy to carry out a vessel scrapping pilot program. **(See next issue.)**

Thurmond (for Thomas/Enzi) Amendment No. 3017, to authorize $13,584,000 for the construction of a Combined Support Maintenance Shop for the Army National Guard at Camp Guernsey, Wyoming. **(See next issue.)**

Levin (for Harkin) Amendment No. 3018, to increase by $10,000,000 the total amount authorized to be appropriated for research and development relating to Persian Gulf illnesses, and to offset the increase by reducing the amount under title II for the Army Commercial Operations and Support Savings Program by $10,000,000. **(See next issue.)**

Thurmond (for DeWine) Amendment No. 3019, to reauthorize a land conveyance of the Army Reserve Center, Youngstown, Ohio. **(See next issue.)**

Levin (for Dodd) Amendment No. 3020, to make available certain funds from the defense health programs for research and surveillance activities relating to Lyme disease and other tick-borne diseases. **(See next issue.)**

Thurmond (for Brownback) Amendment No. 2904, to express the sense of the Senate regarding the August 1995 assassination attempt against President Shevardnadze of Georgia. **(See next issue.)**

Levin (for Rockefeller) Amendment No. 3021, to make funds available for the DOD/VA Cooperative Research Program. **(See next issue.)**

Warner (for Domenici/Bingaman) Amendment No. 3022, relating to activities of the contractor-operated facilities of the Department of Energy. **(See next issue.)**

Levin (for Wyden/Smith of Oregon) Amendment No. 3023, relating to Department of Defense aviation accident investigations. **(See next issue.)**

Thurmond (for Smith of Oregon) Amendment No. 2783, to provide for the issuance of burial flags to deceased members and former members of the Selected Reserve. **(See next issue.)**

Levin (for Durbin) Modified Amendment No. 2923, to require the Assistant Secretary of Defense for Health Affairs to revise the TRICARE policy manual to clarify that rehabilitative services are available to a patient for a head injury under certain circumstances. **(See next issue.)**

Warner (for Thurmond) Amendment No. 3024, to enable the Secretary of Energy to set a maximum age at which new couriers may enter the Department of Energy's nuclear materials courier force and to provide early retirement programs for the Department's nuclear materials couriers. **(See next issue.)**

Warner (for Jeffords/Leahy) Amendment No. 3025, to require a review and report regarding the distribution of National Guard resources among States. **(See next issue.)**

Levin (for Wellstone) Amendment No. 3026, to provide health benefits for abused dependents of members of the armed forces. **(See next issue.)**

Levin (for Wyden/Grassley) Amendment No. 3027, to eliminate secret Senate holds. **(See next issue.)**

Warner (for Domenici/Bingaman) Amendment No. 3028, to provide funds for research, development, test, and evaluation for the Low Cost Launch Development Program. **(See next issue.)**

Levin (for Durbin) Amendment No. 3029, to require efforts to continue to increase defense burdensharing by allies. **(See next issue.)**

Warner (for Sessions) Amendment No. 2907, to require the Secretary of Energy to select the technology to be used for tittium production by December 31, 1998. **(See next issue.)**

Warner (for Graham/Bennett) Amendment No. 3030, to add findings and additional items for the report on the continuity of essential operations at risk of failure because of computer systems that are not year 2000 compliant. **(See next issue.)**

Warner/Santorum Amendment No. 3031, to modify the requirements relating to reports on the transferability of functions of the Defense Automated Printing Service. **(See next issue.)**

Levin (for Sarbanes) Modified Amendment No. 2792, to provide funds for emergency repairs and stabilization measures at the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, Maryland. **(See next issue.)**

Warner (for Santorum) Amendment No. 3032, to increase funds for procurement of M888, 60-millimeter, high-explosive munitions for the Marine Corps. **(See next issue.)**

Warner (for Santorum) Amendment No. 3033, relating to the pharmacy benefit available under the health care demonstration projects with respect to medicare-eligible beneficiaries of the military health care system. **(See next issue.)**

Levin (for Dorgan/Conrad) Amendment No. 3034, to modify the land conveyance authority with respect to Finley Air Force Station, Finley, North Dakota. **(See next issue.)**

