The Senate met at 9 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

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

Gracious Lord, You have loved, forgiven, and cared for us. In Your holy presence, any self-sufficiency fades like a candlelight before the rising sun. Awaken us again to the wonder of Your unqualified grace. May the radiance of Your Spirit invade our hearts, vanishing all the gloom and darkness of worry and fear and anxiety.

Father, set us free to do our work today with joy and gladness. The people in our lives desperately need Your love. Liberate us with the sure knowledge of Your unfailing love so that we will be able to be free to love selflessly. Speak to us now so that we may be energized with new life and new power. We claim this in the assurance of Your love divine, all loves excelling! Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. THOMAS. Thank you, Mr. President.

SCHEDULE
Mr. THOMAS. Mr. President, on behalf of the majority leader, I will lay out the plan for today.

This morning, the Senate will be in a period for morning business until 9:30 a.m. Following morning business, under a previous order, the Senate will begin consideration of the Department of Defense appropriations bill. All Members are encouraged to come to the floor early during today’s session to offer and debate any amendments to the defense bill. The first votes of today’s session will occur in a stacked series beginning at approximately 2 p.m. These votes will include any remaining amendments to the Treasury appropriations bill and possibly several amendments to the defense bill. Members should expect votes late into the evening during today’s session, as the Senate attempts to complete action on the defense bill.

I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered. The Senator is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY and Mr. HAGEL pertaining to the introduction of S. 2371 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. HAGEL. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

(The remarks of Mr. THOMAS, Mr. CRAIG and Mr. ROBERTS pertaining to the introduction of S. 2371 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

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

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RECOGNITION OF THE Acting MAJORITY LEADER
The PRESIDENT pro tempore. The able acting majority leader is recognized.

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DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999
The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the defense appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2132) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR
Mr. STEVENS. Mr. President, I have given the clerk a list of staff members. I ask unanimous consent that these staff members associated with our presentation of the bill be allowed the privilege of the floor during consideration of the defense bill.

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

The list is as follows:

Sid Ashworth, Tom Hawkins, Susan Hogan, Mary Marshall, Gary Reese, John Young, James Hayes, Justin Weddle, Carolyn Willis, Jennifer Stiefel, Frank Barca, and Kristin Isett.

Mr. STEVENS. Mr. President, the Senate begins consideration today of the 1999 Defense appropriations bill, to fund the military activities of the Department of Defense for the upcoming fiscal year.

This bill provides $250.5 billion in new budget authority for 1999, an increase of $2.3 billion over the amount appropriated in 1998.

The committee reported this bill on June 4th. Unforeseen circumstances delayed the consideration of the bill, but I believe it is vital that we pass the Defense funding bill prior to the recess.

The military must know how much money it will have to meet critical
The changes adopted by Congress in 1986 reflected the cold war priority of attracting men and women to serve a full 30-year career in the Armed Forces. Our victory in the cold war led to a wrenching realignment of the force, and radically new priorities. There is great pressure today for individuals to spend only 20 years in active service. The revised retirement plan puts them at an unfair, and unacceptable disadvantage, as compared to serving a full 30 years.

It is my intent to work with the Pentagon to fully accommodate the readiness and modernization priorities of the Joint Chiefs.

For 1999, the committee received a budget proposal consistent with the bipartisan budget agreement—not enough for Defense, but at the level agreed to last summer at the summit.

The content of that defense budget reflected the priorities of the Quadrennial Defense Review, submitted by Secretary Cohen and Gen. Joe Ralston last spring. The FY 1999 budget kept faith with the concepts and priorities advocated in the QDR.

I want to briefly commend Secretary Cohen and Deputy Secretary John Hamre for their efforts to present a budget that did not require a major overhaul by Congress.

We do not agree on every item, and fact of life events resulted in adjustments on many programs, but essentially, this budget request meets the minimum needs of the Armed Forces.

The recommendations from the committee focus on three goals: ensure an adequate quality of life for the men and women of the Armed Forces; sustain readiness; and modernize to assure future battlefield dominance by our Armed Forces, if needed.

To achieve needed quality of life for our forces and their families, this bill fully funds the 3.1 percent authorized military pay raise.

During consideration of the DOD authorization bill in June, I joined the managers of that bill in co-sponsoring an amendment to increase the pay raise to 3.6 percent for 1999.

The first amendment that Senator INOUYE and I will jointly offer to this bill will provide the additional appropriation for the 3.6 percent raise.

Adoption of the Treasury- General Government bill that we will pass later today provides a comparable pay raise for civilian Pentagon workers. Those amounts are funded from within the general operation and maintenance appropriations.

The pay raise solves only a part of the compensation crisis facing the Department of Defense.

My discussions with the service chiefs, the service secretaries, field commanders and the men and women of the Armed Forces, serving in my State of Alaska and around the world, lead me to conclude that an equally pressing challenge is retirement pay.
The bill reported by the committee provides an additional $20 million for the Guard counterdrug operation, $225 million for the Army Guard O&M account, and $95 million for Army Guard personnel account. A total of $773 million will be added to the National Guard and Reserve equipment. That is a cut, however, of 25 percent from the level appropriated in 1998.

Finally, the bill reported by the committee did not include the $1.9 billion requested by the President as emergency spending for Bosnia.

The Senate considered several amendments during debate on the defense authorization bill concerning our future force levels and operations in Bosnia.

Later this morning, I know Senator HUTCHISON, Senator BYRD, and others will raise at least one amendment related to our presence in Bosnia.

At the time we considered this bill in the Appropriations Committee, it was premature for this committee to consider funding for that mission for 1999. Based on the Administration’s request and to NATO headquarters after that, it is clear that a long-term presence in Bosnia is envisioned by NATO and the administration.

That long-term role cannot in the future be funded on an annual emergency basis. The Congress must be part of the decision on the size of the force, the duration of the mission, and the cost of the operations.

Mr. President, we bring this bill to the Senate with the hope of commencing the August recess tomorrow. Securing passage of this bill at a reasonable hour will require the cooperation, consideration, and assistance of every Senator.

Mr. President, bring this bill to the Senate with the hope of commencing the August recess tomorrow. Securing passage of this bill at a reasonable hour will require the cooperation, consideration, and assistance of every Senator.

If, in my hope that we will obtain early today an agreement to have all amendments filed at the desk so we can most efficiently dispose of those amendments—accepting some, debating some, and encouraging Members not to raise others.

This bill has been available to all Members since June 5. The bill closely approximates the level authorized in the defense bill we passed last June.

That authorization bill is in conference with the House, and we have continued to work closely with Senator THURMOND, Senator LEVIN, and others on that committee to support the priorities passed by the Senate in that bill.

Mr. President, the presentation of this bill to the Senate would not be possible without the leadership and partnership that I have enjoyed with my friend from Hawaii, Senator INOUYE.

This is the tenth year that the two of us have come to the Senate jointly to present and recommend the defense appropriations bills. Six of those years Senator INOUYE served as chairman, and I have enjoyed that privilege for the past four.

It is a pleasure and a privilege to work with the Senator from Hawaii on defense matters and other matters. I enjoy our personal friendship. And the opportunity to bring this bill to the Senate on a full bipartisan basis is one that I think comes from the tie between us that we enjoy.

Mr. President, I yield to Senator INOUYE for his statement.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, may I first thank my dear colleague from Alaska for his very generous remarks. It has been a pleasure to work with him for the past 10 years. We hope that together we have been able to present to the U.S. Senate a bipartisan approach to this very important subject.

Mr. President, I rise to speak in strong support of the Department of Defense appropriations bill for fiscal year 1999, S. 2132, as reported from the Committee on Appropriations.

This bill contains funding for the Department of Defense for the upcoming exclusion, amounts for military construction.

The total recommended is $230.5 billion. This is about $40 billion less than was requested by the administration, but about $2.8 billion more than funded for fiscal year 1998.

Within these amounts, the committee has recommended full funding to support our men and women in uniform.

This includes a 3.1-percent pay raise as requested by the President. Later today, the chairman will offer an amendment to increase that to 3.6 percent, the amount authorized by the Senate last month. I strongly support this amendment.

Also at the chairman’s initiative, the committee is recommending $50 million to initiate a new fund for morale, welfare, and recreation.

This new appropriation account will support the personnel support needs of our men and women serving on contingency deployments in Bosnia and Southwest Asia.

Last May, Senator STEVENS led a delegation of members from the Armed Services and Appropriations Committees to Bosnia and Southwest Asia.

It was apparent in our discussions with these units that the deployments for these contingencies were beginning to impair the retention of critically skilled individuals and that morale was starting to suffer.

The delegation unanimously concluded that we needed to do more to support our troops serving in these areas.

The chairman’s initiative will help ease the burden of these long overseas deployments and show our men and women in uniform that the Congress has not forgotten them.

Mr. President, this is a very good bill, which meets the national security needs of our Nation, but within the fiscal constraints that have been agreed upon in this balanced budget environment.

I should point out to my colleagues that this bill does not provide any funding for Bosnia.

The President submitted a budget amendment to the Congress requesting an appropriation of $1.29 billion in emergency funding to maintain our troops in Bosnia.

When the committee marked up this bill, it was unclear what action the Senate would take on Bosnia.

It is my hope that this matter will be resolved in conference or through a supplemental spending measure at a later date.

Let me assure my colleagues that the committee will not shirk from our responsibility to support funding for our forces assigned overseas, no matter where they are located. This matter will be addressed at a later date.

Mr. President, I want to close by commending our chairman and his staff for the fine work that they have done in putting this bill together. As many of you recognize, this is a huge bill. Nearly half of our Government’s discretionary resources are contained in this one appropriations bill.

There are an enormous number of programs that must be reviewed and recommended by the majority staff and his staff before this measure can be reported to the Senate. That task is made more difficult by the thousands of requests for billions of dollars that are made by the Members of this body. I want to salute the majority staff which really has done yeoman’s work in putting this bill together for the Senate. It is a small staff, many have been with the Appropriations Committee for several years. They transcend the political divisions that sometimes divide this Senate. The staff is led by Steve Cortese who has been by the chairman’s side for the past decade and it includes, Sid Ashworth, Tom Hawkins, Susan Hogan, Mary Marshall, Mosle Matson, Gary Reese, John Young, Justin Weddle, and on assignment as a legislative fellow, Ms. Carolyne Willis.

Mr. President, the Senate owes them a deep debt of gratitude.

Under Chairman STEVENS’ leadership, the resulting bill is a well-balanced product, crafted in a completely bipartisan fashion. It meets the needs of the military services and also fully considers the priorities of the Senate and the American taxpayers.

This is a good bill. I urge all of my colleagues to support its passage.

Before ending my presentation, I would like to reflect upon a few things that have just come across my mind in the past few minutes.

Chairman STEVENS and I are what some of us call dinosaurs of the Senate. Admittedly, we are chronologically a bit old. Both of us served in World War II, the ancient war. I would like my colleagues to recall that in that war 16 million Americans and women served—16 million. Today, we are calling upon less than 1 percent of our Nation’s population—one-half of 1 percent—to stand
in harm’s way for us, to risk their lives for us. Some have suggested that this is too much spending. As far as I am concerned, if any person is willing to stand in harm’s way in my behalf, he or she gets the best.

There are programs that have been carried out at the chairman’s initiative that he is too humble to even mention. He has been in the forefront of medical research, and I am proud to say that, working with him, we have been able to come up with a breast cancer program that is being acclaimed worldwide—not just nationally. Scientists from all over the world come to work with the Army Research Center. It may not be evident to many of my colleagues, but some of the best research being done on AIDS is being done by the U.S. Army. The same can be said for prostate cancer and other tropical diseases.

I began my closing remarks by saying there were 16 million American men who served with us in World War II. It was at a time when our population was about 100 million. Today, our population is over 250 million, and we are asking 1.3 million to defend all of us.

I close with my chairman: This is the minimum, this meets the minimum needs of our military. If budgetary constraints were not placed upon us, I am certain we would come forth with something a bit more generous. After all, Mr. President, you and I want our children and our grandchildren to go to college, we want to be able to have a car in the garage, three meals a day. That is part of the American way of life. I believe that men and women in the service should also aspire to the American way of life, and I am sorry to say that this measure may not provide all that is necessary, but we are striving for the best.

I ask my colleagues to support this measure.

I thank the Chair.

Mr. STEVENS. Mr. President, I re- reciprocate in thanking my good friend for his comments. It is interesting when we reflect back on World War II. We as a nation knew who we were, who we were doing, and we had unanimous support for what we were doing. Today, each of us faces comments from time to time about our commitment to defense and questions of whether we could do better. In my estimation, we should have a great deal more money. I shall speak to the Senate later about that during the consideration of this bill.

Let me point out to Members of the Senate that we have knowledge of 16 amendments on this bill. We have reviewed them with our staff and with the staff of those who will present those amendments, and 23 of them we are prepared to accept. Of the balance, 13 of them were withdrawn.

Mr. President, we have some suggestions, and I know that some of them came in late. The Senate and the demand of our defense spending with the individual desires of Members of the Senate.

AMENDMENT NO. 3391

(Purpose: To provide a 3.6 percent pay raise for military personnel during Fiscal Year 1999)

Mr. STEVENS. Mr. President, I mentioned in my statement that we have a 3.1 percent pay raise in this bill. I want to send to the desk, and do send to the desk, an amendment. It is sponsored by myself and my friend from Hawaii.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 3391.

Mr. STEVENS. 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 99, in between lines 17 and 18, insert the following:

SNC $10(a)) On page 34, line 24, strike out all after "$94,500,000" down to and including "1999" on page 33, line 7.

(b) On page 42, line 1, strike out the amount "2,000,000,000" and insert the amount "$1,775,000,000".

(c) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "Military Personnel Army", $58,000,000; for "Military Personnel Navy", $43,000,000; for "Military Personnel, Marine Corps", $14,000,000; for "Military Personnel, Air Force", $44,000,000; for "Reserve Personnel, Army", $5,377,000; for "Reserve Personnel, Navy", $3,684,000; for "Reserve Personnel, Marine Corps", $1,103,000; for "Reserve Personnel, Air Force", $1,000,000; for "National Guard Personnel, Army", $9,392,000; and for "National Guard Personnel, Air Force", $1,103,000.

(d) Notwithstanding any other provision in this Act, the total amount available in this Act for "Quality of Life Enhancements, Defense", real property maintenance is hereby decreased by reducing the total mounts appropriated in the following accounts: "Operation and Maintenance, Army", by $58,000,000; "Operation and Maintenance, Navy", by $43,000,000; "Operation and Maintenance, Marine Corps", by $14,000,000; and "Operation and Maintenance, Air Force", by $44,000,000.

(e) Notwithstanding any other provision in this Act, the total amount appropriated under the heading "National Guard and Reserve Equipment", is hereby reduced by $24,668,000.

Mr. STEVENS. Mr. President, this amendment will raise the military pay to 3.6 percent. This pay raise will add $185 million to the Active Forces, Guard, and Reserve pay accounts. Over the last 15 years this committee has heard repeatedly in both hearings with the service chiefs and during field visits to Bosnia, Saudi Arabia, Kuwait, Alaska, and other places throughout the world that our military members perceive an erosion of existing benefits. This adjustment in pay matches the private sector wage growth at a time when many service members are questioning the value of continued service due to an eroding pay package.

Some economists estimate that the pay gap between the private sector and the military may be as high as 13.5 percent. This amendment will, at a minimum, provide a fairer base for military raises in the future.

I ask if my friend has any comments to make in regard to this amendment. He is a cosponsor.

Mr. INOUYE. Mr. President, my only comment is that I wish we could have provided much more than this.

Mr. STEVENS. I ask for adoption of the amendment. That is consistent with the authorization bill. Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3391) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3392

(Purpose: To provide additional funds for U.S. military operations in Bosnia as an emergency requirement)

Mr. STEVENS. Mr. President, we have tried to be consistent with the authorization bill. As this bill came out of committee, the authorization bill did not much the contingency operations in Bosnia as requested by the President. I send to the desk an amendment and state to the Senate that, if it is adopted, it will conform the handling of the monies in this bill for Bosnia with the authorization bill as it has been amended.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3392.

Mr. STEVENS. 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 99, between lines 17 and 18, insert the following:

SNC . For an additional amount for "Overseas Contingency Operations Transfer Fund." $1,858,600,000: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts, operations and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided...
further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. STEVENS. This does conform, as I indicated, with the decision of the defense authorization committee for the handling of the Bosnia money.

Mr. INOUYE. Mr. President, I am pleased to continue with the amendment.

The PRESIDING OFFICER. If there is no further discussion, the amendment is agreed to.

The amendment (No. 3392) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Nancy Gilmore-Lee, a fellow assigned to my staff, be provided floor privileges during consideration of this bill.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that James Bynum, a Capitol Hill fellow serving on Senator McCain’s staff, be granted privileges of the floor during debate and any votes concerning this bill, as well as any related proceedings.

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

Mr. STEVENS. My previous request and Senator Inouye’s request applied to time during votes, Mr. President.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3393
(Purpose: To impose a limitation on deployments of United States forces to Yugoslavia, Albania, or Macedonia)

Mr. ROBERTS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. Roberts] proposes an amendment numbered 3393.

Mr. ROBERTS. 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 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available under this Act may be obligated or expended for any deployment of forces of the Armed Forces of the United States to Yugoslavia, Albania, or Macedonia unless and until the President, in consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate, transmits to Congress a report on the deployment that includes the following:

(1) The President’s certification that the presence of those forces in each country to which the forces are to be deployed is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to each country.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States forces.

(b) Subsection (a) does not apply to a deployment of forces—

(1) in accordance with United Nations Security Council Resolution 795; or

(2) under circumstances determined by the President to be an emergency necessitating immediate deployment of the forces.

Mr. ROBERTS. Mr. President, the United States and the rest of the Western European countries are on the verge of a very deep and expensive and very dangerous involvement in yet another area of the Balkans, the Serbian province of Kosovo. Unfortunately, and once again, it seems to me the administration has yet to explain to the Congress or to the American people why it is in our vital—again, I emphasize the word “vital”—national interest to get in the middle of this growing conflict.

Let me make it clear I think a case can be made that, under certain circumstances, it is in the U.S. national interest to get involved in the conflict in Kosovo. But in my view, it is the responsibility of the President of the United States and the administration, i.e., the national security team, to explain to the American public and the U.S. Congress why such an involvement is in our vital national interest before our troops are committed.

The reports on CNN are clear that the Yugoslavian leader, Mr. Milosevic, is taking hard and very brutal action against the ethnic Albanians who are living—and, by the way, they comprise, Mr. President, 90 percent of the total population of Kosovo. Certainly, this should be of no surprise since this is the same kind of activity that he directed in the breakup of Bosnia.

Our diplomatic efforts are active, but they keep changing in purpose and intent. The all too frequent U.S. diplomatic observers—the military experts or diplomats could be “military observers” or “experts” brings back some pretty sad memories of other wars that we have backed into. We are running a great risk that our military experts or diplomats could be in harm’s way. As a matter of fact, in terms of hearings yesterday in the Intelligence Committee, we were talking about the priorities in regard to intelligence assets in certain countries, and force protection, obviously, plays a big role in that. So if we have our intelligence assets certainly supporting our troops in that part of the world, it gives real evidence that this is the case.

NATO is conducting contingency planning that could involve thousands of military troops to separate the warring factions or impose peace—it has been estimated anywhere from 7,000 to 25,000 troops, even more.

The Albanian rebels, known as the KLA, are growing in strength and the fighting grows more fierce, with no peaceful solution in sight. The United States and NATO have threatened military action, and they gave a military demonstration consisting of a determined flight involving an inconsiderable amount of aircraft. They called it “Determined Falcon.” I am not sure how determined the falcon was. At any rate, neither side has offered to end the conflict. In fact, the KLA is actually buoyed by the apparent Western support for their cause, and therefore they are not interested in backing off now. Mr. Milosevic, having observed our unwillingness to carry out our threats when he crossed the lines in the sand, and coupled with support of the Serbian people to put an end to the rebel uprising in Kosova, has no reason to back off either.

We have now started an international monitoring program, Mr. President, in Kosovo. It is “aimed at bringing peace to this strife-torn region.” I don’t know of any Senator or anybody or any observer who would object to that. But it is not entirely clear what these observers will accomplish other than to report on the obvious, and that is, there is a small war in Kosovo and we have been unable to influence its cessation.

This observer group is comprised of about 40 diplomats and “military experts” attached to the embassies in Belgrade. Our military experts” are united U.S. military personnel, the European Command, and they are specifically trained for this mission.

Here are my concerns: In Kosovo, we are, once again, backing into a military commitment, just as we did in Bosnia—and I hate to use this example but I think it is applicable—and in Vietnam. The term of “unarmed military observers” or “experts” brings back some pretty sad memories of other wars that we have backed into. We are running a great risk that our military experts or diplomats could be in harm’s way. As a matter of fact, in terms of hearings yesterday in the Intelligence Committee, we were talking about the priorities in regard to intelligence assets in certain countries, and force protection, obviously, plays a big role in that. So if we have our intelligence assets certainly supporting our troops in that part of the world, it gives real evidence that this is the case.

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The distinguished chairman of the Appropriations Committee, at a briefing when the Secretary of State briefed a bipartisan group of Senators on what was happening in regard to India and Pakistan, actually warned the Secretary of State and said we do not have the means. If we do not have the means, we do not have the materiel to commit those kinds of troops, that kind of involvement with regard to Kosovo, without emergency funding, without certainly stepping up our support, both in terms of funds and in terms of troops.

The costs of involvement in Kosovo, both in dollars and the impact on an already-stressed military, are potentially devastating. The chairman indicated that in his discussion with the national security team and with the administration.

There are many unanswered questions of how this conflict in Kosovo is in our vital national interest. I think a good case can be made for our involvement that came back with the distinguished chairman of the Senate Intelligence Committee from taking a look at the three new NATO countries, what our intelligence assets are there and what the situation is there. Every official there, every foreign minister, every president indicated that Kosovo was in the interest of NATO and peace in Europe. But there are some very serious unanswered questions, and there are unexplained scenarios of the conflict in Kosovo leading to a larger war in Europe if this war is not ended now.

But my primary concern is that this whole business has yet to be addressed by the administration or, for that matter, to some degree, the Congress in any substantive way. He cannot, nor will he, commit the men and women of our Armed Forces without defining our national interests, the objectives, and the exit strategy for any involvement in Kosovo.

In the military, Mr. President, there is a term called a warning order, which is sort of a heads-up that some action is coming your way and, as the commander, you should start planning on how you would handle that action.

The amendment I offer today, which is consistent with the amendment that was accepted on a bipartisan basis during the last defense appropriations bill in regard to Bosnia, is a kind of a “warning order.” The intent is to let the administration know that before they decide to deploy the military to the region as a result of the conflict in Kosovo, we need to address some salient points before Congress will fund the deployment. It is that simple.

The Congress and, more importantly, the American people need to understand at least the following information, information required by the amendment. They are as follows:

No. 1, certification that such a deployment is necessary in the national interests of the United States;

No. 2, to explain the reasons why the deployment is in the national security interests of the United States;

No. 3, to define the number of U.S. military forces to be deployed to each country;

No. 4, to explain the mission and the objectives of the forces to be deployed;

No. 5, to discuss the expected schedule for accomplishing the objectives of the deployment;

No. 6, what is the exit strategy for U.S. forces engaged in deployment, if that is possible;

No. 7, what are the expected costs associated with the deployment and the funding sources of these costs.

I am going to terminate my remarks very quickly, because I know the time schedule here. Let me point out that when Ambassador Gelbard and General Wesley Clark appeared before the Senate Armed Services Committee and reported again on Bosnia and again said that the mission had changed and again said that the objective or the end game could not be defined, I pointed out that it could be in our national interest that are in Bosnia and that while it was ill-defined, while the mission was changed, my main complaint—and I think one of the complaints shared by the distinguished chairman—is that the administration presentation of the money is coming out of readiness and procurement and modernization, and that has to stop.

What are the expected costs associated with the deployment and the funding source?

What are the anticipated effects of the deployment on the morale, retention, and effectziveness of U.S. forces?

I think, Mr. President, that Bosnia is the perfect example of why such a warning order is necessary. We have expended over $10 billion in Bosnia. We have yet to answer most of the questions contained in this amendment: Why is it in our national interest to continue to be there? How many troops do we have and how and when do we get out? And how are we going to pay for it?

I am a strong believer, Mr. President, that once the U.S. flag—the U.S. credibility—is “planted,” that we must support the U.S. position rather than embarrass or put our troops at risk. My intent is simply to go on record now before we get involved in yet another entanglement in yet another region of the Balkans—before the flag is planted and the troops are deployed. Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I commend him on following the path that he followed last year. The Senate adopted his amendment that he presented last year, which has had a salutary effect on the considerations involved in Bosnia. And we will soon have announced the basic reductions in forces in Bosnia, brought about in many ways because of the study that Senator Roberts’ amendment last year mandated.

I have reviewed this with my friend from Hawaii. And I note that he has put in even another provision this year that recognizes that there might be an emergency that would be such where the President would not have time to go through the process that is listed. I think that is very wise to order that flexibility to the administration.

I am prepared to accept this amendment. I ask the Senator from Hawaii what his views would be concerning Senator Roberts’ amendment?

Mr. INOUYE. Mr. President, I join my chairman in commending our dear friend. Once again, he has taken the initiative and leadership in this important area. Thank you very much.

Mr. STEVENS. Mr. President, I ask for the adoption of the amendment.

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

The amendment (No. 3393) was agreed to.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent that the Senator have 10 minutes for a statement as in morning business.

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

Mr. GORTON. Mr. President, I thank my friend from Alaska for the use of this time, and I appreciate the courtesy of the Senator from Texas, who is here with an important amendment, in granting me this time.

THE PLIGHT OF THE AMERICAN FARMER

Mr. GORTON. Mr. President, we have heard a large number of words and speeches on this floor, of course, in the last 2 or 3 months on the plight of the American farmer. Many called for a return to the policies of yesteryear. I am here this morning in contrast to talk about impediments of indifference on the part of this administration to the farmers and the agricultural communities of the State of Washington, the Pacific Northwest, and all of America which can be solved simply by the administration’s willingness to care about those Americans who produce our food and fibers.

So in the classic way that we give lists of 10, I will start, Mr. President, with number 10, the Interior Columbia Basin Ecosystem Management Policy. This was first put forward some 4 years ago, to have lasted 1 year would cost $5 million, which is now approaching $40 million in 4 years, and has antagonized
all of the private interests in the Interior Columbia Basin, all of the Members of Congress who represent any part of that basin, but the continuance of which is demanded by the President as the price of signing an appropriations bill for the Department of Interior.

I held a field hearing on this subject in Spokane, WA, with unanimous or near unanimous opposition to the program as it is being conducted at the present time. Both the bill that I am in charge of and the bill that has already passed the House of Representatives dramatically changes and minimizes that program.

At the behest of this administration, however, a Seattle Congressman put up an amendment to restore the program to its present pristine size. Every Member of the House of Representatives representing any part of the Columbia Basin voted against that amendment, and yet the administration continues to demand all of the interference of private agriculture that it entails.

No. 9, the Department of Agriculture budget—welfare over farmers. Two-thirds of the Department of Agriculture earmarked for food and for welfare programs. The essential research conservation and on-the-ground farmer programs get lost in the shuffle. Only when there is a crisis does the Secretary of Agriculture pay any attention to those programs.

For 3 consecutive years, the administration’s request for farmer programs have decreased while the amount requested for food and nutrition programs has increased. No one disputes the importance of those food and nutrition programs, but we cannot very well feed America without providing the funding and infrastructure necessary to enhance the production of the most healthy, abundant, safe and inexpensive crops in the world.

No. 8, Columbia-Snake River dams. The President’s Council on Environmental Policy of the Department of the Interior had made it quite clear that major dam removal is very high on their agenda of courses of action for the Columbia and Snake Rivers. The Columbia Basin in eastern Washington, in eastern Oregon, and in Idaho, was literally a dust bowl until the introduction of irrigation. Without it, those States would not lead the country in apple production, asparagus, and potato production.

The Columbia Basin is a cornucopia for the Nation’s food supply. Dam drawdown or removal would shut down these programs. The Columbia and Snake dams are not only hydropower dams, they are also salmon dams. If the dams remain, the fish need the dams. If the dams are removed, the fish need the dams. So it goes.

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The administration seeks a new set of trade relations with China. The President went to China. The President, in order to keep peace with China, and not seem too much as mention trade barriers ignores the plight of our wheat farmers in the Pacific Northwest. His first priority should be to get that barrier lifted.

No. 6, repeated efforts to eliminate agricultural research. For the past 2 years, the administration has recommended zeroing out all of the national regionally based agriculture research programs. These programs conduct research necessary to all food-producing regions of the country. The administration’s insistence on nationalizing these programs is ludicrous. Obviously, cotton research cannot and should not be conducted in eastern Washington; and red delicious apple research is not conducted in Mississippi. These regional programs have bolstered our already strained land grant education university programs. They are absolutely essential, and yet the administration would wipe them out.

No. 5, no movement on fast-track trade authority. Fast track is essential to establishing trade relations with Chile. Currently, the United States exports face an 11-percent tariff in that country, giving our competitors an 11-percent advantage. Yet, because of objections from members of his own party, the President has abandoned the cause of fast-track trade authority.

No. 4, the agricultural labor shortage—not our problem. The administration has to believe that there is an agricultural labor shortage and is opposed to the Guest Worker Program to address this issue that has already passed the Senate of the United States. In the face of that fact, the General Accounting Office estimates that one-third of our Nation’s migrant workforce is illegal. By doing nothing, the Clinton administration is making lawbreakers out of law-abiding agriculture employers and proposes to do nothing about it.

No. 3, the cotton program. Sanctions are killing our agriculture industries. With more than 40 percent of the world’s population under U.S. sanctions, the American farmer is locked out of many markets. The President instantly imposed sanctions on Pakistan as a result of its nuclear tests, and only as a result of action by Congress have those sanctions or the effect of those sanctions been at least partially removed with respect to Pakistan.

No. 2, the Endangered Species Act and private property rights. The Endangered Species Act impacts eastern Washington farmers and many others more than any other environmental regulation, and yet the administration, rather than assist in reasonable amendments to the Endangered Species Act, insists on ever more rigid enforcement and ever more interference with the ability of farmers to grow the food and fiber that the Nation needs.

No. 1, AL GORE. President Clinton has officially tagged the Vice President as the administration’s environmental leader. He is the promulgator of most of the policies that I have already discussed and has constructed environmental roadblocks and headaches for farmers from Washington State all across the United States to Florida.

No one knows the land better than America’s hard-working farm families. The District of Columbia, the administration, and AL GORE should not be dictating to America’s farmers how to till, harvest, irrigate, employ, and manage their farms. AL GORE and his administration need to focus on foreign trade and agricultural research, not on locking up private property and over-regulating the family farm.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Ed Fienga from my staff be allowed on the floor during the debate on the defense appropriations bill.

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

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

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

AMENDMENT NO. 3197

(Purpose: To achieve the near full funding of the Army National Guard operation and maintenance account that the Senate provided for in the concurrent resolution on the budget for fiscal year 1999 (H. Con. Res. 28), as agreed to by the Senate, and to offset that increase by reducing the amount provided for procurement for the F/A-18EF aircraft program to the amount provided by the House of Representatives in H.R. 4163, as passed by the House of Representa-

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.
Mr. President, in spite of the National Guard’s budget concerns, the administration continues to deliver insufficient budget requests given the National Guard’s duties; yet, the administration increasingly calls on the Guard to handle some very wide-ranging tasks. These shortages have an increasingly greater effect given the National Guard’s increased operations burden. This is as a result of new missions, increased deployments, and training requirements, including the missions in Bosnia, Iraq, and Afghanistan.

As I am sure my colleagues know by now, the Army National Guard represents a full 34 percent of total Army forces, including 55 percent of combat divisions and brigades, 46 percent of combat support, and 26 percent of combat service support; yet, the Guard only receives 9.5 percent of Army funds.

To offer a comparison with the other Army components, the National Guard receives just of requested funding, as opposed to the Active Army’s 80 percent and Army Reserve’s 81 percent. I think it is time we move toward giving the National Guard adequate and equal funding. This amendment also provides a funding equity for the National Guard, and the National Guard is the Nation’s only constitutionally mandated defense force.

Not only have we failed to invest fully in the National Guard, we have failed to invest just that bargain in the Defense Department. That should not come as a surprise, however, DOD has never been known as a frugal or practical department—from $336 hammers to $640 toilet seats to $2 billion bombers that don’t work and the Department doesn’t seem to want to use. The Department of Defense has a storied history of wasting our tax dollars. Here is an opportunity to spend defense dollars on something that actually works, that is worthwhile, and enjoys broad support on both sides of the aisle.

In this regard, the National Guard fits the bill. According to a National Guard study, the average cost to train and equip an active duty soldier is $73,000 per year, while it costs only $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining active Army units. It is time for the Pentagon to contain its about lack of funding and begin using their money a little more wisely and efficiently.

Finally, my amendment doesn’t terminate any program, nor does it create unsupported cuts to existing programs. This amendment merely follows the recommendation of the other Chamber.

Early this year, the House overwhelmingly supported DOD authorization and appropriations bills that provided $219,700,000 the National Guard’s O&M account. This request fell on the heals of a $743 million shortfall for the current fiscal year. I think these shortfalls are wrongheaded and unacceptable.

Fortunately, both Houses of Congress have acted more responsibly in funding the National Guard. Even with the improvements from both Houses, though, the Senate appropriations bill we are currently considering leaves the Guard in operation and maintenance account $225 million short. The House bill leaves an even greater gap of $317 million. My amendment would add $220 million to the National Guard’s O&M account, leaving just a $5 million shortfall to that account.

According to the National Guard, shortfalls in the operation and maintenance account compromise the Guard’s readiness levels, capabilities, force structure, and end strength. Failing to fully support these vital areas will have an adverse and indirect effect. The shortfall puts the Guard’s personnel, schools, training, full-time support, and retention and recruitment at risk. Perhaps most importantly, however, I know firsthand that it is eroding the morale of our citizen-soldiers, as I have had the opportunity to visit some of the armories in Wisconsin and have heard this concern firsthand.

With that in mind, 26 State adjutants general—a majority of the adjutants general in this country—have contacted my office to voice their support for this amendment. The leaders of the National Guard units in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kans’s-OM, Maine, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wyoming, and my own home State of Wisconsin support my amendment. I would like to thank them for their dedication and support, and I hope we decide to heed their call for support of the National Guard.
Mr. FEINGOLD. Mr. President, I would like to quote the chairman of the House Military Procurement Subcommittee, DUNCAN HUNTER. Speaking of the National Security Committee's Super Hornet procurement decision, Representative HUNTER said, 'We think it's a rational, responsible reduction, a balanced reduction.'

Mr. President, it is time we prioritized this Nation's defense needs. The National Guard provides a wide range of services, from combat in foreign lands to support in local weather emergencies, all at a fraction of the cost of the Active Army. The National Guard needs and deserves our full support. And it is for that reason that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FEINGOLD. Mr. President, we have had a series of visits with the Joint Chiefs of Staff. I particularly recall the discussion I had with Secretary of the Navy John Dalton and with Admiral Johnson. There is no question that the Navy representatives have informed our committee that full F/A-18E/F funding is the administration's top appropriations priority for defense and the Navy.

This amendment would take these funds from that priority, the F/A-18E/F, and move it to the National Guard. We have added, as I stated this morning, $95 million to augment the Guard and Reserve personnel accounts. We have added for the Guard and Reserve operations and maintenance funds an additional $225 million. Finally, we added $450 million to the Guard and Reserve procurement account.

I have to tell the Senator we have exceeded the requests in many instances. We added almost $1 billion in the zero sum budget for the Guard and Reserve priorities.

Furthermore, the F/A-18E/F is just entering production. The Senator's amendment will seriously disrupt the production program, and substantially increase the unit cost, if the Senate approves this amendment. To me it does not make common sense to increase the cost of the F-18, the Navy's top priority planes which we must buy to meet the Navy's previously approved program requirements. We have helped the Guard and Reserve. I do not think we should punish the Navy in order to help them any more.

If the Senator wishes to make any comments, I yield to him for those comments.

I intend to make a motion to table his amendment. But before I do that, I ask unanimous consent that, on any votes that are laid aside in order to join the priority list that is already in existence under the Guard and Reserve the common procedure of a minute on each side be the procedure for this bill: That there be 2 minutes equally divided on any vote that occurs on this bill, including the O&M account that is set aside for a later time.

Mr. FEINGOLD addressed the Chair. The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have a sufficient second.

Mr. FEINGOLD. Mr. President, let me say that all say that the Senators who have spoken in opposition to this amendment are not only very sincere in their support of the National Guard but they have demonstrated in committee a serious concern about in-between funding. Those efforts have gone a long way to make sure that we have less of a shortfall than was originally occurring. That is encouraging. However, as was admitted by those opposed to this amendment, we still have a $225 million shortfall in the O&M account at the National Guard. This is a serious shortfall.

I am not suggesting that we remove this funding from vital areas, but this is about priorities within the defense budget. That is the key difference. Although I would prefer that we not move forward with the Super Hornet airplane, what I am suggesting here is not a dramatic reduction in these planes. I am simply suggesting we take what has already been passed in the House; that is, instead of having 30 of the Super Hornets, we procure 27—3 fewer. For three fewer of these planes, we could fully fund the National Guard O&M account.

This is not an attempt, as the Senator from Alaska, suggested, to seriously disrupt the production of the Super Hornet. Very candidly, Mr. President, I would prefer to do that, because the General Accounting Office has pointed out that the Super Hornet is not substantially better than the current plane. It is going to cost $17 billion more than the current plane. That is a huge amount of money.

Mr. President, although I agree that the Super Hornet is about priorities within the defense budget, that is not what this amendment does. All this amendment does is say let's adopt what the House did, which is have 27 Super Hornets instead of 30, and use the money that is saved to fund the National Guard, or virtually fully fund the National Guard O&M account.

Mr. President, these shortfalls for the National Guard are serious. I have had the opportunity to visit armories in Oak Creek, WI, and Appleton, WI, and spend a fair amount of time speaking to the officers and the guardsmen and guardswomen who are trying so hard to do the job that they are expected to do, constituting 34 percent of our entire Army's resources and resources. They are having morale problems. Otherwise, why would 26 adjutant generals in this country write in support of this amendment? They are very concerned.

Mr. President, my amendment is simply about priorities. It is a modest reduction in the number of these Super Hornets that are going to be procured, and in return for something that is far more vital at this point. And that is fully funding the O&M account for the National Guard.

Mr. President, in light of the fact there will be a motion to table at some
point. I strongly urge my colleagues to put these modest resources in the National Guard, which supports our Army and which exists in our communities in every one of our States, rather than three more airplanes that, frankly, have never been proven to be substantially better than the current planes that have done a good job in the Gulf war and other situations.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, if there is no further debate on this matter, I would like to table the Senator’s amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. STEVENS. I now ask that that amendment be set aside.

Is the standing order that all of the votes we ask for the yeas and nays on prior to 2 o’clock be automatically set aside?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

AMENDMENT NO. 3398

(Purpose: To limit the use of funds pending establishment or operation of the position of Deputy Under Secretary of Defense for Technology Security Policy)

Mr. KYL. Mr. President, if it is in order, I would like to send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. KYL. And ask for its immediate consideration.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3398.

Mr. KYL. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) None of the funds appropriated by this Act may be obligated or expended for the establishment or operation of the Defense Threat Reduction Agency until the Secretary of Defense takes the following actions:

(1) Establishes within the Office of the Under Secretary of Defense for Policy the position of Deputy Under Secretary of Defense for Technology Security Policy and designates an official to serve as the Director of the Defense Security Technology Agency with only the following duties:

(A) To develop for the Department of Defense policies and procedures that are necessary to protect the national security interests of the United States.

(B) To supervise activities of the Department of Defense relating to export controls.

(C) As the Director of the Defense Security Technology Agency—

(i) to administer the technology security program of the Department of Defense;

(ii) to supervise international, interdepartmental, and international transfers of defense-related technology, goods, services, and munitions in order to determine whether such transfers are consistent with United States foreign policy and national security interests and to ensure that such international transfers comply with Department of Defense technology security policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States;

(iii) to ensure (using automation and other computerized techniques to the maximum extent practicable) that the Department of Defense in the processing of export license applications is carried out as expeditiously as is practicable consistent with the national security interests of the United States; and

(iv) to actively support intelligence and enforcement activities of the Federal Government to restrain the flow of defense-related technology, goods, services, and munitions to potential adversaries.

(2) Submits to Congress a written certification that—

(A) the Defense Security Technology Agency is to remain a Defense Agency independent of all other Defense Agencies of the Department of Defense and the military departments; and

(B) no funds are to be obligated or expended for integrating the Defense Security Technology Agency into another Defense Agency.

(b) The Deputy Under Secretary of Defense for Technology Security Policy may report directly to the Secretary of Defense on the matters that are within the duties of the Deputy Under Secretary.

(c) Not later than 10 days after the Secretary of Defense establishes the position of Deputy Under Secretary of Defense for Technology Security Policy, the Secretary shall submit to the Committee on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives a report on the establishment of the position. The report shall include the following:

(1) A description of any organizational changes that have been made or are to be made within the Department of Defense to satisfy the conditions set forth in subsection (a) and otherwise to implement this section.

(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense after the establishment of the position, together with a description of how that role compares to the Chairman’s role in those activities before the establishment of the position.

(d) Unless specifically authorized and appropriated for such purpose, funds may not be obligated to relocate any office or personnel of the Defense Technology Security Administration to any location that is more than five miles from the Pentagon Reservation (as defined in section 2674(f) of title 10, United States Code).

Mr. KYL. Mr. President, might I ask of the distinguished chairman whether this would be an appropriate time to discuss briefly the amendment or whether we should lay it aside and move to other business? What would be the chairman’s pleasure?

Mr. STEVENS. Mr. President, I just delivered a copy of the Senator’s amendment to the minority and other committees affected. He is at liberty to make such comments he wishes to make, but we will not be able to have final consideration of the matter until we have heard back from Senator Pryor and his people outside of the aisle, the Governmental Affairs Committee is also considering this issue.

Mr. KYL. What I might do then, Mr. President, since we want to handle this in a way agreeable to the chairman, if there is no one else to present an amendment right now than defer business, I will go ahead and describe the amendment but do it briefly and then, when the chairman is ready to proceed with other business, lay it aside and handle it in that fashion, if that is agreeable with the chairman.

Mr. STEVENS. Fine.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, in that event, let me first ask unanimous consent that two fellows from my office, John Rood and David Stephens, be granted floor privileges for the debate on this matter.

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

Mr. KYL. I thank the Chair.

