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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

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.

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.

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

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.

[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.

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.

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.

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''.

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''.

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.

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.