Warner (for Hutchinson) Modified Amendment No. 2976, to express the sense of the Congress that significant funds be directed towards broadcasting to China and Tibet in appropriate languages and dialects. **(See next issue.)**

Levin (for Biden/Levin) Amendment No. 3035, to require a report on the peaceful employment of former Soviet experts on weapons of mass destruction. **(See next issue.)**

Warner (for Kyl/Murkowski) Amendment No. 3036, to require a study on effective deployment of theater missile defense systems in the Asia-Pacific region. **(See next issue.)**

Warner (for Bingaman/Domenici) Amendment No. 3037, to require the submission of a plan and design relating to the relocation of the National Atomic Museum in Albuquerque, New Mexico. **(See next issue.)**

Warner (for Murkowski) Amendment No. 3038, to require a report on the cooperation between the Department of the Army and the Environmental Protection Agency in meeting Chemical Weapons Convention requirements to destroy the U.S. chemical stockpile. **(See next issue.)**

Levin (for Byrd) Amendment No. 3039, to amend title 10, United States Code, with respect to the administration of certain drugs to members of the Armed Forces without the informed consent of the members. **(See next issue.)**

Warner (for Hutchison) Amendment No. 3040, to authorize the conveyance of utility systems at Lone Star Army Ammunition Plant, Texas. **(See next issue.)**

Warner (for Murkowski) Amendment No. 3041, to require a report recommending alternative means for a small disadvantaged business refiner to fulfill its contractual obligations. **(See next issue.)**

Rejected:

By 18 yeas to 74 nays (Vote No. 173), Wellstone/Boxer Amendment No. 2902, to provide funds for the Child Development Program of the Department of Defense. **Pages S7040–42**

By 38 yeas to 55 nays (Vote No. 175), Harkin/Wellstone Amendment No. 2982, to authorize a transfer of funds from the Department of Defense to the Department of Veterans Affairs for health care. **Pages S7039, S2946–47**

By 44 yeas to 49 nays (Vote No. 176), Murray/Snowe Amendment No. 2794, to repeal the restriction on the use of Department of Defense facilities for abortions. **Pages S7060–66, S7075–76**

Reid Amendment No. 3009, relating to the withdrawal of lands at the Juniper Butte Range, Idaho, for use by the Secretary of the Air Force. (By 49 yeas to 44 nays (Vote No. 177), Senate tabled the amendment.) **Pages S7066–75, S7076–77**

By 20 yeas to 72 nays (Vote No. 178) Feingold Amendment No. 2808, to terminate the Extremely Low Frequency Communication System program of the Navy. **(See next issue.)**

By 19 yeas to 73 nays (Vote No. 179) Bumpers/Feingold Amendment No. 3012, to limit the obligation of advance procurement funds for the F–22 aircraft program. **(See next issue.)**

By 39 yeas to 53 nays (Vote No. 180) Byrd Amendment No. 3011 (to Amendment No. 3010), to require separate training platoons and separate housing for male and female basic trainees, and to ensure after-hours privacy for basic trainees. **(See next issue.)**

*Energy National Security:* Senate passed S. 2058, to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 2057, National Defense Authorizations, as amended. **(See next issue.)**

*Military Construction Authorizations:* Senate passed S. 2059, to authorize appropriations for fiscal year 1999 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 2057, National Defense Authorizations, as amended. **(See next issue.)**

*National Defense Authorizations:* Senate passed S. 2060, to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 2057, National Defense Authorizations, as amended. **(See next issue.)**

A unanimous-consent agreement was reached with respect to further consideration of S. 2057, S. 2058, S. 2059, and S. 2060 (all listed above as passed by the Senate), that if the Senate receives a message from the House of Representatives with respect to any of those bills, that the Senate be deemed to have disagreed to the amendment or amendments to the Senate-passed bill, that the Senate agree to or request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **(See next issue.)**