Mr. President, I will describe this amendment briefly.

Frankly, this came out of the revelations concerning the alleged transfer of certain technology to the Chinese Government as a part of the process of launching American satellites on Chinese rockets, the so-called Loral-Hughes matter. But it really goes beyond that. It is a question of whether or not the Defense Department has in process an adequate way of reviewing the requests for export licenses and the conditions attached to those licenses to ensure that national security is not jeopardized.

That role has in the past been played by an agency of the Defense Department called the Defense Technology Security Agency. It goes by the name of DTSA for the people who understand it. The point of this memorandum is to ensure that DTSA will continue to have a prominent role in the evaluation of export licenses and the kinds of conditions that would be attached to them.

In fact, we ensure as a result of this amendment that the role is prominent by restoring the position of the Deputy Under Secretary for Technology Security Policy within the Office of the Under Secretary of Defense for Policy, and thereby ensure, as I say, a prominent role for this agency. The Deputy Under Secretary would have access to both the Under Secretary of Policy and the Secretary of Defense himself.

This is important, Mr. President, for the following reasons:

No. 1, DTSA is the single agency in the Government reviewing the national security implications of an item for export.

No. 2, DTSA coordinates input from the services, military branches, the Joint Chiefs and the defense agencies;
No. 3, DTS A routinely supports the Department of State in its investigations of these matters;

No. 4, creating a Deputy Secretary of Technology Security will ensure that the Department of Defense is represented sufficiently high level in the interagency meetings that occur to discuss these export licenses.

And, finally, providing the Deputy Under Secretary with the authority to interact with the Secretary of Defense will enable the Deputy Secretary to bring items of immediate concern directly to the Secretary to discuss with the Secretary of Commerce and the President.

The Department of Defense is the only agency with the expertise, the personnel, and the ability to assess the impact of exports on the national security of the United States, and this ought to be our No. 1 concern. The Persian Gulf War of 1990 could have been a microcosm of the United States maintaining a technical edge on the battlefield. Maintaining that edge in the future is dependent upon keeping sensitive technologies out of the hands of potential adversaries.

Questions regarding the appropriate role of the Department of Defense in considering exports of dual-use items have obviously been of concern for a number of years. But, as I said, the alleged transfer technology to the Chinese Government has really elevated this concern to the point that there are those of us in Congress who want to ensure that the Department of Defense continues to have an important role here.

Early in the 1990s, Congress examined the problems with export control and how it was possible that American companies, with the knowledge of the Department of Commerce, could have contributed to the Iraqi arms buildup, as we know occurred. We learned, for example, that between 1985 and the imposition of the U.N. embargo on Iraq in August of 1990, the Department of Commerce sold to Iraq export licenses for dual-use goods. Some of these sales involved technologies that very probably helped the Iraqis develop ballistic missile, nuclear, and chemical weapons. In some cases, Commerce approved the sale over strong objections from Defense or without even consulting the Department of Defense at all.

In 1994, the Export Administration Act expired and in 1996 dissolved, leaving no overarching legal forum to guide the export control policies of the United States. Export controls were at that point directed by Executive order. And this resulted in relaxed control over certain types of export-related equipment and technologies. The GAO has documented potential problems with changes that occurred in 1996 and with the Department of Commerce retaining the primary responsibility for oversight of important national security equipment or technology.

Let me just give a couple of examples here. On September 14, 1994, the Department of Commerce approved an export of machine tools to China. The tools had been used in a plant in Ohio that produced aircraft and missiles for the U.S. military. Some of the more sophisticated machine tools were diverted to a Chinese facility engaged in military production, possibly missile production.

Under current referral practices, the majority of applications for the export of categories related to stealth are not sent to the Department of Defense or the Department of State for review. Without such referrals, it cannot be ensured that export licenses for militarily significant stealth technology are properly reviewed and controlled.

A third example: Commercial jet engine hot section technology was transferred to the Department of Commerce in 1996. Defense officials are concerned about the diffusion of technology and the availability of hot section components that could negatively affect our combat advantage and pose a threat to U.S. national security concerns. So the Defense Department must have an active role and a strong position in advising the President about the national security implications of exporting other important dual-use technologies. In order to do this, the Secretary of Defense must have the best advice available. This amendment will ensure that Secretary Cohen and all subsequent Secretaries have that advice.

Mr. President, at the appropriate time I hope we can engage in further discussion of this to ensure that the national security of the United States is not impaired.

At this time, unless there is anyone else who would like to discuss it, I am happy to have the chairman or the ranking member move to other business.

Mr. STEVENS. Mr. President, I ask this amendment be set aside for later consideration so we may have consultation with other committees and Members involved in this subject. We did not have this on our list and have not distributed it until just now. I ask unanimous consent it be put aside until other Members have a chance to review it.

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

Mr. INOUYE. Mr. President, I suggest the absence of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BOND. 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. BOND. Mr. President, we have had a brief debate. The manager of the bill, the chairman of the committee, has moved to table the Feingold amendment. I want to add my comments to the debate on that issue.

This is an amendment which I strongly oppose and I urge my colleagues on both sides of the aisle to oppose it. This is part of a continuing campaign of harassment against the Navy’s No. 1 program, the F/A–18. This campaign has had a long, and to date totally unsuccessful, history. We all know the problems in the court systems when individuals flood the courts with frivolous lawsuits. We, in providing procurement funds for the Navy, have had a string of what I consider to be less than good-faith, responsible amendments directed at this program.

The amendment before us purports to cut funds from a Navy procurement program and earmark them for the National Guard operations and maintenance fund. As a long-time and strong supporter of the National Guard, I recognize the limited funding the Guard has, and I have my colleagues, the chairman and the ranking member of the Defense Appropriations Committee, and the Senator from Kentucky, my cochairman of the National Guard Caucus, to fight for the Guard component of the total force. But I do not believe that pitting one service against the other, raiding the Navy’s No. 1 procurement program, is the way to fill that funding requirement. This amendment is not a step forward for good government. It has been proposed for no other reason than as a reckless assault on a program which has successfully cleared every production hurdle with room to spare. I have been advised by General Edward Philbin, Executive Director of the National Guard Association of the U.S., that NGAUS is not supporting this program because, among other things, it would simply create problems in the court systems when individuals flood the courts with frivolous lawsuits. We, in providing procurement funds for the Navy’s No. 1 program, the F/A–18, should, instead of supporting the Super Hornet, reemphasize this is a very unfortunate step when, as pointed out by the distinguished Senator from Hawaii, all services are facing shortfalls. We have to address the inadequacy in funding the Guard’s operations and the other services. But I can tell you that this amendment is totally uncalled for.

The F/A–18E/F is the Navy’s No. 1 priority procurement program. If you ask the Secretary of the Navy or any of the Navy’s No. 1 program, the No. 1 program of the Navy, number one of all the other services. But I can tell you that this amendment is totally uncalled for.

The F/A–18E/F is the Navy’s No. 1 procurement program. If you ask the Secretary of the Navy or any of the members of the committee, and the Senator from California, and the Senator from Arizona, and the Senator from Nevada, and the Senator from Florida, and the Senator from Texas, and the Senator from South Carolina, and the Senator from Oregon, and the Senator from Massachusetts, it is the Super Hornet. Yesterday the CNO in my office was talking about the F/A–18E/F. They reemphasize this is their No. 1 program. They cannot afford to take cuts in the program such as proposed on the House side, or particularly as proposed in this amendment. This amendment is a reckless assault on a program that, in the committee, and the Senator from Wisconsin led an effort to terminate
the F/A–18E/F. He failed. Since then, he has continued what appears to be a vendetta against the program, and now his intent is slowly to drain the money from the aircraft by continuing a plan to reduce the number of aircraft and the funding available, to make a full-scale production decision nearly impossible.

When you talk with the people in the Navy who know what their needs are, who know what the future of naval aviation is going to be, I think they will tell you that this is the airplane that they must have. If we want our men and women in naval aviation to carry out the missions we demand of them, then we have to provide them the modern, up-to-date, efficient aircraft technologically superior, that the E/F F–18 gives us.

I remember full well several years ago when the distinguished ranking member of this committee, the Senator from Hawaii, said, “We don’t ever want to see our fighting men and women into a battle evenly matched. We want to send them in with the technological superiority, the training, and the capability and resources to make sure they win.”

Mr. President, that is what the 18E/F gives us. It gives us that technological superiority. It gives us the ability to make sure we have the best chance possible of bringing our naval aviators home safely, having accomplished their mission.

The F/A–18E/F has already been scrutinized in the Quadrennial Defense Review. It has been scrutinized by the National Defense Panel. It has undergone GAO study after GAO study. It has been tested by pilots at the Patuxent River Naval Air Station and the Naval Air Weapons Station, China Lake. It has accumulated 2,749 test flight hours, over 1,800 flights, and numerous aircraft carrier landings. It has never had a catastrophic failure. I wish the political air programs could meet these standards. It has test fired just about every weapon the Navy might need it to carry. It is on time, it is on budget, and it needs to get underway.

I ask my colleagues, if they have any question about the value of this plane, ask somebody who flies one. Ask somebody who has had the opportunity to ask somebody who flies one. Ask somebody who has had the opportunity to speak to the reduction, Chairman of the House Military Procurement Committee, DUNCAN HUNTER said, “We think it’s a rational, responsible reduction, a balanced reduction.”

Does this mean Chairman HUNTER is recklessly assaulting the Super Hornet program? Is Chairman HUNTER diminishing the value of our Navy’s aviation fleet? Is Chairman HUNTER questioning the value of the Super Hornet? I don’t think Chairman HUNTER was, or ever will be, accused of any of those things. That’s why, Mr. President, it boggles my mind why I now stand accused of all of those things. It’s a plain mischaracterization of my amendment.

This amendment is not about gutting the Super Hornet program. This amendment, in fact, is not about getting one service against another. This amendment is not about diminishing the Navy’s aviation fleet. This amendment does not question the value of the Super Hornet.

Mr. President, this amendment is about an adequate level of funding for the National Guard and priorities in our armed forces. This amendment is about giving priority to the National Guard’s readiness levels, capabilities, force structure, and strength. This amendment is about bringing the Guard’s personnel, schools, training, full-time support, and retention and recruitment to adequate levels. This amendment, is about ending a slide in the morale of our citizen-soldiers.

Finally, my friend from Missouri states that the National Guard Association of the United States does not support this amendment. I’m sure he talked very forcefully to them. I counter by saying that the association does not oppose this amendment either. In fact, a majority of State Adjutants General, 26 of them so far, have contacted my office to add their names in support of this amendment. I hope that my colleagues will draw their own conclusions from that figure. Indeed, I urge my colleagues to support the National Guard, as I do. I urge my colleagues to vote against tabling my amendment.
While in China, President Clinton was allowed to make some tempered remarks on human rights abuses in China, though, unfortunately, he was quick to equate them with problems in America. He came back from China hailing his trip as a success and praising President Jiang and saying—I quote again—"feeling the breeze of freedom."

Only a week after President Clinton's return from China, China demonstrated the impact of this rhetoric on their attitude and their policies by arresting 10 democracy advocates. There their crime was not rape. It was not theft. It was not burglary. It was not grand larceny. It was not fraud. Their crime was that they dared to start a democratic opposition party.

The Washington Post reported—it is obvious in the headline—on Sunday, July 12, on the front page, "Chinese Rights Activists Detained a Week after Clinton Visit."

Fortunately, five of these activists were subsequently released. But when the supporters of democracy protested these arrests in an open letter to the Chinese President, they expressed surprise the Chinese Government kindly responded by arresting yet another dissident, Xu Wenli.

According to the Associated Press, on July 24, 1998, the Chinese Government detained two more Chinese democracy activists, bringing the known number of detained dissidents since the President returned from China to 21. Twenty-one dissidents have been detained since July 10, and three remain in custody at this moment.

On July 29, the Associated Press reported that the Chinese Government detained the democracy activist Wang Youcai for the second time this month. I will simply say, this is not the "feeling of freedom" but it is rather the draft of repression.

Some would like to argue that President Clinton's televised comments in China were a historic breakthrough in emboldening democracy activists throughout China. Unfortunately, the President's remarks were broadcast in the middle of the day when few Chinese were watching television. His remarks were not repeated on the evening news and were completely omitted from the next day's state-controlled newspapers.

I remind my colleagues also that Chinese activists already had their moment, and that moment was of their own creation from the 1989 demonstrations at Tiananmen Square.

We see that President Clinton spoke directly to the Chinese people, at least some of them. We see the symbolic point that he made, but what we do not see is that there was any difference made in the policy of the Chinese Government. In fact, their response was the opposite. If you will, a reinforcement of their policy of repression, and I believe the arrests that the Washington Post and all the major
media in our country spoke of within a week of the President’s return is testimony to the failure of our policy of appeasement.

As this chart is on the floor of the Senate with that headline, “Chinese Resumption” stands as, I think, irrefutable evidence that the current policies failed to bring about the desired changes, the changes that we all desire in China.

They resumed arrests. A policy of appeasement for work and art is not working today. Today, as a body, have the opportunity to move beyond rhetoric into real action with the amendment that I have offered.

The amendment is composed of two parts: one dealing with forced abortions and one dealing with religious persecution in China. This will have brought most of the House-passed measures last year—the Chinese freedom policy measures sponsored by my good friend and colleague, Chris Cox—this amendment to pass this afternoon, and now to a vote in the Senate. I am glad to say that my friend, SPENCE ABRAHAM, the Senator from Michigan, intends to offer the language that I recommended to the floor—and I welcome his remarks in support of that.

So where there is credible evidence that these officials are engaged in these horrendous practices, they would be denied visa approval, they would be denied entry by the American Government, by the American taxpayer. It would deny visas to officials engaged in religious persecution and forced abortion.

The amendment would force the Department of State, in every bilateral and multilateral forum, the issues of individuals in prison, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. It simply means that we are going to require our diplomats, when engaging in bilateral and multilateral discussions, to raise these important issues of religious persecution and forced abortions so that that discussion and our concern—the concern of the American people—is reflected by our diplomatic corps.

This amendment would make freedom of religion one of the major objectives of the United States foreign policy with respect to China. And lastly, concerning religious persecution, this amendment would demand that Chinese Government officials provide the United States State Department with the specific names of individuals, the individuals whose religious practice, the Chinese individuals, the charges against them, and the sentence that it imposed against them.

So individuals who have been arrested and incarcerated because of their faith, because of their religious practice, we would demand that the Chinese Government provide information about the condition, the whereabouts of those individuals and how long the sentence was. The same would be applied to those engaged in forced abortions.

Mr. President, since the founding of the People’s Republic of China almost 50 years ago, the Government has savaged and persecuted religious believers and subjected religious groups in China to comprehensive control by the state and the Chinese Communist Party.

The head of the state’s Religious Affairs Bureau said in 1996—and I quote the head of the Religious Affairs Bureau in China—‘‘Our aim is not registration for its own sake, but control.’’ Let me say that again. He said, ‘‘Our aim is not just registration, but control over places for religious activities as well as over all religious activities themselves.’’

In recent years intensified efforts to expel religious believers from the Government, the military, and the party, or deny them national identity papers in January of 1995.

I am very concerned about the mounting campaign of religious persecution being waged by the rulers of China. I believe this amendment is the least we can do. My colleagues and I have in recent years intensified efforts to expel religious believers from the Government, the military, and the party, or deny them national identity papers in January of 1995.

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I never thought that most-favored-nation status was the best tool that we had, and yet when we come with a proposal like this, one that I have visited with Senator WELLSTONE about, and many of my colleagues about, when we come with one that denies visas and denies travel and per diem for those involved in these terrible practices, then I hear people saying that is the wrong tool to use, we should not use visas. This is the very least that we can do. If we are not willing to deal with the $60 billion trade deficit that we give China—trade imbalance that we have with that country—then the least we can do is come back on this issue of visas, travel expenses, and raising the issue of our diplomatic efforts with the Chinese Government and make this something more than mere rhetoric.

I believe that these amendments are modest, that they are temperate, that they are well thought out. They have been repeatedly debated, not only in the House of Representatives but on the floor of the Senate as well.

I will ask my colleagues to support these amendments and to oppose any effort to take these amendments. I believe that there is clear evidence not only of religious persecution among Evangelical believers, among Roman
Catholic believers, but most obviously among Buddhist believers and the followers of the Dalai Lama. The repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to the closing and destroying of countless Buddhist shrines last spring. So the repression is real. And religious faith of all persuasions is in revival in China, but it is in revival in the face of intense persecution by the Chinese Government.

I was briefly going to speak of the practice of forced abortions that are going on in China today. I believe that this is a practice that is indefensible by any civilized human being. In their effort and attempt to reach a 1 percent annual population growth, the Chinese authorities, in 1979, issued regulations that provided monetary bonuses and other benefits, as incentives, and economic penalties for those who would have exceed this.

They subject families in China to rigorous pressure to end pregnancies and to undergo sterilizations. And while the Communist Chinese Government today says that coercion is not an approved policy, they admit that it goes on. The Chinese provided the State Department any evidence that they are punishing the perpetrators of that terrible practice of coerced abortions and forced sterilizations in China today.

Even more tragic is their effort to eliminate those they regard as "defective." China's eugenics policy, the so-called natal and health care law, requires couples at risk of transmitting disabling congenital defects to their child to undergo sterilization.

So the practices continue in China; the abuses continue in China. This amendment is the very least that we can do in clear conscience. I have faith that my colleagues are going to support this amendment. I think it is something that is so essential that we do. This practice of coerced abortions—and, may I add, the practice of persecuting believers, religious believers—is morally reprehensible and indefensible.

It is clear, as well, that the desired changes that the policy of so-called constructive engagement has sought has failed.

I once again point to this headline in the Washington Post, which was, in various forms, the front page story all across this country this month: "Chinese Resume Arrests"—that in the wake of our President's visit to China. So please look at the temperate tone of these amendments. Realize that the substance is simply denying visas, travel expenses, if you will, American-taxpayer-subsidized travel, in recognition of those who the State Department, the Secretary of State, has credible evidence indicating that they are involved in these inhumane practices.

I ask my colleagues to support this amendment when we vote this afternoon.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me say that I am very proud to join with my colleague, Senator HUTCHINSON from Arkansas, in offering this amendment. Let me say, secondly, that I do not agree on all issues—that may be the understatement of the year—we do have a common bond in our very strongly held views and, I think, passion when it comes to human freedom and human rights in our countries and respect for human rights.

At the beginning, I would like to just start out by doing two other things before speaking right to the amendment.

Mr. WELLSTONE. I think my colleague from Arkansas will agree with me, it would be important, given this topic, given this debate, given this discussion, to mention Aung San Suu Kyi from Burma, who, I wanted her to go to a meeting. That repressive junta Government would not let her go. She spent 5 days in her car, refusing to leave, before she could go to this meeting. She never could get to the meeting. We met Face to Face at home. It reminds us, again, of the repression of this regime.

I hope that these junta leaders understand that all of us in the Senate, Democrats and Republicans alike, abhor their actions. From my point of view, we can’t do enough as a country to isolate that repressive Government.

The core value that brings my colleague from Arkansas and the Senator from Minnesota together here today is freedom. And I think that there is no better way to speak to this than to examine our relationship with the Government and 1.2 billion people in China.

I am concerned that the administration’s "carrots only" policy has not worked well enough when it comes to accomplishing this goal of promoting freedom in human rights. I believe that the limited steps that the Chinese Government has taken to lessen political persecution has been when there has been American pressure. These included the prospect of a human rights resolution on China at the U.N. Commission on Human Rights in Geneva and the debate over annual MFN renewal. All of this has been important in communicating a strong statement to this Government that they are under our watchful eye, and that we speak out against persecution against people because of the practice of their religion or of their political viewpoint.

I had reservations, I have reservations about the June summit between the President and President Jiang Zemin. I had hoped that there would be concrete results. I always believed it would have been better if the President had laid out clear human rights pre-conditions before visiting China. Having said that, I was still very hopeful that this visit would make a difference.

Mr. President, I ask unanimous consent that Linn Schulte-Sasse, who is an intern with our office, be allowed to be on the floor during the debate on this appropriations bill.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas will agree, and the consent of the Senate is so ordered.

Mr. WELLSTONE. I think my colleague from Arkansas will agree with me, it would be important, given this topic, given this debate, given this discussion, to mention Aung San Suu Kyi from Burma, who had already spent 7 years in prison for helping a fellow activist. What did he do in his crime? He tried to organize laid off workers. Also last week, a Chinese court sentenced another dissident to 3 years in prison for helping a fellow activist to escape from China. Mr. President, I ask unanimous consent for having good relations with the Government, I am all for making sure that we have economic cooperation. I understand the market that is there. But I join with my colleague, Senator HUTCHINSON, in introducing this amendment, to say that whatever we do by way of our relations with China, we ought not to sacrifice a basic principle that we hold dear as a country, which is a respect for human rights and for human freedom of peoples.

This amendment started out to do three things. One will be taken care of in an amendment by my colleague, Senator ABRAHAM, which will increase the number of U.N. diplomats at the Beijing Embassy assigned to monitor human rights and add at least one human rights monitor to each U.S. consulate in this vast country. That is an important amendment. I hope my colleagues will support it.

The second point I would like to make is that our amendment is divided into two parts. First, our amendment will demonstrate our commitment to religious freedom by banning travel to the United States by any Chinese official who has engaged in religious persecution. While membership in religious groups is increasing explosively in China, the Government continues to persecute, continues to persecute, Muslim Uighurs, Tibetan Buddhists and Christians.

China's harsh prison sentences and violence against religious activists still occur; state control increasingly takes the form of a registration process. This
I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I realize that standing and speaking in opposition to the amendment of one of my colleagues and my constituents. I also realize that my chairman will rise to table this amendment at the appropriate time. But I believe that something has to be said as to why some of us oppose this amendment.

Mr. President, we are blessed to be able to live in a great country. We just celebrated the 222nd anniversary of our birth. We have had a very illustrious and a glorious history. Yet, there are many chapters in our history that we would prefer not to discuss; we would prefer to just pass them over. The countries that we are speaking up against in Southeast Asia and Asia do not have a 222-year history. Yes, they have been there for 4,000 or 5,000 years, but keep in mind that most of these countries have been under the yoke of some European power until just recently. Indonesia, until the end of World War II, was under the control, and therefore a colony of, Holland. China had been under various countries. The Japanese have been there; the British have been there; the French, the Russians—and Americans. North Korea had been under the control of the Japanese up until World War II. The Philippines was our colony until the end of the war.

Our country is blessed with resources—all of the minerals that we need, all of the chemicals we need to make the No. 1 high-tech country in the world, the most powerful military country in the world. These other countries are still struggling. I don't think we can expect these nations who are going through the evolutionary stage of just 50 years, as compared to our country, to comport themselves like Americans, or like Europeans. I think that you have freedom, we expect you to behave like Americans, I think is the way the Government monitors the membership in religious organizations.

According to the State Department's reports, Chinese officials have conducted a special campaign against all unauthorized religious activities by non-Christians. This included police detaining people, beating, and fining members of the underground Catholic Church in Jiangxi Province, and raiding the homes of bishops. That is what is happening in this country.

This has also carried out a major purge of local officials in certain heavily Muslim populated areas, and targeted again “underground” Muslim activities. The Government has banned the construction or renovation of 130 mosques, and arrested scores of Muslim dissidents.

In Tibet, human rights conditions remain grim, and have gotten worse this past year. Tibetan religious activists face “disappearance,” or communication, imprisonment, or cruel and inhuman treatment in custody.

Finally, this amendment, second part, demonstrates the abhorrence of the United States over the practice of forced abortion and sterilization. It targets officials involved in forcing Chinese women to undergo abortions and sterilization and bans their travel to the United States of America. Chinese population control officials, working with employers and workers, in conjunction with Chinese officials, routinely monitor women's menstrual cycles. They subject women who conceive without Government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines—in one province, twice a family's gross annual income—to loss of employment, and in some cases to the use of physical force.

Some people argue that we cannot influence China, that the country is too large, too proud, and that change takes too long. Religious persecution, forced sterilization, forced abortion, people trying to speak out on behalf of their own human rights, all of these citizens have thanked us for helping to keep them alive by focusing attention on their plight and for fighting for reforms.

We cannot give up. We must continue to pressure China on these urgent matters. I urge my colleagues to vote for this very reasonable amendment, and I think Senator HUTCHINSON sends a very compelling and very powerful message, not only to the Government that we will not in any way, shape, or form stand by idly and be silent about this kind of repression, but also to the people in China, the citizens, that we support their efforts on behalf of human rights, on behalf of their right to be able to practice their own religion, on behalf of their right to be free from forced abortion and forced sterilization.

Colleagues, please give this amendment your overwhelming support.

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in respiratory diseases, worse in diabetes. And this happens in these United States. And if some other country should condemn us for this, we would stand up as one and say: It is none of your damn business.

Mr. President, the question before us is, Do we contain and do we isolate China—a nation with a population of over one-fourth of the world's population? They have problems, as much as we have problems. The question is, can we ignore them, or do they want us to do something? They may someday acquire all the technology that they need to become a terrible world power? Or do we try to engage them and, hopefully, by practice and by model, convince them that our system is better?

We seem to have done pretty well in doing this with the Soviet Union. We are told that the cold war is over now, that the power the Soviet Union had taken a real hit some time after December 7—on February 19, 1942—an Executive order was issued declaring that Japanese Americans were not to be trusted. Therefore, they had to be rounded up, with 48 hours' notice, and placed in 10 camps throughout the United States—no due process. No crimes were committed. Studies were made, investigations done, and there was not a single case of sabotage, not a single case of un-American activity. In fact, men volunteered from these camps to form a regiment, which I was honored to serve in, and we became the most decorated Army unit in the history of the Army. The United States is finally going to close that chapter.

But these things have happened to us. As a personal matter, I resented that when, on March 17, 1942, my Government said I was to be declared 4C.

In case people are not aware of what 4C means, 1A is a special designation for the physically fit, mentally alert. Therefore, you are qualified to put on the uniform of the United States; 4F, something is wrong with you, physically or mentally; 4C is a special designation for enemy alien. That was my designation.

So when one speaks of the history of the United States, there are chapters
that we don’t wish to look at, because, if we start looking back to these chapters, you will find that we have gone through this painful evolution.

So I am telling my colleagues that this is not a simple amendment. It is an amendment that requires deep thought on our part. I hope that we leave it up to those who we rely upon in our State Department to do the best. We can always watch what is going on. Yes, they have forced abortion, and their distinguished career, and all that he represents.

But I just want to clarify the perspective of the authors of this amendment. The issue is not imposing American values. Frankly, we don’t and we can’t impose anything on another nation. But what we can say is that the values are important.

I think it is terribly wrong to try to make a moral equivalency argument and say that examples of religious persecution that may exist in the United States can in any stretch of the imagination be compared to the wholesale religious oppression that exists in China today.

We simply don’t have headlines in the Washington Post saying that there were “10 detained in Arkansas” because of their religious beliefs. We don’t have that in this country, and we shouldn’t. If we did there would be an outrage, and if we did we should be condemned by other nations in the world.

So the issue is not imposing American values. The issue is whether or not we as a body and we as a nation want to reflect certain fundamental beliefs and fundamental rights.

I add that these are not American values that we speak of. These are not American values that this amendment is addressing. These are human values. They are human values.

It was not the U.S. Supreme Court that I quoted in condemnation of forced abortion. It was the Nuremberg War Tribunal that said forced abortion is a crime against humanity.

Those values. We cannot excuse a nation by saying they are new at this thing of freedom. No. In fact, it is not that the communist rulers of China don’t understand freedom. It is that they understand freedom all too well, and they are determined to repress it.

The issue in China is control, and the Chinese Communist Government is determined to use whatever means necessary and whatever means at their disposal to insure that they maintain control, even to the point of persecuting those who might say there is a power above and beyond the power of the Chinese Government.

I say to my distinguished colleague from Hawaii that the issue is not isolation. It is certainly not isolation. There is no way that we could, even if we wished to, isolate the largest, most populous nation in the world.

It is, though, as a country and as we are a people, we are going to stand for something other than profits. That is what this amendment is about. That is why I believe, I have faith, that my colleagues in the Senate will support an amendment that really reflects the best not only of American values but human values.

Mr. WELLSTONE addressed the Chair.

Mr. WELLSTONE. Mr. President, I will take 2 minutes, because I know my colleague wants to move forward.

Mr. President, the Senator from Hawaii is the best of the best Senators. I don’t like to disagree with him. I am certainly not in disagreement with his analysis about our own history. There is nobody who can speak with more eloquence and more integrity about injustices in our country toward minorities and violations of people’s human rights than the Senator from Hawaii. There is no question about it.

But I also believe, as my colleague from Arkansas has ably pointed out, that it is also important for other countries, and it would have been an important relation for our country to speak out.

When I think about South Africa, I think about what President Mandela said. One day he said over and over again, was when the people in the United States took action, it was when we put the pressure—not just symbolic politics—that things began to break open, and finally we were able to end the awful system of subjugation of people because of the color of their skin.

When I think even about our relations with the former Soviet Union, we were tough on these human rights violations.

I really believe that this amendment is just a very modest beginning which says, look, when you have people who are directly guilty of religious persecution, and when you have people who are directly guilty of forced sterilization, forced abortion—and we even had waivers for the Presidents. But when we are saying is then let’s take this into account. They ought not to be given travel visas to our country.

This is moderate, I say to my colleagues. This is but a step forward. But I think it is important. This is the important message about what our values are all about, what we are about as a nation. And it supports the people in China.

This really is an important amendment. I hope that our colleagues will vote for it and will give it overwhelming support.

Mr. STEVENS, Mr. President, before I respond, I again would like to request that the Senators come to order, and let us see their amendments.

Earlier today I said of the 46—it is now 47 amendments that we know of—that we had agreed to accept 23 of them.

My staff informs me that the difficulty is we can’t accept them because we haven’t seen the final version of them. We hope that those will be produced here so we can dispose of the amendments that are likely to be accepted expeditiously with very short comments from Members.

We are going to have over 50 amendments. We are going to finish this bill by tomorrow. I advise Members and staff to get their amendments together so people to rest on tonight unless we get through them very quickly.

Mr. President, I have to confess to my friends, both of them who have spoken in favor of the Senate, that this Senator is at a loss to understand section 9012, which says that no funds can be used to pay the travel expenses and per diem for the participation in conferences, exchanges, programs, etc. of any national from the People’s Republic of China who is the head or political secretary of any Chinese Government-created or approved organization. And it lists the Chinese Buddhist Association, the Chinese Catholic Association, the National Congress of Catholic Representatives, the Chinese Catholic Bishops’ Conference, the Chinese Protestant Three-Self Patriotic Movement, the China Christian Council, the Chinese Taoist Association, the Chinese Islamic Association, and then a series of civilian and military officials and employees of Government to carry out the specific policies that are listed, such as promoting or participating in policies or programs which hinder religious activities, or the free expression of religious beliefs.

I am at a loss to understand that section. Perhaps the Senator would explain that to me.

Mr. HUTCHINSON. Mr. President, if the Senator will yield.

Mr. STEVENS. Yes.

Mr. HUTCHINSON. The officials that are listed of the various organizations that the Senator listed in the amendment are, in fact, Government employees, and Government agents.

They are those, or the head of these associations. These are the registered churches that are used as tools and agents of the Chinese Communist Government in the repression of those various groups. It does not refer to the pastors, the ministers, the priests of local congregations, but the heads of these associations which, in fact, work for the Communist Government and are those that are perpetrating the very persecution against those groups.
So while there are millions of Chinese today underground in unregistered churches, mosques, synagogues and temples, there is also the so-called Patriotic Church, the recognized church by the Government which is strictly controlled and credible evidence that they were practicing perpetrating religious persecution.

Mr. STEVENS. I am sad to say to my friend I don’t understand that section of the law. I don’t understand that section of the law. That is why those officials would be included if, in fact, the Secretary of State should find credible evidence that they be included if, in fact, the Secretary of State should find credible evidence that they will no longer be able to support or encourage China or the Chinese people. China needs Most Favored Nation status with the United States, and the Chinese people. China needs Most Favored Nation status with the United States, and this same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed “business principles” mandated in the amendment. On the other hand, the amendment to China, to expand dialogue, to invite China to the United Nations, power, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations? We are all of the same opinion there’s no dispute about that. But the question is how do best achieve human rights? We think it’s through the market.

We urge you to look beyond the artificially-crafted titles of these amendments to their actual content and effect. One would require the United States to impose on the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed “business principles” mandated in the amendment. On the other hand, the amendment to China, to expand dialogue, to invite China to the United Nations, power, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations? We are all of the same opinion there’s no dispute about that. But the question is how do best achieve human rights? We think it’s through the market.

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The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I keep asking and requesting that Members come forward with these amendments. I have asked for the quorum call now the leadership to clear a unanimous consent request that all amendments have to be filed by 4. I know it is not cleared yet, but I am again requesting that and letting people know somehow or other we are going to get these amendments. It may be that I will just have to move to go to third reading, we will have a vote to go to third reading and cut them all off.

For those people who want to go home, I will give them an avenue to get home, and that is let's just vote on this bill. But if people won't bring the amendments to us, we are going to have to take some drastic steps here to limit the number of amendments we can consider. I know that it is an extraordinary procedure, but these are extraordinary times. I would like at least to have the amendments we have said we would accept. Twenty-three Members out there with amendments I said we would accept, and they have not brought them over. I plead with the Senate to think about proceeding with this bill.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

AMENDMENT NO. 3409

(Purpose: To express the Sense of Congress that the readiness of the United States Armed Forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions, including the ongoing, open-ended commitment of U.S. forces to the peacekeeping mission in Bosnia)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. Hutchison) proposes an amendment numbered 3409.

Mrs. HUTCHISON. 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 appropriate place in the bill, insert the following:

Sec. _____ (a): Congress makes the following findings:

(1) Since 1989,
(A) The national defense budget has been cut in half as a percentage of the gross domestic product;
(B) The national defense budget has been cut by over $120 billion in real terms;
(C) The U.S. military force structure has been reduced by more than 30 percent;
(D) The Department of Defense’s operations and maintenance accounts have been reduced by 49 percent;
(E) The Department of Defense’s procurement funding has declined by more than 50 percent;
(F) U.S. military operational commitments have increased fourfold;
(G) The Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installation commands, and cut 18 divisions from its force structure;
(H) The Army has reduced its presence in Europe from 220,000 to 65,000 personnel;
(I) The Army has averaged 14 deployments every four years, increased significantly from the Cold War era of one deployment every four years;
(J) The Air Force has downsized by nearly 40 percent, while experiencing a four-fold increase in operational commitments.

(2) In 1992, 57 percent of the Navy’s fleet was deployed at any given time. Today that number is 57 percent; at its present rate, it will climb to 62 percent by 2005.

(3) The Navy’s Surface Warfare Officer community will fall short of its needs by a 40 percent increase in retention to meet requirements;

(4) The Air Force is 18 percent short of its retention goal for second-term airmen;

(5) The Air Force is more than 800 pilots short, and more than 70 percent eligible for retention have turned them down in favor of separation;

(6) The Army faces critical personnel shortages in combat units, forcing unit commanders to borrow troops from other units just to participate in training exercises.

(7) An Air Force F-16 squadron commander testified before the National Security Committee that his unit was forced to borrow three aircraft and use cannibalized parts from four other F-16s in order to deploy to Southwest Asia;

(8) In 1997, the Army averaged 31,000 soldiers deployed away from their home station in support of military operations in 70 countries with the average deployment lasting 125 days;

(9) Critical shortfalls in meeting recruiting and retention goals is seriously affecting the ability of the Army to deploy. The Army reduced its recruiting goals for 1998 by 12,000 personnel;

(10) In fiscal year 1997, the Army fell short of its recruiting goal for critical infantry soldiers by almost 5,000. As of February 15, 1998, Army-wide shortages existed for 28 Army specialties. Many positions in squads and crews are left unfilled or minimally filled because personnel are diverted to work in key positions elsewhere;

(11) The Navy reports it will fall short of enlisted sailor recruitment for 1998 by 10,000;

(12) One in ten Air Force front-line units are not combat ready;

(13) Ten Air Force technical specialties, representing thousands of airmen, deployed away from their home station for longer than the Air Force standard 120-day mark in 1997;

(14) The Air Force fell short of its reenlistment rate for mid-career enlisted personnel by an average of six percent, with key warfare career fields experiencing even larger drops in reenlistments;

(15) In 1997, U.S. Marines in the operating forces have deployed on more than 200 exercises, rotational deployments, or actual contingencies;

(16) U.S. Marine Corps maintenance forces are only able to maintain 92 percent ground equipment and 75 percent equipment readiness rates due to excessive deployments of troops and equipment;

(17) The National Security Strategy of the United States assumes the ability of the U.S. Armed Forces to prevail in two major regional conflicts nearly simultaneously.

(18) The Secretary of Defense for the United States, the U.S. Army’s five later-deploying divisions, which constitute almost half of the Army’s active combat forces, are critical to the success of specific war plans;

(19) According to commanders in these divisions, the practice of under staffing squad and crews that are responsible for training, and assigning personnel to other units as fillers for exercises, and operations, has been common and is degrading unit capability and readiness.

(20) In the aggregate, the Army’s later-deploying divisions were assigned 83 percent of their authorized personnel at the beginning of fiscal year 1998. In one specific case, the 1st Armored Division was staffed at 94 percent in the aggregate; however, its combat support and service support specialties were filled at below 85 percent, and captains and majors were filled at 73 percent.

(21) At the 10th Infantry Division, only 138 of its 422 infantry squad leaders were minimally filled, and 36 of the filled squads were unqualified. At the 1st Brigade of the 1st Infantry Division, only 56 percent of the authorization infantry soldiers for the Bradley Fighting Vehicles were assigned, and in the 2nd Brigade, 21 of 48 infantry squads had no personnel assigned. At the 3rd Brigade of the 1st Armored Division, 100 M1A1 tanks had full crews and were qualified, and in one of the Brigade’s two armor battalions, 14 of 58 tanks had no crewmembers assigned because the personnel were deployed to Bosnia.

(22) At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the National Security Strategy were short nearly 1,900 of the total 25,379 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200.

(23) Rotation of units to Bosnia is having a direct and negative impact on the ability of later-deploying units to maintain the training and readiness levels needed to execute their mission in a major regional conflict. Indications of this include:

The reassignment of the Commanding Officer of the 3rd Brigade Combat Team of 63 soldiers within the brigade to serve in infantry squads of a deploying unit of 800 troops, striking the non-deploying armor units of maintenance personnel, and reassigning Non-Commissioned Officers and support personnel to the task force from throughout the brigade;

Cancellation of gunnery exercises for at least two armor battalions in later-deploying divisions, causing 43 of 116 tank crews to lose their qualifications on the weapon system;

Hiring of outside contract personnel by 1st Armored and 1st Infantry later-deploying divisions to perform required maintenance.

(22) National Guard budget shortfalls compromise the Guard’s readiness levels, capabilities, force structure, and end strength, putting the Guard’s training, full-time support, retention and recruitment, and morale at risk.

The President’s budget requests for the National Guard have been insufficient, notwithstanding the frequent calls on the Guard to handle wide-ranging tasks, including deployments in Bosnia, Iraq, Haiti, and Somalia.

(b) Sense of Congress:

(1) It is the sense of Congress that—
(A) The readiness of the armed forces to execute the National Security Strategy of the United States is being eroded from a
U.S. military operational commitments have increased fourfold. It is clear the Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas and cut 10 divisions from every four years, significantly from the Cold War trend of one deployment every four years.

The Air Force has downsized by nearly 40 percent, while experiencing a fourfold increase in operation commitments. In 1992, 37 percent of the Navy's fleet was deployed at any given time. Today that number is 57 percent; at its present rate, it will climb to 62 percent by 2005.

The Navy Surface Warfare Officer community will fall short of its needs a 40 percent increase in retention to meet recruitment goals. The Air Force is 18 percent short of its retention goal for second-term airmen.

We know the Air Force is more than 500,000 soldiers short, and we know that our experienced pilots have not re-upped, in the face of a $60,000 bonus. The Army faces critical personnel shortages in combat units, forcing unit commanders to borrow troops from other units just to participate in training exercises.

In 1997, the Army averaged 31,000 soldiers deployed away from their home station in support of military operations in 70 countries with the average deployment lasting 125 days. Critical shortfalls in meeting recruitment and retention goals is seriously affecting the ability of the Army to train and deploy. The Army reduced its recruiting goal for 1998 by 12,000 personnel.

The Navy reports it will fall short of its enlisted sailor recruitment for 1998 by 10,000. One in ten Air Force front-line units are not combat ready. Ten Air Force technical specialties, representing thousands of airmen, deployed away from their home station for longer than the Air Force standard 120-day mark in 1997.

In 1997, the U.S. Marines in the operating forces have deployed on more than 200 exercises, rotational deployments, or actual contingencies. U.S. Marine Corps maintenance forces are only able to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments of troops and equipment.

The National Security Strategy of the United States assumes the ability of the U.S. Armed Forces to prevail in two major regional conflicts nearly simultaneously.

Mr. President, all of us, including the distinguished Senator from Kansas who is a former marine, know that "nearby" has been inserted into our national security strategy. Our strategy used to be that we would have the ability to prevail in two major regional conflicts simultaneously. Today, we are saying "nearly simultaneously," yet none of us who have studied these issues believes that we are ready, today, even for this ramped down mission.

To execute the National Security of the United States, the U.S. Army's five later-deploying divisions, which constitute almost half of the Army's active combat forces, are critical if the United States is to achieve its warfighting missions.

According to commanders in these divisions, the practice of under staffing squads and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

In the aggregate, the Army's later-deploying divisions were assigned 30 percent of their personnel at the beginning of fiscal year 1998. In one specific case, the 1st Armored Division was staffed at 94 percent in the aggregate; however, its combat support and service support specialties were filled by 25 percent, and captains and majors were filled at 73 percent.

At the 10th Infantry Division, only 138 of 162 infantry squad officers were fully or minimally filled, and 36 of the filled squads were unqualified. At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the U.S. National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers and 12,000 personnel authorized, and as of February 15, 1998, this shortage had grown to almost 2,200.

Rotation of units to Bosnia is having a direct and negative impact on the ability of later-deploying divisions to maintain the training and readiness levels needed to execute their mission in a major regional conflict. Indications of this include:

1. The reassignment by the Commander of the 3rd Brigade Combat Team of 63 soldiers within the brigade to serve in infantry squads of a deploying unit of 800 troops, stripping non-deploying infantry and armor units of maintenance personnel, and reassigning Non-Commissioned Officers and support personnel to the task force from throughout the brigade;
2. Cancellation of gunnery exercises for at least two armor battalions in later-deploying divisions, causing 43 of 116 tank crews to lose their qualifications on the weapon system;
3. Hiring of outside contract personnel by 1st Armored and 1st Infantry later-deploying divisions to perform routine maintenance.

Mr. President, these are the facts. Every one of the facts that I have read is absolutely in print, in the report of the Quadrennial Defense Review, in the DOD budget for fiscal year 1999, and a compilation of statements from the Department of Defense vice chiefs in a
July 30, 1998

Mr. President, I hope that my colleagues will support me in this sense of Congress. It is just the beginning of our responsibility to address what we see as the problems in our military and that we would then be able to take the report and take the necessary steps to correct the situation that we are making with regard to the military readiness and the security of our country.

Mr. STEVENS addressed the Chair. The PRESIDING OFFICER. Mr. STEVENS is the distinguished chairman of the Appropriations Committee, the Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the Senator from Texas for her presentation. It is my hope we will be able to accept that amendment. I have referred it to my colleagues on the other side of the aisle, and we are hopeful that we can reach that conclusion later.

Mr. President, I prefer simultaneously, but never-
technical error in the amendment that was previously adopted.

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

The amendment (No. 3391), as modified, is as follows:

On page 34, line 24, strike out all after "$49,600,000" down to and including "1999" on page 35, line 7.

On page 42, line 1, strike out the amount "$2,000,000,000" and insert the amount "$1,775,000,000".

On page 99, in between lines 17 and 18, insert the following:

Sec. 3. In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "Military Personnel, Army", $38,000,000; for "Military Personnel, Navy", $43,000,000; for "Military Personnel, Marine Corps", $14,000,000; for "Military Personnel, Air Force", $44,000,000; for "Reserve Personnel, Army", $5,377,000; for "Reserve Personnel, Navy", $4,112,000; for "Reserve Personnel, Marine Corps", $1,103,000; for "Reserve Personnel, Air Force", $1,000,000; for "National Guard Personnel, Army", $5,777,000; and for "National Guard Personnel, Marine Corps", $3,864,000; for "Operation and Maintenance, Air Force", $44,000,000; for "Operation and Maintenance, Army", by $38,000,000; for "Operation and Maintenance, Navy", by $43,000,000; for "Operation and Maintenance, Marine Corps", by $14,000,000; and for "Operation and Maintenance, Air Force", by $44,000,000.

The PRESIDING OFFICER. The Senator from Texas [Mrs. Hutchison], proposes an amendment numbered 3413, to the extent necessary for U.S. ground forces to protect themselves as outlined in sub-paragraph (a)(1) proceeds;

(2) to the extent necessary to support a limited number of United States military personnel sufficient only to advise the commanders of North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina.

The PRESIDING OFFICER. The Senator from Texas [Mrs. Hutchison], proposes an amendment numbered 3413, to the extent necessary for U.S. ground forces to be deployed as part of NATO containment operations in regions surrounding the Republic of Bosnia and Herzegovina.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Sec. 3. (a) The Congress finds the following: (1) United States forces in the Republic of Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation and Stabilization Force.

(2) The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authorities.

(3) Congress may limit the use of appropriated funds to create the conditions for an orderly and honorable withdrawal of U.S. forces from the Republic of Bosnia and Herzegovina.

(b) Notwithstanding any other provision in this Act, the total amount available in this Act for "Quality of Life Enhancements, Department of Defense" is hereby reduced by the amount appropriated under title I of this Act, the following accounts: "Operation and Maintenance, Air Force", $1,000,000; "Operation and Maintenance, Marine Corps", $1,000,000; "Reserve Personnel, Air Force", $1,000,000; "National Guard Personnel, Army", $5,377,000; and for "National Guard Personnel, Marine Corps", $3,864,000; for "Reserve Personnel, Marine Corps", $1,103,000; for "Reserve Personnel, Air Force", $1,000,000; for "National Guard Personnel, Army", $5,377,000; and for "National Guard Personnel, Marine Corps", $3,864,000; for "Operation and Maintenance, Air Force", $44,000,000; for "Operation and Maintenance, Army", by $38,000,000; for "Operation and Maintenance, Navy", by $43,000,000; for "Operation and Maintenance, Marine Corps", by $14,000,000; and for "Operation and Maintenance, Air Force", by $44,000,000.

(c) Notwithstanding any other provision in this Act, the amount appropriated under the heading "National Guard and Reserve Equipment", is hereby reduced by $24,688,000.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the Senator from California to speak on the amendment that was offered by Senator Hutchinson, following the offering of the Bosnia amendment by the Senator from Texas.

The PRESIDING OFFICER. Without objection it is so ordered. The Senator from California is recognized.

Mrs. HUTCHISON. Mr. President, I think the unanimous consent agreement was to allow me to offer my amendment, and then I will defer to the Senator from California.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3413
Purpose: To condition the use of appropriated funds for the purpose of an orderly and substantial reduction of U.S. ground forces in the Republic of Bosnia and Herzegovina.

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. Hutchison], for herself, Mr. Stevens, Mr. Craig, Mr. Sessions, Mr. Smith of Oregon and Mr. Finkgold, proposes an amendment numbered 3413.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the readiness of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Sec. 3. The Congress finds the following: (1) United States forces in the Republic of Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation and Stabilization Force.

(2) The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authorities.

(3) Congress may limit the use of appropriated funds to create the conditions for an orderly and honorable withdrawal of U.S. forces from the Republic of Bosnia and Herzegovina.

(4) On November 27, 1995, the President affirmed that United States participation in U.S. forces forthcoming to be December 20, 1996.

(5) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(6) The Secretary of Defense and the Chairmen of the Joint Chiefs of Staff expressed confidence that the Implementation Force would complete its mission in about one year.

(7) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces.

(8) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(9) In November 1996 the President announced his intention to further extend the duration of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until June 1998.

(10) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until June 1998.

(11) The President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(12) The report under paragraph (a) shall in- clude an identification of the specific steps taken by the United States Government to transfer the United States portion of the Implementation Force to the Republika Srpska (‘Bosnian Entities’); (b) may expose United States Armed Forces to substantial risk to their personal safety; and (c) construction of Section.—Nothing in this section shall be deemed to restrict the authority of the Congress to prohibit the deployment of U.S. forces.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Sec. 2. Limitations on the use of funds.

(a) Funds appropriated or otherwise made available for the Defense of Bosnia and Herzegovina for any fiscal year may not be obligated or expended

(b) To the extent necessary to support a limited number of United States military personnel sufficient only to advise the commanders of North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina; and

(c) To the extent necessary to support non-combat military personnel sufficient only to advise the commanders of North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina.

The PRESIDING OFFICER. The Senator from Texas [Mrs. Hutchison], proposes an amendment numbered 3413, to the extent necessary for U.S. ground forces to protect themselves as outlined in sub-paragraph (a)(1) proceeds;

The PRESIDING OFFICER. The Senator from Texas [Mrs. Hutchison], proposes an amendment numbered 3413, to the extent necessary for U.S. ground forces to be deployed as part of NATO containment operations in regions surrounding the Republic of Bosnia and Herzegovina.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

Mrs. HUTCHISON. This is the amendment on Bosnia that we will discuss.
The PRESIDING OFFICER. The distinguished Senator from California is finally recognized.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 1324

Mr. President, as one who has watched China for some 35 years now, and been a frequent visitor for the past 20 years, I would like to make a few comments on the amendment, which effectively would set up a protocol whereby officials beneath the rank of Cabinet officials could be refused visas to come to this country.

The amendment, while it promotes a worthy goal, goes about it in a completely different way. I do not think there is any Senator in this body who does not condemn the practice of forced abortion, forced sterilization, or any other coercive population control device or measure. We all agree there are certain practices and policies still in China that we oppose. The question we need to ask ourselves is this: What is the best contribution we can make to producing change, real change, in China? I submit that the answer is: we can engage China at all levels, all levels of government, Academia, business, law, and every other kind of social interaction should be energized. We should welcome every chance to interact with the Chinese people and officials as an opportunity to move them to our values, to expose them to the rule of law, to Democratic values, to individual liberties.

The path set out by this amendment, I believe, is extraordinarily dangerous and it takes us on the opposite path. It is a path of isolation and containment. It cuts ourselves off from the very people we need to help educate and persuade and expose to Western values. And it would surely spark similar countermeasures by the Chinese Government, which effectively would set up a protocol whereby officials beneath the rank of Cabinet officials could be refused visas to come to this country.

The amendment, while it promotes a worthy goal, goes about it in a completely different way. I do not think there is any Senator in this body who does not condemn religious persecution that prevents people from freely exercising their own personal religious beliefs. Of course, not. We all agree there are certain practices and policies still in China that we oppose. The question we need to ask ourselves is this: What is the best contribution we can make to producing change, real change, in China? I submit that the answer is: we can engage China at all levels, all levels of government, Academia, business, law, and every other kind of social interaction should be energized. We should welcome every chance to interact with the Chinese people and officials as an opportunity to move them to our values, to expose them to the rule of law, to Democratic values, to individual liberties.

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But cutting off visas of officials isn’t the way to handle problems, whether they relate to IPR, whether they relate to technology transfer, whether they relate to other military endeavors or trade matters, I believe. I must say, I believe this is the first time in the last year that the administration has really made up their mind that what they are going to do is engage China fully and completely at the top level. I believe it is having enormous dividends and that we will see in the years to come a much more open country, a country that has taken steps to make greater reforms.

You have to realize that to those of us who sit on the west coast, the Pacific rim is our world of trade. The Pacific rim has by far exceeded the Atlantic Ocean as the major theater of trade. In my State, approximately over a third of the jobs depend on trade with Asia. We want to have positive relations with Asia, positive relations with the Philippines, with Taiwan, with South Korea, with China, with all of the ASEAN countries as well. Increasingly, we have an opportunity, we believe, on the Pacific, to form a Pacific rim community that is peaceful, where trade will be where so much can be shared. I must tell you, I buy into that dream. I want to see it happen.

Mr. HUTCHINSON. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield.

Mr. HUTCHINSON. Mr. President, coerced abortion and religious persecution are two practices that the Chinese Communist Government denies take place in China.

How, then, would denying visas to Chinese officials in which we have credible evidence that, in fact, they are doing—how would that impede the kind of positive relationship that you want to see?

I again reiterate the questions: How do we reconcile the most recent round of arrests of those who tried to form a democracy party in China when they were detained and incarcerated? And the test of the rocket engines while the President was in China, how do we reconcile that with this supposed breeze of freedom that we now have blowing through China?

Mrs. FEINSTEIN. I don’t think it is all good, Senator. And all going in one direction. I find the arrest of disidents in the wake of the President’s visit or prior to the President’s visit as 100 percent wrong.

Senator, if there is one thing I have learned about the Chinese, they can be ham-handed in how they function. They can be their own worst enemies in how they handle, because they function under a different, I think, value system in this regard. Sometimes, I believe, it is overreaction. I have read things, and I sit back and say, why did this have to happen?

Now, let’s talk for a moment about forced abortion. I think it is an abysmal practice, it is a barbaric practice. China says they do not countenance and they do not want to permit it. That is the official government policy. Are there occasions where, in this vast country, forced abortion is committed, do I believe? I believe there are instances where abortions are, in fact, committed. I also believe, though, that by pointing this out continually, we will see some changes.

I think it has to be understood that China still has over 100 million people living in caves, some living in the most impoverished circumstances, particularly in western China. It has to be understood that China is a nation of 1.2 billion people, growing rapidly. When I first went to China in 1979, what I was told was, what we have for one person must be extended to five people. I have seen since that time the quality of life improving for people. I have seen the easing of restrictions. I have seen the opening of the society. I have seen the stress on education. I have seen the opening of the society. I have to think that is healthy for the society. I think if we engage that society, if we talk with people on equal levels, if we treat China without humiliating China but treat China with equality, that we will see major positive changes in the future.

So I appreciate the opportunity to have this dialog. I respect your values. I respect your position. I respect you and the way you are trying to do in this regard. I just happen to believe, based on my knowledge, my understanding, and my experience with China and the Chinese people, I believe it would be highly unproductive.

I just wanted an opportunity to come to the floor and have that opportunity to state my views. I thank the distinguished Senator.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. KENNEDY. Will the Senator yield?

Last evening I had asked the majority leader just for 5 minutes at some time during the period when he was propounding the consent request. I am glad to cooperate with the floor managers on when would be the most appropriate time to do so, but since we are starting off on an amendment, I don’t want to interrupt the debate on the amendment, and I am glad to inquire of the Senate’s view on what period of time he intends to take.

Mr. ABRAHAM. If the Senator from Massachusetts would like to speak for up to 5 minutes, the Senator from Michigan would be happy to propose a unanimous consent agreement by which the Senator from Massachusetts is yielded 5 minutes to speak, in morning business or whatever, and then establish that the Senator from Michigan would be recognized to proceed with the conclusion.

The PRESIDING OFFICER. Does the Senator from Michigan desire to make that request in the form of a unanimous consent request?

Mr. ABRAHAM. I ask unanimous consent that the Senator from Massachusetts be permitted to speak for 5 minutes at this time, to be followed by the Senator from Michigan to then resume discussion of my amendment.

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

The Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from Michigan.

As the Senator knows, the Judiciary Committee of which we are both members, is starting hearings at this time as well. I appreciate his kindness in permitting me to address the Senate at this time.

PATIENTS’ BILL OF RIGHTS

Mr. KENNEDY. Mr. President, as we begin the August recess, the American people should understand that the Republican leadership is still bent on blocking meaningful reform. I believe that Senator LOTT owes it to Congress and the American people to schedule a full and fair debate as the Senate’s first order of business when we return in September, but he has refused so far to do so and I believe behind the unreasonable restrictions on fair guidelines for the Senate’s debate.

The Republican leadership in Congress deserves the failing grades it is getting for fumbling the issue on HMO reform. At least since last January when the press reports began noting that Oscar-winning actress Helen Hunt in “As Good as it Gets,” who electrified audiences with her attack on HMOs, it has been clear that a tidal wave of support is building to end the managed care abuses and stop HMOs from profiting in ways that jeopardize patients’ health or their very lives.

The GOP’s HMO line of defense continues to be to block any strong legislation, refuse to allow fair debate, and to give the HMO lobby an antireform TV ads a chance to bite. The genie is out of the bottle, and that cynical strategy will fail. If the majority leader has not already done so, I urge him to see the film during the recess. I have a videotape of the film here. I ask a page to deliver it to the majority leader.

I urge the leader to see the film in a theater so he can judge the audience reaction and be more convinced of the genuine public outrage that exists over the abuses of HMOs and managed care. It is long past time for the Congress to end these abuses. Too often, the managed care is mismanaged care. No amount of distortion or smoke screens by insurance companies or GOP campaign ads can change the facts. A real Patients’ Bill of Rights can stop these abuses. Let’s pass it now before more patients have to suffer.

All we want is a chance, in the time-honored tradition and the regular order of this body, to begin a fair and complete debate on this issue. We have had 5 days of debate and discussion on agriculture, with 55 amendments. We have
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had 6 days of debate on the defense authorization, with 105 amendments. We have had 7 days of debate on the budget, with over 100 amendments. We are entitled to an opportunity for a full and fair debate. If there are provisions to be debated in the Daschle bill, we would like to know about what the objectives are. We believe that this debate offers the best opportunity to make sure that we are going to have the doctors and patients make decisions and not the insurance companies. The goal of the Republican leadership and their friends in the insurance industry is to prevent legislation this year, or to pass only a minimalist bill so weak that it would be worse than no bill at all. The central and fundamental issue we ought to be debating is the reality of what the objectives are. We believe that this debate offers the best opportunity to make sure that we are going to have the doctors and patients make decisions and not the insurance companies.

The Senate Republican leadership plan is not a bill of rights—it’s a bill of wrongs. It cannot withstand a full and fair debate on the floor of the Senate. Its supporters know that—they are refusing to bring it up for full debate, or at least agree on a fair number of amendments.

The Republican record of delay and denial is clear. Congressman Dingell is more loophole than law. Their minimalist approach pays lip service to the reality of reform. They refuse to let the Senate debate it, because they know their plan is more loophole than law.

The Republican record of delay and denial is clear. Congressman Dingell and I first introduced patient protection legislation 17 months ago—in February 25, 1997.

Senator Daschle introduced the Patients’ Bill of Rights four months ago—on March 31, 1998.

We have repeatedly asked for committee action or consideration by the full Senate of this important legislation, but the Republican leadership has repeatedly said “no.”

Now, they know they can no longer just say “no.” So the Leadership is trying the next best thing. Instead of bringing up the bill for full and fair debate, they have offered up a series of phony consent agreements that they know are unacceptable. They don’t want a full debate with an opportunity to amend their Patient Bill of Wrongs, because they believe that the less the American people know about their sham proposals, the better they will be able to protect their friends in the health insurance industry.

In fact, the Republican leadership has gone to extraordinary lengths in the past six weeks to prevent a full debate on HMO reform.

On June 18, Senator Lott proposed to bring up the bill, but on terms that made it virtually impossible to legislate.

That proposal would have allowed the Senate to start debate on HMO reform, but Senator Lott would have been permitted to pull the bill down at any time, and the Senate would have been barred from considering it further for the rest of the year. So if Senator Lott did not like the direction the bill was headed, he could withdraw it and tie the Senate’s hands on HMO reform for the remainder of the year.

On June 23, 43 Democratic Senators wrote to Senator Lott to urge him to allow a full debate and votes on the merits of the Patients’ Bill of Rights before the August recess. In response, on June 24, Senator Lott simply repeated his earlier unacceptable offer.

On June 25, Senator Daschle proposed an agreement under which Senator Lott would bring up a Republican health care bill by July 6. Senator Daschle could offer the Democratic Patients’ Bill of Rights, and other Senators could offer only amendments relevant to the HMO reform issue. We would not allow amendments on any other subject relevant to the Patients’ Bill of Rights.

However, Senator Lott rejected this offer. And on June 26, he offered once again an agreement that allowed Senator Lott to withdraw the legislation and ask for a bill further consideration of any health care legislation for the remainder of the year.

On July 15, after a long silence, Senator Lott made yet another offer. This time he proposed an agreement that allowed for no amendments. He could bring up his bill. We could bring up ours. And that is it. It would be all or nothing. The American people would be denied votes on specific issues.

No vote on whether all Americans should be covered, or just one-third as the Republicans propose.

No vote on whether there should be genuine access to emergency room care.

No vote on whether patients should have access to the specialists they need when they are seriously ill.

No vote on whether doctors should be free to give the medical advice they feel is appropriate, without fear of being fired by the HMO.

No vote on whether patients with cancer or Alzheimer’s disease or other illnesses should have access to clinical trials after conventional treatments fail.

No vote on whether patients in the middle of a course of treatment can keep their doctor if their health plan drops the doctor from the network, or the employer changes health plans.

No vote on whether patients should have meaningful independent review of plan decisions—or whether health plans should continue to be judge and jury.

No vote on whether the special health needs of persons with disabilities, and women, and children should be met.

No vote on whether health plans should be held responsible for decisions that kill or injure patients.

The list goes on and on.

But the Republican Leadership just wants an all-or-nothing vote on their plan and our plan. They don’t want a genuine debate on patient protection. They don’t want to be held accountable by the American people for defending industry profits instead of patients.

They want to gag the Senate, and allow HMOs to continue to gag doctors.

On July 16, Senator Daschle proposed that we agree on a limited number of amendments—a bill that is 20 amendments per side, directly related to the legislation, not on extraneous issues.

This offer by Senator Daschle reflects the best traditions of the Senate. It is consistent with the conditions which we have never had many major legislative proposals in the Senate this year.

We had 7 days of debate on the budget resolution, and considered 105 amendments. Two of those were offered by Senator Nickles.

We had 6 days of debate on the defense authorization bill, and considered 190 amendments. Two of those were offered by Senator Lott, and he cosponsored 10 others.

We had 8 days of debate on IRS reform, and considered 13 amendments.

We had 17 days of debate on tobacco legislation—a bill that was completed—and considered 18 amendments.

We had 5 days of debate on the Agriculture Appropriations bill and 55 amendments.

Senator Lott has said to reporters that Democrats might be able to offer 3 or 4 amendments. But that means we would have to decide which issues of concern to the American people are debated, and which are discarded. Do we debate access to emergency rooms, but put aside all concerns about access to specialists? Do we offer an amendment to ensure that all Americans are covered by the legislation, and not just the one-third the Republican plan proposes, but put aside those clinical trials that could save lives?

This debate should not be an unfair choice. We agree that the number of amendments should be limited. But the number should be large enough to accommodate the large number of legitimate issues that need to be debated as part of this important reform.

If the Republican leaders are serious about fair debate, they know how to do it. We do it every day in the Senate, and we should do it now. If they are serious about passing meaningful patient protection legislation, they should call up the bill now. All we have asked for is 20 amendments per side. It will take at least 20 amendments to even begin to remedy the major defects in the Republican proposal.

Since the Republican leadership plan was introduced a week ago, we have held meetings and forums with doctors, nurses and patients to explore the critical issues that must be addressed if a Patients’ Bill of Rights is to be worthy of its name.

In each case, doctors, nurses and patients have reached the same conclusions. The abuses by HMOs and managed care are pervasive in our health
system. Every doctor and patient knows that, too often, managed care is mismanaged care. Every doctor and patient knows that medical decisions that should be made by doctors and patients are being made by insurance companies. Every doctor and patient knows that, not patient care, have become the priority of too many health insurance companies.

The message in each of these forums from doctors, nurses and patients has been the same. Pass the Patients’ Bill of Rights. Reject the Republican leadership plan. It leaves out too many critical protections. It leaves out too many patients. Even the protections it claims to offer have too many loopholes. It is a plan to protect industry profits, not patients.

One of the aspects of their legislation that the Republican leadership likes to tout is its alleged protections for women. As part of their ongoing disinformation campaign about their legislation, the Senate Republicans sent this morning to proclaim the benefits of their legislation for women. But no credible organization representing women endorses their bill—because their so-called protections for women are a sham.

Nowhere is the difference between the bipartisan Patients’ Bill of Rights and the Republican Bill of Wrongs more evident than on the issue of protecting women’s health. The Republican leadership bill leaves out most key patient protections. Even the protections it does include are more cosmetic than real. And even those cosmetic protections are limited to fewer than one-third of the privately insured patients who need help.

We held a forum yesterday afternoon during which leading organizations for women released a letter urging Senators to support the Patients’ Bill of Rights and to reject the Republican leadership plan. The letter is signed by more than 30 women’s groups, representing millions of women in communities across the country.

Last Friday, we heard from Diane Bergin of College Park, MD. She has ovarian cancer, and is currently enrolled in a clinical trial. She eloquently described the need for plans to cover such trials and the importance of having access to specialty care. Diane is a vivid example of the promise of such therapies and the need to see that patients have genuine access to specialists.

Women need to know that they will receive the benefits covered by their plan and recommended by their treating physician—without being overruled by insurance company accountants.

Women need to know that they can choose their gynecologist to be their primary care physician.

Women need to know that they will never have to drive past the nearest emergency room, because a more distant hospital is part of their managed care plan.

Women with mental illness need to know that they will have access to psychiatrists, psychologists and other mental health professionals.

Women with ovarian cancer—or other life-threatening conditions—need to know that their health plan will let them participate in clinical trials by covering routine costs of such care. Women whose plans provide pharmaceutical benefits need to know that they will have access to drugs that are not on the plan’s list.

Women need to know that they will have access to a quick and independent appeal if their plan overrules their doctor. Women need to know that they have a genuine remedy when plan abuses result in injury or death.

The Patients’ Bill of Rights guarantees these rights to all women with private health insurance. The Republican plan guarantees none of them.

In fact, the closer you look at the Republican bill, the worse it looks. They claim to provide protections for patients who seek routine care. But the American College of Emergency Physicians has denounced their proposal as a sham.

They claim to provide independent third party appeal, but Consumer’s Union has labeled their proposal and called it “woefully inadequate and far from independent.”

Virtually every protection they claim to have included turns out to fail the truth-in-advertising test—and the protections they have left out are a dishonorable role of insurance industry abuses.

Part of democracy is accountability. We have votes in the Senate to pass or defeat bills. We have votes on amendments to improve bills. We record these votes, because we are elected by the people of our states to represent them. The people have a right to know where we stand on important issues.

I ask the Republican leadership why he doesn’t want the American people to know where members of the Senate stand on whether protections for patients should apply to all 161 million privately insured Americans—or leave more than 100 million out.

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I ask the Republican leader why he doesn’t want the American people to know where members of the Senate stand on allowing a sick child with cancer to have access to a specialist to treat his disease.

I ask the Republican leader why he doesn’t want a vote on whether doctors who stand up for their patients should be protected from retaliation by insurance companies.

I ask the Republican leader why he doesn’t want a vote on whether whether patients should have access to the nearest emergency room when immediate medical treatment means the difference between life and death.
HMO debate, and which mentions State Representative Thomas Holbrook of Belleville, Missouri as the first elected official to recognize this impact. There being no objection, the articles were ordered to be printed in the RECORD, as follows:

(From The Boston Globe, March 29, 1998)

By Ellen Goodman

THE HMO HORROR SHOW

Too bad they don’t have an Oscar for the Single Best Line in a movie. A zeitgeist award for the sentence you want to freeze-frame is the most likely frame. A Hollywood fantasy meets daily life, with they get it absolutely right.

Helen Hunt and Jack Nicholson picked up a couple of statues last week for Best Actress and Best Actor in “As Good as It Gets.” But the Best Line prize belongs to the scribbler who put a string of ungentle words in Hunt’s mouth. When the distraught mother gave her opinion about the managed medical attention being given her asthmatic son, she exploded: “F---! HMO B---! Pieces of it---!

At this outburst—with none of the expletives deleted—audiences all over America spontaneously burst out in applause. It was one of those moments when you know the tide has turned.

HMOs have become the new expletive—undated. Managed-care companies are rapidly replacing corporations as corporate demons. Indeed, if you watch “The Rainmaker,” the HMOs are taking the place of the Russians as the bad guys. As Ronald Glasser, a Minneapolis pediatrician, HMO critic, and moviogeo who was downing popcorn when the audience roared at Hunt, explains, “I looked around and said, ‘My God, the people are way ahead of the politicians on this.’”

A few years ago, the public saw doctors as rich professionals who overcharged on Tuesday and played golf on Wednesday. The weakness in the system was cost control—or cost out of control.

Now doctors and consumers are becoming allies on the same side, fighting the HMOs, hesitating the 800 numbers, trapped in a medical system we suspect is being run by actors, the weakness in the system is trust. Or rather, lack of it.

It is an astonishingly swift transformation. Bob Blendon, who polls health care issues at Harvard’s School of Public Health, is at one end of the spectrum, says that “we have changed the whole politics of the health field. Essentially patients and doctors have come together in a new class of exploited people.”

On the other hand, polls show that most Americans are satisfied with their own health care plans. On the other hand, they favor some type of government regulation. These two varieties of new thinking, but the backlash is based on the widespread anxiety about what happens if they get sick. “People have come to believe,” says Blendon, “that these plans won’t do the right thing for them when they are very sick.”

There isn’t yet much objective research to show how often health care is refused, or how often the hassles and hurdles have lethal consequences. The backlash is driven by horror stories of how people won’t pay for emergency care, by anecdotes of cancer referrals denied or delayed, by firsthand stories about a mother, a sister, a neighbor, a friend.

We have gotten the big picture as well. About 15 percent of the population accounts for 80 percent of the medical bills. In the phrase Glasser used in the March issue of Harper’s, HMOs are “a Ponzi scheme” in which the premiums have to keep ahead of claims.

But the backlash scenario presents the HMOs with a dilemma. On the one hand, employers and employees may choose a system based on the HMOs, but at the same time, on the other hand, HMOs want to enroll the very healthy.

In general, managed-care companies have shown the public relations skills of Ken Starr. In the past year or so, we’ve had reports of outpatient breast surgery and drive-through abortions. And we’re seeing in return HMO defensiveness.

Now politicians who read the papers and go to the movies are playing catch-up. There have been about 1,000 bills in state legislatures to protect the consumers from the managers.

In Washington, Congress is still dithering around with various forms of a patients’ bill of rights, with Republican leadership trying to stall, duck, and weave. But it is getting pushed closer to a level that would provide for cost control, appeal to doctors, access to emergency room, and an ombudsman program.

For the past few years, HMO’s those folks who brought us Harry and Louise are now warning us about Frankenstein. The latest ads say, “Washington: Be careful how you play doctors. You might decide to kill yourself.”

A monster? It’s the unmandated, unregulated system that has now produced the horror movie running in everybody’s head. Any way you look at health care, even in a darkened theater, this is not as good as it gets.

(From the St. Louis Post-Dispatch, January 12, 1998)

HOMs MAY HIGHLIGHT HOT TOPICS IN LEGISLATURE; BILLS WOULD TARGET MYRIAD OF PATIENTS’ COMPLAINTS

State Rep. Thomas Holbrook, D-Belleville, got a preview of what may lie ahead in this year’s Illinois legislative session when he saw the Jack Nicholson movie, “As Good As It Gets.”

In one scene, co-star Helen Hunt, playing the mother of a chronically ill boy, spouts vulgarity about a health maintenance organization that is refusing to give her son the treatment he needs.

“She starts railing on this HMO, and people in the theater actually stood up and started applauding,” Holbrook recalled last week. “When’s the last time you saw that happen in a theater? That’s not an undercurrent, it’s a tidal wave.”

Proposals to make HMOs more user-friendly to consumers are among the major issues likely to face Illinois legislators when the year’s legislative session opens Wednesday. Other potential topics include clamping more restrictions on the campaign and contracting practices of state politicians; continued controversy over hog farm waste; design changes of new transit projects in the Metro East area; and minor adjustments to the major education funding changes passed into law last year.

Technically, this year is the second half of a two-year legislative session. By legislative rule in Illinois, legislators in the second year’s legislative session are supposed to consider only budgetary matters and emergency issues.

That has historically been among the most ignored rules in state government, especially since even-numbered years are also election years. And, with the Senate and House under opposing parties—and with the House, especially, in a major partisan majoritiy—much of the debate this year is likely to be partisan and acrimonious.
Most legislators predict there will be few concrete changes on the books after the dust clears.

"There's no question there will be election-generated bill legislation, but it will just be...dow-dressing," said Rep. Kurt Granberg, D-Carlyle. "Mainly, I think it's going to be a budget year.

Among this year's likely topics of debate are: the future of the HMO industry.

The House last year passed several bills that would have regulated how HMOs deal with their patients and medical doctors. Most proposals were blocked in the Senate but could be called up again through the end of this year.

One measure, labeled the "Patient Bill of Rights," would have required that insurance companies provide certain information to patients, would set up a formalized grievance process and would make other changes to the HMO industry.

"There seems to be a real ground swell about this," said Holbrook, a co-sponsor of the bill. HMO expenses and alleged lack of responsiveness to patients have "become such a glaring atrocity." Not everyone agrees with that assessment. But even Republican Senate President James "Pete" Vukovitch, who opposed the measure, said the long-stalled most HMO-related legislation in the past year from coming up for a Senate vote, is likely to open the subject to debate this year.

"We're going to find out what's out there," in the way of legislation, said Patty Schuh, Philip's spokeswoman. "This is an issue that hits everyone in the state.

Proposals of the changes believe public frustration will work in their favor in an election year.

"That truly has a chance at moving forward," said Rep. Jay Hoffman, D-Collierville. "I see bipartisan support." Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Hawaii is again recognized.

Mr. INOUYE. 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. ABRAHAM. 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:

Add at the end the following new titles:

TITLE I-MONITORING OF HUMAN RIGHTS ABUSES IN CHINA

SEC. SHORT TITLE.

This title may be cited as the "Political Freedom in China Act of 1998".

SEC. FINDINGS.

Congress makes the following findings:

1) Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is "an authoritarian state" in which "citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government".

(B) The Government of the People's Republic of China has "continued to commit wide-spread and well-documented human rights abuses, in violation of internationally accepted principles; the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms.

(C) "[a]lthough torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention".

(D) "[p]rison conditions remained harsh and sparse on freedom of speech, the press, assembly, association, religion, privacy, and worker rights.

(E) "[t]hrough the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands'.

(F) "[n]onapproved religious groups, including Protestant and Catholic groups...experienced intensified repression".

(G) "[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia, on other fundamental freedoms in these areas have also intensified".

(H) "[i]n 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.'

2) In addition to the Department, credible independent human rights organizations have documented an increase in repression in China during 1995, and effective destruction of human rights through the implementation of the".

(A) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(B) Chen Longle, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(C) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(D) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. CONDUCT OF FOREIGN RELATIONS.

The Secretary of State, in all official meetings with the Government of the People's Republic of China, should request the immediate and unconditional release of prisoners of conscience and other prisoners of conscience in Tibet, as well as in the People's Republic of China.

Access to Prisons: The Secretary of State should seek access, for international HRW representatives, to Drapchi prison and other prisons in Tibet, as well as in the People's Republic of China, to ensure that prisoners are not mistreated and are receiving necessary medical treatment.

Dialogue on Future of Tibet: The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated to support personnel at diplomatic posts to monitor human rights in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Shanghai, Guangzhou, Zhenghuang, Chengdu, and Hong Kong.

200,000 for fiscal year 2000 and 2,200,000 for fiscal year 2000.

SEC. DEMOCRACY BUILDING IN CHINA.

(a) Authorization of Appropriations for NED. In addition to such sums as are otherwise authorized to be appropriated for the "National Endowment for Democracy" for fiscal years 1999 and 2000, there are authorized for the "National Endowment for Democracy" $4,000,000 for fiscal year 1999 and $4,000,000 for fiscal year 2000, which shall be available to promote democracy, civil society, and the development of the rule of law in China.

(b) East Asia-Pacific Regional Democracy Development Fund. The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. HUMAN RIGHTS IN CHINA.

(a) Reports.—Not later than March 30, 1999, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign
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Relations Committee of the Senate an annual report on human rights in China, including religious persecution, the development of democratic institutions, and the rule of law. Provisions shall provide information on each region in China.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry for China, which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China. Such information shall include legal proceedings, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other circumstances related to the incarceration of such prisoners in China. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding Chinese political prisoners to assist in the creation and maintenance of the registry.

SEC. 2. SENSE OF CONGRESS CONCERNING ENSHRINING OF HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that the government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes; (2) the government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice; (3) the President should bar entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice; (4) individuals determined to be participating in or otherwise facilitating the sale of such organs from United States citizens shall be prosecuted to the fullest possible extent of the law; and (5) the appropriate officials in the United States shall interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

Mr. President, let me speak a little bit about the amendment. I intend to take up too much of the Senate's time discussing it, because I know other Senators, including Senator HUTCHINSON, are interested in speaking as well to the amendment.

Essentially, this amendment sets forth a mechanism by which the United States would support the improvement of human rights in the People's Republic of China. Its provisions regarding human rights are identical to those included in the legislation that was recently passed by the other Chamber by an overwhelming vote of 394-29.

The amendment I am offering is based on the recognition that the United States has a meaningful engagement with China only if we are honest with Chinese leaders, and only if we are willing to stand up for our principles. And chief among the principles on which our nation was founded is an unyielding commitment to fundamental human rights.

The current regime in China suppresses fundamental human rights on a daily basis:

- Women pregnant with their second or third child are pressured to have abortions and even subjected to forced abortion and sterilization.
- Religious exercise is violently suppressed among Christians in China, and among indigenous Buddhists in Tibet.
- Proponents of democracy and human rights are imprisoned under inhumane conditions and often denied necessary medical treatment.
- I could go on, Mr. President. The list of human rights abuses in China is as long as it is deplorable.

Let no one in this body be mistaken, the current Chinese regime does not respect fundamental human rights.

The question I think we have to ask is: Should that influence how American policy toward China is shaped? Obviously, there are some who say the only way for us to change those policies in China is to have a complete and total engagement with the People's Republic of China. Obviously, that is one point of view. But I subscribe to the view that we can take constructive steps designed to try to change things and to try to make things more consistent with America's views of appropriate human rights behavior. And the Chinese regime's recent conduct gives us no reason to expect improvement any time soon. Indeed, Mr. President, since President Clinton returned from his trip to China this June, that government has detained 21 prominent human rights activists. At least three remain in custody today.

Through this amendment, Mr. President, we would make clear to the Chinese government our opposition to its oppressive practices and initiate concrete steps to monitor human rights abuses and assist those seeking to promote human dignity and civil society.

Among the provisions in this amendment:

First, it contains findings detailing the deplorable human rights record of the Chinese government.

Second, the amendment calls for greater efforts on the part of our Secretary of State to improve the behavior of the current Chinese regime:

- It calls on the Secretary of State, during official meetings with the Chinese government, to call for the release of political prisoners in China and Tibet.
- It calls on the Secretary of State to seek greater access for international human rights organizations to prisons in Tibet and China—access that will ensure that prisoners are not being mistreated and that they are receiving necessary medical treatment.
- And the amendment calls on the Secretary of State, during official meetings, to request that China begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future status of Tibet.

Third, the amendment authorizes funding for several programs intended to improve human rights conditions in China. These include: $2.2 million in 1999 and 2000 for additional personnel at diplomatic posts to monitor human rights in China; $4 million in 1999 and 2000 for the National Endowment for Democracy to promote democracy, civil society, and the development of the rule of law in China, and permission for funds in the East Asia-Pacific Regional Democracy Fund to be used to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

Finally, this amendment includes several sense of Congress resolutions, including: A sense-of-the-Congress resolution concerning the establishment of a Commission on Security and Cooperation in Asia; A resolution concerning democracy in Hong Kong; and a resolution condemning organ harvesting and transplantation for profit from prisoners executed by the Chinese government.

Mr. President, these provisions will make clear our determination to stand up for the fundamental human rights of the Chinese people.

Our principles as well as our national interest demand that we pursue meaningful engagement with the current government in China. And that requires, at a minimum, an open discussion of human rights abuses and concrete steps aimed at bringing those abuses to an end.
These amendments will not destroy our current relationship with China. None of the amendment’s supporters seek an isolationist policy. I for one support normal trade relations with China because I see them as a necessary element of effective engagement.

But this amendment serves an important function in our effort to achieve and maintain meaningful engagement with China. It signals this Congress’ continuing concerns for human rights, democracy, and freedom in China. It signals our determination to speak up and support the fundamental principles of civilized society.

Through this amendment we can stand with oppressed people of conscience in China, for our sake as well as theirs.

Mr. HUTCHINSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The chair will ask unanimous consent that the order be rescinded.

Mr. INOUYE, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection.

Mr. HUTCHINSON. Mr. President, I rise in support of the Abraham amendment 2964 to the Defense appropriations bill. The Abraham amendment would authorize additional human rights monitors at the embassy in Beijing, China, as well as our other consulates around China. I think it is exceptionally warranted. It is very, very much needed.

The Chinese Government has repeatedly refused to show respect for human rights. We have seen how the Government controls its people through registration, through coercive and repressive practices. We have seen how the Chinese Government punishes those who would dare to worship by the dictates of their conscience. We have seen how the Chinese Government punishes those who would speak in the name of God. I believe that. I think that fact alone, the fact that we support them, that we agree to them as part of the appropriations bill, is so important that we must see the China amendments, that we must see the China amendments to pass in the House of Representatives now almost a year ago with overwhelming bipartisan support, and it is long past time for the Senate to weigh in on that; to support the monitoring of human rights abuses in China, as we seek to do throughout the world; to give the kinds of personnel to our State Department, to our diplomatic people to assure that we have the best intelligence, the best reporting possible.

It is, I think, evident that this is needed in light of this latest round of arrests of political dissidents in China. It is puzzling to me that we can talk about the great improvement in China today who risk the limited liberty at stake by taking a far more dangerous stand there, in China, today.

I yield the floor and suggest the absence of a quorum.

Mr. WELLS. Mr. President, I ask unanimous consent that Matthew Brownback be authorized as a human rights monitors to our State Department, to our diplomatic people to assure that we have the best intelligence, the best reporting possible.

It is, I think, evident that this is needed in light of this latest round of arrests of political dissidents in China. It is puzzling to me that we can talk about the great improvement in China today who risk the limited liberty at stake by taking a far more dangerous stand there, in China, today.

I yield the floor and suggest the absence of a quorum.

Mr. WELLS. Mr. President, I ask unanimous consent that Matthew Tourville, who is an intern in my office, be granted the privilege of the floor while we debate and vote on this bill today.

Mr. WELLS. Mr. President, I suggest the absence of a quorum.

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. WELLS. Mr. President, I suggest the absence of a quorum.

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The assistant legislative clerk proceeded to call the roll.

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The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
MAN’S LONGING FOR IMMORTALITY SHALL ACHIEVE ITS REALIZATION.

Mr. BYRD. Mr. President, I ask unanimous consent that an article from the July 20, 1998, edition of U.S. News & World Report and an article from the July 20, 1998, edition of Newsweek be printed in the Record. The two articles are relevant to the speech that I delivered on Tuesday this week entitled “Man’s Longing for Immortality Shall Achieve Its Realization.”

I understand the Government Printing Office estimates it will cost approximately $1,283 to have these articles printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From U.S. News & World Report, July 20, 1998]

SCIENTISTS AND THEOLOGIANS DISCOVER A COMMON GROUND

Darwin, Freud, relativity, the mechanics of the atom, and their wrongs have been taken as supporting the modernist conception of a change-based world in which forces devoid of meaning account for all outcomes. We have maintained that the big-bang theory shows that no god was necessary at the creation. Intellectuals have wrung their hands in angst about how bang-caused cosmic expansion will result in an inescapable running down of the stars, proving existence to be pointless. A depressing inevitable death of the universe figures prominently in works of post-modern novelists Thomas Pynchon, while in the movie Annie Hall, Woody Allen’s character is psychologically paralyzed by his dread of the galaxies expanding until they die.

By contrast new developments in big-bang science are almost supernaturally upbeat: The universe wants us, and the stars will shine forever!

This remarkable change in perspectives is helping inspire a warming trend between scientific and spiritual disciplines. A conference at Berkeley, Calif., at which cosmologists discussed the theological implications of their work, is representative. Allan Sandage, one of the world’s leading astronomers, who embraces science, and scientists who can’t abide the spiritual emptiness of empiricism, render existence meaningless and rob the world of spiritual value.

The more deeply scientists see into the secrets of the universe, you’d expect, the more God would fade away from their hearts and minds. But that’s not how it went for Allan Sandage. Even significantly older, he still holds that the Book of Genesis describes the creation accurately. The God creating existence out of the “waters,” big-bang science asserts the early universe was mostly hydrogen, the chief component of H2O. Maybe that tells us something; probably it’s just a word choice.

But on more telling issues, the trend line of cosmology unquestionably favors a sense of purpose. Existence may be eternal, prewired somehow for life; consciousness may expand forever, never running out of room on cosmic enterprise waiting for us to join its purpose, if we can just learn wisdom and justice.