*National Defense Authorizations:* Senate passed H.R. 3616, to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2057, as amended. **(See next issue.)**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Thurmond, Warner, McCain, Coats, Smith (New Hampshire), Kempthorne, Inhofe, Santorum, Snowe, Roberts, Levin, Kennedy, Bingaman, Glenn, Byrd, Robb, Lieberman, and Cleland. **(See next issue.)**

*Military Construction Appropriation, 1999:* Senate passed H.R. 4059, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2160, Senate companion measure, and after taking action on the following amendments proposed thereto: **(See next issue.)**

Burns Amendment No. 3045, to adjust appropriations for Navy military construction, Air Force family housing construction, and Defense-Wide military construction to accommodate the authorizations of appropriations for such construction for fiscal year 1999. **(See next issue.)**

Burns (for Thomas/Enzi) Amendment No. 3046, to increase the appropriation for military construction for the Army National Guard and to decrease the appropriation for military construction for the Army Reserve. **(See next issue.)**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees: Senators Burns, Hutchison, Faircloth, Craig, Stevens, Murray, Reid, Inouye, and Byrd. **(See next issue.)**

*Commending the Library of Congress:* Senate agreed to S. Con. Res. 106, to commend the Library of Congress for 200 years of outstanding service to Congress and the Nation, and to encourage activities to commemorate the bicentennial anniversary of the Library of Congress. **(See next issue.)**

*Alaska Land Exchange:* Senate passed S. 1158, to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Burns (for Murkowski) Amendment No. 3042, of a technical nature. **(See next issue.)**

*Alaska Land Exchange:* Senate passed S. 1159, to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Burns (for Murkowski) Amendment No. 3043, relating to the Kake Tribal Corporation land exchange. **(See next issue.)**

*Alaska Hydroelectric Project:* Senate passed S. 439, to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, after agreeing to committee amendments. **(See next issue.)**

*Hawaii Hydroelectric Project:* Senate passed S. 846, to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii. **(See next issue.)**

*Wyoming Land Conveyance:* Senate passed S. 799, to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land

comprising the Steffens family property, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

*Wyoming Land Conveyance:* Senate passed S. 814, to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

*California Land Conveyance:* Senate passed H.R. 960, to validate certain conveyances in the City of Tulare, Tulare County, California, clearing the measure for the President. **(See next issue.)**

*Minidoka Project Conveyance:* Senate passed S. 538, to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Burns (for Craig) Amendment No. 3044, to modify the committee amendment relating to land transfer. **(See next issue.)**

*Washington State Hydroelectric Project:* Senate passed H.R. 651, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, clearing the measure for the President. **(See next issue.)**

*Washington State Hydroelectric Project:* Senate passed H.R. 652, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, clearing the measure for the President. **(See next issue.)**

*New York Hydroelectric Project:* Senate passed H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the Au-Sable Hydroelectric Project in New York, clearing the measure for the President. **(See next issue.)**

*Washington State Hydroelectric Project:* Senate passed H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, clearing the measure for the President. **(See next issue.)**

*Washington State Hydroelectric Project:* Senate passed H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, clearing the measure for the President. **(See next issue.)**

*Martin Luther King Memorial Location:* Senate passed H.J. Res. 113, approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital, clearing the measure for the President. **(See next issue.)**

*National Underground Railroad Network to Freedom:* Committee on Energy and Natural Resources was discharged from further consideration of H.R. 1635, to establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and the bill was then passed, clearing the measure for the President. **Page S7078**

National Peace Groud Memorial: Senate concurred in the amendment of the House to S. 731, to extend the legislative authority for construction of the National Peace Garden memorial, clearing the measure for the President. **(See next issue.)**

Higher Education Act Reauthorization—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1882, to reauthorize the Higher Education Act of 1965, with a committee amendment in the nature of a substitute, and certain amendments to be proposed thereto. **(See next issue.)**

Alaska Land Conveyance—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of S. 660, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, with an amendment in the nature of a substitute, and certain amendments to be proposed thereto. **(See next issue.)**

Alaska Land Transfer Agreement: A unanimous-consent time-agreement was reached providing for the consideration of S. 1092, to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and certain amendments to be proposed thereto. **(See next issue.)**

Nominations—Agreement: A unanimous-consent agreement was reached providing for the consideration of the nominations of A. Howard Matz, of California, to be United States District Judge for the Central District of California, and Victoria A. Roberts, of Michigan, to be United States District Judge for the Eastern District of Michigan, on Friday, June 26, 1998, with votes to occur thereon. **(See next issue.)**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled "Science and Engineering Indicators—1998"; referred to the Committee on Commerce, Science, and Transportation. (PM–141). **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

Mary Anne Sullivan, of the District of Columbia, to be General Counsel of the Department of Energy.

Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife.

Michael S. Dukakis, of Massachusetts, to be a Member of the Reform Board (AMTRAK) for a term of five years.

John Robert Smith, of Mississippi, to be a Member of the Reform Board (AMTRAK) for a term of five years.

Tommy G. Thompson, of Wisconsin, to be a Member of the Reform Board (AMTRAK) for a term of five years.

52 Air Force nominations in the rank of general.

30 Army nominations in the rank of general.

10 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S7078–79**

Nomination Received: Senate received the following nomination:

David O. Carter, of California, to be United States District Judge for the Central District of California. **Page S7078**

Messages From the President: **(See next issue.)**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Placed on Calendar: **(See next issue.)**

Communications: **(See next issue.)**

Petitions: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Statements on Introduced Bills: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Authority for Committees: **(See next issue.)**

Additional Statements: **(See next issue.)**

Record Votes: Nine record votes were taken today. (Total—181) **Pages S7042, S7046, S7047, S7076, S7077**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 11:28 p.m., until 9:30 a.m., on Friday, June 26, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7078.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Agriculture, Nutrition, and Forestry:* Committee ordered favorably reported an original bill to authorize funds through fiscal year 2003 for programs of the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, and to simplify program operations and improve program management.

## BUSINESS MEETING

*Committee on Appropriations:* Committee ordered favorably reported the following bills:

An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999; and

An original bill making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1999.

## NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported 678 military nominations in the Army, Navy, Marine Corps, and Air Force.

## BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the following business items:

S. 1283, to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas;

An original bill entitled "International Anti-Bribery Act"; and

The nominations of Michael J. Copps, of Virginia, to be Assistant Secretary for Trade Development, and Awilda R. Marquez, of Maryland, to be Assistant Secretary, and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce.

## FINANCIAL SERVICES COMPETITIVENESS ACT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings on H.R. 10, to enhance competition in the financial services industry

by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, after receiving testimony from Julie L. Williams, Acting Comptroller of the Currency, and Ellen Seidman, Director, Office of Thrift Supervision, both of the Department of the Treasury; Arthur Levitt, Chairman, Securities and Exchange Commission; Donna Tanoue, Chairman, Federal Deposit Insurance Corporation; Timothy R. McTaggart, Dover, Delaware, on behalf of the Conference of State Bank Supervisors; George Nichols III, Shelbyville, Kentucky, on behalf of the National Association of Insurance Commissioners; and Denise Voigt Crawford, on behalf of the North American Securities Administrators Association, and James L. Pledger, on behalf of the American Council of State Savings Supervisors, both of Austin, Texas.

## NOMINATION

*Committee on Energy and Natural Resources:* Committee ordered favorably reported the nomination of William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission.

Prior to this action, committee concluded hearings on the nomination of Mr. Massey, after the nominee, who was introduced by Senator Bumpers, testified and answered questions in his own behalf.

## UTAH LAND EXCHANGE

*Committee on Energy and Natural Resources:* Subcommittee on Forests and Public Land Management concluded hearings on S. 2146 and H.R. 3830, bills to provide for the exchange of Utah School Trust lands located within Utah's national parks, monuments, recreation areas, and forests for cash and federal assets in other parts of Utah, after receiving testimony from Senators Hatch and Bennett; Representatives Cook and Cannon; John D. Leshy, Solicitor, Department of the Interior; Utah Governor Michael O. Leavitt, David T. Terry, Utah School and Institutional Trust Lands Administration, John L. Watson, Utah State Board of Education, Paula Plant, Utah Congress of Parents and Teachers, and Roger P. Pinkerton, Conoco Inc., all of Salt Lake City, Utah; Emery County Commissioner Randy G. Johnson, Castle Dale, Utah, on behalf of the Utah Association of Counties Public Lands Oversight Committee; Garfield County Commissioner Louise Liston, Escalante, Utah; Kane County Commissioner Joe Judd, Kanab, Utah; and William H. Meadows, Wilderness Society, Washington, D.C.