Because the cosmos is ancient by our measures people latecomers, gazing out into a universe worn down and faltering. But if the firmament will expand for an enormous span of time, or even for an eternity, then the gods with the morning dew Homo sapiens may represent a youth movement, arriving at a time when almost everything is still to come. Dreary predictions of chaos may be supplanted by the belief that, like the cosmos itself, the human prospect is, as the physicist Freeman Dyson once wrote, “infinite in all directions.”

[From Newsweek, July 20, 1998]

SCIENCE FINDS GOD

By Sharon Begley

The more closely scientists peer into the secrets of the universe, you’d expect, the more God would fade away from their hearts and minds. But that’s not how it went for Allan Sandage. Even significantly older, he still holds that the Book of Genesis describes the creation accurately. The God creating existence out of the “waters,” big-bang science asserts the early universe was mostly hydrogen, the chief component of H2O. Maybe that tells us something; probably it’s just a word choice.

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HERESIES

Not that long ago, such a comment from an establishment scientist would have been shocking. The mere existence of the organization that sponsored the Berkeley event, a well-regarded academic group called the Center for Theology and the Natural Sciences, might have been snickered at. Today, “intellectuals are beginning to find it respectable,” says John Polkinghorne, who had a distinguished career as a physicist at Cambridge University before becoming an Anglican priest in 1982, “that conspires to plant the

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idea that the universe did not just happen, but that there must be a purpose behind it."

Charles Townes, who shared the 1964 Nobel Prize in Physics for discovering the principles of the laser, goes further. "When you feel a feeling that somehow intelligence must have been involved in the law of the universe.

Although the very rationality of science often feels like an enemy of the spiritual, here, too, a new reading can sustain rather than undermine. Ever since Bertrand Russell, science has blared a clear message: the world follows rules, rules that are fundamentally mathematical, rules that humans can figure out. Mathematics, basically making it up out of their imaginations, yet math magically turns out to describe the world. Greek mathematicians divided the existence of a circle into two diameters, for example, and got the number pi, 3.14159... Pi turns up in equations that describe subatomic particles, light and other quantities that have no obvious connections to circles. This points, says Polkinghorne, "to a very deep fact about the nature of the universe, namely, that our minds, which invent mathematics to form the reality of the cosmos. We are somehow tuned in to its truths. Since pure thought can penetrate the universe, this seems to be saying that subordinating us that something about human consciousness is harmonious with the mind of God," says Carl Feit, a cancer biologist at Yale University in New York and Tal- mudic scholar.

To most worshipers, a sense of the divine as an unseen presence behind the visible world is all well and good, but what they really yearn for is a God who acts in the world. Some scientists see an opening for this sort of god at the level of quantum or subatomic physics. This spookily strange behavior of particles is unpredictable. In perhaps the most famous example, a radioactive element might have a half-life of, say, one hour. Half-life means that half of the atoms in a sample will decay in that time; half will not. But what if you have only a single atom? Then, in an hour, it has a 50-50 chance of de-caying. And what if the experiment is ar ranged so that if the atom does decay, it re leases poison gas? If you have a cat in the lab, will the cat be alive or dead after the hour? Schrödinger's cat, the physicist Erwin Schrödinger, who formulated the equation for a wave function that describes the subatomic world, and is 10 with 24 zeros (and a decimal) in front of it. Humans are right in the middle. Does this re verbal" variation," that bring about the di verse," namely, that our minds, which in tend to know, but he describes this as a "soul-satisfying cosmology."

Although skeptics, says Polkinghorne, that science has no need of religion, forward-looking theologians think religion needs science. Religion "is incapable of making its moral claims persuasive or its spiritual comfort eff ective [unless] its cognitive claims" are credible, argues physicist-theologian Russell. Although upwards of 90 percent of universities have science departments, fewer than half a percent believe in a God who parts seas, or creates species one by one. To make religions forged milenniums ago relevant in an age of atoms is a "incorporating knowledge gained from na tural science into the formation of doctrinal beliefs," says Ted Peters of Pacific Lutheran Seminary. Otherwise, says astronomer and Jesuit priest William Stoeger, religion is in danger of being seen, by people even mini mally acquainted with science, "as an anachronism.

Science cannot prove the existence of God, let alone spy him at the end of a telescope. But to some believers, learning about the universe offers clues about what God might be like. As W. Mark Richardson of the Center for Theology and the Natural Sciences says, "Science may not serve as an eyewitness of God the Creator, but it can serve as a char acter witness." One place to get a glimpse of God's character, ironically, is in the workings of evolution. Arthur Peacocke, a biochemist who became a priest in the Church of England in 1971, has no quarrel with evo lution. To the contrary: he finds in it signs of God's nature. He interprets the idea that God is changing to this omnipotence and omniscience. In other words, it is the appearance of chance mutations, and the Darwinian laws of natural selection acting on this "variation," that bring about the di versity of life on Earth. This process sug gests a divine humility, a God who acts self lessly for the creation, says theologian John Haught, who founded the Gene town (University) Center for the Study of Science and Religion. He calls this a "humility of God.'" This divine role parent lets a child be, and become, freely and without interference, so does God let cre ation make itself.

It would be an exaggeration to say that this sophisticated theological thinking is remaking religion at the level of the local parish, mosque or synagogue. But some of these thinkers and ordinary worshipers and clergy. For Billy Crockett, president of the Skeptics Society, which debunks claims of the paranormal. "It can have nothing to say either way about whether there is a God or not. But if you consider that this would be like using baseball stats to prove a point in football." Another red flag is that adherents of different faiths—like the Orthodo x Jews, Anglicans, Quakers, Catholics and Muslims who spoke at the June conference in Berkeley—tend to find, in science, confirmation of what their particular religion had already been saying: faith in the fact that science might whisper to believers where to seek the divine.

How The Heavens Go
(By Kenneth L. Woodward)
That many contemporary scientists make room for god in their understanding of the universe is hardly surprising. For most of history, religion and science have been siblings—feeding off and sparring with each other—rather than outright adversaries in a struggle for truth. Yet profoundly religious people and great scientists are both driven to understand the world. Once, science and religion were fundamentally antag onistic, ways of pursuing that quest, and science stood accused of smothering faith and killing God. Now, it may strength en belief. And although it cannot prove God's existence, science might whisper to believers where to seek the divine.
French Enlightenment in the 18th century, did the votaries of science and religion drift into separate ideological camps. And only in the 19th century, after Darwin, was the supposed conflict between “God” and “science” elevated to the status of cultural myth. History tells a different, more complicated story.

In the present day, religious myth invested nature and the cosmos with divine emanations and powers. But this celestial pantheon, its sober observation of the heavens and sophisticated mathematical calculations. By 1400 B.C., the Chinese had established a solar year of 365 days. Ancient Greece bequeathed Euclidean geometry, Ptolemy’s map of the solar system and Aristotle’s classification of living organisms, which served biologists until Darwin. But none of these advances seriously
did the votaries of science and religion drift into separate ideological camps. And only in the 19th century, after Darwin, was the supposed conflict between “God” and “science” elevated to the status of cultural myth. History tells a different, more complicated story.

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Lest I overwhelm young Augustus with the great weight of such high expectations and such intimations of immortality, I hasten to wish him a happy childhood, complete with much exploring, great adventures, barking shadows, and appreciated knuckles, of quiet moments of wonder and learning, of great books to be shared with his parents and grandparents, and of countless hugs and kisses. Be a boy, Augustus, with moments good and bad, tender and terrible like the Augustus in these lines by Heinrich Hoffman (1809-1874), who said:

Augustus was a chubby lad;
Fat ruddy cheeks Augustus had;
And every ball he rescinded.
The plump and hearty, healthy boy.
He ate and drank as he was told,
And never let his soup get cold.
But one day, one winter’s day,
He screamed out, ‘Take the soup away!
O take the nasty soup away! I won't eat soup to-day’.

Welcome, young emperor, and carry on, bringing ever your illustrious grandfather under your sway with the dictatorial charms of a much loved child.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am uncharacteristically speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a child and realize what that child means. Senator BYRD told me about my latest grandchild—he is absolutely speechless. I have to listen to my good friend talk about my latest grandchild—he is absolutely speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a child and realize what that child means. Senator BYRD told me about my latest grandchild—he is absolutely speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a child and realize what that child means. Senator BYRD told me about my latest grandchild—he is absolutely speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a child and realize what that child means. Senator BYRD told me about my latest grandchild—he is absolutely speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a child and realize what that child means. Senator BYRD told me about my latest grandchild—he is absolutely speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a child and realize what that child means. Senator BYRD told me about my latest grandchild—he is absolutely speechless.

I thank the Senator very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the question of adjournment be postponed for the present.

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


The PRESIDING OFFICER (Mr. Thomas). Under the previous order, the Senate will resume consideration of S. 2312, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, and the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes:

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 3379, to provide for adjournment for the staff director and general counsel of the Federal Election Commission.

Glenn amendment No. 3380, to provide additional funding for enforcement activities of the Federal Election Commission.

Graham amendment No. 3381, to provide funding for the Central Florida High Intensity Drug Trafficking Area.

Stevens amendment No. 3382, to provide for an adjustment in the computation of annuities for certain Federal officers and employees relating to average pay determinations, established by the amendment (S. amendment No. 3386, to protect Federal law enforcement officers who intervene in certain situations to protect life or safety.

Harkin amendment No. 3387, to provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas.

Kohl (for Kerrey) amendment No. 3389, to express the sense of the Senate regarding payroll tax rates.

Mr. TORRICELLI. Mr. President, yesterday I engaged in a colloquy with Senators KOHL and MOSELEY-BRAUN regarding the intent of report language in S. 2312 concerning tax standards for tax-exempt health clubs. In that colloquy, I stated that my expectation was that the report would “focus on non-adult fitness organizations that serve only adults.” However, both tax-exempt health clubs and for-profit health clubs serve entire families including young adults and children. While I believe the report should be amended to reflect the language in the report, as a whole it is quite clear that it does not prohibit tax-exempt organizations, tax-exempt organizations also offer non-adult service. The fact that they offer service to non-adults does not qualify an entity for tax-exempt status. Therefore, to avoid eliminating any level of services to non-adults would greatly restrict the usefulness of this report in providing guidance to Congress. Again, I want to emphasize that my intent here is only for the IRS to provide Congress guidance in this area.

Therefore, I want to clarify that it is my expectation that the report will reflect the language in the report accompanying S. 2312. Today I am adding a provision to yesterday’s colloquies as well as this clarification. Again, I want to thank Senators CAMPBELL and KOHL for their assistance on this and I look forward to working with them and all other interested Senators and parties on this issue.

AMENDMENT NO. 3388

Mr. JOHNSON. Mr. President, I rise today to ask unanimous consent that my name be added as a cosponsor to amendment number #3388 to the FY 1999 Treasury-Postal Appropriations legislation currently under consideration. This amendment is a combination of several amendments aimed at increasing support for the High Intensity Drug Trafficking Areas administered by the Office of National Drug Control Policy. The Midwest HIDTA program has been extremely helpful to cracking down on drug trafficking in my rural state by coordinating federal, state and local law enforcement efforts to combat methamphetamine trafficking. While the Campbell-Kohl amendment addresses HIDTA programs nationwide, the Midwest HIDTA will be increased by $3.5 million, bringing the total methamphetamine elimination funding to $13 million for the Midwestern States of South Dakota, Iowa, Missouri, Nebraska and Kansas. The amendment will also add North Dakota to the Midwest HIDTA program which is crucial to tightening law enforcement’s grip on meth traffickers in the remote areas of the northern Great Lakes states. The Senator from Colorado and Wisconsin for recognizing that drug trafficking is not a uniquely coastal or urban problem, and that federal coordination and assistance is necessary for fighting drug use and trafficking nationwide.

DENVER COURTHOUSE

Mr. CAMPBELL. Mr. President, I rise to discuss an important funding issue contained in the Treasury and General Government Appropriations bill. This appropriations bill provides $84 million for construction of an annex to the Rogers Courthouse in Denver. I would like to state that the project is high on the list of priorities, at the recommendation of the Administrative Offices of the Courts. GSA and the AOC have provided me with detailed information on the costs of this courthouse and assured me repeatedly that these costs are prudent, practical and necessary to meet the future judicial needs of Colorado. I have also been assured that the increased courthouse would be functional, but not extravagant. I have demanded this of every project on the list and will continue to work to ensure that this standard is applied to all new construction. Members of the federal bench in Colorado have expressed gratitude that I have included construction money for the Rogers Courthouse. I am of course happy to help meet the needs of our federal legal system, especially in my rural state. In addition to the Rogers Courthouse, this bill contains fourteen other projects totaling almost $500 million. I believe that if Congress is going to pass laws, we’d better provide sufficient funding to enforce those laws and adequate facilities in which those laws may be administered.

I am aware of the growing federal caseload in other parts of Colorado. For example, the City of Grand Junction is experiencing rapid growth, and with that comes a need for more government attorneys and judges. Being from the West Slope, I appreciate the time and expense required to travel to Denver. Traveling 5 or 8 hours to get to a federal court can be a burden to all policies in federal law.

While I am happy to accommodate the wish of the federal bench in Colorado to provide this money, I will continue to listen to members of the Colorado Federal Bar, the Administrative Office of the Courts, and other areas of the state that experience growing needs for judges and courtroom space to ensure that this appropriations bill accurately provides for the needs of the entire state.

The PRESIDING OFFICER. Under the previous order, the hour of 2 o’clock having arrived, the Senate is to proceed to a sequence of votes on Amendments to the Treasury-Postal bill.

July 30, 1998
Mr. STEVENS. Mr. President, I ask unanimous consent to withdraw amendment No. 3385.

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

The amendment (No. 3385) was withdrawn.

Mr. STEVENS. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 3379

The PRESIDING OFFICER. The first vote is on amendment No. 3379.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

This is the McConnell amendment. There are 2 minutes equally divided.

Mr. GLENN. Mr. President, I urge last night as is on the table. This would really knock the socks off any election law enforcement over at the FEC. We oppose this very much. It would mean there would be a restriction on the FEC that is not on any other agency or department of government, so the general counsel goes and their staff director.

The efforts to oust him over there, I think, are unconscionable. He has been doing a good job. This just stands starkly opposed to our efforts for campaign finance reform.

At the appropriate time I will move to table this, but I yield the remaining time to Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this amendment is directly aimed at the independence of the Federal Election Commission. It is aimed at no other commission. Its purpose is obvious—to eliminate a general counsel who has taken an independent position, following the Federal Election Commission's decision relative to soft money and other issues. We should not muzzle them. We should not throttle them. We should not destroy their independence.

Mr. MCCONNELL. Mr. President, the amendment is really quite simple. The Federal Election Commission is like no other commission of the Federal Government. It has three Republicans and three Democrats. The general counsel, under a current system, could serve for a lifetime. All the McConnell amendment does is require that every 4 years the general counsel come up for reappointment and not be reappointed unless he can achieve at least four votes, thereby demonstrating to the full Commission that he is on a bipartisan basis, enough confidence to continue for another 4-year term.

This guarantees that the general counsel will operate in a bipartisan manner, because a general counsel who, after 4 years, could not achieve votes from both parties, it seems to this Senator, clearly would fail a test of bipartisanship.

This is not about the current occupant of the office. It is about ensuring that the Federal Election Commission continues to operate on a bipartisan basis. I hope the amendment will be approved.

Mr. GLENN. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion to table the McConnell amendment numbered 3379. Mr. GLENN. 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 motion to table amendment No. 3379. On this question, 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 amendment (No. 3379) was rejected. The McConnell amendment numbered 3379.

Mr. STEVENS. Mr. President, I ask unanimous consent to withdraw amendment (No. 3379).

The PRESIDING OFFICER (Mr. LOTT). The assistant legislative clerk reported the defense bill.

Mr. LOTT. Mr. President, the right to object, just for purposes of clarification, this would lock into place the current situation. The pending amendment would be, of course, the McConnell amendment.

Senators wishing to offer amendments in the second degree subject to recognition would be recognized as authors of amendments in the second degree.

It is with that understanding that I do not object. I am sure the majority leader would clarify and would conform with that understanding.

Mr. LOTZ. Mr. President, that is correct. Second-degree amendments would be in order. We are freezing everything in place. We would not take it up again before September 1 unless an agreement were worked out. When we do go back to it, we will be right where we are now, and second-degree amendments will be in order.

Mr. GLENN. Mr. President, reserving the right to object, I don't plan to object. I want to clarify, this would in no way affect the voting order we agreed to last night on other amendments?

Mr. LOTZ. Everything would be just like it is at this very moment on this appropriations bill.

Mr. GLENN. Thank you. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. LOTZ. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The clerk will report the defense bill.
The legislative clerk read as follows:

A bill (S. 2132) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

AMENDMENT NO. 3397

The PRESIDING OFFICER. There are 2 minutes equally divided on the Feingold amendment.

Mr. FEINGOLD. Mr. President, this amendment is about the National Guard. This amendment is about priorities in our Armed Forces, not about the merits of any aircraft proposed to be added to the Navy’s aviation fleet. This amendment fills in almost all of the dangerous $225 million shortfall in the National Guard’s O&M account. As an offset, we use the House’s recommendation on Super Hornet procurement for the coming fiscal year.

Mr. FEINGOLD. Mr. President, this amendment is supported by 25 State adjutants general. I hope my colleagues contact their State adjutants generals to get their opinion before casting their vote. I urge colleagues to support the National Guard and to vote against tabling this amendment.

Mr. STEVENS. Mr. President, this amendment will eliminate the Navy’s highest priority, or I would say the Defense Department’s highest priority for the Navy, the F-18 E/F. It would move that money into the National Guard. We have already increased the National Guard by more than $500 million above the budget request. So that approval of the National Guard Adjutants is a facade, this is to kill the F-18. I urge that the Senate support my motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3397.

Yeas and nays have been ordered.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—80

Abraham       Craig       Hatch
Akaka         D’Amato     Hollings
Allard         DeWine      Hutchinson
Ashcroft       Dodd       Hutchinson
Baucus         Domenici    Hoefer
Bennet         Durbin      Kempthorne
Biden          Enzi        Kennedy
Bond           Emsi        Kennedy
Boxer          Faircloth    Kerry
Brownback      Feinstein    Kyl
Burns          Ford        Landrieu
Byrd           Frist       Levit
Campbell       Glenn       Lieberman
Chafee         Gorton       Lott
Clark          Granahan    luger
Coats          Grams       Mack
Cochran        Gruenberg    McCain
Collins        Gregg       McConnell
Coverdell      Hagel       Mikulski

NAYS—19

Bingaman       Brown       Breaux
Bryant         Brownback   Jefords
Bumpers        Conrada     Johnson
Daschle        Kyl         Kohl
Feingold       Lautenberg

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3397) was agreed to. Mr. STEVENS, Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, I want to inform the Senate that tomorrow there will be another funeral. It is the funeral for Officer Chestnut. The agreement today was we would not have any votes until 1 p.m. Then we made that 2 p.m. because of the Intelligence Committee meeting. But we are going to have the same agreement now that we will not vote on the amendments that we take up later this evening until tomorrow at 1 p.m.

I am now going to seek agreement that all amendments will have to be debated tonight, and we will start voting tomorrow at 1 p.m. on those that require a vote. We will have taken over half—we have agreed to take over half the amendments we know of now, and we very soon hope to be able to know what amendments there are, but we will work out that time agreement.

I think Senators should realize that without regard to anything else we do now, we are going to be here tomorrow, and we are going to start voting at 1 o’clock and not before. The alternative is if we get through these—we might be able to get through them tonight if Senators want to do that and be finished tonight. But we can’t do that unless we see the amendments.

Now, I have asked two or three times for an agreement that Senators bring amendments through, that we have a time limit or they must be disclosed, and we will try that again after the next vote. But we have to have some certainty. If Senators want to, we are going to be here until Sunday, because I will never, never allow a defense bill to hang over a recess. It just will not do. And I think anybody who understands defense understands it cannot happen. So we are going to finish this bill tonight or tomorrow or Saturday or Sunday. My plane doesn’t leave until 2:20. Mr. DODD. Will the Senator yield?

Mr. STEVENS. What is the next vote?

Mr. DODD. Will the Senator yield, Mr. President?

I inquire of the chairman of the committee, are we going to have votes this evening? Why wouldn’t we vote on into the evening rather than having votes hanging over until tomorrow? Mr. STEVENS. We might be able to do that.

Mr. President, I ask unanimous consent that no vote on this bill take more than 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Are we going to have votes then this evening, all into the evening?

Mr. STEVENS. We are going to vote on amendments when they come up. Whenever they come up, we will vote on them. Most of them are going to be motions to table, I will tell you. Most of them are going to be motions to table because most of this stuff is not relevant to this bill at all. But you as well as I have been put on notice, Republican or Democrat, I am going to move to table any nonrelevant amendments. Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. If I can question the floor manager relative to his intent, if we are in tomorrow and votes start at 1 o’clock, might it be possible to stack the votes in the event that actuality should be determined, because the last plane that I can catch is 2:20; otherwise, I have to leave the next day. And I don’t request special consideration. On the other hand, it just means another day’s delay. So if we did go into tomorrow and we start voting, the 2:20 plane is the last one I can catch.

Mr. STEVENS. I tell my colleague I will do my best.

I renew my unanimous consent request that all remaining first-degree amendments in order to be offered to this bill must be presented and offered before 5 p.m.

Mr. BAUCUS. Mr. President, objection. I object.

Mr. STEVENS. There is the answer to my friend. I do not see how we can finish before 2:30 tomorrow afternoon unless we know what we are voting on. That is the next order of business, Mr. President?

The PRESIDING OFFICER. The pending question is on the Hutchinson amendment No. 3124. There are 2 minutes of debate equally divided.

Mr. STEVENS. Mr. President, I might say I am prepared to accept this. It is a sense-of-the-Senate amendment primarily.

This is the Senator from Arkansas. I do have a tabling motion in place on this, do I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS, I ask for the vote after 1 minute on each side.

The PRESIDING OFFICER. There are 2 minutes equally divided.
The Senate from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The yeas and nays are equally divided. The Senator deserves to be heard.

Mr. HUTCHINSON. Mr. President, thank you for bringing the Senate to order.

This is an amendment that would simply deny visas and travel to those in the Chinese Government who the Secretary of State finds, by credible evidence, are involved in either forced abortions or religious persecution. It is not MFN, it is not IMF, it is not sanctions, but it would deny visas. China denies these practices are taking place. If that is the case, there would be no obstruction at all in diplomatic relations.

We provide in the amendment, and I hope everybody will look closely at the amendment, that if we have a Presidential waiver if it is in the national interest. This amendment passed overwhelmingly in the House of Representatives. I think, since the President returned, the most recent round of arrests of democratic dissidents underscores the need for this amendment.

It is a rifleshot, not a shotgun. We want to go after the bad guys, and that is all. It is not against trading. It doesn't deal with trading. A vote against tabling this amendment is a vote for freedom in China.

I ask my colleagues to oppose the tabling motion.

The PRESIDING OFFICER. The question occurs on the motion to table.

Mr. STEVENS. Senator Thomas has a minute on our side.

The PRESIDING OFFICER. The Chair was under the impression the Senator from Alaska yielded back the time. If that is incorrect——

Mr. STEVENS. No; I did not.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I urge my colleagues to follow the leadership of the floor leader and the bill leader here on this one. No. 1, it doesn’t belong in this area. We are taking away all these amendments. I think that is the right thing to do.

The second point is those of us who have been working in this area for a very long time feel as if there is a process that is going on to make things better with China, to make our relations better.

No one disagrees with doing something about religious freedom. No one disagrees with any of these issues. The question is, How do you best do it? And the best way to do it is not to refuse to provide visas to the Chinese. I urge we table this amendment.

Mr. STEVENS. There are 2 minutes. Vote. The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce the vote from North Carolina (Mr. HELMS) is absent because of illness.

I further announced that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “no.”

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 248 Leg.]

**YEAS—29**

Akaka
Baucus
Bingaman
Benn
Borum
Burns
Chafee
Gioland
Domenici
Feinstein
Lugar

Yeas—29

**NAYS—70**

Abraham
Allard
Ashcroft
Baucus
Bingaman
Benn
Borum
Brownback
Bryan
Byrd
Campbell
Cochran
Collins
Conrad
Corzine
Craig
D Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Enzi

Nays—70

NOT VOTING—1

Holms

The motion to lay on the table the amendment (No. 3124) was rejected. Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am informed now there are at least two, maybe three, amendments that will be offered to this amendment. Under the circumstances, I would like to just suggest we set that aside for a minute and have the proponents of the second-degree amendments talk to the author of the first-degree amendment to see if we might work something out as to how we limit the time or deal with this, if that is agreeable. If it is, then I would ask it be temporarily set aside.

I would like to take up the amendment No. 2964.

The PRESIDING OFFICER (Mr. GORE). Is that a unanimous consent request?

Mr. STEVENS. It is a request. I ask unanimous consent that it be temporarily set aside, and we take it up one by one. Hopefully, they will talk while we are doing this.

Mr. HUTCHINSON. Reserving the right to object, will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. HUTCHINSON. When we temporarily set this aside and do the negotiations on the various second-degree amendments that are to be considered, when do you anticipate returning to——

Mr. STEVENS. I say to the Senator, there are two other amendments we could act upon now. Your amendment will automatically be the order when we finish those.

The PRESIDING OFFICER. The regular order would bring back the amendment.

Mr. STEVENS. Yes.

Mr. HUTCHINSON. Thank you.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Without objection, it is so ordered.

AMENDMENT NO. 2964

Mr. STEVENS. Mr. President, the next amendment would be amendment No. 2964, offered by Senator ABRAHAM. There was no request for time that I know of for this. We are prepared to do and do ask that—are the yeas and nays ordered on that amendment? I do not think they have been ordered. Have they?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. STEVENS. I ask for the adoption of Senator ABRAHAM’s amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the Abraham amendment No. 2964.

The amendment (No. 2964) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Was there one more amendment we had to dispose of before we come back to the regular order?

The PRESIDING OFFICER. There is the Kyl amendment.

Mr. STEVENS. For the information of the Senate, Senator KYL asked that his amendment be set aside temporarily, because the Armed Services Committee is meeting to consider a similar amendment. We would like to have that set aside until Senator KYL asks that it be brought up. I ask unanimous consent that Senator KYL’s amendment be set aside.

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

We have two amendments pending from the Senator from Texas, Mrs. HUTCHISON.

Mr. STEVENS. There is one amendment on which the debate has been finished.

May I inquire of the Senator from Texas, is debate finished on the one amendment?

Mrs. HUTCHISON. That is correct. I have spoken on the first amendment, No. 3109. I am happy to yield back time on that.

Mr. STEVENS. Mr. President, I am informed there is a request to accept that amendment until the Bosnia amendment is considered. I ask unanimous consent to set it aside temporarily, also, until that is resolved.
The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 324

Mr. STEVENS. We come back, then, to the pending amendment. As I understand it, it is the regular order. And that is the amendment that was not tabled.

The PRESIDING OFFICER. Without objection, the pending amendment will be agreed to. I ask the Senator from Texas, 3409 or 3413?

Mrs. HUTCHISON. Amendment No. 3413 has to do with Bosnia.

The PRESIDING OFFICER. Amendment No. 3413.

The Senator from Texas is recognized.

AMENDMENT NO. 313

Mrs. HUTCHISON. Mr. President, amendment No. 3413 is to condition the use of appropriated funds for the purpose of reducing or authorizing reimbursement of U.S. ground forces in Bosnia.

It is a fact that the U.S. Armed Forces have accomplished the military mission assigned to them as a component of the implementation and stabilization forces. The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authority of Congress.

Mr. President, this is the first time that I have written on any kind of resolution that would establish some kind of policy on Bosnia since the President decided that it would be an unending mission.

On November 27, 1995, the President said that America would be part of a multinational military implementation force that would terminate in about a year. The President declared the expiration of the mandate to be December 20, 1996.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff at the time expressed the critical importance of establishing a firm deadline in the absence of which there is a potential for expansion of the mission of U.S. forces. That was a forceful statement by the Chairman of the Joint Chiefs. He said it is a recipe for mission creep not to have a termination date.

On October 3, 1996, the Chairman of the Joint Chiefs announced the intention of the United States to delay removal until March 1997. In November of 1996, the President announced that we would delay until June of 1998. The President did not request authorization by the Congress of a policy that would result in the further deployment of U.S. forces in Bosnia until June 1998.

Notwithstanding the passage of two previously established deadlines, the reaffirmation by the Senate of those same national security officials, and the endorsement by those same national security officials of the importance of having a deadline, nevertheless, the President announced on December 7, 1997, that establishing a deadline had been a mistake and that U.S. ground combat forces would be committed to the NATO-led mission in Bosnia for an indefinite amount of time.

What my amendment does is very simple. It says that funds appropriated will not be made available except as conditioned below: that the President will bring the number of troops down to 6,500 by February of next year and 5,000 by October of 1998, so we are staying a little longer than we currently are. The exceptions are very broad at the discretion of the President and the Secretary of Defense that U.S. forces would have enough forces to protect themselves as the drawdowns proceed. So we are, of course, going to give the protection to the forces as the drawdown goes forward.

This doesn’t take us out of Bosnia, which many in this body feel that we should do, that we should begin this at the time for an honorable withdrawal. It just says, by the end of the fiscal year of the budget that we are considering, that our troop level would be down from about 8,500 to about 5,000. This should start the process of working with our allies to have a better distribution and sharing of responsibility among our allies and the United States.

This is a European security issue. The United States has approximately doubled the number of our European allies have. We want to be a good ally. In fact, I don’t want to pull up stakes and leave Bosnia without doing it in a responsible way. I think that is our responsibility. But, in fact, many of us have asked the President repeatedly to lay the groundwork with an established and clear mission that has a chance to succeed, a mission that has a finite term so that both our allies and any enemies of our cause would know exactly what to expect from America. That would be possible at this time. We have said we were going to leave twice, and we have not left. We have not left, and we have not laid a proper base to leave.

What I am asking the President to consider and what I ask the American people to consider is that we start the process of realigning the forces in Bosnia so that our contribution would be reduced and our allies in NATO would begin to take a greater share of the burden.

Why is this important? We are looking at a time when our military readiness is being called into question. In fact, if you look at all of the responsibilities that America has in the world, we are spending too much on Bosnia and putting the future security of the United States and our ability to respond in the future in other places where America may have to respond, even unilaterally, in jeopardy. That is not the course we should be taking.

It is most important that America start with the issue of Bosnia and address it in a way that we are not putting it in context with our overall responsibilities in the world. The Bosnia operation has already diverted nearly $10 billion from our national defense. A growing lament at the Pentagon among senior officials is that we are in danger of returning to the hollow forces of the military of the late 1970s.

Let me mention some of the indicators that demonstrate our military is overtaxed this year and last year the military had its worst recruiting year since 1979. The Army failed to meet its objective to recruit infantry soldiers, the single most important specialty in the Army. A Senate Budget Committee Investigator recently reported finding serious Army-wide personnel and readiness problems. At the National Training Center, where our troops go for advanced training, units rotate in typi- company with a 60 percent shortage in mechanics and often a 50 percent shortage in infantry. These shortages were blamed on the fact that these personnel, especially the mechanics, are deployed abroad for missions such as Bosnia.

More than 350 Air Force pilots turned down the $60,000 bonuses they would have received to remain in the cockpit another 5 years—a 29 percent acceptance rate. That is compared with 59 percent for 1995. Last year, 500 pilots resigned. Most of them were lured by the airlines. This year the number will be 60 percent. The Air Force says it is not able to train enough new pilots to replace them.

When I have gone and visited our bases overseas and at home and I ask our enlisted military men and women why we are losing our experienced people, almost every time the answer is: Too much time away from our families on operations that don’t seem that necessary. A Senate Budget Committee Investigator recently reported finding serious Army-wide personnel and readiness problems. At the National Training Center, where our troops go for advanced training, units rotate in typical company with a 60 percent shortage in mechanics and often a 50 percent shortage in infantry. These shortages were blamed on the fact that these personnel, especially the mechanics, are deployed abroad for missions such as Bosnia.

Since 1991, the United States has cut its Armed Forces by about a third. It may be more difficult, more risky, and possibly more costly to invade Iraq now than it was a decade ago. We are going to debate and vote on a resolution today, hopefully, expressing our support for the President’s strong actions toward Iraq. But
the fact is, if anything went wrong, we would have to divert troops from every theater in the world to prevail. Defense cuts of almost 50 percent over the last decade have put our security at risk. But this has been made worse by the diversion of U.S. resources and readiness at a time when there is no serious security threat to the United States, such as Bosnia, Haiti, and elsewhere.

We have spent more time discussing Bosnia than missile defense, which is a security risk to our country. We are not doing what the policy that is going to put our country in the best position to deal with the myriad of issues that will face this country and our security in the next century.

President Clinton and his administration are missing a big-picture view of the world and the proper role for the United States. Our growing involvement in Bosnia is a good example of that. Just last week, U.S. forces were directly involved in tracking down and capturing a war criminal.

The Dayton accords have made it clear that apprehension of war criminals would be the responsibility of the parties to Dayton—civilian police and government officials. In fact, a little more than 1 year ago now, the former NATO commander, George Joulwan, told the Congress this:

The military are not policemen. And I think the proper responsibility rests on the parties. That is what Dayton says. [If we are not careful, we will go down this slippery slope where the military will be put in the position of hunting down war criminals. That is not within the mandate.]

That is Gen. George Joulwan.

I joined with many of my colleagues in the Senate to oppose the decision to send troops to Bosnia. One of our principal concerns was that, once there, our mission would be indefinite, and that it would end in mission creep. We were bolstered in our concerns by former Secretary of Defense William Perry and former Chairman of the Joint Chiefs, General Shalikashvili. They both warned that without a specific deadline for withdrawal there would be the potential for expanding the mission.

I am concerned that Secretary Perry’s warnings are coming true. While we were on a recent recess, the President announced that thousands of U.S. troops would remain in Bosnia after the June 30 deadline, remembering that the Senate had unanimously endorsed that deadline of June 30, 1998, which his administration had established.

After 240 U.S. Marines were killed in Lebanon in 1984, Defense Secretary Caspar Weinberger established six principles upon which the decision to send U.S. ground troops should be based. Here is what he said:

The U.S. should not commit forces unless the commitment is in our vital national interest. If we do commit forces, we should have clearly defined political and military objectives. We should know how those objectives will be achieved, and we should send the appropriate forces to complete the objectives. We must constantly reassess and adjust our relationship between our objectives and forces, if necessary. The commitment of troops should be a last resort, not the first.

We have violated virtually every one of Secretary Weinberger’s principles in Bosnia. It was supposed to be a 1-year peacekeeping operation that would keep the factions apart until their own forces could come in and keep the peace from the ground up. They would have local elections and general elections. They would begin to resettle refugees.

Dayton has long since passed. I was in Brcko a year ago. I week before the eruption there in which U.S. troops were harmed. I was able to see how far we had come. I have been to Bosnia four times.

What I saw in Brcko was the resetting of refugees who did not even meet their next-door neighbors from the other factions, and I thought this was getting to be a little too much of a tangent. The atrocities committed right in Brcko against thousands of Muslims are as bad as anything I have ever heard reported from the Nazi atrocities of World War II. Yet, we are trying to say “come and live together.” That is not thor.

It looks like we are trying to create multiethnic neighborhoods, forcing people to do this prematurely, after the atrocities that have occurred in that country. This in itself can be anti-perpetuity. That is, it is asking the uprisings that try to force people to do this before the people themselves are ready—before the wounds have healed.

So I hope that we can let things settle, let the peace settle in, and let’s do what we said we were going to do. Let’s start training the people who are there to be a peacekeeping and police force. This could be done in an orderly way. We could begin with a NATO force that transitions and trains the forces that would come in behind them. They will be able to keep their peace, but it will not be an incentive for them to take over this job if they know that we are going to be there to do it for them.

I hope that we can create the base for an honorable exit. My amendment just tries to do a more equitable distribution of forces so that the burden is more equally shared between the United States and our NATO allies in Europe. It validates the legitimate responsibility that Congress has to authorize and to oversee the deployment of forces around the world by requiring a vote on the President’s plan.

Without this amendment, we will be looking at American troops in Bosnia indefinitely. We will be looking at a never-ending commitment, and we will be taking resources that are vitally necessary for our own security and for our responsibilities around the world.

It is most important that we establish a policy that can succeed. Keeping thousands of American troops in a $1 billion a year peacekeeping operation that only weakens the military is not good military strategy and is not based on good policy. Remember what Shalikashvili said: “Having a defined deadline is important to avoid mission creep.” We have learned that before and we should not forget the lesson. I think it is important for us to begin to act like the superpower that we are. When a superpower makes a commitment, we have to be able to back it up and do what it says it is going to do. It is so important that we act firmly. It was important in Iraq. It is important in Bosnia that when we set deadlines, we meet them, that we do things that no one else in the world can do. We can provide an umbrella of defense for ballistic missiles, for nuclear weaponry, but that is not the case in Bosnia.

We can do things that no one else in the world can do. We can provide an umbrella of defense for ballistic missiles, for nuclear weaponry, but that is not the case in Bosnia. We cannot do these things because only we have the resources to do it.

Mr. President, I don’t see how our colleagues can express alarm about the decline in U.S. readiness, and at the same time, ignore the policies that are causing the decline. It is our responsibility to act when our troops are going to be sent to an overseas conflict or missions of any kind when they are long-term. The President has now said it is going to be long-term—in fact, for an unknown period of time. We have got to put a deadline. If we don’t, we will forget and the Bosnia operation will be in perpetuity. Those who are relying on us will continue to. Why shouldn’t they? What incentive do they have to start the training of their own forces, which was envisioned in the Dayton accord?

I hope my colleagues will look at this very small first step in exercising Congress’ responsibility. This is a precedent that has been set by Congresses in the past. We have stopped the funding for operations that Congress did not think should be continued. This has happened in Cambodia, Vietnam, Somalia, Rwanda, and even in Korea, in the Philippines, and in Japan. We have spoken. In the past, Congress has stepped up to its responsibility. I hope it will today.

Mr. President, I will stop at this point because others want to speak. I do hope that my colleagues will focus carefully on this step. It is not even a major step of withdrawing from Bosnia. It is to just say we want our allies to accept more of the responsibility so that our troops will be able to do what
they do best, and that is to train for the contingency that only we can add-

dress; that we will have the money to be able to invest in the technology that will protect the world from ballistic missiles and nuclear, biological, and chemical weapons; and that we will not lose the experienced personnel because they are worn out from mission fatigue on operations they do not see as threats to U.S. security.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise today as a cosponsor of the Hutchinson amendment, No. 3413, to the DOD appropriations bill concerning Bosnia.

I want to very sincerely commend the Senator from Texas for all the hard work she continues to devote to this important issue and for trying to craft a compromise that would be acceptable to a majority of our colleagues regarding the United States’ ongoing presence in Bosnia and Herzegovina.

As my friend from Texas has already explained, this amendment mandates a withdrawal of U.S. forces from participation in the NATO Stabilization Force, or SFOR, requiring that that force, or any future multi-national successor force, shall not exceed 6,500 troops by Feb-

Mr. President, this is July 30. This is clearly a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term. And we need to evaluate this operation on its merits accordingly, and not pretend that it is an appropriate occasion for an emergency designation.

The amendment by the Senator from Texas can at least put some real pressure on the administration to develop plans for a reduction in troop levels in Bosnia. The amendment also would require full funding for that contract, because we would need fewer resources to support a smaller troop presence.

Mr. President, with or without this amendment, I think we all recognize that there will be troops in Bosnia next year.

So, this is not an emergency, and I think the Congress has a responsibility to face that fact and deal with it accordingly.

I hope, therefore, that those of my colleagues who do support the mission in Bosnia will cease to resort to maneuvers regarding the funding of this mission that seek to avoid our budget spending caps! This has been going on far too long, and has eaten up too many of our resources—human, finan-
tial and otherwise. We cannot continue with this budgetary game.

Mr. President, I am pleased once again to join the junior Senator from Texas in trying to assert some kind of accountability for this mission. I urge my colleagues to support her amend-

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, it is with reluctance I rise to oppose the amend-

ment offered by my colleague, the Senator from Texas, because we share much the same concerns about the deployment of our troops to Bosnia initially. We had the same concerns about the Dayton accord, which, as presented to us, was transparent on its face. It was dis-

ingenuous on its face that we could ac-

complish the task incorporated in Day-

ton with a 1-year period of time of de-

ployment of our troops on the ground, a timetable unachievable by any meas-

ure. The continued existence of our in-

volvement in Bosnia is something that I don’t support.

But I believe that the amendment has a fatal flaw, and the fatal flaw is that it makes Congress the determiner of how many troops and what time pe-

riod those troops will be deployed once the mission has been established. The Commander in Chief, the President of the United States.

I find it difficult to stand up here and defend the powers of the President of the United States, particularly at a time like this. But constitu-

tional prerogatives and constitutional powers that I think need defending regard-

less of what your personal assessment is of any particular President.

Second, I believe it is unwise policy for Congress to require the President to address the force levels of our troops or deci-

sions that micromanage how those troops conduct themselves and how they accomplish their mission once the decision has been made. Clearly, our responsibility, if we disagree with the presence of those troops and the deployment of those troops, is to address that by eliminating the funding for those troops, but not to determine the force level of those troops, the kind of levels they ought to have, and what their timetable ought to be.

I quote from a letter from the Sec-

cretary of Defense dated May 21, 1998, when he says, “Our military com-

manders in the field have determined the level and type of force required to carry out the mission within accept-

able risks. The mission force and guid-

ance of the force currently planned for have been fully agreed to by military authorities. Military commanders”— unquote—“would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission ac-

complishment, operational consider-

ation, and the fluid tactical situations they face. In addition, legislating with-

drawal would incite heightened intrans-

igence and extremism.”

Mr. President, we sadly learned in Somalia, to cite one example, the dis-

astrous and tragic consequences of pol-

itical decisions overriding military re-

quests. We lost some brave Americans unnecessarily because the political de-

cision was made to not provide those
forces with the necessary equipment and not base a sufficient force there until our mission was accomplished. I don’t want to see us doing that again.

We in Congress do not have the expertise to make that decision. Even if we did, we didn’t make that decision. That is a decision that ought to be made by those who command the troops and make the decisions about their presence and what they need to be there.

So strongly, strongly urge my colleagues to vote to table this amendment, not because they necessarily agree or disagree with whether or not this is a proper deployment, not because this impacts our readiness, which it does, not because it is costing a lot of money, which it is, not because it was a bad decision to start with, and an unachievable mission and objective to start with, because it is, but because it tells our troops that we in Congress know more about what they need, what the troop levels should be, what the date of withdrawal should be, how we accomplish the mission of our military commanders. Those men and women in uniform who we put in harm’s way have to have every advantage we can give them in terms of protecting their security, in terms of accomplishing their mission, and it is a decision that has to be made by people with military expertise and not Members of Congress.

For that reason, I strongly urge that we not make the amendment but, I think, misguided amendment.

Mr. BIDEN. Mr. President, I rise today in opposition to the Bosnia amendment introduced by the junior Senator from Texas. Before I discuss the reasons for my opposition, I would like to commend the Senator for her continuing interest and involvement in U.S. foreign policy. The Senator is one of this body’s most active Members, and while I have often opposed her legislative initiatives, which seemed to me unwise, I respect American involvement abroad. I value her enthusiasm and engagement.

The amendment that Senator HUTCHINSON has proposed today sets arbitrary caps on our troop strength in Bosnia and micromanages their duties from the vantage point of Washington, D.C.—4,000 miles from Bosnia and Herzegovina! The amendment is fatally flawed.

Mr. President, the Hutchinson amendment is predicated upon a false assertion: that the U.S. contribution to SFOR is inequitable and disproportionately large. I will return to that inaccurate claim in a moment.

Moreover, the amendment makes several incorrect claims about the current situation in Bosnia, for example that NATO forces participate in law enforcement activities there.

In circumstances future activities, it also incorrectly implies that NATO forces are supporting refugees or that refugees are relocating in order to control the territory of the other Bosnian entity.

But, Mr. President, the core of my opposition to the Hutchinson amendment is the same as was my opposition last month to the Thurmond amendment to the Defense authorization bill.

Put quite simply, if the United States is to be the leader of the North Atlantic Treaty Organization, then it must continue to lead!

Mr. President, leadership means being present in all aspects of NATO operations and sharing in the risks.

The Hutchinson amendment introduces a prescriptive for “NATO à la carte.” By February 1999 it would allow exceptions in Bosnia to the arbitrary troop limits in Bosnia only for self-protection as we withdraw our forces, to protect U.S. diplomatic facilities, or in advisory support roles.

That might work for a junior member of the Alliance, but not for the United States of America. Not for the leader of NATO.

Let me return to the false assumption that underlies the Hutchinson amendment—that our participation in SFOR is disproportionately large.

As a matter of fact, Mr. President, while the U.S. contribution to SFOR remains the largest single national contribution, the proportion of U.S. forces within NATO forces in Bosnia has declined dramatically since initial deployment in December 1995.

At the outset, U.S. troops made up one-third of IFOR. As a result of steady, measured reductions, U.S. participation has dropped to one-fifth of SFOR.

In other words, our allies and other SFOR partners have agreed to the U.S. taking disproportionate cuts in force numbers at each milestone, while continuing to accept U.S. command of the overall force.

At the current time, our European allies alone contribute more than three-and-one-half times the number of troops in SFOR than we do. Attempting to lower the U.S. proportion to equal or below that of any single European almost certainly cost us our command position. Some Members of the Senate might welcome such a development. I would not.

I want the United States to retain command of SFOR in order to ensure that the pace of implementing the Dayton Accords holds steady or accelerates.

I want the United States to retain command of SFOR in order to maximize the effectiveness and protection of the U.S. forces in Bosnia.

We are in Bosnia because helping to resolve the Bosnian problem is in our national interest. As was wisely pointed out by this Senator and many others during the debate on NATO enlargement last spring, that is the reason we are in Europe at all.

In political, security, and economic terms, we are a European power. Our engagement in Europe, including Bosnia, is not a charity operation. Stability in Europe benefits us.

The European allies of the United States are playing a major role in Bosnia.

Because of our leadership role in NATO, and because of our superior logistical capabilities, we have maintained command of SFOR. This is how it should be.

Like my colleagues, I am in favor of the speediest fulfillment of the Dayton Accords so that Bosnia and Herzegovina will have a self-sustaining democracy and all foreign troops may be withdrawn. American command of SFOR is the best guarantee that we can rapidly achieve this goal.

The Hutchinson amendment would, I submit, gravely undermine that American command in Bosnia and would set in motion a process that could ultimately result in loss of the position of SACEUR, the command of NATO land forces in Europe.

For all these reasons, I oppose the Hutchinson amendment, and I urge my colleagues to join me in defeating it.

I thank the Chair and yield the floor.

Mr. President, I will take no more time. I know my friend from Arizona is about to make some comments.

Last spring this was a bad idea. Nothing has caused it to become a good idea in the summer. It was a bad idea then; it is a bad idea now. I hope it will be tabled.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank my friend from Delaware, who obviously is very knowledgeable on this issue and has stayed focused on these issues for many, many years.

I also wish to thank the Senator from Indiana for his very forceful presentation.

Mr. President, I believe everyone in this body knows that I have long had serious concerns about our mission in Bosnia. From the time the IFOR mission was first briefed to the Congress, I knew the job could not be completed in one year—or against any arbitrary deadline. Instead, I urged the Administration to set concrete objectives and benchmarks for measuring success.

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

The answer to this problem, however, is not to go back and set new artificial deadlines or troop levels. And make no mistake about it, the amendment before us is little different than the one the Senate rejected last month.
Bosnia is a long-term, complicated problem. It involves not only the warring factions, but has direct effects on Croatia and Serbia, including Kosovo, and threatens to spill over to the wider Balkan region. The credibility of NATO and especially the United States is tied up with our commitment to the Bosnia crisis. It would be sheer irresponsibility, probably leading to renewed warfare, if we were to precipitously pull out of Bosnia after investing so much. It would be a betrayal of our commitment to cooperating with our Allies. And it could well lead to an even more costly and dangerous re-introduction of American forces to stop the renewed fighting.

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

I would like to offer six principles that I believe should guide our policy:

(1) The U.S. has no permanent national interests in Bosnia. We are not interested in nation-building for its own sake. All we want is to create a self-sustaining peace. We must come out of our responsibilities and then get out.

(2) Our withdrawal must not precipitate renewed warfare in Bosnia.

(3) There must be no phony deadlines—whether for a withdrawal date, a Senate vote, or anything else. We have all the power we need to act whenever we want. We don’t need a deadline. We need sound policy.

(4) There must be no funding cut-offs or threats of funding cut-offs which would only hurt our troops on the ground. The real problem is policy making here in Washington. It needs to be solved here.

(5) There must be no micro-management of the military. The Congress and Administration must provide political leadership. We must make the tough decisions and bear the consequences. The military’s job is to implement our decisions as effectively as possible based solely on military considerations. The military has no business making political decisions for us, and we have no business making military decisions for them.

(6) The U.S. must provide leadership. No other country in the world has the political, military, and moral authority to exert leadership. Simply packing our bags and walking away is not an option. We must not simply abandon our Allies. We must leave Bosnia, but with dignity and leadership, leaving behind a well-planned succession.

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

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

But it is not possible to achieve this goal simply by moving numbers, or even numbers arrived at through an averaging process involving contributions of countries with militaries a fraction the size of our own, and deadlines for troop withdrawals. Doing so would exacerbate the crisis with our Allies and could have the effect of simply setting a timetable for restoring violence to Bosnia. Instead, achieving this goal requires working together with our Allies and realistically taking account of the situation inside Bosnia.

Mr. President, the Senate already approved an amendment, of which I sponsored, that seeks to do exactly these things. It imposes a number of reporting requirements, designed to provide the basis for moving us in the direction we all want to go. According to the amendment already passed by the Senate just over one month ago, each time the Administration submits a budget request for funding military operations in Bosnia, the Administration must clearly state its best assessment of six items:

(1) our overall objectives and multi-year timetable for achieving these objectives—taking account of the benchmarks already required under the supplemental appropriation passed earlier this year;

(2) the military and nonmilitary mission the President has directed U.S. forces to carry out—including specific language on our policy on war criminals, returning refugees, police functions, and support for civil implementation;

(3) the Chairman of the Joint Chiefs of Staff’s assessment of the risks these missions present to U.S. military personnel;

(4) the cost of executing our strategy over several fiscal years;

(5) the status of plans to move forward a European force inside Bosnia with a U.S. force outside Bosnia that would provide comprehensive support to the European force; and

(6) an assessment of the impact of reducing our forces according to the timetable proposed in the original Byrd-Hutchison amendment.

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

Mr. President, I am not going to elaborate very much on what the Senator from Indiana had to say, except to ask unanimous consent that a letter to Senator Strom Thurmond, the chairman of the Senate Armed Services Committee, written by General Shelton and Senator Byrd be printed in the RECORD.

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

S3964

CONGRESSIONAL RECORD — SENATE

July 30, 1998

THE SECRETARY OF DEFENSE, Washington, DC, 21 May 1998

Hon. Strom Thurmond,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

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

It is our intention to reduce our forces in Bosnia. Based on the progress achieved to date, our commanders already have been able to reduce US troop levels from almost 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. Based on regular reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible but that determination is best based on the actual situation on the ground, the military advice of our commanders in the field, and the approval of the NATO military and political authorities, not an arbitrary withdrawal or reduction dates determined long in advance.

Our military commanders in the field have determined the level and timing of forces required to carry out the mission within acceptable risk. The mission, forces and guidance of the force currently planned for June 1998 have been fully supported by NATO political and military authorities. Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face. In addition, while those opposed to the Dayton Accords have been steadily isolated and diminished in their influence, legislating withdrawal of reduction dates would invite hasty, ill-informed intra-agency swipes.

Additional factors that Congress should consider in reviewing any such amendment are the following:

Under the proposed amendment, command of the SFOR operation and its element in
Senator HUTCHISON. Mr. President, I would like to be able to close. The PRESIDING OFFICER. Does the Senator withdraw the motion to table? Mr. STEVENS. Mr. President, will the Senator yield? Mr. McCAIN. I withdraw my motion to table and I yield the floor. Mr. STEVENS addressed the Chair. The PRESIDING OFFICER. The Senator from Alaska. Mr. STEVENS. I was trying to condition that motion to table. I know Senator BYRD is one of the original cosponsors, Senator HUTCHISON also. But we do have to move along. I am a cosponsor also. But I do think we have to have some time limit. Would the Senator be willing to have some discussion at a time when we might be able to vote? Mr. BYRD. I, first of all, wish to thank the distinguished Senator from Arizona for withholding his motion. I would probably need 25 minutes. Mr. STEVENS. And how much time does the Senator want? Mrs. HUTCHISON. Mr. President, Senator INOIFE and Senator SESSIONS have both asked to speak for approximately 10 minutes each, and then I would like to close on my amendment with about 10 minutes to go. Mr. McCAIN. Senator INOIFE said he does not wish to speak on the amendment. Mr. STEVENS. He has gone on to a meeting. Mr. President, I would like to point out that we have a time restraints on this, if we could. I would like to see if we could have the vote take place no later than quarter to 6. Could we have that agreement? Mr. BIDEN. Mr. President, if the Senator will yield, a lot of us witheld speaking against this amendment, and I hope that maybe just the Senator from Arizona, Mr. BYRD, would speak and then all those who have already spoken refrain from speaking again so people such as me don’t feel compelled to stand up and respond. We are trying to get this done. Because the Senator from Arizona was kind enough to withdraw his motion to table, I hope we could agree that after the Senator from West Virginia speaks, and maybe the Senator from Texas takes a couple minutes to close out, we then let the Senator move. It would be helpful. The PRESIDING OFFICER. The Senator from Alaska has the floor. Mr. STEVENS. Mr. President, I would then ask unanimous consent that Senator BYRD be recognized, and the Senator from Texas have whatever time is remaining, and the Senator from Arizona be recognized to make his motion to table. And it is with the understanding that if the amendment is not tabled, there is no agreement on the amendment.
Mr. BYRD. Mr. President, I thank all Senators, and I, again, thank the distinguished Senator from Arizona.

Mr. President, I commend the Senator from Texas, Mrs. HUTCHISON, for offering this amendment regarding the continued participation of U.S. forces in the NATO operation in Bosnia. She has been a persistent and thorough overseer of the situation there. I share her concern that Bosnia not become another forgotten war, another long term military mission whose purposes and even existence is largely ignored, unremarked upon unless something terrible happens. In that unhappy event, of course, much shouting and finger-pointing would ensue, amid calls to “bring our boys home, now.”

It is Congress’s Constitutional duty to provide for the maintenance of the military, as we are doing in this bill, and that includes those instances in which U.S. troops are pressed into service. We have an obligation to the men and women in our military services not only to provide for them, but also to provide our concurrence and oversight on the ways and places that they are employed. I believe that that calls for something more compelling than Sense of Congress motions, such as the one that have been passed, one that has been passed during the debate on the Department of Defense Authorization bill last month, but I recognize that, sadly, the majority of my colleagues do not agree.

So I applaud the distinguished Senator from Arizona, Mrs. HUTCHISON, for steering ahead on the strength of her convictions, despite the somewhat daunting odds.

U.S. troops have been in Bosnia since the Dayton Peace Accords were signed in December 1995. Some 25,000 U.S. troops formed the U.S. contingent of the NATO-led force that replaced the failing United Nations peacekeeping effort there since 1992. The original mission of the NATO force was quite limited—i.e., containing the heavy weapons that were bombarding defenseless towns and cities, and begin to mark the hazardous and indiscriminately strewn minefields so that civilians could take over the arduous task of clearing mines. The U.S. had to lead, because our European allies would not rally behind anyone else. This task, we were assured at that time, was to be “about one year.” And that was in 1995.

As that deadline drew to a close, the military tasks were declared essentially complete, and the situation on the ground was, indeed, transformed. While far from enjoying the kind of security that we in the United States, take for granted, people could at least seek water without dodging shells and gunfire. The civilian efforts to reestablish Bosnian society, however, had barely begun. NATO leaders agreed to leave substantial numbers of troops in place to keep the peace while the civilian reestablishment of the country continued. It was understandable. Again, the U.S., we were assured, must take the lead, because if we left, our European NATO allies would march out right behind us. We were told that the troops would be needed only through June 1998. That was in 1996.

Now it is July 1998, almost August. We have been told that the considerable burden of building a government and civilian infrastructure requires the continued reinsurance of a NATO peacekeeping force. Elections are scheduled for September, and more work needs to be done to establish a functional judicial system that has the trust of the populace. Therefore, the Administration announced a substantial shift in U.S. policy on Bosnia in December 1997—there would be no further estimates regarding the end of a U.S. presence in Bosnia. The U.S. and NATO would leave when sufficient progress was made in achieving certain benchmarks. The complete and detailed benchmarks are classified, but the unclassified summary that I have seen is fairly hard-nosed: says that governing entities that resemble those of the United States, then our troops might leave.

Mr. President, that is a pretty big order. Bosnia has never previously required so much. It has press, alternative media, free and fair multiparty elections, a clean and impartial judiciary, free access throughout the country, and so forth. For most of this century, Bosnia was part of what was Yugoslavia. Prior to that, it was part of a monarchy, and before that, it was part of the Ottoman Empire. This leads me to suspect that U.S. troops might be in Bosnia for a very long time, indeed, before Bosnia becomes a happy, peaceful, multi-ethnic republic. And this assumes, of course, that everyone in Bosnia shares this same aspiration, and that no one will try to undermine the progress towards this utopian vision.

And that is precisely what I do not want to create the impression that I am against helping the suffering people of Bosnia to establish a sound government that can lead them into a peaceful and prosperous future in the family of nations. The amendment of the Senator from Texas, Mrs. HUTCHISON, also does not call for the withdrawal of U.S. troops from Bosnia. This amendment appreciates the investment that has been made for peace in Bosnia and does not jeopardize that still fragile situation, but it does raise the considerable costs of that investment.

I believe that Senator HUTCHISON’s effort addresses three very basic questions regarding the continuing role of U.S. forces in Bosnia. These are the questions:

First, does this Senate really want to acquiesce to an open-ended commitment in Bosnia for the foreseeable future? The United States has spent $5.6 billion, or about $2 billion a year, to maintain U.S. forces in Bosnia from Fiscal Year 1996 through Fiscal Year 1999. If you include the U.S. share of the United Nations operation in Bosnia from 1992 through 1995, the total cost is about $9.5 billion.

That is a lot of money. That is $9.50 for every minute since Jesus Christ was born, 2,000 years ago. For every minute since Jesus Christ was born, and that is at least 120 years. For every minute. That is what it equals.

This bill provides $1.86 billion for Bosnia operating costs for Fiscal Year 1999, under an emergency declaration.

There are approximately 6700 troops inside Bosnia now, down from almost 10,000, and another 3,000 more are supporting them from bases in Hungary, Italy, and on ships in the Mediterranean. These troops and these funds are not available to meet other crises that might arise, such as that developing in Kosovo, and they are not available to protect U.S. core national security interests. Further, the support troops employed in this mission are drawn heavily from the Guard and Reserves, compared with the status of our part-time military and their employers. The President will need to request continued Reserve call-up authority in August to maintain the Bosnia operation. These readiness questions must be measured against the estimate of how many troops are required to provide that reinsurance? And for how long? And at what cost? Let us not be fooled into the illusion that a lower number is adequate or if a shorter time is sufficient. There are too many other demands being placed upon U.S. Armed Forces for us to be spendthrifts in this regard.

Second, does the Senate wish to continue to allow the United States to be led by the reluctance of others? Must the United States continue to provide a substantially greater number of troops than any of the other NATO allies, as is the case in Bosnia, because, as envisioned by some, the NATO allies will not lead, then should we not at least push them into carrying an equal military burden for a situation that is, after all, on their borders, not on ours? I know that it is easier to be a follower than a leader, easier to be a critic rather than a playwright, but as the Bosnia operation settles into a routine, surely some of this burden could be assumed by our allies.

Third, does the Senate want to abstain from placing limits on the role that U.S. forces should play in Bosnia? Or do we want to enhance the safety of the men and women we are supporting on the ground there by prohibiting them from performing the kinds of activities that put them in harm’s way by making them appear to side with one ethnic group over another? NATO forces have played an increasing role in the capture of war criminals, and have been linked with propaganda practices. A news story from early July reported that U.S. special operations teams...
also limits the mission of those re-

The United States cannot continue to pick up the largest burden of every NATO military mission. While our all-

I wish that the administration would put its support behind this amendment. It is not enough to let the soldiers and airmen out there do their thing, and that we care enough about them to act in their best interests. They are not America’s forgotten heros, out of sight and out of mind un-

Mr. President, I believe that Senator HUTCHISON has offered a blueprint for the continued U.S. participation in Bosnia that supports our NATO com-

Mr. President, I yield back the re-

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mr. HUTCHISON. Mr. President, I yield 3 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Sen-

Mr. SESSIONS. Thank you, Mr. President. I want to say a couple things that I think are very important. I think this amendment is much more important than it may appear to some who prob-

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the national intelligence estimate that came out in 1995, that said we would have a good 3 years’ warning, in 3 years, to participate in preparing for a national missile defense system. Now the Rumsfeld report has come out and said that isn’t true at all, that we are out of the game. And if we started today to deploy a system and put it into effect, we would not be able to do it.

What has that got to do with Bosnia? It is very simple, because in Bosnia right now, they are using up our military assets to the extent that we are not able to carry out the minimum expectations of the American people, which would be to defend America on two regional fronts.

If you do not believe this, go to the 21st TACOM in Germany. They are responsible for the ground support, anything that will happen in that theater. That theater includes Iraq. That means that if something should happen, we should be able to surgically strike Iraq. I do not think there is a person in America who does not believe that is a possibility—we would eventually have to go in on the ground and clean it up.

How do you do that? If you go to the 21st TACOM in Germany, they will tell us we are right now over 100 percent capacity in just supporting Bosnia. We have M-915 trucks that have a million miles on them right now trying to carry the support over there and support Bosnia on the ground. Until we are able to go to the 21st TACOM, we are not going to be able to adequately meet the defense needs.

I hope that you read, Mr. President, just in this morning’s Inside the Pentagon: “The Navy’s ability to retain its carrier aviators has hit its lowest historical annual rate. . . .”

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INHOFE. I thought I had 3 minutes.

The PRESIDING OFFICER. The Senator may continue.

Mrs. HUTCHISON. I had 10 minutes. I authorized up to 3 minutes for Senator Sessions and up to 3 for the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator may continue.

Mr. INHOFE. I will wrap up real quickly. The point is here in today’s report. We talk about the fact that only 27 eligible carrier pilots had applied for the ACP agreements. The minimum expectation of the Navy was 82. That means that approximately one-third are re-upping for this particular duty.

It costs $6 million to put a new pilot in the seat of an F-16. We are at the lowest retention rate in the history of America. And if you look at the exits surveys, they will say it is not because of pay or type of work. They are having to do to support Bosnia. And they are unable to carry out the red flag training and all the serious training that would be necessary should we have to send them into combat.

So I do support this. I would like a much stronger amendment than this, but I would certainly support—this is my position—this amendment.

The PRESIDING OFFICER. The Senator from Texas—the Chair would advise we have restored the time taken in discussing the misallocation of time back to the Senator. The Senator now has 4 minutes remaining.

Mrs. HUTCHISON. Thank you, Mr. President.

I will withhold until the Senator from Michigan uses his time that was allocated, and then I will finish.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand I have been allocated 1 minute. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Mr. President, this amendment would set arbitrary dates for reductions of troops. It runs smack against the advice of our top military officials, both uniformed and civilian.

In a letter which has been quoted by a number of Senators, including the Senator occupying the Chair, General Shelton and Secretary Cohen, on May 21, told us the following:

Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face.

Mr. President, that is why military commanders, including our top commander, oppose this amendment. That is why General Shelton opposes this amendment. It is why Secretary Cohen opposes this amendment. It would be mandating a date for a troop reduction. That jeopardizes the well-being of our forces in Bosnia.

Mr. President, I want to talk about a number of provisions in the amendment with which I disagree.

First of all, I want to correct an impression that I believe is created by the findings in this amendment. The findings imply that Congress has not played any role nor exercised its oversight authority since U.S. forces were first deployed to Bosnia. I would rephrase my colleagues of the provisions that were included in the National Defense Authorization Act for Fiscal Year 1998 and the National Defense Appropriations Act for Fiscal Year 1998.

Those Acts required the President to certify that the continued presence of U.S. armed forces in Bosnia, after June 30, 1998, is required in order to meet the national security interests of the United States and that it is the policy of the United States that U.S. armed forces will not serve as, or be used as, a military occupation force. It also required the President to submit to Congress a report on why the U.S. armed forces’ presence in Bosnia was in the U.S. national security interests, the expected duration of such deployment, the mission and objectives of the U.S. armed forces, the exit strategy of such forces, and a number of other matters.

The President submitted the required certifications and report to Congress on March 3, 1998. In detailing the exit strategy for U.S. forces, the report contained 10 benchmarks that were the goal of the NATO-led Stabilization Force in Bosnia. The report stated that “these benchmarks are practical and achievable, and their achievement will enable the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.”

I ask unanimous consent that the 10 benchmarks from the President’s March 3, 1998 report to Congress be printed in the Record immediately following my remarks.

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

(See Exhibit 1.)

Mr. LEVIN. Those 10 benchmarks, however, were established primarily by the Administration and were not shared with or agreed upon by our NATO allies. Accordingly, I offered an amendment when the Senate was considering the emergency supplemental bill at the end of March. That amendment, which was accepted and eventually became part of the 1998 Supplemental Appropriations and Rescissions Act, urged the President to seek concurrence among the NATO members on the ten benchmarks, on estimated target dates for achieving the benchmarks, and on a process for NATO to review progress towards achieving the benchmarks. It also required the President to submit to Congress a report on these matters by June 30, 1998 and semiannually thereafter long as U.S. ground combat forces remain in the Stabilization Force in Bosnia.

Mr. President, two days ago the President submitted that report as required by the amendment to the 1998 Supplemental Appropriations and Rescissions Act. That report advises that benchmarks parallel to ours have been incorporated in NATO’s Operation Plan or OPPLAN for the post-June 1998 mission in Bosnia. The OPPLAN requires, for each of those benchmarks, to be approved by the North Atlantic Council.

The President’s report also advises that the NATO allies agreed on June 10 to the United States’ proposal that the NATO military authorities provide an estimate of the time likely to be required for the implementation of the military and civilian aspects of the Dayton Agreement based on the benchmark criteria. During his testimony before the Armed Services Committee on July 1, General Wesley Clark, NATO’s Supreme Allied Commander, Europe, stated that the development and approval of the criteria and estimated
target dates should take two or three months.

The President’s report further advises that the benchmark criteria will be used during NATO’s regular six-month review of the Bosnia mission in December. He noted that, although not required by the amendment to the Supplemental Appropriations Act, the Steering Board of the Peace Implementation Council has included language that corresponds to the criteria. He added that, although the U.S. contribution to the NATO-led force has been declining over time—from 33 to 25 to 22 percent.

The amendment before us, however, would use the power of the purse to reduce the number of U.S. ground troops in Bosnia by another 400 by February 2 of next year and then by an additional 1,500 by October 1 of next year. That is the exact purpose and impact of this amendment. That is also what makes this amendment unacceptable to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff and should make it unacceptable to us. When the Armed Services Committee was consider- ing a series of amendments during its markup of the Defense Authorization bill earlier this year, we sought the views of the Department of Defense. Secretary Cohen and General Shelton, in their letter of May 21, 1998, gave us their views and I would like to quote from a few parts of their letter:

We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of U.S. forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkably successful to date. Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face.

Mr. President, I ask unanimous consent that the President’s July 28, 1998 report to Congress be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 2)

Mr. LEVIN. Finally on this point, I would note that the Senate adopted an amendment during its consideration of the Express Authorization bill for Fiscal Year 1998 that expressed the sense of Congress that, among other things, stated that the President should work with our NATO allies to withdraw U.S. ground combat forces from Bosnia within a reasonable period of time, consistent with the safety of those forces and the accomplishment of SFOR’s military tasks. That amendment passed by a vote of 90–5 on June 24—a little more than a month ago.

Mr. President, I thought that it was important that information on the record to correct any impression that Congress has not paid attention to the participation of U.S. military forces in the NATO-led force in Bosnia. But it is far more important, in my view, to focus on the other sections of the amendment, particularly the mandatory reduction of U.S. ground elements from Bosnia to a level of 6,500 by February 2, 1999, and 5,000 by October 1, 1999.

First, I think it would be useful to put the size of the U.S. contingent in Bosnia into perspective. It should be noted that the United States provided about 20,000 of NATO’s Implementation Force in 1996—or about 33 percent of the total force. Up until approximately June of this year, the United States provided about 8,500 troops to NATO’s Stabilization Force—or about 25 percent of the total force. By September of this year, the United States will provide about 6,500 troops—or about 22 percent of the total force. So the percentage of the U.S. contribution to the NATO-led force has been declining over time—from 33 to 25 to 22 percent.

Finally, I would note that the Statement on Administration Policy states that the President’s senior advisors would recommend veto of this bill if it contains a provision that would prescribe a arbitrarily scheduled force drawdown in Bosnia.

Mr. President, for all these reasons I will vote against this amendment and I urge my colleagues to vote against this amendment as well.

EXHIBIT 1

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

These benchmarks are concrete and achievable, and their achievement will enable the international community to rely largely on traditional diplomacy, inter- nationals and privatization efforts toward achieving the Dayton Accords over the longer term.

EXHIBIT 2

To the Congress of the United States:

Pursuant to section 7 of Public Law 105–174, I am providing this report to inform the Congress of ongoing efforts to meet the goals set forth therein.

With my certification to the Congress of March 3, 1998, I outlined ten conditions—or benchmarks—under which Dayton implementation can continue without the support of a major NATO-led military force. Section 7 of Public Law 105–174 urges that we seek consensus among NATO allies on (1) the benchmark criteria set forth with the March 3 certification; (2) estimated target dates for achieving those benchmarks; and (3) a process for NATO to move toward achieving those benchmarks. NATO has agreed to move ahead in all these areas.

First, NATO agreed to benchmarks parallel to ours. In May 28 as part of its approval of the Stabilization Force (SFOR) military plan (OPLAN 10407). Furthermore, the OPLAN requires SFOR to develop detailed criteria for each of these benchmarks to be approved by the North Atlantic Council, which will provide a more specific basis to evaluate progress. SFOR will develop the benchmark criteria in coordination with appropriate international civilian agencies.

Second, with regard to timelines, the United States proposed that NATO military authorities provide an estimate of the time likely to be required for implementation of the military and civilian aspects of the Dayton Agreement based on the benchmark criteria. Allies agreed to this approach on June 10. As SACEUR General Wes Clark testified before the Senate Armed Services Committee June 4, the development and approval of the criteria and estimated target dates should take 2 to 3 months.

Third, with regard to a review process, NATO will continue the 6-month review process that began pursuant to the implementation of the implementation of the Single Functional Approach to the Implementation of the Force (SFOR) in December 1995, incorporating the benchmarks and
detailed criteria. The reviews will include an assessment of the security situation, an assessment of compliance by the parties with the Dayton Agreement, an assessment of progress toward implementation of the Mar-

while not required under Public Law 105–

excess, based on the actual situation on the ground, the military advice of our commanders in the

and we expect further reductions will be possi-

Apartments in Bosnia of great concern to us, and

and mission tasks based on an arbitrarily

began early last March, as part of that day.

concerned about the Dayton Accord's

three-part framework, now approved by the

This is clearly a better approach than setting

We cannot stand by and watch our

military commanders in the field have

attainment dependent upon a complex set of

isolation of implementation, the estimated target

are the following:

A new round of Bosnia, as envisioned by the

military posture for Bosnia, and do not consider

Let us talk about precedent. On July

The benchmark framework, now approved

The Secretary of Defense, as well as the President of the

support for our troops. And I hope

In opposition. And it was a peacetime

Hank Shiltzton.

Henry H. Shelton.

military commanders would be forced to

addition, the PIC Steering Board called on

National Security Council and the President.

We will be providing a supplemental report once

there is one other factor related to opera-

of the force posture for Bosnia, and do not consider

military commanders already have been

required to carry out the mission within ac-

Arms level of force levels in Bosnia but en-

is a way, and do nothing.

Mr. MCCAIN. Nearing the moment, I

The Secretary of Defense, the Chairman of the Armed

shifting to a posture in which the U.S. has

Shifting to a posture in which the U.S. has

members of the Armed Forces.

Our commanders already have been

H.R. 1695, the Budget Reconciliation Act of 1996, to

military and civilian implementers, is

military and civilian implementers, is

force implementation, will be provided in sub-

isolation of implementation, the estimated target

the Dayton Accord's

began early last March, as part of that day.

military commanders already have been

It is our intention to reduce our forces in

In opposition. And it was a peacetime

Of forces, not the situation in Bosnia.

Another factor that Congress should

We cannot stand by and watch our

We will be providing a supplemental report once

the military and civilian implementers, is

the Dayton Accord's

military commanders already have been

Shifting to a posture in which the U.S. has

The Dayton Accord's

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of the military advice of our commanders in the

and we expect further reductions will be possi-

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We will be providing a supplemental report once

military commanders already have been
amendment numbered 3419, and I send order for me to offer an a second-degree objection, it is so ordered.

by the Senator from Arizona.

he amendment has been agreed to and previous amendment which was not ta-

The amendment is as follows:

The amendment has been agreed to and

Mr. HUTCHINSON. I think the

amendment that I have offered re-

amendments of the House of Representatives.

not utilize any funds appropriated or other-

unlawful fine or other punishment. The

with religious freedom.

of the Catholic inhabitants of 2 villages in

increased fines and penalties. For ex-

have at least 10 minutes equally di-

Mr. HUTCHINSON. The

Subsection A—Forced Abortions in China

Mr. STEVENS. I want to announce, there is a second one degree amendment to the Hutchinson amendment that could be offered and may settle the issue with regard to the previous amendment which was not ta-

Mr. STEVENS. I think we should have at least 10 minutes equally di-

Mr. HUTCHINSON. Mr. President, I

in a complete and timely fashion in the

The amendment will require a rollcall vote.

That period now for 10 minutes on this amend-

The amendment will require a rollcall vote.

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Subsection B—Freedom on Religion in China

Subsection A—Forced Abortions in China

Subsection A—Forced Abortions in China

Subsection A—Forced Abortions in China

Subsection A—Forced Abortions in China

Mr. HUTCHINSON. Mr. President, I

Mr. HUTCHINSON. Mr. President, I

the amendment that I have offered re-

and productive suggestions to improve

I don't want to bring these up be-
world today. But at the same time, I think this makes this a very, very powerful human rights amendment applicable to all nations of the world. The “finding” section of the amendment remains in which we are able to outline some of the abuses evident in China today.

We would add, I think, a positive suggestion, that the genital mutilation issue be added. So in addition to religious persecution and forced abortions, genital mutilation and those who would condone it would be added as criteria for those countries that would be denied their visas for those condoning that practice, the terrible practice that human rights advocates the world over and all people, I think, condemn.

I want to thank Senator BIDEN for, I think, some very good suggestions regarding the “definitions” area on the Secretary’s obligations in determining who would be denied these visas. The addition to the phrase “credible information,” adding “and specific information,” and adding to the phrase “has been involved in the establishment or enforcement,” the word “directly”; so, “has been directly involved in the establishment of enforcement of population policies.” I think that is a very helpful change that will make this much more enforceable and make it much more clear. I am grateful for that suggestion, as well.

We have struck section 9012, which simply lists a number of associations and entities which are agents of the government in carrying out some of these abuses. It is really unnecessary, an unnecessary provision that has caused confusion, because anyone, any individual, any official, who is involved in perpetrating persecution of religious minorities, coerced abortions or the genital mutilation would be covered by the amendment, without what is really extraneous language and unnecessary language.

I think these are all very positive changes and that is the content of the second-degree amendment. I think this is relevant. I think it is a very positive improvement to the appropriations bill. I appreciate the support of those on both sides of the aisle in the defeat of the motion to table.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief. I want to thank the Senator from Arkansas. He has been a gentleman.

His amendment is, I think, a good amendment and I thank him for considering some of the suggestions that I and a few others had.

I ask unanimous consent that Senator LEVIN of Michigan, Senator KERRY of Massachusetts and Senator BIDEN of Delaware be added as cosponsors.

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

Mr. BIDEN. Mr. President, I particularly want to thank my friend from Arkansas for adding the prohibition, the ability to deny visas to those countries that engage in the heinous practice of engaging in female genital mutilation. I am not one who thinks we should be erecting sanctions all over the world, but there are certain things that are so, so contrary to our basic values—forced abortions, genital mutilation of body parts—that I think that it is appropriate that we use sanctions in those circumstances.

I also ask unanimous consent that the Senator from Connecticut, Senator LIEBERMAN, be added as cosponsors.

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

Mr. BIDEN. I realize I have a few more minutes, but in order to accommodate this bill moving along, again, I close by thanking the Senator from Arkansas for accommodating some of the changes that he has for his amendment.

I yield the floor.

Mr. STEVENS. Mr. President, I understand that the Senator from Michigan is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, let me commend the Senator from Arkansas for the second-degree amendment, the modification in effect, which he has sent to the desk.

I reluctantly voted to table his original amendment because I was troubled by his narrow focus on one country, when the problem exists not only in China, but a number of other countries. The problems he identifies in his amendment are real problems and they are problems we must be concerned with. He has shown that concern, and I think it is wise that we reflect the concern regarding people engaging in those practices that come from any country—China or anyplace else. And while I reluctantly voted to table his original amendment, the first-degree amendment, for the reason I just gave, I enthusiastically cosponsored the second-degree amendment of the Senator from Arkansas, and I hope it passes with a resounding vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time on the second-degree amendment? Time will be equally divided.

Mr. STEVENS. Mr. President, I now have before me here a managers’ package that includes some amendments. Following the next two votes, I intend to ask that no more amendments be in order. I urge Members to come and look at the list and see if their amendment is here. If there are more, fine. I urge Members to let us know if they intend to offer the amendments shown here. Secondly, if they intend to offer any other amendment, I am pleased to have them do that.

Mr. President, as I understand it, the first vote will be on a motion to table offered by the Senator from Arizona, and the second will be the amendment in the second degree offered by the Senator from Arkansas.

I ask for the yeas and nays on the second-degree amendment of the Senator from Arkansas.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. If the pending motion to table is not carried, that amendment will still be open. If the amendment of the Senator from Arkansas passes in the second degree, I intend to ask that the—are the yeas and nays requested on the Senator’s original amendment?

The PRESIDING OFFICER. Only on the motion to table the original amendment.

Mr. STEVENS. Very well. If that is adopted, which I urge the Senate to do, then we will move to adopt the original amendment, as amended, with a voice vote. I call for the vote.

AMENDMENT NO. 3413

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. I yield back any time I have left.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Texas.

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 North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “no.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—68

Abraham
Akaka
Baucus
Benjamin
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Byron
Chafee
Cleland
Coats
Cooper
Collins
Conrad
Corzine
Corker
Cochran
Collins
Corzine
D’Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Feinstein
Ford
Glen
Graham
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kerry
Kohl
Kyl
Landrieu
Lausen
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulek
Moseley-Braun
Meynot
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Saxby
Specter
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—31

Allard
Ashcroft
Bond
Byrd
Campbell
Caucias
The motion to lay on the table the amendment (No. 3143) was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 10 seconds.

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

Mr. BIDEN. Mr. President, I failed to ask that Senator FEINSTEIN of California be added as a cosponsor to the Hutchinson amendment. I ask unanimous consent she be added.

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

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The amendment (No. 3419) was agreed to.

Mr. HUTCHINSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The amendment (No. 3124), as amended, was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The amendment (No. 3124), as amended, was agreed to.

Mr. STEVENS, Mr. President, I ask for the immediate consideration of the first-degree amendment.

The PRESIDING OFFICER. If there is no further debate, the question before the Senate is the underlying amendment No. 3124, as amended.

The amendment (No. 3124), as amended, was agreed to.

Mr. STEVENS, Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS, Mr. President, we have now exchanged lists. We have a managers’ package which we will present in a moment. We have the two lists now from the two sides of the aisle.

I ask unanimous consent that the following amendments be the only first-degree amendments remaining in order, other than the managers’ package, and that they be subject to only relevant second-degree amendments:

D’Amato—Air Guard, Coast Guard Search & Rescue.

Faircloth—Spend Fiscal Year 1998 fund (PFNA).

DeWine—Drug interdiction.

Mack—Electronic combat testing.

Santorum—60mm mortar ?.

D’Amato—Commercial Space Act.

G.Smith—Sanctions—Serbia/Montenegro.

Coats—Sense of Senate.

Coats—Next QDR.

Frist—LMR.

Baucus—Bear Paw development canal (20=divided).

Bingaman—Dual use.

Bingaman—White Sands.

Bingaman—Health centers.

Boxer—Relevant.

Bumpers—Relevant.

Byrd—Relevant.

Byrd—Relevant.

Daschle—Relevant.

Daschle—Relevant.

Dodd—Army pensions.

Dodd—Lyme disease.

Dodd—Relevant.

Durbin—Land conveyance.

Durbin—Military operations/war powers.

Dorgan—Indian incentive program.

Dorgan—Relevant.

Ford—National Symphony.

Graham—Land transfer.

Graham—Relevant.

Graham—Space.

Harkin—Outlays.

Harkin—P.O.O.

Harkin—Veterans medals.

Harkin—Gulf war illness research.

Harkin—Smoking funding.

Hollings—Environmental report.

Inouye—Manager’s amendment.

Inouye—Manager’s amendment.

Inouye—Manager’s amendment.

Kerry—Sense of Senate on payroll tax.

Kerry—Relevant.

Kerry—Relevant.

Leahy—JSAT.

Reed—Environmental training.

Robb—Reimbursement for Italy accident.

Wellstone—Child soldiers.

Wellstone—Domestic violence.

Wellstone—Relevant.

Mr. STEVENS. I further ask unanimous consent that following disposition of the listed amendments, the bill be advanced to third reading and the Senate proceed to the immediate consideration of the House companion bill; that all after the enacting clause be stricken and the text of S. 2132, as amended, be inserted; and that the bill be advanced to third reading and passage occur without any further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, Mr. President, as I understand what the Senator from Alaska—

Mr. STEVENS. I really can’t hear the Senator, I am sorry.

Mr. WELLSTONE. Reserving the right to object, have you eliminated time on debate? I am not quite sure.

Mr. STEVENS. We have not yet addressed the question of time on debate. The only real limitation here is that this list be the only first-degree amendments in order and that they only be subject to relevant second-degree amendments in the event they are considered and not adopted.

Mr. FORD. Reserving the right to object, Mr. President, I have been trying
to work out on our side as it relates to amendments, and I have not seen this list yet. I want to be sure, when I have told my colleagues that their amendment has been accepted, I want it on the managers’ list or I want it on the amendment yet to be worked out.

Mr. STEVENS. I say to the Senator from Kentucky, Mr. President, many of the amendments that are on the list that have come from your side are, in fact, on the managers’ list. But they will not be qualified if they are on the list you have given us.

Mr. FORD. I want to be sure that all of these amendments—I have not seen the list, I say to my friend, and would like to work it out.

Mr. KEMPThORNE. Will the Senator from Alaska yield?

Mr. STEVENS. I will be happy to yield, Mr. President.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my request is still pending.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Senator from Minnesota.

Mr. WELLSTONE. Mr. President, as I understand the unanimous consent request, what the Senator is saying is that after disposal of the last amendment, we go right to final passage; is that correct? But there is no limit on debate on amendments; is that correct?

Mr. STEVENS. These listed amendments will be disposed of. Once they are disposed of, the bill will go to third reading. They will have to be either acted upon or withdrawn.

Mr. WELLSTONE. I understand. But there is no limit on debate on the individual amendments; is that correct?

Mr. STEVENS. There is no limit there on debate time. I intend to do my best to do that.

Mr. WELLSTONE. I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. I reserved my right to object a moment ago, and I have no objection now. I thank the chairman for his cooperation.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I have been asked to amend my request and add this following ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint the following conference of the Senate: Senators STEVENS, COCHRAN, SPECTER, DOMENICI, BOND, McCONNELL, SHELEY, GREGG, Hutchison, Inouye, Hollings, BYRD, LEAHY, Bumpers, Lautenberg, HARKIN, and DORGAN, and the foregoing occur without intervening action or debate, and I further ask that when the Senate passes H.R. 4103, as amended, that S. 2132 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are proceeding now to a look at the amendments that are not in the managers’ package. I want to address that issue with the Senate.