## CHINA MISSILE PROLIFERATION

*Committee on Foreign Relations:* Committee held closed hearings to examine Chinese missile proliferation issues, receiving testimony from John Lauder, Special Assistant to the Director of Central Intelligence for Nonproliferation.

Hearings were recessed subject to call.

## DUAL-USE TECHNOLOGY EXPORT LICENSING PROCESS

Committee on Governmental Affairs: Committee concluded hearings to examine the Defense Technology Security Administration's role in the licensing process for the export of dual-use technologies to foreign countries, after receiving testimony from Peter M. Leitner, Senior Strategic Trade Advisor, Defense Technology Security Administration, and Franklin C. Miller, Principal Deputy Assistant Secretary for Strategy and Threat Reduction, both of the Department of Defense.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 1976, 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, with an amendment in the nature of a substitute; and

The nominations of John D. Kelly, of North Dakota, to be United States Circuit Judge for the Eighth Circuit, Raner Christercunean Collins, to be United States District Judge for the District of Arizona, Robert G. James, to be United States District Judge for the Western District of Louisiana, Dan A. Polster, to be United States District Judge for the Northern District of Ohio, and Ralph E. Tyson, to be United States District Judge for the Middle District of Louisiana.

Also, committee continued markup of S.J. Res. 44, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, but did not complete action thereon and recessed subject to call.

## JUDGESHIP ALLOCATION

*Committee on the Judiciary:* Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the appropriate allocation of judgeships in the United States Court of Appeals for the Seventh Circuit, after receiving testimony from Richard A. Posner, Chief Judge, Seventh Circuit Court of Appeals; and William R. Quinlan, Quinlan & Crisham, Chicago, Illinois.

HEALTH INSURANCE COVERAGE FOR 55- TO 64-YEAR-OLDS

*Committee on Labor and Human Resources:* Committee concluded hearings to examine a report entitled Private Health Insurance: Declining Employer Coverage May Affect Access for 55-to 64-Year-Olds, which addresses the employment, income, health, and health insurance status of the near elderly population, and their ability to obtain employer-based health insurance if they retire before becoming eligible for Medicare, and proposed legislation to expand access to health coverage for certain uninsured Americans aged 55–64 who are not yet eligible for Medicare, after receiving testimony from Senator Daschle; William J. Scanlon, Director, Health Financing and Systems Issues, Health, Education, and Human Services Division, General Accounting Office; C. Keith Campbell, Seward, Alaska, on behalf of the American Association of Retired Persons; Paul Fronstin, Employee Benefit Research Institute, and Charles N. Kahn III, Health Insurance Association of America, both of Washington, D.C.; David Shactman, Institute for Health Policy/Brandeis University, Waltham, Massachusetts; and Teresa DeRuiter, Milwaukee, Wisconsin.

# House of Representatives

## *Chamber Action*

Bills Introduced: 55 public bills, H.R. 4138–4192; and 6 resolutions, H.J. Res. 124–125, H. Con. Res. 297, and H. Res. 495–497 were introduced.