It is my understanding that Senator BAUCUS has an amendment that he wishes to have 20 minutes equally divided; Senator BINGAMAN has two amendments; Senator BOXER’s amendment that was on the list is in the managers’ package; Senator BUMPERS’ amendment is on the list in the managers’ package; Senator BYRD has two amendments which are to be in the managers’ package; Senator DASCHEL’s relevant amendments are withdrawn, as I understand it; Senator DODD has one amendment dealing with Army pensions which we have not seen; Senator DURBIN’s amendment on land conveyance is in the package; his amendment on military and war powers will be opposed and we will have to deal with it; Senator DORGAN’s amendment on Indian incentive program is in the package, and I understand his second amendment will not be offered; Senator GINGRICH’s amendment on National Symphony is not in the package and would have to be debated; Senator GRAHAM has a land transfer amendment which is in the package now, and the space amendment, as I understand it, is the same as the amendment from Senator MACK, and that will have to be debated; Senator HARKIN has the outlay amendment, and the POO amendment is in the package, the vets medals amendment we have not seen and we cannot discuss now; Senator HOLLINGS’ amendment will be accepted; Senator INOUYE’s manager’s amendment is in the managers’ package; Senator KERRY’S SOS payroll tax amendment cannot be accepted and will have to be debated; there are two relevant amendments by Senator KERRY which we have not seen; Senator LEAHY’s amendment cannot be accepted; Senator REED’s amendment we have not seen; and Senator ROBB’s amendment on reimbursement we would like to discuss with Senator RON—-it is in the House bill; we prefer not to take it up at this time if we can avoid it—and Senator WELLSTONE’s amendment on child soldiers has been accepted, the domestic violence one has not been agreed to yet—we will have to discuss it with them.

Those are the amendments on the Democratic side.

Mr. FORD. Mr. President, would the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. FORD. I was trying to keep up with you, with the Senator. Senator DODD has one as it relates to Lyme Disease.

Mr. STEVENS. That is in the package.

Mr. FORD. That is in the package?

Mr. STEVENS. Yes.

Mr. FORD. Then he still has two left.

Mr. STEVENS. I realize the relevant one is just a place holder.

Mr. FORD. I understand. That is correct.

Mr. INOUYE. Will the chairman yield? I am now working on an amendment for Senator CAROL MOSELEY-BRAUN. Can I discuss that with you later?

Mr. STEVENS. Yes. I would be happy to do that. The Senator has the right to an amendment in the managers’ package since it has been accepted?

Mr. STEVENS. It is in there.

Mr. WELLSTONE. I am sorry.

Mr. STEVENS. The domestic violence one I do not think I have seen yet. That I am also being reviewed by the Armed Services Committee and we cannot report that yet.

Mr. WELLSTONE. I say to my colleague, I am ready to debate it if you want, but let me just let me know.

Mr. LOTT. Mr. President, while the chairman is working on the list, I have a quick unanimous consent agreement we have worked out. I would like to go ahead and get that done while we have a break here.

UNANIMOUS CONSENT AGREED TO—H.R. 629

Mr. LOTT. I ask unanimous consent that immediately after the conclusion of morning business, following the reconvening of the Senate from the August recess, the Senate proceed to the conference report to accompany the Texas Compact, H.R. 629, and the conference report be considered as having been read. I further ask that there be 4 hours of debate, equally divided, between the Senator from Minnesota, Senator WELLSTONE, and Senator HATCH, or their designees, and following the conclusion or yielding back of time, the Senate proceed to a vote on adoption of the conference report, without any intervening action or debate.

Now, I did not specify whether this would be Monday the 31st or Tuesday, September 1st. I need to talk further about the exact date with the Senators involved, and Senator DASCHEL, but the first day we are back. And I appreciate the cooperation I received from Senator WELLSTONE on this UC.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I do not object. I would also like to thank the majority leader for his cooperation.
The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. LOTT. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999
The Senate continued with the consideration of the bill.
AMENDMENTS NOS. 3420 THROUGH 3464, EN BLOC
Mr. STEVENS. Mr. President, I have sent the first managers' package. And I believe that it has been cleared on both sides. So there is no misunderstanding about it, because Senators may wonder whether the amendments are in this or not, I want to read this package and then ask for its immediate consideration. Senator AKAKA's amendment on electric vehicles R&D funds; Bingaman-Domenici on the Air National Guard Program at White Sands; an amendment that I have offered for Senator COCHRAN on acoustic sensor technology; the Domenici-Harkin amendment on food stamp report; the Durbin amendment on land conveyance at Port Sheridan; the Gregg amendment on conveyance of former Pease Air Force Base; the Air Force Base at the Hollings amendment on environmental restoration; my amendment for strat- egic materials manufacturing; the Inouye amendment on American Samoa vets; the Inouye amendment on Ford Island; the Kennedy amendment on cyberinterdiction; the Sarbanes amend- ment on the Korean war vets memorial repairs; the McConnell amendment on chemical demilitarization; the Mack amendment on NAWC transfer of prop- erty; the Mikulski amendment on ship- breaking; the Lott amendment on the next-generation Internet; the Mur- kowski amendment on FERTEC; my amendment for Senator SHELBY on the electronic circuit board manufactur- ing; the Specter amendment on pro- liferation of the Weapons of Mass De- struction Commission; my amendment on the MILES training and equipment issue; my amendment on rescission as of the date of enactment; my amend- ment for Senator COATS on the near- term digital radio issue; my amend- ment for Senator WARNER on Palmtop computers for soldiers; the Boxer amendment on what we call Shop Stop; the Ford amendment on counterdrug interdiction; the Dodd amendment on Lyme Disease; the Kerry amendment on sequestration; the McCain- Kyl amendment on land transfer; my amendment for Senator KYL on pas- senger safety system for tactical trucks; the Grassley amendment on problem disbursements threshold; the Harkin amendment on the global war on terror; my amendment on the air combat training instrumentation issue; Fair- cloth amendment on TRICARE; my amendment on firefighting equipment leasing; the Bumpers amendment on the DTRP, Domestic Preparedness Training Program; the McCain amendment on the Aerostat Development Program; Burns-Baucus for redevelop- ment of the Havre Air Force Base; the McCain amendment on foreign stu- dents' reimbursements; the Connell-Ford amendment on chemical de- militarization; the Wellstone SOS, child soldiers, global use amendment; my amendment for Senator Faircloth on spending 1996 for so-called PFNA issue; the Bennett amendment on alter- nate turbine engines; and the Gramm amendment on military voting rights.
There should be 44 separate amend- ments in that package. They have been cleared on both sides, and unless there is some discussion, I ask unanimous consent the first managers' package be adopted and any statements offered by any Senator appear in the Record prior to adoption of that Senator's amend- ment that is in the package.
I add to it. Senator Inouye has a managers' amendment—this would be the first amendment of Senator Inouye—for Ms. Moseley-Braun that pertains to the National Guard Armory in Chicago.
The PRESIDING OFFICER. Without objection, it is so ordered.
The managers' amendment is adopt- ed.
Mr. STEVENS. I send the last amendment to the desk to be included, and it makes 45 amendments in the package.
The PRESIDING OFFICER. The clerk will report the en bloc amend- ments.
The legislative clerk read as follows:
The Senator from Alaska [Mr. STEVENS] proposes amendments No. 3420 through and including 3463 en bloc, and the Senator from Hawaii [Mr. INOUYE], for Ms. Moseley-Braun proposes amendments numbered 3464.
The amendments are as follows:
AMENDMENT NO. 3420
(Purpose: To set aside $12,000,000 for continu- ation of electric and hybrid-electric vehi- cle development)
On page 33, line 25, insert before the period: `$12,000,000 shall be available only to continue development of electric and hybrid-electric vehicles.'
Mr. AKAKA. I have offered an amendment to the Department of De- fense Appropriations Bill to provide $12 million for electric and hybrid-electric vehicle development. The funds will be administered by the Defense Advanced Research Projects Agency, known as DARPA. Senators INOUYE, Jeffords, Leahy, Coats, and Boxer have joined me as cosponsors of the amendment.
This is not a new program. Congress provided $115 million to the Depart- ment of Defense for the electric vehicle program over the past five fiscal years. Industry has contributed more than $115 million in matching funds. In fis- cal year 1998, the appropriation was $15 million, so my amendment represents a budget reduction of 20 percent com- pared to the current fiscal year.
Seven regional consortia, comprised of more than 200 member companies, participate in the program. Individual consortia, which were selected competitively, include Hawaii, Sac- ramento, the Mid Atlantic Consortium in Johnstown, PA, the Northeast Con- sortium in Boston, the Southern Con- sortium in Atlanta, the Mid America Consortium in Indianapolis, and CALSTART in Burbank, CA.
The President's fiscal year 1999 budg- et proposed that the DARPA program be transferred to the Department of Energy and the Department of Trans- portation. The object of the fiscal year 1999 budget was to transfer to de- veloped technology to commercial service vehicles such as buses, delivery vans, and service trucks. I support this transfer.
Unfortunately, despite the best ef- forts of all three federal agencies and the consortia that participate in the electric vehicle program, another year of funding through the Department of Defense is needed before the transition can proceed.
The Department of Defense has long been interested in hybrid electric comba- tant vehicles because they can reduce fuel consumption by 50 percent, leading to a reduced fuel logistics burden, in- creased endurance, and reduced emis- sions. In addition, hybrid electric comba- tant vehicles use electric power for mo- bility, weapons, countermeasures and sensors, and have reduced thermal and acoustic signatures.
The five-year DARPA program has resulted in the development of a num- ber of combat vehicles with hybrid electric propulsion. These include an Army M-113 Armored Personnel Car- rier, a Bradley Fighting Vehicle, two High Mobility Multipurpose Wheeled Vehicles, commonly known as Humvees, and a prototype composite armored vehicle.
Other DoD projects are in the plan- ning stages. DARPA and the Marine Corps are jointly developing a hybrid-electric reconnaissance, surveillance and targeting vehicle, designed as a stealthy, fuel efficient vehicle that can be transported by the V-22 Osprey in support of the Marine Corps Sea Drag- on operation. DARPA and the Army are jointly developing a combat hybrid power system for a 15-ton future comba- tant vehicle. The system will provide pulse power for electric guns, directed energy weapons, and electromagnetic armor, as well as other components and systems.
The funds provided by my amend- ment should be used in the same man- ner, and for the same program objec- tives, as in fiscal year 1998 funding. As the author of the amendment, it is my intention that DARPA administer the program as it did in fiscal year 1998, and that funds can be used for the de- velopment of defense and non-defense electric and hybrid-electric vehicles.
I thank the Chairman, and my col- leagues in the Senate Democratic on the subcommittee for their consideration of my amendment. I yield the floor.
(Purpose: To require the Secretary of Defense to prepare a report on food stamp assistance for Armed Forces families, and to require the Comptroller General to study and report on issues relating to the family life, morale, and retention of members of the Armed Forces.)

On page 99, between lines 17 and 18, insert before the period the following:

"SEC. 8104. (a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on food stamp assistance for Armed Forces families, and to require the Comptroller General to study and report on issues relating to the family life, morale, and retention of members of the Armed Forces."

AMENDMENT NO. 322

(Purpose: To provide $1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. The funds are provided from within the funds appropriated for Defense-wide RDT&E.)

On page 99 insert at the appropriate place the following new section:

SEC. 8104. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $2,250,000 shall be available for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas.

(Purpose: The purpose is to provide $1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. The funds are provided from within the funds appropriated for Defense-wide RDT&E.)

On page 99 insert at the appropriate place the following new section:

SEC. 8104. (a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on food stamp assistance for Armed Forces families, and to require the Comptroller General to study and report on issues relating to the family life, morale, and retention of members of the Armed Forces."

On page 99, between lines 17 and 18, insert the following:

"(b) In carrying out the study, the Comptroller General shall consult with experts on the subjects of the study who are independent of the Department of Defense.

(c) The study shall include the following matters:

(1) The conditions of the family lives of members of the Armed Forces and the members' needs regarding their family lives, including a discussion of each of the following:

(A) How leaders of the Department of Defense and leaders of each of the Armed Forces...

(i) collect, organize, validate, and assess information to determine those conditions and needs;

(ii) determine consistency and variations among the assessments and information for each of the Armed Forces; and

(iii) use the conditions and needs to address those conditions and needs.

(B) How the information on those conditions and needs compares with any corresponding information that is available on the conditions of the family lives of civilians in the United States and the needs of such civilians regarding their family lives.

(C) How the conditions and needs of the family lives of members of each of the Armed Forces and the members' needs regarding their family lives compare with those of members of each of the Armed Forces.

(D) How the conditions and needs of the members compare or vary among members in relation to the pay grades of the members.

(E) How the conditions and needs of the members compare or vary among members in relation to the occupational specialties of the members.

(F) What, if any, effects high operating temps of the Armed Forces have had on the family lives of members, including effects on the incidence of substance abuse, physical or emotional abuse of family members, and divorce.

(G) The extent to which family lives of members of the Armed Forces prevent members from being deployed.

(2) The rates of retention of members of the Armed Forces, including the following:

(A) The rates based on the latest information available when the report is prepared.

(B) Projected rates for future periods for which reasonably reliable projections can be made.

(C) An analysis of the rates under subparagraphs (A) and (B) for each of the Armed Forces, each pay grade, and each major occupational specialty.

(D) The rate of attrition among the quality of the family lives of members of the Armed Forces, high operating temps of the Armed Forces, and retention of the members in the Armed Forces, analyzed for each of the Armed Forces, each pay grade, and each occupational specialty, including, to the extent analyzable and relevant to the basis of the relationships, the reasons expressed by members of the Armed Forces for separating from the Armed Forces and the reasons expressed by the members of the Armed Forces for remaining in the Armed Forces.

(3) The programs and policies of the Department of Defense (including programs and policies specifically directed at quality of life) that have tended to improve, and those that have tended to degrade, the morale of members of the Armed Forces and members of their families, the perceptions of members of the Armed Forces and members of their families regarding the quality of their lives.

(d) In this section, the term "major occupational specialty" means the aircraft pilot specialty and each other occupational specialty that the Comptroller General considers a major occupational specialty of the Armed Forces.

Mr. DOMENICI. I am pleased to have Senator HARKIN as a cosponsor of this amendment.

There are two parts to my amendment; both parts have no cost.

The first part addresses the 12,000 military families on Food Stamps. For 3 years the Department of Defense has refused to take this problem seriously.

I first wrote to DoD in 1996; then I was told that this was a problem only because military personnel have dependents, and I quoted Cohen because he publicly stated that it was "not acceptable" for military personnel to be on Food Stamps. I regret to say that he wrote back saying only that he would "monitor" the issue.

In 1997, I wrote again to Secretary Cohen because he publicly stated that it was "not acceptable" for military personnel to be on Food Stamps. I regret to say that he wrote back saying only that he would "monitor" the issue.

Last year in the fiscal year 1998 Defense Authorization bill, Congress mandated a DoD report on potential solutions. The report is now several months late and will not be submitted in the foreseeable future.

Congress is getting the bureaucratic stiff-arm from DoD on this issue. It's time to bring that to an end.

My amendment will require DoD to propose low cost solutions to this problem. It requires DoD to submit its proposals as part of its FY 2000 budget request.

Next year, if DoD still refuses to take this problem seriously, I will propose my own solution. If the Chairman and Ranking Member of the Defense Subcommittee of the Appropriations Committee see fit to support me, I'm sure we can be successful.

The second part of the amendment will permit us to better understand our growing problems in military family life, morale, and retention.

This year, I collected information from each of the services on these issues. Unfortunately, the information I collected confirms my suspicions that..."
the Defense Department has failed to collect data properly. For example:

Each service collects data on these issues differently—or not at all—which prevents comparing among the services. This also means that successes and failures to address these problems cannot be identified.

Now that everyone agrees that readiness is a serious problem, everyone wants to do something about it. But, because we are not fully understood, some of the proposed “solutions” may be off the mark. For example, Congress is increasing re-enlistment bonuses for pilots to compete with airline salaries, but there are indications that airline salaries are not the real problem. We won’t really understand the problem until we have better data; only then can we apply effective solutions.

The nature of military life has gone through profound change in the last 20 years, but those changes are not fully understood or taken into account in DoD national security decision making. It is not clear how the new prominence of families in military life should be met. We should not—be taken into account in making national security decisions.

Because of these problems, my amendment requires a special unit in the General Accounting Office to collect and study the data. They will use an Advisory Panel of experts to assist the study and will report back to the Appropriations Committees next year. With these issues better understood, we will be able to make more effective solutions, and we should be able to make some real improvements in how Congress and DoD address quality of life and family issues.

SEC. 8104. Of the amounts appropriated or otherwise made available for the Department of Defense by this Act, up to $10,000,000 may be available for the Department of Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

SEC. 8105. Of the amounts appropriated or otherwise made available for the Department of Defense by this Act, up to $10,000,000 may be available for the Department of Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

SEC. 8106. (a) C ONVEYANCE REQUIRED.—The Secretary shall make the conveyance under subsection (a) without regard to the requirement under section 2966 of title 10. United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(b) D ESCRIPTION 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 Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 9256
(Purpose: To make available up to $10,000,000 for the Department of Defense share of environmental restoration at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

AMENDMENT NO. 9257
(Purpose: To designate funds for a strategic materials manufacturing project.

AMENDMENT NO. 9258
(Purpose: To authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii.)

AMENDMENT NO. 9259
(Purpose: To require a conveyance of certain property at former Pease Air Force Base, New Hampshire.

AMENDMENT NO. 9260
(Purpose: To require a conveyance of certain property at Fort Sheridan, Illinois.)

At the appropriate place, insert the following:

SEC. 8104. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out any conveyance of land at the former Fort Sheridan, Illinois, unless the conveyance is consistent with a recommendation of an Advisory Panel of experts to assist the study and will report back to the Appropriations Committees next year. With these issues better understood, we will be able to make more effective solutions, and we should be able to make some real improvements in how Congress and DoD address quality of life and family issues.

Mr. INOUYE. Mr. President, I rise today to raise a matter which I believe could revolutionize the way we finance our defense—our infrastructure, our family housing, barracks and other base facilities. If successful, it would allow us to recapitalize our bases with a much smaller investment than is currently required. In so doing, it could dramatically improve the quality of life of the men and women in uniform.

Mr. President, I rose today to raise a matter which I believe could revolutionize the way we finance our defense—our infrastructure, our family housing, barracks and other base facilities. If successful, it would allow us to recapitalize our bases with a much smaller investment than is currently required. In so doing, it could dramatically improve the quality of life of the men and women in uniform.

Several years ago, I sponsored legislation to sell defense property in Hawaii to the State.

In return the proceeds were used to build a new bridge to connect the Pearl Harbor Naval Base to Ford Island, a piece of Navy property located in Pearl Harbor.

Over the years Ford Island has been the home of Battleship Row, the site of the Arizona Memorial, and just last month it became the final home for the U.S.S. Missouri. It has had a small airstrip on which some of the Navy's earliest aviators trained.
It has housed a few sailors and families, and has been the workplace for selected other military activities.

But because there was no bridge connecting the island, it could never be fully utilized. The Island comprises 450 acres, about half the size of Pearl Harbor Navy Base, yet it contains less than one tenth of the working and residential population of Pearl Harbor. The only access to the island has been by ferry, which has shuttled passengers and cargo from the rest of base about once per hour. In short it has been a very inefficient use of space. And for a small State like mine, especially in and around Honolulu, space is a premium.

In April of this year, this situation was changed forever. Ford Island was opened to the rest of Oahu by the new Chick Clarey Bridge.

Ford Island is now poised to be a most useful part of the Pearl Harbor naval facility. However, as is unfortunately so often the case in these matters, there simply is not enough money in the Navy budget to build the facilities to make this base more useful. And so, without action, Ford Island will remain underutilized.

About two years ago, when he took over as the Commander in Chief of the Pacific Fleet, Admiral Clemins saw the bridge constructed and recognized the prospect of developing Ford Island. He began to investigate how he could maximize its vast potential to improve the Navy in Hawaii. He quickly came to the conclusion that there simply was not enough money to build the new facilities the Navy needs.

While some may have given up when faced with this obstacle, that is not the Admiral’s way. Instead he directed his staff to keep studying this and identify other ways to achieve his objective.

The Admiral took to heart what we have often heard coming from the Congress, that we need to revolutionize the way we do business.

He agreed that we have to become more efficient, more like the private sector. He noted that public/private venture legislation had been approved by the Congress at the request of former Secretary of Defense William Perry for a few family housing projects and he suggested that a similar but expanded approach was needed for Ford Island.

At every step there were those that told him why he couldn’t do this.

Some said it would cost billions, others that the State would not support developing Ford Island, still others raised technical arguments on our arcane accounting practices in the Government. But, the Admiral kept after it.

While the lawyers raised legal concerns, and the Navy staff and others raised objections, every decision maker, the leaders of the Navy, State, and local governments, and business leaders always had the same response. This is a good idea, we must figure out how we can do it.

That was the reaction of the Commander in Chief of The Pacific Command, Admiral Prueher. Recently he testified to the Appropriations Committee that he has reviewed the legislation and believes it is the right approach to solving some of the critical housing and facility shortfalls for the Navy.

But, because of the difficulty of moving the legislative proposal within the bureaucracy, the measure was not included in the President’s formal budget request. Admiral Clemins and CINCPAC were undeterred.

Admiral Clemins brought the idea to Washington directly, where he quickly won support from the uniformed Navy.

The Chief of Naval Operations gave the proposal his approval. He then received personal support from the Secretary of the Navy. His arguments even won the informal support from the Deputy Secretary of Defense. Finally, the Navy gave the proposal its official blessing. Many months later, the legislation was finally forwarded unofficially to the Congress.

Unfortunately, all of this took time and the delays in winding through the internal chain of command did not please the Senate Armed Services Committee and they hope to gut the proposal.

This amendment requires DOD to report on the current legislative proposal and to submit legislation to carry out the proposal by December 1, 1996. That will provide sufficient time for the authority committee to pass judgement on the matter next year.

The amendment does not mandate any specific terms for the Defense Department. The amendment offers several Navy ideas to be considered.

What the Navy seeks to do, as a pilot project only for this one base, is to provide authority to the Secretary of the Navy to use his resources in conjunction with the private sector to develop Ford Island. The plan would examine whether it is feasible to provide incentives and other guarantees to businesses to carry out this idea, and establish a framework to carry it out.

It is important to understand how this differs from our current system and how it might work. Under our normal course of operations, the Navy would identify how much the development of Ford Island would cost, and it would develop a spending plan. It is estimated that the development of the island under normal procedures could be as much as $600 million.

Judging from the military construction budget it would probably require 15 to 20 years to identify sufficient funds to pay for this. That means a whole generation of Navy sailors would enlist, serve and retire, before the base could be completed. This is simply unacceptable to Admiral Clemins as it should be to all of my colleagues.

By relying on a joint venture, the Navy can use resources gained by leasing, exchanging, or selling property that it currently holds in Hawaii and use those assets and the anticipated revenue development of the island. It is like taking out a long term loan. The Navy can put down the down payment using its property or newly generated cash resources, and, as is the case under the family housing pilot projects, any mortgage payments can be used to make the mortgage payments.

In theory, the Navy might offer a commercial developer the opportunity to establish a few small commercial facilities—like parking garages, child care facilities, shops and restaurants—on the base to support the families, and in return the private concern would be responsible for developing additional Navy facilities.

In such a case, the Secretary of the Navy would have to approve the specific uses and the Congress would have to allow the funding to be used for the proposed purpose. This means that sufficient oversight would exist at all levels and an assurance that the project stayed on course.

Let me tell my colleagues that the business community in my State is very excited about this proposal.

They are positive that the legislation will die a few minutes. For families disconnected from the Navy community, they will now be living and working in a quality family environment—a nice home in a beautiful location, with the working spouse only minutes away.

For our commanders this means many more sailors housed right on base and readily available if needed.

It will probably come as a surprise to my colleagues to learn that my State has some of the worst housing in all the Defense Department. The Army says its worst barracks anywhere in the world are in Hawaii. Some of the Navy’s housing is so bad that it is an embarrassment to the service.
Several years ago, Mrs. Margaret Dalton, the wife of Navy Secretary John Dalton visited Hawaii and was taken on a tour of some family housing units. The conditions were so deplorable that she was very troubled. When she returned to Washington, she insisted that the Navy provide her with a full briefing on its housing rehabilitation plans for the State. Single handedly she moved the Navy forward.

Since then, the Navy has made great strides toward improving living conditions, but it has become painfully clear that simply isn't enough money to do what is required. There are many areas that still need to be torn down and rebuilt. Or, that property could be turned over for a new use by the private sector. Mrs. Dalton will long be remembered by the sailors who serve in Hawaii as the person who started to turn around the Navy's living conditions in my State. This proposal will provide us a means to expand upon this time without enormous investment in this constrained budget environment.

The benefits of the proposal to the Navy and my State are enormous.

I am sure many are now thinking this isn't needed, but if it is that simple why hasn't it been done before. To that I would say, it is not simple.

It will require great leadership and management by the Navy to work with the local authorities and business community to carry this out. But, I am confident that we have the right man for the job in Admiral Clemins. He was the demonstrator of our skills as a warrior and as a manager and he has the skills necessary to accomplish this task.

This approach has not been tried before, because no one put the time and energy into working through all the details to formulate a legislative plan to achieve this goal. Furthermore, how many times has this situation arisen when a military department, for all practical purposes, receives what amounts to a land grant adjoining a base? This is in some ways a unique opportunity because of the location of Ford Island and the new bridge. That is why a pilot proposal is proper. It could also serve as its model for other revitalization efforts at other bases, perhaps not on this grand a scale, but using elements from this approach.

My colleagues all know that there will come a time when the Defense Department will want to establish a new base somewhere. This public private venture could be the method where building new bases could become affordable.

Mr. President, this is an excellent idea, that has been shepherded this far by the Navy because they recognized that it is the only way that we can take Ford Island and develop it in a timely and cost effective manner.

Ten years from now, we can be discussing how this model pilot program established a method whereby we have begun to recapitalize our defense infrastructure affordably. This is our choice, there is only one answer, we need to approve this legislation to get the ball rolling.

I think my colleagues for their attention, and I urge all to support this measure.
fought in the “Forgotten War.” Unfortunately, just three years after its dedication, the monument is not lasting and is no longer fitting.

The Memorial has not functioned as it was originally conceived and designed, and it has been plagued by a series of problems in its construction. The grove of 40 linden trees have all died and been removed from the ground, leaving forty gaping holes. The pipes feeding the Pool of Remembrance have been plugged and the pool has been cordoned off. The monument’s lighting system has been deemed inadequate and has caused safety problems for those who wish to visit the site at night. As a result, most of the 1.3 million who visit the monument each year—many of whom are veterans—must cope with construction gates or areas which have been cordoned off instead of experiencing the full effect of the Memorial.

Let me read a quote from the Washington Post—from a Korean War Veteran, John LeGault who visited the site—that I think captures the frustration associated with not having a fitting and complete tribute for the Korean War. He says, “Who cares about the forgotten war when this is the forgotten memorial.” Mr. President, we ought not to be sunshine patriots when it comes to making decisions which affect our veterans. Too often, we are very high on the contributions that our military makes in times of crisis, but when a crisis fades from the scene, we seem to forget about this sacrifice. Our veterans deserve better.

To resolve these problems and restore this monument, to something that our Korean War Veterans can be proud of, the U.S. Army Corps of Engineers conducted an extensive study of the site in an effort to identify, comprehensively, what corrective actions would be required. The Corps has determined that an additional $2 million would be required to complete the restoration of the grove work and replace the statutory lighting. My amendment would provide the authority for the funds to make these repairs swiftly and once and for all.

With the 50th anniversary of the Korean War conflict fast approaching, we must ensure that these repairs are made as soon as possible. This additional funding would ensure that we have the necessary infrastructure, and lastly tribute to those who served in Korea and that we will never forget those who served in the “Forgotten War.” I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 3433
(Purpose: To provide the funding of a vessel scrapping pilot program)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Funds appropriated under O&M Navy are available for a vessel scrapping pilot program which the Secretary of the Navy may carry out during fiscal year 1999 to undertake and incur the cost of the planning, design, and construction required to establish the center referred to in that subsection; and

(1) undertake and incur the cost of the planning, design, and construction required to establish the center referred to in that subsection; and

(2) during the term of the lease, provide the Secretary with such space in the center for activities of the Navy as the Secretary and the University jointly consider appropriate.

The Secretary may require such additional terms and conditions in connection with the lease authorized by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 3434

(Purpose: To provide for the funding of a vessel scrapping pilot program)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. The Department of Defense shall, in allocating funds for the Next Generation Internet (NGI) initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the DoD Major Shared Resource Centers and Centers with supercomputers purchased using DoD RDTE funds, including the high performance networks associated with such centers.

(Purpose: To provide $500,000 for payment of subcontractors and suppliers under an Army services contract)

On page 99, between lines 17 and 18, insert the following new general provision: SEC. 8104. Of the funds provided under Title IV of this Act under the heading “Rescinded as of December 31, 1999,” $500,000 shall be available for paying subcontractors and suppliers for work performed at Fort Wainwright, Alaska, in 1994, under Army services contract number DACABS-94-C-0065.”

AMENDMENT NO. 3436

(Purpose: To designate funds to continue an electronic circuit board manufacturing program)

On page 99, in the appropriate place, after the following original provision: SEC. 8104. Of the funds provided under Title IV of this Act under the heading “Rescinded as of December 31, 1999,” $500,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

AMENDMENT NO. 3438

(Purpose: To reestablish the Commission To Assess the Organization of the Federal Government To Combat the Proliferation of Weapons of Mass Destruction)

The Combating Proliferation of Weapons of Mass Destruction Act of 1996 (as contained in Public Law 104-293) is amended—

(1) in section 711(b), in the text above paragraph (1), by striking “eight” and inserting “twelve”;

(2) in section 711(b)(2), by striking “one” and inserting “three”;

(3) in section 711(b)(4), by striking “one” and inserting “three”;

(4) in section 711(c), by striking “which all members of the Commission have been appointed” and inserting “which the Department of Defense Appropriations Act, 1999, is enacted, regardless of whether all members of the Commission have been appointed” and;

(5) in section 712(c), by striking “Not later than 18 months after the date of enactment of this Act,” and inserting “Not later than June 15, 1999”.

AMENDMENT NO. 3439

(Purpose: To designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment)

On page 99, in the appropriate place, after the following original provision: SEC. 8104. Of the funds provided under Title III of this Act under the heading “Rescinded as of December 31, 1999,” $500,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

(Purpose: To provide 2,000,000 for payment of subcontractors and suppliers under an Army services contract)

On page 99, between lines 17 and 18, insert the following new section: “From within the funds provided under Title IV of this Act under the heading “Rescinded as of December 31, 1999,” $2,000,000 shall be available only for the Electronic Circuit Board Manufacturing Development Center.”

AMENDMENT NO. 3440

(Purpose: To strike the emergency designation for funds authorized to be appropriated for the costs of overseas contingency operations)

On page 73, line 4 of the bill, revise the text “rescinded from” to read “rescinded as of the date of enactment of this act from”
(Purpose: To reduce funds available for development of the Army Joint Tactical Radio and to provide funds for the development of the Army Near Term Digital Radio)

On page 99, insert in the appropriate place the following new general provision: S. 8104. Within the amounts appropriated under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Army”, the amount available for Joint Tactical Radio is hereby reduced by $10,981,000, and for the Navy for Research, Development, Test and Evaluation, the amount available for Digital Intelligence Situation Mapboard development is hereby increased by $10,981,000.

(Purpose: To designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard)

On page 99, insert in the appropriate place the following new general provision: S. 8104. Of the funds provided under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Army”, $2,000,000 shall be made available only for the Digital Intelligence Situation Mapboard (DISM).

(Purpose: To set aside $5,000,000 for Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System, which is to be developed for use in urban warfare, littoral operations, and peacekeeping operations)

On page 99, between lines 17 and 18, insert the following: S. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.

(Purpose: To make available $3,000,000 for advanced research relating to solid state dye lasers)

On page 99, between lines 17 and 18, insert the following: S. 8104. Of the amounts appropriated by title IV of this Act under the heading “Research, Development, Test and Evaluation, Army”, $3,000,000 shall be available for advanced research relating to solid state dye lasers.

(Purpose: To set aside funds for research and surveillance activities relating to Lyme disease and other tick-borne diseases)

On page 36, line 22, insert before the period at the end thereof: Provided. That, of the funds available under this heading, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

(Purpose: To make available $3,000,000 for advanced research relating to solid state dye lasers)

On page 99, between lines 17 and 18, insert the following: S. 8104. Of the amounts appropriated by title IV of this Act under the heading “Research, Development, Test and Evaluation, Army”, $3,000,000 shall be available for advanced research relating to solid state dye lasers.

(Purpose: To authorize the Secretary of Defense to lease a parcel of real property from the City of Phoenix)

On page 99, between lines 17 and 18, insert the following: S. 8104. (a) The Secretary of the Air Force may enter into an agreement to lease from the City of Phoenix, Arizona, the parcel of real property described in subsection (b), together with any improvements on the property, in consideration of annual rent not in excess of one dollar.

(b) The real property referred to in subsection (a) is a parcel, known as Auxilia(s) Field 3, that is located approximately 12 miles north of Luke Air Force Base, Arizona, in section 4 of township 3 north, range 1 west of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, is bounded on the north by Bell Road, on the east by Litchfield Road, on the south by Greenway Road, and on the west by agricultural land, and is composed of approximately 638 acres, more or less, the same property that was formerly an Air Force training and emergency field developed during World War II.

(c) The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. MCCAIN. Mr. President, I will be brief. I rise to offer an amendment to the Defense Appropriations bill for fiscal year 1999 on behalf of Senator Kyl and myself. The amendment would authorize the Air Force to enter into an agreement to lease from the City of Phoenix, Arizona a parcel of land near Luke Air Force Base that is known as Auxiliary Field 3 for a cost not in excess of one dollar.

I offer this amendment because the U.S. Air Force may foresee a need to acquire or lease land near Luke Air Force Base to more effectively manage public and private development compatible with the Luke Air Force Base mission. Many communities on the west side of Phoenix are dedicated to ensuring that the Air Force has the additional flexibility it may need in the near and long term to meet Air Force operational and training requirements and preserve its overall readiness.

Mr. President, this simple amendment is discretionary in nature and meets the criteria which I have ensured that my colleagues must meet when amendments are offered to appropriation bills. I urge my colleagues to support this amendment.

(Purpose: To designate Army RDT&E funds for integration and evaluation of a passenger safety system for heavy tactical trucks)

On page 99, insert in the appropriate place the following new general provision: S. 8104. Of the funds provided under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Army”, up to $3,000,000 may be made available only to integrate and evaluate enhanced, active and passive, passenger safety system for heavy tactical trucks.

(Purpose: To increase by $10,000,000 the amount provided for research and development relating to Persian Gulf illnesses)

On page 99, between lines 17 and 18, insert the following: S. 8104. (a) Of the total amount appropriated under title IV for research, development, test and evaluation, Defense-wide, for basic research, $29,646,000 is available for research and development relating to Persian Gulf illnesses.

Mr. HARKIN. I offered an amendment to the Defense Appropriations bill 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 illness by $10 million. It is my understanding that the amendment has been accepted. This is similar to the amendment I offered and was also accepted as part of the Defense Authorization bill.

Mr. MCCAIN. 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 Operations 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, headaches, dizziness, 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’ claims of illness and disability. This strained the government’s credibility with 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. They 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.

These 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 Gulf War service in the Gulf.

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 on the Illnesses of U.S. military personnel 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 co-sponsored, extended the time veterans will have to file claims with the government for illnesses related to their service in the Gulf. Unfortunately, the jury 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 government’s line 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 between 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 our country and put their lives in harm’s way.

To that end, I offer this amendment to increase funding into the illnesses experienced by Persian Gulf veterans by $10 million. The funds would support much more research, including the evaluation and treatment of a host of neuro-immunological disorders, as well as possible connections to Multiple Chemical Sensitivity, chronic fatigue syndrome and fibromyalgia.

Our veterans are not asking for much. They want answers. They want the Department of Veterans Affairs to honor our nation’s call in war, and now we must answer theirs. Should our priorities include our Gulf War veterans? I believe the choice is self evident and absolutely clear.
mately, the best “study” of the quality of a product or service is its acceptance in the marketplace. For this reason, I have long favored considering Medicare subvention and making FEHBP available for military beneficiaries as well as civilians. But, with TRICARE only offering one of these plans and having a captive audience, there are no competitive pressures to keep providers focused on customer service, so this study is necessary.

I am also concerned that Department of Defense policies with regard to TRICARE may be further limiting choice. The GAO should identify reasons why TRICARE Prime enrollees should have priority at Military Treatment Facilities. This decision may be effectively eliminating the TRICARE Standard and Extra options because to choose either of these options may close off treatment at a Military Treatment Facility.

And there is another problem. Medicare-eligible retirees, since the implementation of TRICARE are now having a very difficult time getting to see the doctor at the Military Treatment Facilities, if not facing an impossibility altogether. Let me explain. Because TRICARE enrollees who have had priority for medical treatment, retirees who wish to be served at a Military Treatment Facility have to sign up for TRICARE Prime—their choice for TRICARE Standard and Extra is effectively eliminated. But, the problem is that Medicare-eligible retirees are not eligible to participate in TRICARE at all. They and their Medicare-eligible dependents and survivors, if there are no appointments available at the Military Treatment Facility, are left with no military medical benefit, which we all know is contrary to the promise made to these veterans when they decided to make a career in the military.

Mr. President, there is no reasonable explanation why we think of that could justify a health care benefit for our men and women in uniform, their dependents, and survivors, who give and gave so much of their lives for our country, that is anything less than what we have provided for ourselves and for civil servants. My amendment will give us a clear idea whether the military medical benefit offered is truly “prime,” or even “standard,” or whether it is substandard and we need to take action.

AMENDMENT NO. 3455

(Purpose: To authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment.)

On page 99, between lines 17 and 18, insert the following:

S 6104. (a) Section 9344(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out “, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States”; and

(2) by striking out paragraph (3).

S 6107. Of the amounts appropriated in title VIII, insert the following:

(1) in the second sentence of paragraph (2), by striking out “, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States”; and

(2) by striking out paragraph (3).

S 9344(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out “, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States”;

(2) by striking out paragraph (3).

Purpose: To repeal limitations on authority to set rates and waive requirements for reimbursement of expenses incurred for instruction at service academies of persons from foreign countries)
the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States'; and

(2) by striking out paragraph (3).

Mr. Mccain. Mr. President, I rise to offer a simple amendment to the fiscal year 1999 defense appropriations bill on behalf of Senator Kay Bailey Hutchison and myself that merits bipartisan support and speedy passage.

My amendment would repeal the limitations on the military departments to waive the requirement for reimbursement of expenses for foreign students at the service academies. Clearly, the authority to set rates and waive reimbursement expenses for persons from foreign countries undergoing instruction at U.S. service academies should rest with our military departments and not be subject to limitations on their ability to determine the costs of foreign education.

Mr. President, the Senate armed services committee included this provision in its version of the fiscal year 1999 Defense Authorization Bill, even though it was subsequently dropped in conference. The service academy superintendents all support this legislation, and I urge my colleagues to do the same. Mr. President, I request that letters of support of my amendment from the service academy superintendents and others be placed in the record at the conclusion of my statement.

Amendment No. 3468

(Purpose: To make small businesses eligible to participate in the Indian Subcontracting Incentive Program.)

On page 54, strike Section 8023 and insert the following:

SEC. 8023. (a) In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 637(d)). Provided, That contractors participating in the in the test program pursuant to section 8023 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

(b) Section 8024 of the Department of Defense Appropriations Act (Public Law 108–56) is amended by striking out "That these payments and all that follows through "Provided further,"

Mr. Inouye. Mr. President, I rise in support of Senator Dorgan's amendment that would clarify the eligibility of small businesses to participate in the Indian Incentive Payment Program. Mr. President, I can assure my colleagues that in establishing this program, it was our intent to provide incentives to defense contractors who would enter into subcontracts with Indian-owned business enterprises.

Mr. President, it was not our intent to exclude from the Indian Incentive Payment program, those small businesses that might enter into contracts with the Department of Defense.

It is my understanding that because the original authorizing language which established the Indian Incentive Payment program refers to a subcontracting plan pursuant to 15 U.S.C. 637(d), the Department of Defense has interpreted that provision to exclude small businesses from participation in the Indian incentive payment program. Senator Dorgan's amendment would simply clarify that a subcontracting plan pursuant to 15 U.S.C. 637(d), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian Incentive Payment program and which approving entity, the contract with tribally-chartered entities or tribal enterprises.

Mr. President, I believe we should include Senator Dorgan's amendment in S. 2132.

I ask unanimous consent to have two pertinent letters printed in the record.

There being no objection, the letters were ordered to be printed in the Record, as follows:


Hon. Byron L. Dorgan, U.S. Senate, Washington, DC.

Dear Senator Dorgan:

In response to your letter dated October 31, 1997, concerning the Department of Defense Indian Subcontracting Incentive Program, the situation you describe is the consequences of a provision in the Department of Defense Appropriations Act, 1998. Specifically, section 8023 of that Act appropriates $8 million for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544). Section 8024, however, restricts the availability of such incentive payments to contractors that have entered into subcontracting plans pursuant to 15 U.S.C. 637(d). However, subsection 637(d)(7) expressly provides that the provisions relating to submission of a subcontracting plan under section 637(d) do not apply to small businesses. Consequently, the $8 million is not available for payments to small business under this authority.

Accordingly, in order to permit small businesses to participate in the program supported by the $8 million available under section 8023, we consider an administrative change, would be required. We strongly support maximum practicable participation of small businesses in the performance of Defense contracts, and accordingly we intend to explore, in coordination with the Office of Management and Budget, whether to advance a legislative proposal to eliminate the language in section 8024 in future years appropriations acts.

I appreciate your bringing this issue to our attention, and trust that this responds to your concern.

Sincerely,

William Cohen


Mr. King:

This responds to our telephone conversation of October 9, 1997 relative to whether or not small businesses are eligible to receive incentive payments under the DoD Indian subcontracting incentive program. TheDoD Indian Subcontracting Incentive Program is a voluntary program with both the Office of General Counsel and the Office of Defense Procurement, thoroughly reviewed the FY 1998 DoD Appropriations Act and our implementing policy. The conclusion reached based on that review is that the legislation authorizes incentive payments from the $8 million appropriated for firms who submit subcontracting plans pursuant to 15 U.S.C. 637(d). Since 15 U.S.C. 637(d) does not apply to small businesses, even if GMA submitted a subcontracting plan pursuant to 15 U.S.C. 637(d), that submission would not be pursuant to this provision of the law. Consequently, payment of incentives for subcontracting with Indian organizations or Indian-owned businesses using the $8 Million appropriated in the FY 1998 DoD Appropriations Act is not authorized for GMA underneath the Indian Subcontracting Incentive Program. As the restriction on the use of the $8 Million appropriated for Indian subcontracting incentive payments to large businesses is part of the original authorizing language, it cannot be eliminated through regulations developed by the Department to implement the legislation. However, since it is our objective to provide for the participation of Indian organizations and Indian-owned business enterprises in our contracts, I have submitted a legislative initiative proposing an amendment to the FY 1998 Appropriations Act that will allow incentive payments to small businesses which subcontract to Indian organizations or Indian-owned business enterprises.