**Pages H5402–04**

Reports Filed: Reports were filed as follows:

H.R. 2795, to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir, amended (H. Rept. 105–604);

H.R. 3682, to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions, amended (H. Rept. 105–605);

H.R. 3748, to amend the Federal Election Campaign Act of 1971 to authorize appropriations for the Federal Election Commission for fiscal year 1999. (H. Rept. 105–606); and

H. Res. 392, relating to the importance of Japanese American relations and the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment, thereby making a more effective contribution to leading the Asian region out of its current financial crisis, insuring against a global recession, and reinforcing regional stability and security, amended (H. Rept. 105–607, Part 1). **Page H5402**

Independence Day District Work Period: The House agreed to H. Con. Res. 297, providing for adjournment of the House and Senate for the Independence Day district work period. **Page H5330**

Earlier the House agreed to H. Res. 491, the rule that provided for consideration of the concurrent resolution by a yea and nay vote of 225 yeas to 188 nays, Roll No. 267. **Pages H5302–03, H5329–30**

Treasury, Postal Service Appropriations Act: By a recorded vote of 125 ayes to 291 noes, Roll No. 268, the House failed to agree to H. Res. 485, the rule to provide for consideration of H.R. 4104, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999,

**Pages H5307–15, H5330–31**

Legislative Branch Appropriations Act: The House passed H.R. 4112, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, by a yea and nay vote of 235 yeas to 179 nays, Roll No. 272. **Pages H5332–52**

By a yea and nay vote of 192 yeas to 222 nays, Roll No. 271, rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment to reduce ''Committee Employees Standing Committees, Special and Select'' funding by $8.3 million. **Pages H5350–51**

Agreed To:

The Farr amendment that clarifies that $100,000 shall be made available for the Office Waste Recycling Program; and **Pages H5348–49**

The Gutierrez amendment that mandates the establishment of a energy conservation plan, thus bringing Congress into compliance with the energy efficiency standards established under the Energy Policy Relief Act of 1992. **Pages H5349–50**

A point of order was sustained against Section 108, dealing with transit programs. **Pages H5347–48**

H. Res. 489, the rule that provided for consideration of the bill, was agreed to by a recorded vote

of 228 ayes to 188 noes, Roll No. 270. Earlier, agreed to order the previous question by a yea and nay vote of 222 yeas to 194 nays, Roll No. 269.

**Pages H5315–29, H5331–32**

Member Sworn: Representative-elect Heather Wilson of New Mexico presented herself in the well of the House and was administered the oath of office by the Speaker. **Page H5352**

IRS Restructuring and Reform Act Conference Report: The House agreed to the conference report on H.R. 2676, to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, by a recorded vote of 402 ayes to 8 noes, Roll No. 273. **Pages H5352–68**

Rejected the McDermott motion to recommit the conference report with instructions to managers on the part of the House to disagree to section 5001, relating to lower capital gains rates to apply to property held more than 1 year by a yea and nay vote of 116 yeas to 292 nays, Roll No. 273.

**Pages H5367–68**

H. Res. 490, the rule that waived points of order against the conference report accompanying the bill, was agreed to earlier by a voice vote. **Pages H5304–07**

Late Reports: The Committee on Appropriations received permission to have until midnight on Wednesday, July 8, to file reports on bills making appropriations for the Department of the Interior and Related Agencies; and making appropriations for the Department of Veterans Affairs, HUD, and sundry agencies. **Page H5369**

Legislative Program: Representative Solomon announced the legislative program for the week of July 13. **Pages H5369–70**

Honoring the Berlin Airlift: The House agreed to H. Con. Res. 230, amended, honoring the Berlin Airlift. Earlier, agreed by unanimous consent to technical amendments offered by Mr. Hefley.

**Pages H5385–86**

Child Support Performance and Incentive Act: The House agreed to the Senate amendments to H.R. 3130, to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, with House amendments.

**Pages H5370–85**

Private Non-Profit Food Bank Volunteers: The House passed H.R. 3152, amended, to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938. Earlier, agreed by unanimous consent to the amendment in the nature of a substitute offered by Mr. Ballenger. **Pages H5386–87**

Emancipation of African slaves in the Danish West Indies now the United States Virgin Islands: The House agreed to H. Res. 495, relating to the recognition of the connection between the emancipation of African slaves in the Danish West Indies, now the United States Virgin Islands, to the American Declaration of Independence from the British Government. **Pages H5387–88**

Presidential Message—Science and Engineering Indicators: Read a message from the President wherein he transmitted the Science and Engineering Indicators of 1998 report of the National Science Board—referred to the Committee on Science.