The point of contact for this subject is Mr. John Fish. You may contact him directly on this or any other issues associated with the Indian Subcontracting Incentive Program. He may be reached at (703) 697–1688.

Robert L. Neal, Jr., Director, Office of Small and Disadvantaged Business Utilization.

Amendment No. 3469

(Purpose: To provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment Program.)

On page 99, between lines 17 and 18, insert the following:

Sec. 814. Out of the funds available for the Department of Defense under title II of this Act for chemical agents and munitions, defense, or the unobligated balances of funds available for chemical agents and munitions destruction, Department of Defense Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense may use not to exceed $500,000 for the Assembled Chemical Weapons Assessment Program to complete the demonstration of alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 104 Stat. 2011; 50 U.S.C. 1521 note). The amount specified in the preceding sentence is in addition to any other amount that is made available pursuant to any other Act or out of funds appropriated under title VI of this Act to complete the demonstration of the alternatives and to carry out the pilot program: Provided, That none of the funds shall be taken from any ongoing operational chemical munition destruction programs.

Amendment No. 3469

(Purpose: To express the Sense of the Senate regarding the use of child soldiers in armed conflict.)

At the appropriate place, add the following:

Findings. Child experts estimate that as many as 250,000 children under the age of 18 are currently serving in armed forces or armed
groups in more than 30 countries around the world;
contemporary armed conflict has caused the deaths of 2,000,000 minors in the last decade, and an estimated 6,000,000 children seriously injured or permanently disabled;
children are uniquely vulnerable to military recruitment because of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand;
children who are likely to become child soldiers if they are poor, separated from their families, displaced from their homes, living in a conflict zone, or have limited access to education;
orphans and refugees are particularly vulnerable to recruitment;
one program uses religious examples of the use of child soldiers is the abduction of some 10,000 children, some as young as 8 years of age, by the Lord's Resistance Army (in this resolution referred to as the “LRA") in northern Uganda;
the Department of State's Country Reports on Human Rights Practices for 1997 reports that since the LRA kills, maim, and rapes large numbers of civilians, and forces abducted children into “virtual slavery as guards, concubines, and soldiers”;
children abducted by the LRA are forced to raid and loot villages, fight in the front line of battle against the Ugandan army and the Sudan People's Liberation Army (SPLA), serve as bodyguards, concubines, and soldiers in the ranks of the LRA; and participate in the killing of other children who try to escape;
former LRA child captives report witnessing Sudanese government soldiers delivering food supplies, vehicles, ammunition, and arms to LRA base camps in government-controlled southern Sudan;
children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, unlocatable, dead, or fearful of having their children return home;
Graca Machel, the former United Nations expert on the impact of armed conflict on children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment through an optional protocol to the Convention on the Rights of the Child of 18 as the minimum age for recruitment and participation in armed conflict;
the Permanent Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict;
the Senate hereby—
(1) depletes the global use of child soldiers and supports their immediate demobilization;
(2) condemns the abduction of Ugandan children by the LRA;
(3) calls on the Government of Sudan to use its influence with the LRA to secure the release of abducted children and to halt further abductions; and
(4) encourages the United States delegation to block the drafting of an optional protocol to the Convention on the Rights of the Child that would establish 18 as the minimum age for participation in armed conflict.
(b) It is the sense of the Senate that the President and the Secretary of State should—
(1) support efforts to end the abduction of children by the LRA, secure their release, and facilitate their rehabilitation and reintegration into society;
(2) not block efforts to establish 18 as the minimum age for participation in conflict through an optional protocol to the Convention on the Rights of the Child; and
(3) provide greater support to United Nations agencies and nongovernmental organizations in their promotion and reintegration of former child soldiers into society.
SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

AMENDMENT NO. 361
On page 99, insert in the appropriate place the following new general provision:
SEC. 8104. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for Counterterrorism Technical Support in the Department of Defense Appropriations Act, 1998 (under title IV of Public Law 105-56) for the projects and in the amounts provided for in House Report 105-265 of the House of Representatives, 105th Congress, first session: Provided, That the funds available for the Pulsed Fast Neutron Analysis Project should be executed through cooperation with the Office of National Drug Control Policy.

AMENDMENT NO. 362
(Purpose: To designate funds for the development and testing of alternate turbine engines for military aircraft.)
On page 99, insert in the appropriate place the following new general provision:
SEC. 8104. Of the funds provided under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Navy,” up to $1,000,000 may be made available only for the development and testing of alternate turbine engines for military aircraft.

AMENDMENT NO. 363
(Purpose: to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.)
At the appropriate place, insert the following:
SEC. . VOTING RIGHTS OF MILITARY PERSONNEL.
(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. 5890 et seq.) is amended by adding at the end the following—
“Sec. 704. (a) For the purpose of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely because of that absence—
“(1) be deemed to have lost a residence or domicile in that State;
“(2) be deemed to have acquired a residence or domicile in any other State; or
“(3) be deemed to have become resident in or a resident of any other State.
“(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, or any possession, and the District of Columbia.’’;
(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS:
(1) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973c-1) is amended—
(A) by inserting “(a) ELECTIONS FOR FEDERAL OFFICES.—” before “Each State shall—’; and
(B) by adding at the end the following:
“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—
“(1) permit absent informed services voters to use absentee registration procedures and to vote in any general, special, primary, and run-off elections for State and local offices; and
“(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter and provide such registration is received by the appropriate State election official not less than 30 days before the election.”;
(2) CONFORMING AMENDMENT.—The heading for title II of such Act is amended by striking out “FOR FEDERAL OFFICE”.
On page 99, between lines 17 and 18, insert the following:
S. 8014. From amounts made available by this Act, up to $10,000,000 may be available to convert the Eighth Regiment National Guard Armory into a Chicago Military Academy: Provided, That the Academy shall provide a 4-year college prepatory curriculum combined with a mandatory JROTC instructional program.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.
The amendments (Nos. 3420 through 3464) were agreed to.
Mr. STEVENS. Mr. President, I move to reconsider the vote.
Mr. INOUYE. I move to lay that motion on the table.
The motion to lay on the table was agreed to.
Mr. STEVENS. Mr. President, I say with regard to the unresolved issues: We ask Senator DeWINE or his staff to show us the drug interdiction amendment, the D'Amato Serbia amendment, the two Coats amendments on SOS, and the next QDR, so that we can proceed to review those.
Similarly, we have a series on the Democratic side that we have not seen, and I urge that we see those: the Dodd Army pension issues; thearkin vets' meals issue. Other than that, I believe we have seen them all.
I might state, it appears that the one amendment that will take the longest time to dispose of is Senator DURBIN's amendment, and I see he is here. I invoke him to offer his amendment so that we might determine how to handle it.
Is the Senator prepared to suggest any kind of a time arrangement with regard to that? We would like to have a vote sometime around 8 o'clock, to make sure people understand we are going to stay here until we get done.
Mr. DURBIN. If the Senator will yield.
Mr. STEVENS, I yield.
Mr. DURBIN. I am open to the Senator's request for a time limit. Whatever the Senator from Alaska would like to suggest, I would certainly entertain.
Mr. STEVENS. Mr. President, I am willing to suggest to the Senator that we divide the time equally between now and 8 p.m., at which time it would be my intention to move to table the Senator's amendment.
Mr. DURBIN. I agree to that. I have no objection. Before agreeing, could I ask the Senator from Alaska, time will be equally divided?
Mr. STEVENS. And I add to that, there will be no second-degree amendments to this motion prior to the motion to table; after the motion to table, it is open.
Mr. DURBIN. And further debate? Mr. STEVENS. And further debate; obviously, there is no limitation if the amendment is not tabled.

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DURBIN) proposes an amendment numbered 3465.

The amendment is as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. No funds appropriated or otherwise made available by this Act may be used to initiate or conduct offensive military operations by United States Armed Forces except in accordance with Article I, Section 8 of the Constitution.

(Purpose: To prohibit the availability of funds for offensive military operations except in accordance with Article I, Section 8 of the Constitution)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DURBIN) proposes an amendment numbered 3465.

The amendment is as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. No funds appropriated or otherwise made available by this Act may be used to initiate or conduct offensive military operations by United States Armed Forces except in accordance with Article I, Section 8 of the Constitution, which vests in Congress the power to declare war and take certain related actions.

Mr. DURBIN. Mr. President, it is the usual custom in the Senate as long as I have been here—a practice, almost by custom, to dispense with the reading of an amendment. In this case, I did not—for first, because the amendment in its entirety is very brief, only one page; and, second, I wanted those who are following this debate to hear each and every word of this amendment, because in the wording of this amendment I think we have an important decision to make on the floor of the U.S. Senate.

This amendment which I offer reaffirms that the United States should only go to war in accordance with the war powers vested in the Congress by the Constitution. My colleague, who has just joined us on the floor, Senator BYRD refers to it in my bet—and Senator BYRD refers to it frequently to remind all of us that we, when we took the oath of office to become Members of the U.S. Senate, swore to uphold this Constitution.

The section of the Constitution which my amendment addresses is one which is central to the power of the U.S. Senate and the power of Congress. Article I, section 8, includes in the powers of the power:

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water.

Most constitutional scholars will know the meaning of the term “marque and reprisal.” We have read it many times and so have those of us who need to refresh, that is an effort, short of war, where the United States, short of some commitment of major troop forces and the like, would seek to impose its will or stand for its own national security.

The most operative section of Article I, section 8, are the simple words “To declare War.”

This amendment would prohibit the use of funds appropriated to the Department of Defense for “offensive military operations,” except in accordance with Article I, section 8, which specifically gives to Congress, and Congress alone, the power to declare war and take other actions to govern and regulate the Armed Forces.

A similar amendment was offered by Congressman DAVID SKAGGS of Colorado and Congressman TOM CAMPBELL of California. It has passed the House of Representatives. It is part of the Department of Defense appropriations bill, which will be considered in conference with the bill that we are debating.

This amendment that I offer today reaffirms that the Constitution favors the Congress in the decision to go to war, and that Members of Congress have a constitutional responsibility that they cannot ignore with regard to the offer of offensive U.S. forces. Why is this necessary? Let me quote from a scholar who has written on this subject extensively. Louis Fisher is a senior specialist in the separation of powers with the Congressional Research Service at the Library of Congress. He wrote in an article entitled “Sidestep Congress: Presidents Acting Under the UN and NATO”:

Truman in Korea, Bush in Iraq, Clinton in Haiti and Bosnia—in each instance, a President circumvented Congress by relying either on the UN or NATO. President Bush also stitched together a multilateral alliance before turning the eleventh hour to obtain statutory authority. Each exercise of power built a stronger base for unilateral Presidential action, no matter how illegal, unconstitutional and undemocratic.

The attitude, increasingly, is not to do things the right way, in accordance with the Constitution and our laws, but to do the “right thing.” It is an attitude of autocracy, if not monarchy. How long do we drift in these currents before discovering that the waters are hazardous for constitutional government?

On January 12, 1991, the Congress, in addition to authorizing the use of force to drive Saddam Hussein from Kuwait, took an important vote asserting its constitutional responsibilities and insisting that the President follow the wisdom of the framers of our Constitution when considering a question as serious as war. Despite the vocal opposition of the Bush White House, the House of Representatives in which I served passed a resolution that I offered with Congressman Bennett of Florida. You may recall what happened. When Saddam Hussein of Iraq invaded Kuwait, there was fear that he would continue and then invade Saudi Arabia. The United States began posturing in Saudi Arabia. At the invitation of the Saudis, we brought in a sufficient force to at least discourage, if not deter, Saddam Hussein.

Over time, it became clear that the force in place was growing and the intention was just not to protect Saudi Arabia, but in fact to remove Iraqi forces from Kuwait. At that moment, the nature of our commitment changed, and at that moment, the congressional responsibility changed, from my point of view. We were no longer in Saudi Arabia just at the invitation of the Saudis to defend; we were prepared, and in fact, invade Kuwait and to oust the Iraqis. We knew that that would necessarily involve the loss of life, and many of us in Congress believed that it clearly fit within the four corners of Article I, section 8, that Congress should act and, in fact, we did. There was an extensive debate on the floor of the Senate, as well as the House of Representatives, and ultimately, Congress voted to authorize the use of force by the President—President Bush at the time—in order to push the Iraqis out of Kuwait.

Another important congressional action was a 1994 Senate resolution reiterating the Clinton administration’s claim that the United Nations Security Council 940 constituted “authorization for the deployment of U.S. Armed Forces in Haiti under the Constitution of the United States.” The Senate passed this resolution by a resounding 99–0 vote. The framers never intended the Armed Forces to be employed by the Executive as a blunt instrument for enforcing U.S. foreign policy without congressional approval. Yet, in the Iraq crisis earlier this year, and in the current situation in Kosovo today, that is exactly what we have seen. Absent a reaffirmation by Congress of its proper constitutional war powers, we will certainly see it again. The time for this amendment is now. I will speak to the Kosovo situation toward the close of my opening statement.

Article I, section 8, clause 11 of the Constitution, the so-called war powers clause, vests in Congress this power. I have read United States v. Nixon and of the same article, section 8 vests in Congress the power to “define and punish piracies” and “offenses against the Law of Nations,” “raise and support armies,” “to provide and maintain a navy,” and “make rules for the government and regulation of the land and naval forces,” and “to provide for organizing, arming, and disciplining the militia,” and “governing such part of them as may be employed in the service of the United States.”

Very significantly, clause 18 of this section gives Congress the power to “make all laws which shall be necessary and proper for carrying into execution the foregoing powers.” This clause clearly states that it is Congress that makes the laws for the regulation of the Armed Forces, especially in matters of war.

Article II, section 2 of the Constitution states:

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.

That is all the war powers vested in the President by the Constitution. It is instructive for us to look back at the
debate which gave rise to these constitutional provisions.

Comments by the framers of the Constitution clearly indicate their intent in favor of Congress in matters relating to the offensive use of military force. James Wilson, speaking at the Pennsylvania State Convention on the Adoption of the Federal Constitution, argued that the system of checks and balances built into the Constitution "will not hurl us into war; it is calculated to guard against it. It will not be in the power of a single man or body of men to involve us in such distress; for the important power of declaring war is vested in the legislature at large. No one less than Thomas Jefferson explained that he desired Congress to be "an effectual check to the dog of war."

James Madison wrote that Congress would have the power to initiate war, though the President could act immediately "to repel sudden attacks" without congressional authorization.

Roger Sherman further delineated on the President's war powers: "The executive should be able to repel and not to commence war."

Constitutional scholar Louis Henkin of Columbia University wrote this in 1987:

There is no evidence that the framers contemplated any significant independent role—or authority—for the president as commander in chief when there was no war... The president's designation as commander in chief... appears to have implied authority to use the Armed Forces, whether for war (unless the United States were suddenly attacked) or for peace-time purposes, except as Congress directed.

International law scholar, John Bassett Moore, wrote in 1944:

There can hardly be room for doubt that the framers contemplated any significant independent role—or authority—for the president as commander in chief when there was no war. The president's designation as commander in chief appears to have implied authority to use the Armed Forces, whether for war or peace-time purposes, except as Congress directed.

Constitutional scholar Louis Henkin of Columbia University wrote this in 1987:

There is no evidence that the framers contemplated any significant independent role—or authority—for the president as commander in chief when there was no war. The president's designation as commander in chief appears to have implied authority to use the Armed Forces, whether for war (unless the United States were suddenly attacked) or for peace-time purposes, except as Congress directed.

President Eisenhower assured the press, in January of 1956, in an often-quoted statement, "When it comes to a matter of war, I would go, and that is the Congress of the United States.

The courts, too, have supported the constitutional prerogatives of Congress with regard to this "police action" (presumably undertaken by the President in his capacity as Commander in Chief) is not one of objective fact but involves an exercise of judgment based upon all the vagaries of foreign affairs and national security."

The court said, "This claim on behalf of the Executive is far too sweeping to be accepted by the courts. If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the constitutional power to declare war will be at the mercy of a semantic decision by the Executive. Such a statute would evade the plain language of the Constitution, and it cannot stand."

Mr. President, over the last 40 or 45 years, Congress has virtually ceded its constitutional war powers responsibilities to the President. Many of the significant instances of use of force by the Executive without congressional authorization, including the only major unauthorized war in Korea, and localized conflicts in the Dominican Republic, Grenada, and Panama, among others, occurred during this period."
it to say that after that war Congress made the decision, through the passage of legislation, to take a more active role in the decision-making process.

The 1973 War Powers Resolution, which then-Armed Services Committee Chairman Carl Levin called “a very important step in this Congress to assume its duty in representing the people of this Nation,” unfortunately has done little to slow down the gradual assumption of war powers claimed by successive administrations or to embed Congress in exercising “its” war powers responsibilities under the Constitution.

Even in signing the congressional authorization of the use of force against Iraq in 1991, President Bush went to great pains to emphasize his claim that he possessed constitutional authority to act. “As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing of this resolution does not, exchange in the long-standing position of the Executive Branch on either the President’s constitutional authority to use the Armed Forces to defend vital U.S. interests, or the constitutionality of the War Powers Resolution.”

The Clinton administration echoed President Bush’s comments and even took it one step further.

During her congressional testimony during the Iraq crisis this last February, Secretary of State Madeleine Albright spoke of “the President’s constitutional authority as Commander in Chief to use armed forces to protect our national interests.”

In a Statement of Administration Policy threatening a veto of the House version of this bill if the Skaggs-Campbell amendment were included, the administration stated that, “The President must be able to act decisively to protect U.S. national security and foreign interests.”

I do not believe that the framers of our Constitution would have ever accepted such inflated claims of executive authority, or the idea the Armed Forces should be used by the President as a device for implementing administration foreign policy, without the approval of Congress.

President Bush’s comments notwithstanding, Congress made a good start in regaining its proper constitutional war powers when, throughout 1991’s debate and vote to authorize the war in the Persian Gulf, Congress affirmed at that time that its responsibilities extended far beyond merely paying the bills for Presidents’ wars.

Now it is time for the Congress to take the next step. This amendment will restore the proper constitutional balance between the executive and legislative branches in deciding when or if the United States is to go to war.

Mr. President, in the time that I have served on Capitol Hill, in both the House and Senate, it has been my sad responsibility on several occasions to attend funerals in my home district, in my congressional district, for the families of those who have fallen in combat. I can’t think of a sadder occasion—one of the saddest that I can recall—than the one that involved the sending of Marines to Lebanon, putting them in harm’s way and after a terrible bombing of the barracks, the loss of life of a young man from Springfield, Ill. Time and again, I thought at those sad services that there is a legitimate question the family could ask of their elected representatives in Congress: Is the president now in the United States Senate? Was I part of the decision that led to the war that took their son’s life? Because the Constitution makes it clear that I should have been part of that decision. In so many instances, I was not; the decision was made by the President. The only course for Congress is control of the purse, and virtually nothing else. As a direct result, we lost lives without the American people speaking to the question of war through their elected Congress. This is a constitutional wrong, and I approve and I support this amendment and the realization that it does more than assert our constitutional authority to declare war. It also asserts our responsibility. Be careful for what you wish because with the passage of this amendment and the reassertion of our constitutional responsibility, we will be and should be called on more frequently to make important decisions about committing American troops.

There is one operative and very important word in this amendment. It is the word “offensive,” as in offensive military operations. So the Record is eminently clear, there is no doubt in my mind nor in anything I have read that the President of the United States, as Commander in Chief, has the power to protect American citizens and the property of the United States. He need not come to the Congress and seek our approval when he is, in fact, defending the United States, the citizens, our property. We are talking about a separate circumstance, a circumstance where instead of taking a defensive action, the President decides to take an offensive action.

I might also add that for those who say, clearly the Senator from Illinois is offering this amendment because he is concerned about some current conflict, well, yes, I am concerned. I am concerned about any conflict that involves American lives. But what motivates me to join the gentleman from Colorado who offered this amendment in the House of Representatives. As I mentioned earlier, it was almost 7 years ago that I joined Congressman Bennett of Florida in a similar effort. I do believe this principle is sound, and those who want to gainsay this effort should know that I have tried to stand by this principle through the time that I have been in Congress.

Is there a need for us to consider it now? I will leave that to your judgment. Consider the statements made by Robert Gelbard, special representative of the President and Secretary of State on Implementation of the Dayton Peace Agreement, when he spoke before the House International Relations Committee in Washington on July 23, 1998, relative to the tragedy in Kosovo.

Mr. Gelbard said:

In NATO councils, planning for possible NATO action is nearly completed. While no decision has been made regarding the use of force, all options, including robust military intervention in Kosovo, remain on the table. NATO planning is on track and Milosevic under duress. And this is in the deteriorating situation in Kosovo is a threat to regional peace and security. The potential for spillover into neighboring states remains a constant concern. We and our allies have made clear to President Milosevic that spill-over of the conflict into Albania or Macedonia will not be tolerated.

Make no mistake, if Mr. Gelbard’s statement is a statement of administration policy, the administration is poised to initiate an offensive military action relative to Kosovo, an action which I believe clearly requires congressional approval and I approve and I support this amendment and the realization that it does more than assert our constitutional authority to declare war. It also asserts our responsibility. Be careful for what you wish because with the passage of this amendment and the reassertion of our constitutional responsibility, we will be and should be called on more frequently to make important decisions about committing American troops.

I ask my colleagues in the Senate in considering this amendment to consider the historical perspective here. For the first time since World War II, when President Franklin Roosevelt hobbled up the steps to take the podium for a Joint Session of Congress in the House of Representatives, and asking for a declaration of war, we will state in clear and unequivocal terms that we are asserting our constitutional responsibility and authority when it comes to a declaration of war.

I understand that this will require more dialogue and conversation between the executive and legislative branches about our foreign policy, and particularly about committing troops, but I do believe that is what the framers of the Constitution had in mind. Those of us who must face the families and explain to them why their daughters and sons, their husbands, their wives and friends and relatives are on to not only to preserve this country, but stand in harm’s way and risk their lives have to have the authority to stand before them and say we have done our part, we have played our role, we have made the judgment, the judgment which the Constitution gives to us and us alone to make.

At this point, Mr. President, I ask unanimous consent to add Senator Feingold as an original cosponsor of this amendment.

The PRESIDING OFFICER (Mr. Sessions). Without objection, it is so ordered.
Mr. DURBIN. I reserve the remainder of my time.

Mr. BYRD. Mr. President, will the Senator yield me some time?

Mr. DURBIN. I would be happy to yield to the Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. BYRD. Mr. President, I can't get started in 9 minutes on this subject.

Mr. DURBIN. Mr. President, I don't wonder if the Senator from West Virginia might be able to secure some time from the other side. I would be happy to ask, if there is anyone in the Chamber. They might be called for that purpose.

Mr. BYRD. Mr. President, I was not in the Chamber when the agreement was entered into. My friend knew of my interest in speaking on the amendment, and I wish I had been protected. Mr. DURBIN. May I ask the Chair, it was hard hearing that at about quarter of 7 we agreed we would debate this until 8 o'clock equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. That is correct. That is how I voted. I am sorry; I apologize to the Senator from West Virginia, whom I asked to come to the floor, and I would be glad to give him every minute remaining. I am sorry that I had gone as long as I did, because I am anxious to hear his remarks.

Mr. BYRD. Mr. President, I don't know how much time the opponents of this amendment will require.

Mr. President, I think I will just ask for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I wish to thank the opponents for offering 10 minutes to me, but I feel that I will just ask that my speech be printed in the Record.

On this gravity, I am disappointed that the Senate has entered into an agreement to speak for what would amount to about 1 hour and 15 minutes for both opponents and proponents. Of course, the distinguished Senator from Illinois is preeminently correct in what he has said about the Constitution and what he has said about the efforts toward aggrandizement on the part of this administration and most recent administration when my understanding, it is that the House bill be stricken and the text of S. 2168, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the following conferees on the part of the Senate: Senators Shelby, Domenici, Specter, Bond, Gorton, Bennett, Faircloth, Stevens, Lautenberg, Byrd, Mikulski, Reid, Kohl, Murray, and Inouye; and that the foregoing occur without any intervening action or debate.

Ordered further. That upon passage of the House companion measure, as amended, the passage of S. 2168 be vitiated and the bill be indefinitely postponed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 23, 1998, having received H.R. 4328, the provisions of the unanimous consent agreement are executed. The provisions of the unanimous consent agreement are as follows.

The Senate continues with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding when the Senator returns to the floor, Senator BYRD will speak. I state to the Senate, there is substantial opposition to this amendment. I am one who voted against the War Powers Act, but I think this goes too far. It is an amendment that should be considered by the Armed Services Committee and not debated at the last minute on an appropriations bill.

In the old days, we had a point of order against legislation on an appropriations bill. That point of order is not available to us now, but the concept is still there, and that is what we are trying to establish once again—the concept that we limit this point of order to its immediate consideration; that all after the enacting clause of the House bill be stricken and the text of S. 268, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the following conferees on the part of the Senate: Mr. Bond, Mr. Harkin, Mr. Stevens, Mr. Campbells, Mr. Craig, Ms. Mikulski, Mr. Leahy, Mr. Lautenberg, Mr. Harkin, and Mr. Byrd; and that the foregoing occur without any intervening action or debate.

Ordered further. That upon passage of the House companion measure, as amended, the passage of S. 2168 be vitiated and the bill be indefinitely postponed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding when the Senator returns to the floor, Senator BYRD will speak. I state to the Senate, there is substantial opposition to this amendment. I am one who voted against the War Powers Act, but I think this goes too far. It is an amendment that should be considered by the Armed Services Committee and not debated at the last minute on an appropriations bill.

In the old days, we had a point of order against legislation on an appropriations bill. That point of order is not available to us now, but the concept is still there, and that is what we are trying to establish once again—the concept that we limit this point of order to its immediate consideration; that all after the enacting clause of the House bill be stricken and the text of S.
This is a provision that is ongoing for years. It is not related to this bill. It is not a matter that was before the Senate Appropriations Committee in any way, and it should be part of the Armed Services’ consideration. There was an Armed Services bill brought before the Senate. It would have been perfectly proper to have that brought up at that time in connection with the Armed Services’ bill. But I do not think it is proper to bring it up in this bill.

For that reason, as I said before, when the time for Senator Byrd has expired, I intend to move to table the amendment. But, as I indicated to him, I offer him the full amount of time that was allocated to this side to present his statement, plus what is left to the Senator from Illinois.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Could I ask for clarification of the time remaining to both sides?

The PRESIDING OFFICER. The Senator from Illinois has 4½ minutes. The Senator from Alaska, 32 minutes.

Mr. DURBIN. Mr. President, I reserve the remainder of my time.

Mr. STEVENS. I suggest the absence of a quorum, the time to be charged to our side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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 Alaska is recognized.

Mr. STEVENS. It is my understanding the Senator from Illinois will use the remainder of his time. I understand it is 4 and some-odd minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Mr. DURBIN. 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. BIDEN. Mr. President, I ask unanimous consent, since there is no one seeking to speak, to speak for 7 minutes in support of the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

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

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

AMENDMENT NO. 385

Mr. BIDEN. Mr. President, I am asking only to go until 10 of the hour.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BIDEN. Thank you very much.

Mr. President, I am going to support the Durbin amendment and I am going to admire what he is attempting to do and respect his effort. I am not, quite frankly, certain it will have its intended effect.

Strongly agree with the views expressed by my friend from Illinois, that what I call the "monarchist" view of the war power has become the prevailing view at the other end of Pennsylvania Avenue, and it does not matter whether it is a Democratic President or a Republican President. And the managers' package that the Durbin amendment is so overdue. I think, has been greatly undermined over the last several decades.

On the question of war power, I believe the Constitution is as clear as it is plain. Article I, section 8, provides that the Congress has the power "to declare War, [and] grant Letters of Marque and Reprisal." Article II, section 2, provides that the President is "the Commander in Chief of the Army and Navy of the United States." To be sure, the Commander in Chief ensures that the President has the sole power to direct U.S. military forces in combat. But that power—except in very few limited instances—derives totally from congressional authority. It is not the power to move from a state of peace to a state of war. It is a power, once the state of war is in play, to command the forces, but not to change the state.

Until that authority is granted, the President has no inherent power to send forces to war—except, as I said, in certain very limited circumstances, such as to repel sudden attacks or to prevent the safety and security of Americans abroad.

On this point, the writings of Alexander Hamilton, a very strong defender, as the President knows, of Presidential power, is very instructive. In Federalist No. 41, Hamilton emphasized that the President's power as Commander in Chief would be "much inferior" to that of the British King, amounting to "nothing more than the supreme command and direction of the military and naval forces."

During the cold war, and during the nuclear age, the thesis arose that, at a time when the fate of the planet itself appeared to rest on two men thousands of miles apart, Congress had little choice, or so it was claimed, but to cede tremendous authority to the Executive.

Unfortunately, despite the end of the cold war, the view that the President had this authority has continued to endure—and flourish—under Presidents of both political parties.

On the eve of the Gulf war, President Bush insisted that he did not need congressional authorization to send half a million men and women into combat with Iraq. I insisted that that time we hold hearings on that subject and there be a resolution concluding whether or not he had that power.

More recently, President Clinton asserted sweeping theories about his ability to "deploy forces to Haiti and to begin offensive military action against Iraq."

I believe we need to remedied this constitutional imbalance. Accordingly, I have offered in the past, and I have drafted, comprehensive legislation called the Use of Force Act, which is designed to replace the War Powers Resolution.

The Durbin amendment is far shorter and more direct in its approach. And although I support it, as I said, I am skeptical that it will achieve its total desired effect. The Durbin amendment would bar the use of appropriated funds for "offensive military operations" by...
Armed Forces “except in accordance with Article I, section 8 of the Constitution.” I believe the Constitution already says that, that we need not redeclare that. But I think it is valuable to do it if it is the case that we are going to be looking a whole lot closer.

In my view, the President may not use force, except in certain limited circumstances, without the authorization of the Congress, period. The war power is not limited to the formal declaration of war—of which we have had only five in our history. The Founding Fathers had little interest, it seems, in the ceremonial aspects of war. The real issue was congressional authorization of war.

As Hamilton noted in Federalist 25, the “ceremony of a formal denunciation of war has of late fallen into disuse.” Obviously, the founders were not talking about a circumstance where the only circumstance that the Congress could impact on whether we use force or not is with a formal declaration of war. Even in 1789—to quote Hamilton—ceremonial declarations of war had fallen into disuse, so obviously that is not what they were talking about alone.

The conclusion that Congress has the power to authorize all uses of force is buttressed by the inclusion in the war clause of the power to grant letters of marque and reprisal. An anachronism today, the original letters of marque and reprisal were, though, in the 18th century, their version of limited war. Even back then, for a President to engage in limited war, he needed the authorization of the U.S. Congress. The vehicle was issuing letters of marque and reprisal.

I understand that the administration has expressed its strong opposition to this provision and is threatening to veto it. I have called the administration and indicated they are preparing to fulfill in even making that threat, with all due respect. It is merely an institutional instinct that does not surprise me, but I am somewhat surprised by the volume of the objection.

The Durbin amendment, if enacted, may have one salutary effect: It could force the President and his advisors to pause before continuing to make broad assertions of Presidential war power. If even that result is achieved, the enactment of the Durbin amendment will be a positive development in restoring the constitutional imbalance.

Mr. President, I will not take the time now, but I will, at the appropriate time, reintroduce the Use of Force Act that I have in previously attempted to have passed, working with a number of constitutional scholars who have written extensively in this area.

Let me conclude in the 30 seconds I have left to again compliment the Senator from Illinois. It is time the Congress, with the changed world, reassert its rightful role in the conduct of the use of force, and, now that the world has changed, the old saw about the need for this emergency power—the Congress being less relevant in that regard—should be put to bed once and for all.

I thank him for his effort and I yield the floor.

Mr. STEVENS. Mr. President, I know that the Senator from Illinois still has 5 and a half minutes. But I ask unanimous consent that he be in order for me to put down the first of the series of the second managers’ package.

The PRESIDING OFFICER. Without objection, H. R. Amendment No. 3465

(Purpose: To require the Air National Guard to provide support for Coast Guard seasonal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York.)

Mr. STEVENS. So I send to the desk an amendment I offer on behalf of the Senator from New York, Mr. D’AMATO.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk read as follows:

On page 99, between lines 17 and 18, insert the following:

S. 8014—The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 13, 1999, provide support to the Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.

(c)(1) The adjutant general of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).

(2) Not later than December 1, 1998, the adjutant general and the Commandant shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives copies of a memorandum of understanding entered into under paragraph (1).

Mr. STEVENS. Mr. President, I ask unanimous consent that this amendment be set aside to be considered along with the other managers’ package at the conclusion of the vote. And I ask unanimous consent that that shall be at 8 o’clock.

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

AMENDMENT NO. 3465, AS MODIFIED

Mr. STEVENS. Mr. President, I thank the Senator from Alaska for his generosity. I will conclude at 8 o’clock, as we promised, and ask for a vote on this. Allow me to try to describe what is at stake, because for everybody in the gallery and those listening to the debate, this could hit home some day.

It is a question about when or if the United States shows up in war, who will make the decision. If you were called on, or one of your children was, who will decide whether or not that person will stand in harm’s way, risk their lives for their country?

I have the deepest respect and admiration for those who serve in the armed services. They have given up their lives to protect this Nation and we owe them a great debt of gratitude. What we are talking about is how this decision is made. The men who wrote this Constitution understood very clearly that if they were going to have a voice in the process, they would have to rely on the Senators and Members of Congress to make that decision on the declaration of war.

This amendment is very brief. By Senate standards, it is amazingly brief—just a few lines. But it states very clearly what I think is an important constitutional concept. First, the President of the United States as Commander in Chief of all of our Armed Forces still retains all of his power and authority to defend the United States and its citizens. He does not have to come to Congress on bended knee and beg for that authority. It is his; he is Commander in Chief. In short, he crosses that line and no longer is defending us, but rather is pushing forward in an offensive capacity, saying that we are now going to invade a nation, we are now going to try to secure a certain objective or target, beyond a defensive objective, then the Constitution is clear: That is not his decision to make; it is our decision to make. Better yet, it is your decision to make—to speak to your elected Representatives in the House and Senate and to express your heartfelt support.

I can recall the debate over the Persian Gulf war. There was quite a division within the military, and even
within Congress. But I don’t think there was a finer moment in the 16 years I have served on Capitol Hill than that period of time when each Member of the U.S. Senate and the House came to the floor and took all the time necessary to speak their hearts and minds. No vote should ever be put our children in harm’s way to stop this aggression by Saddam Hussein. I can speak for myself—and I am sure for many colleagues, Republicans and Democrats alike—these were sleepless nights when you knew that a vote to go forward and commit our troops in an offensive capacity was going to lead to the loss of life. It was a painful decision, but it is one that I accepted, and everybody as a Member of the House and Senate accepted as well.

I say to my colleagues in the U.S. Senate, who I hope are following this debate, that this is about whether or not the oath of office that we took is meaningful. When we swore to uphold the Constitution of the United States, I don’t believe they asked us to turn to Article I, section 8 and make an amendment to take it out. No, it was included. It was part of that responsibility—an awesome responsibility.

My colleague from Alaska, has raised a procedural point. He says that this is beyond the scope of an appropriation or a spending bill. I disagree with his conclusion on that. I have seen what is considered authorizing language and much more expansive military action—he is bound by the Constitution of the United States. Mr. President, I believe my time has expired. I yield the remainder of my time.

Mr. STEVENS. Mr. President, I ask that the text of the amendment be placed before both parties on the appropriate table.

I move to table the amendment of the Senator from Illinois and 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 motion of the Senator from Alaska to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “aye.”

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

The result was announced—yeas 84, nays 15, as follows:

YEAS—84

Abraham
Akaka
Aliar
Ashcroft
Baucus
Bennett
Baucus
Breaux
Brownback
Bumpers
Burns
Campbell
Chafee
Cleland
Coates
Cochran
Collins
Conrad
Coverdell

Craig
D’Amato
Daschle
Deconchie
Dodd
Domenici
Duren
Enzi
Feinstein
Ford
Frakt
Graham
Graham
Grimes
Gregg
Hagel

Hatch
Hutchinson
Inhofe
Inouye
Issa
Kempthorne
Kennedy
Kerry
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Liet
Lugar
Mack
McCain

Mikulski
Moynihan
Murkowski
Murray
Nickles
Reid
Robb

Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)

NAYS—15

Biden
Bingaman
Byrd
Durbin

Feinstein
Grassley
Gramm
Gorton
Glenn
Frist

Mack
McClellan
Moynihan
Murkowski
Moseley-Braun

Nickles
Reid
Robb

Reid
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NOT VOTING—1

Biden

The motion to lay on the table the amendment (No. 3365) was agreed to. Mr. STEVENS. Mr. President, I move to reconsider the vote. Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to change a vote. On the last vote, I voted “nay.” I must vote to “yea.” The vote will not affect the outcome. I did not realize it was a tabling motion. I ask unanimous consent to change my vote.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 3398, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that I may withdraw the Kyl amendment No. 3398, with the consent of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 3398) was withdrawn.

AMENDMENTS Nos. 3396 Through 375, En Bloc

Mr. STEVENS. Mr. President, I want to announce that we have left outstanding one amendment of Senator GRAHAM which I understand may be disposed of by separate—two amendments of Senator HARKIN, and we have two outstanding amendments on this side which I hope will be cleared soon. We have a package here ready to present. We have before the Senate—the pending amendment I believe is Senator D’AMATO’s amendment on search and rescue. I add to that amendment the following amendments: the Bingaman amendment on donation of surplus dental equipment; the Bingaman amendment on the furnishing of dental care to dependents; the Dodd amendment on retired pay backlog; the Harkin amendment on backlog of medals; the Harkin amendment on smoking cessation; the Frist amendment on Marine Corps lightweight maintenance enclosures; the Dorgan amendment on environmental cleanup; the DeWine amendment on drug interdiction; the Wellstone amendment on family violence.

I ask unanimous consent that it be in order to consider the managers’ amendment en bloc and that the amendments be adopted en bloc and the motion to reconsider be laid on the table.
The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, I am curious what the Dorgan amendment is—environmental. Would you briefly describe that?

Mr. STEVENS. It is $1.4 million for a site in North Dakota as a permissive amendment for cleanup. It has been cleared on both sides, I might say to the Senator.

Mr. CHAFEE. Not totally.

Mr. STEVENS. What?

Mr. CHAFEE. Not totally cleared on both sides.

Mr. STEVENS. It is a permissive amendment. It does not mandate. It authorizes. It provides the money if they want to do it. We thought on that basis it is up to the administration to do or not do it.

I inquire of the Senator from Florida—

THE PRESIDING OFFICER. The clerk will report the amendments by number.

The assistant legislative clerk reads as follows:

The Senator from Alaska [Mr. STEVENS], on behalf of others, proposes an in bloc amendments 3466 through 3475.

The PRESIDING OFFICER. If there is no objection—

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. May we have order.

If there is no objection, the amendments are considered and agreed to in bloc.

Mr. STEVENS. And the motion to reconsider is laid on the table.

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

The amendments (Nos. 3466 through 3475) were agreed to, as follows:

AMENDMENT NO. 3466

(Purpose: To require the Air National Guard to conduct support for Coast Guard personal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York)

On page 99, between lines 17 and 18, insert the following:

SEC. 8014. (a) The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 15, 1999, provide support for search and rescue operations at Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.

(c)(1) The adjutant general of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).

(2) Not later than December 1, 1998, the adjutant general and the Commandant shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).

AMENDMENT NO. 3467

(Purpose: To require the Secretary of Defense to carry out a program to donate surplus dental equipment of the Department of Defense to Indian Health Service facilities and Federally-qualified health centers that serve rural and medically underserved populations)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers (within 100 miles of the Military Violence Against Women Office of the Social Security Act (42 U.S.C. 1396d(i)(2)(B)).

(b) Not later than March 15, 1999, the Secretary of Defense shall submit to Congress a report on the program, including the actions taken under the program.

AMENDMENT NO. 3468

(Purpose: To require a report on uniformed services dental care policies, practices, and experience with furnishing of dental services to dependents of members of the uniformed services on active duty)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Not later than March 15, 1999, the Secretary of Defense shall submit to the Committees on Appropriations and on Armed Services of the Senate and the Committees on Appropriations and on National Security of the House of Representatives a report on the policies, practices, and experience of the uniformed services pertaining to the furnishing of dental care to dependents of members of the uniformed services on active duty who are 18 years of age and younger.

(b) The report shall (1) the rates of usage of various types of dental services under the health care system of the uniformed services by the dependents, set forth in categories defined by the age and the gender of the dependents and by the rank of the members of the uniformed services who are the sponsors for those dependents, (2) an assessment of the feasibility of providing the dependents with dental benefits (including initial dental visits for children) that conform with the guidelines of the American Academy of Pediatric Dentistry regarding infant oral health care, and (3) an evaluation of the feasibility and potential effects of offering general anesthesia as a dental health care benefit available under TRICARE to the dependents.

AMENDMENT NO. 3469

(Purpose: To make appropriations available for actions necessary to eliminate the backlog of unpaid retired pay relating to Army service and to report to Congress)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Of the total amount appropriated for the Army, the Army Reserve, and the Army National Guard under title I, $1,700,000 may be available for taking the actions required under this section to eliminate the backlog of unpaid retired pay and to submit a report.

(b) The Secretary of the Army may take such actions as are necessary to eliminate the backlog of unpaid retired pay by December 31, 1998, and submit a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (b).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

AMENDMENT NO. 3470

(Purpose: To require the Secretary of Defense to take action to ensure the elimination of the backlog of incomplete actions on requests for replacement medals and replacement of other decorations)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense may take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests of former members of the Armed Forces for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States.

(b)(1) The actions taken under subsection (a) may include, except as provided in paragraph (2), allocations of additional resources to improve relevant staffing levels at the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, allocations of Department of Defense resources to the National Archives and Records Administration, and any additional allocations of resources that the Secretary considers necessary to carry out subsection (a).

(b)(2) An allocation of resources may be made under paragraph (1) only if and to the extent that the allocation does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

AMENDMENT NO. 3471

(Purpose: To provide tobacco cessation therapy)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Beginning no later than 60 days after enactment, effective tobacco cessation products and counseling may be provided for members of the Armed Forces (including retired members), former members of the Armed Forces entitled to retired or other pay, and dependents of such members and former members, who are identified as likely to benefit from such assistance in a manner that does not impose costs upon the individual.