**Page H5388**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 14, 1998. **Page H5388**

Resignations and Appointments: Agreed that notwithstanding any adjournment of the House until Tuesday, July 14, 1998, the Speaker, Majority Leader, and Minority Leader, be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H5389**

Calendar Wednesday: Agreed that business in order under the Calendar Wednesday rule be dispensed with on July 15. **Page H5389**

Senate Message: Messages received from the Senate today appear on pages H5299 and H5392.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5406–08.

Quorum Calls—Votes: Five yea and nay votes, and three recorded votes developed during the proceedings of the House today and appear on pages H5329–30, H5330–31, H5331–32, H5332, H5351, H5351–52, H5367–68, and H5368. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and pursuant to the provisions of H. Con. Res. 297, adjourned at 7:33 p.m., until July 14.

# *Committee Meetings*

## FOOD QUALITY PROTECTION ACT—IMPLEMENTATION

*Committee on Agriculture:* Subcommittee on Department Operations, Nutrition, and Foreign Agriculture held a hearing to review the implementation of the Food Quality Protection Act. Testimony was heard from Richard Rominger, Deputy Secretary, USDA;

Fred Hansen, Deputy Administrator, EPA; Jean-Mari Peltier, Chief Deputy Director, Environmental Protection Agency, Department of Pesticide Regulation, State of California; and public witnesses.

## AGRICULTURAL EXPORT PROGRAMS ADMINISTRATION'S USE

*Committee on Agriculture:* Subcommittee on General Farm Commodities held a hearing to review the Administration's use of agricultural export programs. Testimony was heard from Representative Hill and August Schumacher, Jr., Under Secretary, Farm and Foreign Agricultural Services, USDA.

## INTERIOR AND VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Ordered reported the following appropriations for fiscal year 1999: Interior and VA, HUD and Independent Agencies.

## HOMEOWNERS' INSURANCE AVAILABILITY ACT

*Committee on Banking and Financial Services:* Began markup of H.R. 219, Homeowners' Insurance Availability Act of 1997.

Will continue July 15.

## ELECTRONIC COMMERCE

*Committee on Commerce:* Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Electronic Commerce: Consumer Protection in Cyberspace. Testimony was heard from Eileen Harrington, Associate Director, Division of Marketing Practices, Bureau of Consumer Protection, FTC; Shirley Sarna, Assistant Attorney General, Bureau of Consumer Frauds and Protection, State of New York; and public witnesses.

## IMPEDIMENTS TO UNION DEMOCRACY

*Committee on Education and the Workforce:* Subcommittee on Employer-Employee Relations continued hearings on Impediments to Union Democracy, Part II: Right to Vote in the Carpenter's Union? Testimony was heard from public witnesses.

## NIGERIA—PROSPECTS FOR DEMOCRACY

*Committee on International Relations:* Held a hearing on Prospects for Democracy in Nigeria. Testimony was heard from Susan Rice, Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Subcommittee on Crime held a hearing on the following bills; H.R. 4100, Free Market Prison Industries Reform Act of 1998; and H.R. 2758, Federal Prison Industries Competition in Contracting Act of 1997. Testimony was heard from the following officials of the Bureau of Prisons, Department of Justice: Kathleen Hawk Sawyer, Director; and Steve Schwalb, Assistant Director; Michael J. Sullivan, Secretary, Department of Corrections, State of Wisconsin; and public witnesses.

## RADIATION WORKERS JUSTICE ACT

*Committee on the Judiciary:* Subcommittee on Immigration held a hearing on H.R. 3539, Radiation Workers Justice Act of 1998. Testimony was heard from Representative Redmond; Donald M. Remy, Deputy Assistant Attorney General, Civil Division, Department of Justice; Lawrence J. Fine, M.D., Director, Division of Surveillance, Hazard Evaluations and Field Studies, National Institute for Occupational Safety and Health, Center for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

## OVERSIGHT—FOREST SERVICE TRAINING

*Committee on Resources:* Subcommittee on Forests and Forest Health held an oversight hearing on Forest Service Training. Testimony was heard from Ron Stewart, Deputy Chief, Programs and Legislation, Forest Service, USDA.

## MISCELLANEOUS MEASURES OVERSIGHT—AUBURN DAM SITE;

*Committee on Resources:* Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 4111, amended, to provide for outlet modifications to Folsom Dam, a study for reconstruction of the Northfork American River Cofferdam, and the transfer to the State of California all right, title, and interest in and to the Auburn Dam; H.R. 1282, amended, to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation district; H.R. 1943, amended, to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; H.R. 3056, to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project; H.R. 3687, amended, to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas; and H.R. 4048, amended, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District.

The Subcommittee held an oversight hearing on the status of the Auburn Dam Site and the potential to transfer the Federal interest to the State of California. Testimony was heard from John Zirschky, Acting Assistant Secretary of the Army, Civil

Works, Department of Defense; and public witnesses.

## OVERSIGHT—CHINA: DUAL-USE SPACE TECHNOLOGY

*Committee on Science:* Held an oversight hearing on China: Dual-Use Space Technology. Testimony was heard from public witnesses.

## WOMEN'S SMALL BUSINESS EXPANSION ACT

*Committee on Small Business:* Ordered reported H.R. 4078, Women's Small Business Expansion Act of 1998.

## MISCELLANEOUS MEASURES; RESOLUTIONS

*Committee on Transportation and Infrastructure:* Ordered reported the following bills: H.R. 2379, to designate the Federal building and U.S. courthouse located at 251 North Main Street in Winston-Salem, NC, as the "Hiram H. Ward Federal Building and United States Courthouse"; H.R. 2787, amended, to designate the United States courthouse located in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse"; H.R. 3696, amended, to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse"; H.R. 3982, amended, to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; H.R. 3223, to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building"; S. 1800, to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse"; Corps of Engineers Survey Resolutions; NRCS Small Watershed Project Resolutions; H.R. 3869, amended, Disaster Mitigation Act of 1998; H.R. 4058, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration; H.R. 2748, amended, Airline Service Improvement Act; and H.R. 4057, amended, Airport Improvement Program Reauthorization Act of 1998.

The Committee approved the following resolutions: 12 Public Building; 9 construction; 1 advance design; 2 repair and alteration; 9 Corps of Engineers Survey; and 2 NRCS Small Watershed Project.

The Committee also approved pending Committee business.

## OVERSIGHT

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing of the U.S. Role in the International Maritime Organization. Testimony was heard from Rear Adm. Robert C. North, USCG, Assistant Commandant, Marine Safety, U.S. Coast Guard, Department of Transportation; and public witnesses.

## FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT; TRADE MEASURES

*Committee on Ways and Means:* Ordered reported amended H.R. 3249, Federal Retirement Coverage Corrections Act.

The Committee adversely reported the following measures: H.J. Res. 120, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; and H.J. Res. 121, disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China.

# NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D690*)

H.R. 1847, to improve the criminal law relating to fraud against consumers. Signed June 23, 1998. (P.L. 105–184)

S. 1150, to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs. Signed June 23, 1998. (P.L. 105–185)

S. 1900, to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action. Signed June 23, 1998. (P.L. 105–186)

H.R. 3811, to establish felony violations for the failure to pay legal child support obligations. Signed June 24, 1998. (P.L. 105–187)

# COMMITTEE MEETINGS FOR FRIDAY, JUNE 26, 1998

## Senate

No meetings are scheduled.

## House

*Committee on International Relations,* Subcommittee on International Operations and Human Rights, hearing on Human Rights in China, 10:30 a.m., 2172 Rayburn.

*Next Meeting of the* SENATE

9:30 a.m., Friday, June 26

Senate Chamber

Program for Friday: After the recognition of four Senators for speeches and the transaction of any morning business (not to extend beyond 10:10 a.m.), Senate will consider the nominations of A. Howard Matz, of California, to be U.S. District Judge for the Central District of California, and Victoria A. Roberts, of Michigan, to be United States District Judge for the Eastern District of Michigan, with votes to occur thereon.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, July 14

House Chamber

Program for Tuesday: To be announced.

## Extensions of Remarks, as inserted in this issue

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