AMENDMENT NO. 3472

(Purpose: To make available funds for procurement of light-weight maintenance enclosures (LME) for the Army and the Marine Corps)

On page 99, between lines 17 and 18, insert the following:

SIC. 8104. (A) Of the amounts appropriated by title II of this Act under the heading “OPERATION AND MAINTENANCE, MARINE CORPS”, $5,000,000 may be available for procurement of lightweight maintenance enclosures (LME).

(b) Of the amounts appropriated by title III of this Act under the heading “OTHER PROCUREMENT, ARMY”, $2,000,000 may be available for procurement of lightweight maintenance enclosures (LME).

LIGHTWEIGHT MAINTENANCE ENCLOSURES

Mr. FRIST. Mr. President, I appreciate giving the opportunity to offer this amendment which I hope will be accepted by both floor managers on this important Defense bill.

Mr. President, the amendment that I am offering today would provide $5,000,000 for the Marine Corps within the Operation and Maintenance, Marine Corps account, and $2,000,000 within the Other Procurement, Army ac-
count for the Army to allow both Serv-

ice branches to obtain lightweight

maintenance enclosures or LMEs for
deployment in forward maintenance

operations in the field. More specifi-
cally, these funds will provide our sol-
diers and Marines the capability to for-
ward deploy lightweight, low-cost, sol-

cit systems that are easy to operate, provide

protection for field mainte-
nance operations in difficult

environments, and at a cost that is one-quar-
ter the cost of the older model units previ-
ously utilized by the Army and Marine
Corps.

The House of Representatives recog-

ized the requirement for these Light-

weight Maintenance Enclosures by au-

thorizing the identical level of funding that I am recommending in my amend-

ment, in the House version of the Na-

tional Defense Authorization bill for

fiscal year 1999 (H.R. 3616). In the House

Committee report (H. Rept. 105-352),

the House National Security Com-

mittee stated that the Army identified

its requirement for the LMEs after the

President's budget request was sub-

mitted to the Congress, and therefore

authorized funding for LMEs in the

House authorization bill. The House

also provided $5,000,000 authorization

for the Marine Corps to meet their re-

quirements for LMEs as well.

Furthermore, Mr. President, the

Chief of Staff of the Army, General

Dennis Reimer, identified “Soldier Life

Support” equipment, including LMEs,

as being among the Army's top 10 high-

est unfunded priorities.

Unfortunately, despite the authoriza-

tion in place in the House-passed De-

fense authorization bill, no approta-

tions have been provided in either the

House or Senate versions of the De-
nense appropriations bills. Therefore, it

is my hope that the distinguished Sen-

ator from Alaska, Senator STEVENS,

and his outstanding Ranking Member,

Senator ROBB now have a sense of the Sen-

ator from Virginia.

The PRESIDING OFFICER. The Sen-

ator from Virginia.

The PRESIDING OFFICER. The Sen-

ator from Florida.

Mr. STEVENS. Is Mr. HARKIN here?

Mr. STEVENS. Is Mr. GRAHAM—is he here?

The PRESIDING OFFICER. May we

have order in the Chamber.

Mr. STEVENS. Is Mr. ROBB here?

Mr. STEVENS. Is Mr. HARKIN here?

Mr. ROBB. Mr. President, this

amendment. The Secretary of Defense

shall submit to Congress a report on

the actions taken under this section. The re-

port shall include a discussion of the results

of the study under subsection (a) and the

comprehensive discussion of the regulations prescribed under subsection (b).

Mr. STEVENS, Mr. President, may I

inquire of the Senator from Florida,

Mr. GRAHAM—is he here?

The PRESIDING OFFICER. May we

have order in the Chamber.

Mr. STEVENS. Is Mr. HARKIN here?

Mr. STEVENS. Mr. President, I am in error on the

Leahy amendment on JSAT. That is still on the list. It has not been re-

moved.

Mr. STEVENS, Mr. President, Sen-

ator ROBB now has a sense of the Sen-

ate with regard to the Italy incident,

which we are prepared to take. I yield to the Senator to present and explain

his amendment.

The PRESIDING OFFICER. The Sen-

ator from Virginia.

Mr. ROBB. Mr. President, this amendment has been converted to a

sense of the Senate. It simply recog-
nizes an obligation of the United States to compensate the victims of the

Marine Corps jet incident involving a jet aircraft flying out of Aviano. At

that incident, the Ambassador of the United States to Italy has already agreed that, under the Status of Forces

Agreement, that the United States
would pick up the 25 percent normally assigned to the host nation. We were going to try to present an arrangement where this could be worked out more expeditiously. At this point it is simply a sense of the Senate. Instead, it ought to be resolved as quickly and fairly as possible.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from Virginia [Mr. Ross] proposes an amendment numbered 3476.

Mr. ROBB. 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:

Findings:

On the third of February a United States Marine Corps jet aircraft, flying a low-level training mission of Aviano, Italy, flew below its prescribed altitude and severed the cables supporting a gondola at the Italian ski resort near Cavalese, resulting in the death of twenty civilians;

the crew of the aircraft, facing criminal charges, is entitled to a speedy trial and is being provided that and all the other protections and advantages of the U.S. system of justice;

the United States, to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by a United States military aircraft;

a finding, including the U.S. Ambassador to Italy, recently visited Cavalese and, as a result, 20 million dollars was promised to the people in Cavalese for their property damage and business losses;

without our prompt action, these families continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability;

under the current arrangement we have with the State of Italy, the Department of the Secretary of Defense has not been informed by Italy;

under Italian law, every claimant for property damage, personal injury or wrongful death must file initially an administrative claim for damages with the Ministry of Defense in Rome which is expected to take 12-18 months to process;

the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program involving a unit of the United States Forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken,

the amendment be dispensed with.

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

The amendment is as follows:

SEC. 3. TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the United States Forces of a foreign country if the Secretary of Defense or the Secretary of State reports to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 30 days after enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

Mr. STEVENS. Mr. President, I ask the Senator’s indulgence. We have to finally clear this amendment. There is some confusion, I might say to my friend from Vermont, because our individual committee report from the Department which opposed the amendment. The Senator’s information is the Department supports the amendment. We intend to take it to conference and confer with the Department and then confer with the Senator with regard to the final disposition of it.

Mr. LEAHY. The Senator from Alaska is correct. This is a Xerox copy, but I do have the actual signoff from DOD on the amendment, which I will give to the distinguished chairman.

Mr. President, I note this was primarily a clarification so the Department of Defense and Department of State could be saying the same thing in this area. I understand the Senator from Alaska and the Senator from Hawaii may want to discuss it further before we come in and decide whether or not a conference will be a conference on that, and will be happy to do so.

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

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3477) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the chairman will yield 2 minutes to the Senator from New Mexico?

Mr. STEVENS. Reluctantly, Mr. President.

Mr. DOMENICI. When you hear my remarks, you will be pleased that you did.

Mr. President, let me suggest the Appropriations Committee has come in right on the number, in terms of the budget. They have no directed spending or anything else that would seek to gimmick this budget. Some were asking, “Will you turn the other way and let us have some directed spending that breaks the caps?” I haven’t been able to do that for anyone, and I am very grateful we do not have to do it on this bill. The chairman of that committee came in, and everywhere he moved, he said, “Let’s meet the budget right on the money.” And he did. I commend him for that.

Mr. President, I strongly support S. 2132, the Defense Appropriations bill for FY 1999. The pending bill provides $250.5 billion in total budget authority and $168.2 billion in new outlays for the Department of Defense and related activities. When outlays from prior years and other adjustments are taken into account, outlays total $245.2 billion.

There are some major elements to this bill that are important for the Senate to review.

The bill is consistent with the Bipartisan Balanced Budget Agreement. This year the defense budget is once again confronted with a serious mismatch between the DoD/OMB and the CBO. Estimates of the outlays needed to execute the programs in the budget request. CBO’s estimate was $31.7 billion higher than OMB and DoD’s estimate.
Because the President’s proposed defense spending was right up to the discretionary spending caps adopted in the Bipartisan Budget Agreement, compensating for CBO scoring would require large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable.

During the Senate’s consideration of the congressional budget resolution in March, the Senate received an excellent suggestion from the Chairman of the Appropriations Committee. We adopted a Stevens Amendment that called on CBO and OMB to resolve their differences. Several meetings occurred as a result, and under the auspices of the Budget Committee, we devised a solution. The solution has three parts: First, Congress would legislate policies recommended by the Administration to better manage cash in DoD’s Working Capital Funds. This would lower fiscal year 1999 outlays by $1.3 billion.

Second, Congress would agree to changes proposed by the Administration in two classified accounts in the Air Force budget that would lower 1999 outlays by $700 million.

Third, Congress would enact asset sales amounting to $370 million.

The Chairman of the Appropriations Committee assured me that taken together these actions help reduce the 1999 outlay shortage to manageable dimensions and help avoid the negative effect on readiness or modernization that was feared.

I strongly support this bill, and I urge its adoption. I want to compliment the Chairman of the Appropriations Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling issues in this year’s defense budget.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be printed in the Record.

There being no objection the table was ordered to be printed in the Record, as follows:

S. 2132, DEFENSE APPROPRIATIONS, 1999: SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 1999, in millions of dollars)

<table>
<thead>
<tr>
<th></th>
<th>Defense</th>
<th>Nondefense</th>
<th>Crime</th>
<th>Mandatory</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate-reported bill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget authority</td>
<td>250,298</td>
<td>27</td>
<td>202</td>
<td>250,518</td>
<td></td>
</tr>
<tr>
<td>Outlays</td>
<td>244,942</td>
<td>27</td>
<td>202</td>
<td>245,171</td>
<td></td>
</tr>
<tr>
<td>Senate 302(b) allocation:</td>
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<tr>
<td>Budget authority</td>
<td>250,290</td>
<td>27</td>
<td>202</td>
<td>250,519</td>
<td></td>
</tr>
<tr>
<td>Outlays</td>
<td>244,942</td>
<td>27</td>
<td>202</td>
<td>245,171</td>
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<tr>
<td>President’s request</td>
<td></td>
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</tr>
<tr>
<td>Budget authority</td>
<td>250,290</td>
<td>27</td>
<td>202</td>
<td>250,519</td>
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</tr>
<tr>
<td>Outlays</td>
<td>244,942</td>
<td>27</td>
<td>202</td>
<td>245,171</td>
<td></td>
</tr>
<tr>
<td>House-passed bill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget authority</td>
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<td>202</td>
<td>250,992</td>
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<td>242,692</td>
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<tr>
<td>Senate-reported bill</td>
<td></td>
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<tr>
<td>Outlays</td>
<td>250,289</td>
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<td>Senate-reported bill</td>
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<td>244,942</td>
<td>27</td>
<td>202</td>
<td>245,171</td>
<td></td>
</tr>
</tbody>
</table>

Mr. LEVIN. Mr. President, I have a number of problems with the amendment offered by the Senator from Texas that contains a series of findings, expresses the sense of Congress, and requires the President to submit a report relating to the readiness of the United States Armed Forces to execute the National Security Strategy.

I realize that the managers of the Defense Appropriations bill are up against a tight deadline to finish their bill and I want to cooperate with them. But, I do want to note for the record a few points. I believe a number of statements in the amendment are overdrawn and I believe that the sense of Congress section of the amendment, particularly subparagraph (B), improperly singles out the Bosnia operation and badly overstates its impact on the units participating in and supporting that operation.

Nevertheless, I believe that it would be useful to the Congress to receive a report from the President on the military readiness of the Armed Forces of the United States. Accordingly and despite the problems I have noted, I will not object to this amendment.

Mr. STEVENS. The Senator has indicated he is prepared to not object to this amendment. There being no objection to the sense-of-the-Senate amendment on Bosnia of the Senator from Texas, I ask it be laid before the Senate for action. Is it the pending business?

The PRESIDING OFFICER. The pending question.

Mr. STEVENS. I ask for the adoption of the sense-of-the-Senate amendment of the Senator from Texas.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3349) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator CAMPBELL be included as a cosponsor of amendment No. 3431 previously been adopted.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Stewart Holmes, a fellow on Senator COCHRAN’s staff, be granted the privilege of the floor during consideration of this defense appropriations bill.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator HUTCHISON of Texas be added as a cosponsor to the Gramm amendment No. 3463 on military voting rights.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 198

(Purpose: To add $8,200,000 for procurement of one kilometer, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air Force war reserve materials (PE 1998) by $8,200,000.)

Mr. STEVENS. Mr. President, I call up amendment No. 3394 offered by Senator SANTORUM.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3394.

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

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

The amendment is as follows:

On page 26, line 8, increase the amount by $8,200,000.

On page 10, line 6, reduce the first amount by $8,200,000.

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

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3394) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I seek recognition for the purpose of engaging the manager of the bill in a colloquy.

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

Mr. HOLLINGS. Thank you Mr. President. I rise to update the distinguished Chairman of the Appropriations Defense Subcommittee on the status of the CH-47 engine upgrade program, which the committee reduced by $27.3 million in its reported bill. The basis for the reduction was program delays.

The committee’s action has called Army leadership attention to the delays in getting the FY 1997 and 1998 funds on contract. This delay was due in part to disruptions from relocating the contracting office from St. Louis to Huntsville and in part to unsuccessful, protracted efforts to use commercial pricing practices on the contract.

I understand that the strong support from the CINC’s combined with the Committee’s recommendations made completion of these contracts a high priority. I am pleased to report that the FY97 kit production contract was signed July 1 and that the FY97 engine conversion contract and the FY 1998 kit production contract was signed as of July 29. Further, the full rate production contracts are scheduled to be signed early in fiscal year 1999.

Fortunately, production of the engine conversion kits has been under way on a letter contract since December 1997 with actual engine upgrades now underway and on schedule at the Greer, South Carolina plant to meet the initial delivery of upgraded engines in October 1998.

Mr. STEVENS. I thank my good friend from South Carolina for the update on action since the committee markup. The committee recommendations were not meant to be pejorative but reflective of what was likely to be a fact of life delay in the program.

Mr. STEVENS. I thank my good friend from South Carolina for the update on action since the committee markup. The committee recommendations were not meant to be pejorative but reflective of what was likely to be a fact of life delay in the program.

The amendment (No. 3394) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3394) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I seek recognition for the purpose of engaging the manager of the bill in a colloquy.

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

Mr. HOLLINGS. Thank you Mr. President. I rise to update the distinguished Chairman of the Appropriations Defense Subcommittee on the status of the CH-47 engine upgrade program, which the committee reduced by $27.3 million in its reported bill. The basis for the reduction was program delays.

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I understand that the strong support from the CINC’s combined with the
of these programs. However, these programs have to be pursued with an eye toward fiscal soundness and effective coordination with similar systems defense-wide. I see the distinguished chairman of the Appropriations Committee on the floor and I hope that he will take up and I, for my part, have raised into consideration as he proceeds to conference with the House of Representatives.

Mr. STEVENS. Mr. President, I thank my colleague from Ohio for raising these issues with respect to the FIRST program. I have listened closely to his remarks, and he certainly has offered food for thought. I will take his comments into consideration as we move to conference, and look forward to working with him and others interested in this issue to find an appropriate solution.

Mr. DeWINE. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his remarks and look forward to working with him as well.

PULSED FAST NEUTRON ANALYSIS (PFNA) CARGO INSPECTION SYSTEMS (CIS) OPERATIONAL FIELD DEMONSTRATION

Mr. FAIRCLOTH. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Committee in a colloquy regarding the Senate’s action on the Pulsed Fast Neutron Analysis (PFNA) program. On behalf of the many Senators on both sides of the aisle who support this initiative, I wish to thank you for agreeing to include an amendment to an amendment to the FY 1999 DoD Appropriations bill that directs the Department of Defense (DoD) to immediately obligate all of the funds which Congress has mandated be used for a fair, and rigorous operational field demonstration of the PFNA system at a major U.S. border crossing or at a major U.S. port of entry.

Mr. STEVENS. The committee has previously supported the PFNA project by adding funds to permit this new technology to be developed and tested. Like you, I am dismayed that the Department has failed to make available to PFNA the $3 million appropriated by Congress in FY 1998 and so far has demonstrated an unwillingness to carry out the PFNA test program according to congressional intent. It is the clear expectation of this Senator, and the Committee as a whole, that the Department will place no further obstacles in the path of a meaningful PFNA field test program.

Mr. FAIRCLOTH. I thank the Senator from Alaska. Furthermore, I believe that the Defense Department should take whatever steps are necessary to transfer full administrative and operational responsibility for the PFNA program to the Office of National Drug Control Policy (ONDCP). It is my understanding that General Barry Gaffey, Director of ONDCP, is willing to serve as the Executive Agent for the program next year and then assume full management control as long as the funds already appropriated by Congress are used to complete the activities planned under the FY 98 program. I expect that the Secretary of Defense and the Director of ONDCP will work together to ensure this transfer of authority and funding is carried out as expeditiously as possible.

Mr. STEVENS. I thank my colleague. I agree with his understanding of the situation and the Committee expects DoD to proceed with fulfillment of the fiscal year 1998 funds and with the transfer of future program responsibility to ONDCP.

Mr. FAIRCLOTH. In the light of the recent terrorist attacks on U.S. soil, our Nation’s growing problem with drug smuggling and even the proliferation for weapons of mass destruction, it would be a tragedy if we did not take full advantage of the best technologies available to meet these threats. PFNA has enjoyed extraordinary success in laboratory environments detecting the presence of contraband in sealed containers well over 90 percent of the time and with false alarm rates near zero. No other technology, including X-ray, can come close to this level of detection.

Mr. STEVENS. I am aware of these results and believe that the U.S. Customs Service is one government agency which should seriously consider deploying PFNA should the field test program yield positive results. The committee hopes that Customs Service will work closely with ONDCP to provide whatever assistance is necessary to ensure a complete and honest evaluation of the technology.

Mr. FAIRCLOTH. This would include space at a port of entry or border crossing where a test might be conducted. Once this is done, I hope that ONDCP and the Customs Service will provide the committee with a recommendation on the possible future acquisition, deployment, and support of neutron interrogation systems, including PFNA, at land border crossings and ports of entry around the nation. I believe a useful assessment would provide: (1) a range of deployment options for the PFNA system; (2) a cost comparison between PFNA deployment options; and (3) an evaluation of how the employment of new and existing contraband detection technologies would be designed to meet changing threats to U.S. security.

I will consult with my colleague from Alaska and with the chairman of the Senate Treasury, Postal Appropriations Subcommittee, on what resources might be available through that subcommittee to support a continuation of the PFNA test program and the possible procurement of multiple systems in future years.

Mr. STEVENS. I thank my colleague from North Carolina for his thorough and careful review of this matter.

Ms. MIKULSKI. Mr. President, I would like to engage the chairman and ranking member of the Defense Appropriations Subcommittee in a colloquy. The Department of Defense appropriations bill provides funds for a Navy ship disposal pilot program. I would like to clarify the Senate’s intent in creating this pilot program, and I support the Navy’s goal of disposing of these ships efficiently. However, by considering only short-term costs, the Navy has ignored the long term costs of worker death and injury and environmental degradation.

For example, during the scrapping of the Coral Sea in Baltimore, there were many worker injuries and fires. We don’t yet know the environmental damage caused by improper disposal of asbestos. The ship is still in the Baltimore harbor, and it will now cost millions of dollars for the Navy to dispose of the ship properly. American taxpayers would have saved a lot if we had disposed of the ship correctly the first time.

To prevent these problems, does the distinguished ranking member agree that it is the Senate’s intent to encourage the Secretary of the Navy to give significant weight to the technical qualifications and past performance of the contractor in complying with federal, state and local laws and regulations for environmental and worker protection?

In addition, do you agree that in making a best value determination in granting contracts, the Secretary should give a greater weight to technical and performance-related factors than to cost and price-related factors?

Mr. INOUYE. I agree that the Navy must give more consideration to ensuring worker and environmental safety to prevent the problems we have had in the past.

Ms. MIKULSKI. I thank the Senator. In addition, does the distinguished chairman agree with me that this pilot program will help the Navy to develop safer, more efficient methods of disposing of unneeded vessels—and that this pilot program should not be delayed?

Mr. STEVENS. I agree that this pilot program is in the best interest of the Navy and is not contingent on any other legislative action.

Ms. MIKULSKI. I thank the chairman and ranking member for their courtesy and assistance in this important matter.

Ms. MIKULSKI. I rise today to discuss the Department of Defense’s Supplemental Impact Aid Program. As chairwoman of the Military Personnel Subcommittee of the authorization committee, I included $85 million in the FY99 Defense Authorization bill for this important program.

As many of my colleagues already know, supplemental Impact Aid funding is focused specifically on school districts that are heavily impacted by large numbers of military-connected students or the effects of base realignment and closures. The DoD funds are in addition to funds appropriated to
the Department of Education for all federally impacted schools. The $35 million included in the FY99 Defense Authorization bill will be used to ensure that military impacted schools can maintain the same standards as other, non-impacted, school districts. Without these funds, these districts, quite frankly, would be hard pressed to provide adequate educational opportunities.

Mr. President, I know many of my colleagues believe that education is, and should remain, a local and state issue. I wholeheartedly agree. If there is any role for the Federal Government in funding education, however, impact aid is it. Without a Federal presence, these impacted districts would be able to provide for a quality education for their students. Because of the military presence in the districts we are discussing today, however, educational resources are severely strained. We owe it to the families of the men and women who proudly serve our country, and the families who live near an installation, to provide adequate resources to offset the military presence.

Originally, it was my intention to offer an amendment today that, if passed, would have set aside $35 million in this appropriation bill for DoD supplemental impact aid. After consultation with Chairman STEVENS, I will not offer the amendment. Instead, Chairman STEVENS has assured me this matter will be addressed at conference. I would like to ask the distinguished Chairman, if it is still his intention to do so?

Mr. STEVENS. Mr. President, the House passed FY99 Defense Appropriations bill contains $35 million for impact aid for school districts impacted by excessive students from nearby defense installations. I would like to assure my friend, the Senator from Idaho, that it is my intention to give fair consideration to the House position regarding funding for impact aid during the conference to see if we can include these funds in the final conference report without negatively impacting the important operations and maintenance accounts of the Department of Defense.

Mr. KEMPThORNE. Mr. President, I thank my friend from Alaska, the distinguished chairman of the Appropriations Committee, for his consideration of this program, which is important to the good citizens of Alaska. In addition, this program is equally important to the people of Mountain Home, Idaho, home of the 386th Composite Wing.

Ms. MOSELEY-BRAUN. Mr. President, I rise today to engage in a short colloquy with the distinguished Chairman of the Appropriations Committee, the senior Senator from Alaska, Senator STEVENS.

As I understand it, the committee included $5 million in the Research, development, Test, and Evaluation Navy account of your Fiscal Year 1999 Department of Defense Appropriations bill to continue funding of the Advanced Materials Intelligent Processing Center in Evanston, Illinois. I want to confirm that the intent of the committee was to provide this additional $5 million to continue the activities of the Center in affiliation with the Naval Air Warfare Center in Lexington Park, Maryland, as well as other industrial and governmental partners. This continuation funding will allow the Center first to complete a state-of-the-art corrosion testing and monitoring system with all required equipment functionality, monitoring, and intelligent supervisory control, and then to transfer it to the Center's industrial and governmental partners for prove out in a production environment.

Mr. STEVENS. I thank the distinguished Senator from Alaska for his interest in this matter, and for his leadership with Senator INOUYE of the Committee. I would also like to say to my colleagues that I am confident the work of this Center can help reduce the cost of our defense systems through the use of faster, cheaper, and better means of processing composite materials for military hardware. These improvements will provide substantial dividends to the American people.

Mr. MACK. Mr. President, I would like to take a moment to thank the managers of this bill, Senator STEVENS and Senator INOUYE, for the fine job they have done on this important legislation. It has been my great pleasure to work with the Managers as a member of the Defense Subcommittee, and they did a masterful job of balancing many competing needs and interests in this bill.

Mr. President, I would like to call the Chairman's attention to one key provision in the committee report. In the Defense-Wide Research, Development, Test, and Evaluation section, the committee has included report language regarding the importance of anti-corrosion technologies to the Department of Defense. As the report says, "New anti-corrosion technologies are needed to prevent corrosion, reduce corrosion-related costs, and extend the life of aircraft in a manner compatible with environmental concerns."

North Dakota State University has a long history of excellence and nationally-recognized expertise in polymers and coatings, and has received significant competitively-awarded funding to investigate new methods of fighting corrosion. Last year DoD awarded a $2 million competitive grant to North Dakota State University for this purpose. Mr. President, given NDSU's expertise in this area and DoD's experience working with NDSU, does the Chairman believe NDSU would be well-qualified to compete for this work?

Mr. STEVENS. Mr. President, I appreciate Senator DORGAN's comments. The Air Force in particular is confronted with severe coatings problems in maintenance of its aging aircraft fleet. To protect the country's investment in these aircraft, it is important that the committee provide for increased research on anti-corrosive coatings. I agree with the Senator that NDSU would be a solid candidate for these anti-corrosion research funds.

Mr. MACK. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Committee in a colloquy regarding threat emitters used to support electronic combat training by the Air Force Special Operations Command and as well as testing by the Air Force and other services. These emitters replicate the surface-to-air missile threats and jammers which our combat aircrews must be prepared to execute a real mission—a mission which would take them into harm's way. It is essential that these systems be available to train our first to fight, the special operations forces.

Mr. GRAHAM. Mr. President, I would like to agree and emphasize the remarks of my colleague. Unfortunately, there has been a debate over the status of these emitters which are presently at Eglin Air Force Base. Some believe the Base Closure and Realignment process may lead to the permanent inactivation of these emitters. However, the BRAC also insisted that training requirements must be met. I believe these...
emitters should remain at Eglin to meet the warfighters training requirements until we can resolve this dispute. I believe this would be consistent with the BRAC direction.

Mr. MACK. Mr. President, my colleagues and I cannot let ambiguitiy about words hinder the training and readiness of our forces. These emitters should be supported at Eglin until we can resolve these issues. I would ask the distinguished chairman of the Defense Appropriations Committee if he can assist us by working on this issue in the appropriations conference if we can find a solution. We will work with the Department of Defense as well as the defense authorizing committees to find a solution which can be accommodated in the defense appropriations conference.

Mr. STEEVES. I agree with my colleague from Florida. I have followed this difficult issue for some time. I firmly believe there is a need for adequate training. And I believe that training can best be conducted in varying environments, including the terrain and surrounds of Eglin Air Force Base. I assure my colleagues from Florida that I will do my best to work this issue with my House counterparts during conference.

PROJECT AT ELLSWORTH AIR FORCE BASE

Mr. JOHNSON. Mr. President, my colleague from South Dakota, Senator Daschle, and I would like to engage the distinguished Chairman of the Appropriations Committee, Senator Stevens, and the distinguished Ranking Member of the Subcommittee on Defense, Senator Inouye, in a colloquy regarding a housing project at Ellsworth Air Force Base.

Mr. STEEVES. Mr. President, Senator Inouye and I are aware of these severe problems.

Mr. DASCHLE. Mr. President, it is my understanding that the Air Force and HBC agreed to enter into an alternative dispute resolution in an attempt to resolve the construction and liability issues associated with the defective housing in the Centennial Housing Project at Ellsworth.

Mr. JOHNSON. Mr. President, the Senate is correct. The two parties have met with a mediator appointed by the Justice Department and have had several subsequent meetings to consider a possible settlement. I have been told that the next meeting between the Air Force and HBC will be next week. Although some progress has been made, it is critically important that the negotiations between the Air Force and HBC are timely, workable and yield a resolution that guarantees the expeditious repair of the housing units and the return of military personnel to the homes. While it is my understanding that the Department of Justice will continue to monitor this matter for some time and is considering litigation against HBC if no resolution can be found through the mediation process, I am hopeful that action by the Department of Justice can be avoided.

Mr. DASCHLE. Mr. President, I agree with the comments made by Senator Johnson. I, too, am hopeful that the mediation process will soon yield an agreement. Necessary repairs to these homes cannot be delayed any longer. I would also like to inform the Chairman and Ranking Member that we brought this situation to the attention of the Senate Armed Services Committee earlier this year.

Mr. JOHNSON. Mr. President, I appreciate this update on the situation at Ellsworth Air Force Base regarding the Centennial Housing Project.

Mr. JOHNSON. Mr. President, I want to thank both the distinguished Ranking Member, Senator Inouye, and the distinguished Senator Stevens, for your willingness to help Senator Daschle and me monitor this situation, which is of critical importance to the quality of life at Ellsworth Air Force Base. We will keep you apprised of progress as we move through the negotiating process.

Mr. DASCHLE. Mr. President, I would also like to thank Senator Stevens and Senator Inouye for their assistance. This matter is extremely important to the Senator Johnson and the military family housing complex, at Ellsworth Air Force Base. Senator Inouye, Mr. President, I thank Senator Daschle. I share the concern expressed by the two Senators from South Dakota that taxpayers are not getting their money's worth out of the Centennial Housing Project. You can be assured that I will assist you in your efforts to find a timely solution to this matter that will result in the repair of these housing units and the return of military personnel to the homes.

ENCOURAGING GREATER USE OF DISTANCE LEARNING BY THE DEPARTMENT OF DEFENSE

Mr. CLELAND. Mr. President, I rise today to offer my support for the many distance learning programs contained in the Defense Appropriations Act for Fiscal Year 1999. Senators Inouye and Stevens have done an outstanding job in encouraging the Department of Defense to take full advantage of the opportunities provided by great advances in telecommunications technology, particularly with respect to distance learning.

This bill contains funding for distance learning programs for the Marine Corps and a new initiative for the Army National Guard. In particular, the National Guard initiative would create a distance learning network to reduce the cost of training soldiers, enhance readiness and furthering community support. The Senate Committee on Defense has demonstrated its support for these and a number of other initiatives underway.

Mr. STEEVES. I thank the Senator from Georgia for his comments. The Senate Committee on Armed Services supports these initiatives. Would the Senator from Hawaii agree?

Mr. INOUYE. That is correct. We have attempted to encourage such initiatives wherever we could, and wherever such initiatives made sense.

Mr. CLELAND. As the Ranking Member of the Personnel Subcommittee of the Senate Armed Services Committee, I believe I can report that our Subcommittee is also very supportive of distance learning initiatives. We are keenly aware of the advantages of distance learning. As you know, Mr. President, many of our military personnel are expected to be available for deployment at a moments notice. Others are deployed around the world where they do not have ready access to educational opportunities. Rapid developments in technology have enabled them to continue in their educational development, even while deployed. The ability to continue one's educational pursuits is a quality of life issue that is not necessarily always at the top of a soldier's list. However, many military personnel are only able to pursue higher education by leaving the military. I believe the maintenance of a viable distance learning program for higher education could be a useful retention mechanism to keep highly motivated individuals in the service.

Mr. STEEVES. If the Senator would yield, the Senator raises an interesting point. I would be interested in learning more of some of the types of initiatives that are underway that may prove useful in retaining personnel in the military.
Mr. CLELAND. I thank the Senator. I am particularly proud of one such program which is managed by the Georgia College and State University. The Distance Education Unit and the Department of Government there were recently contracted by the Navy to provide two graduate courses aboard the USS Carl Vinson which is deployed in the Pacific Ocean. The courses use two-way video and audio which links educators at the school with students on board the Carl Vinson. We all knew that aircraft carriers were small cities, but this Senator was pleasantly surprised to see that sailors could take graduate level courses while at sea.

Mr. INOUYE. I am aware of the Carl Vinson project. It is certainly a promising concept, but are we providing any educational opportunities for service personnel nearing retirement or leaving the military due to the draw down of the military?

Mr. CLELAND. That is a very good question. I am told that more than 50 percent of military personnel reentering civilian life either change or lose their jobs in the first year after leaving the military. Given this, I sincerely believe we should consider providing opportunities for job training and placement for active-duty service members nearing separation or retirement from service without regard to their duty locations.

Clayton College and State University has developed a program that could serve as a worthwhile demonstration project to demonstrate how technology can be utilized to provide pre-separation training for civilian jobs to military personnel. The program would provide training via the Internet and other technology to active-duty personnel at their duty locations for specific, existing job opportunities which would be available upon their separation from the military. The program would then link these personnel to these specific jobs ensuring that when the leave the military, employment is available.

I am not immediately aware of any initiatives underway that would offer similar opportunities. It is my view that we should encourage the Department of Defense to explore such initiatives, perhaps in conjunction with the Department of Veterans Affairs.

Mr. INOUYE. I agree with the Senator from Georgia. He makes a good point, and I hope the Department of Defense will take a look at such initiatives in the future.

Mr. STEVENS. I thank Senator CLELAND for his remarks. He is a good friend of America’s men and women in uniform.

Mr. CLELAND. I thank my colleagues for their leadership and for allowing me to speak on this matter.

Mr. FEINGOLD. Mr. President, I rise to voice my opposition to the fiscal year 1999 Department of Defense appropriations bill.

Once again, we have loaded up this bill with unnecessary, extravagant, and flat-out wasteful items. In a time when we are cutting programs and fighting for a true balanced budget, we cannot afford to insulate any department from scrutiny as we seek to reduce the Federal debt. Unfortunately, the DoD budget remains immune to any and all attempts at the cutting.

Mr. President, I offered an amendment to this bill that aimed to invest fully in the best bargain in the Defense Department. According to a National Guard study, the average cost to train and equip active duty soldier is $73,000 per year, while it costs $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining Active Army units.

It failed, however, but that should not come as a surprise. DoD and a complicit Congress have never been known as a frugal or practical when it comes to defense spending. From $436 million to $40 billion to $2 billion bombers that don’t work and the department doesn’t seem to want to use, we have a storied history of wasting our tax dollars. I presented an opportunity to spend defense dollars on something worthwhile, but the lobby for the wasteful and unnecessary Super Hornet prevailed.

Speaking of which, the bill appropriates $2.9 billion for the procurement of 30 Navy F/A-18E/F Super Hornets.

The current Hornet program has been proven reliable and cost-effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers marginal benefits over a reliable fighter?

This bill also contradicts the House’s overwhelming recommendation on Super Hornet procurement. Twice, once in their authorization bill and again in their appropriated bill, the House, by margins of nearly 300 members, voted to procure 27 Super Hornets in fiscal year 1999.

The House correctly notes that the Navy asks for an inexplicable procurement increase from fiscal year 1998; that the Navy’s low rate initial production schedule is not consistent with its procurement objective of 548 aircraft; and that the wing drop problem has not been resolved.

Mr. President, it seems we have thrown reality out the window when it comes to this plane. Judging by the Super Hornet’s past performance, I’m sure we’ll be hearing more about it soon.

Finally, Mr. President, authors of the bill have again loaded it up with projects and hundreds of millions of dollars the Pentagon didn’t even ask for. Just to give my colleagues a taste of these extravagant morsels, the bill adds: $78.5 million for 8 additional UH-60 helicopters; $30.0 million for JAVELIN missiles; $3 million for Marine Corps procurement priorities; $50 million for advance procurement of the LHD–8 amphibious ship, which is a program DoD didn’t even want to fund next year; $65.7 million for Humvee vehicles; $90 million for C-135 aircraft; and $40 million for F-15 Eagles.

Further, there is $1.8 billion in additional funds for the deployment of U.S. troops in Bosnia that are designated as ‘emergency’ funds. The Bosnia mission is no longer an emergency. It is a long-term commitment for the United States military, and we should pay for it on budget.

Mr. President, this is shameful. We have a duty to act responsibly with our constituents tax dollars. Instead of looking after our constituents, we continue to pick their pockets.

We have to make smart choices. Mr. President. A truly balanced federal budget is in sight for the first time in three decades. But we are not going to be able to maintain a balanced budget, let alone start bringing down the federal debt, so long as Congress continue to commit to programs and force structures that are so blatantly unaffordable. We must continue to fight for further spending reductions until we achieve the most effective and cost efficient military which serves our national security needs.

I thank the Chair and I yield the floor.

PROSTATE CANCER RESEARCH

Ms. MIKULSKI. Mr. President, I rise today to support the Department of Defense’s research program. I know that this program has no greater champion than the distinguished Chairman of the Appropriations Committee, Senator STEVENS.

Throughout my time in Congress, I have fought for women’s health initiatives. Women’s health is one of my highest priorities and it always will be. However, I also strongly support efforts to improve the health of men. One such effort that I believe deserves our attention is prostate cancer research.

In my home state of Maryland alone, 3,500 men receive the ominous diagnosis of prostate cancer each year. Nationally, the number soars to over 200,000. Even more frightening, 42,000 American men lose their lives to this ruthless killer annually. This means that every 15 minutes, 1 man somewhere in our country dies from prostate cancer, and during the same time span, 5 more men are newly diagnosed with the disease.

I am very pleased that the frequency of prostate cancer screening has increased over the past five years. These efforts have led to an overall decrease in the prostate cancer death rate. The importance of early detection through regular screening cannot be overstated. When prostate cancer is detected early, survival rates are over 90%. But, when detected late, prostate cancer kills 70% of its victims. The increased emphasis on the use of current screening technology is certainly in the right direction. However, we can, and must, do better for the men of our country. How? Through improvement...
of diagnostic screening and imaging technology, we can make detection of prostate cancer easier and more efficient. We’ve done it before—mammograms have made screening for breast cancer a much more reliable process. We must do the same for prostate cancer.

Last year, Congress provided $40 million to the Department of Defense for prostate cancer research. Overall, $130 million in government-funded prostate cancer research was performed, compared with $650 million for breast cancer. Of course, we all recognize the importance of fighting breast cancer. It is a major threat to the women of our nation and the fight to find new and better prevention methods must continue. I think it is time we started fighting prostate cancer with the same tenacity.

In this year’s Defense Appropriations bill we have provided $40 million for prostate cancer research. In addition to funding the Department of Defense’s prostate cancer research, we have provided funding to the Walter Reed Army Medical Center for research on prostate cancer diagnostic imaging. This research is extremely important, as it could pave the way for more accurate, faster, and more reliable screening and diagnosis.

One in every ten American men will develop prostate cancer at some point during his life. We need to target sufficient resources for research into the causes, treatment and cure of prostate cancer.

I hope that when the Defense Appropriations bill is in Conference, we will increase funding for prostate cancer research. Increased funding is necessary to give our scientists and researchers the tools they need to combat this deadly disease.

We are blessed with great medical scientists who are scattered across our country at universities, medical schools and government research agencies. They are an incredible resource. I believe that we owe it to ourselves, to our children, and to the American people to ensure that these great men and women have the support they need to continue their efforts to bring the people of our nation a better, healthier tomorrow.

DOD IMPACT AID

Mr. DORGAN. Mr. President, I would like to take a moment to express my concern about the lack of funding within the Department of Defense for the Appropriations bill for fiscal year 1999 for schools that have been heavily impacted by their proximity to military installations.

Fortunately, the House bill does include $15 million for this purpose, and I want to put my colleagues on notice that I will be working through my position on the House-Senate conference committee to see that this funding is preserved.

This extra assistance is needed by schools on or near our military bases because their tax base is eroded by the large amount of federal land taken off the tax rolls. In addition, military personnel often are not required to pay local taxes, which support the schools, even if they have children enrolled in those schools. The DOD funding would be aimed at those schools most in need of the extra funds. In the current fiscal year, the student population is made up of at least 20 percent military children.

This funding is sufficiently important to the quality of life of military personnel and their families that both the House and Senate fiscal year 1999 Defense Authorization bills authorize $35 million for this purpose. It is my strong hope that the Congress will see fit to include this funding in the final version of the Defense Appropriations bill.

Mr. HARKIN. Mr. President, during the deliberations over the fiscal year 1999 Defense Authorization bill, I offered an amendment to increase spending for our nation’s veterans medical needs. The amendment, offered on June 25th and numbered as 2962 would have allowed the transfer of $329 million from the defense budget to support the VA medical budget. The amendment would have transferred funds so as to avoid the harmlessness of the Armed Forces and the quality of life of military personnel and their families.

The amendment’s description was incomplete as to the listing of cosponsors and I would like to correct the record. This time with Senator WELLSTONE of Minnesota, Senator BINGAMAN of New Mexico, also a long-time champion of veterans, should have been included as a cosponsor.

Although the amendment did not receive the support of a majority of my colleagues, I appreciate the cosponsorship by Senator BINGAMAN and Senator WELLSTONE. I also appreciate the support of the 35 other Senators who voted in favor of increasing VA medical funding.

Mr. STEVENS. Mr. President, I tell the Senate, there are now three amendments that are not disposed of, to my knowledge: the Graham amendment on space and two Harkin amendments. I call on those Senators to ask what they intend to do.

Mr. HARKIN. One amendment; I have one amendment.

Mr. STEVENS. Mr. President, I will be happy to eliminate one of the two.

Mr. President, again, I call on the Senators involved to inform us if they are going to proceed with the amendment.

Mr. President, it is my understanding that the Senator from Florida is going to make a motion concerning the space amendment. I ask someone to inquire about that amendment.

May I inquire of the Senator from Iowa, does he intend to proceed with his amendment.

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

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

ADAK NAVAL FACILITY AT ADAK, ALASKA

Mr. MURkowski. Mr. President, as the chairman of the Appropriations Committee, we know that we have been working for some time with the Natives of the Aleut Corporation, the Navy and the Department of the Interior on an effective plan for the reuse of Adak Naval Base, and I thank the Chairman for the inclusion of funding to help resolve remaining environmental problems with the facilities at Adak.

The Aleut Corporation, one of Alaska’s 12 Native regional corporations, is the only entity that has expressed an interest in assuming the closed base, and has proposed a land exchange involving the Navy and the Department of the Interior. The Senate Energy committee, as you know, is considering and has held a hearing on S. 1488, which would authorize an exchange of properties that would promote the reuse of Adak and improve the Aleutian refuge through incorporation of Aleut Corporation holdings. This legislation is designed to ratify an agreement that will very shortly be executed by the Aleut Corporation and the Departments of the Navy and the Interior.

Mr. STEVENS. I am familiar with that legislation and fully support its adoption. In closing out its operations and responsibilities on Adak I understand the Navy wishes to transfer from Navy ownership as much as the base as possible; this includes both facilities that have foreseeable reuse and those that do not. Many of the moth-balled buildings on Adak were constructed before restrictions were imposed on the use of asbestos and lead paint. The environmental conditions at Adak, to which anyone who has visited there can attest, take a hard and quick toll on buildings and other facilities, especially those that are unused and not maintained. The Committee has included $15 million to resolve potential environmental hazards at operating facilities. This funding will help to protect those who move to Adak to participate in its economic revitalization.

Mr. MURkowski. With the expectation that all the parties to the Adak exchange will sign an agreement within the next few weeks, I hope that the Conference Committee on S. 2312 would consider the inclusion of the language ratifying the agreement.

Mr. STEVENS. If all parties to the exchange are supportive, I would be open to the possibility of having the Conference consider that language.

Mr. MURkowski. I thank the chairman, the distinguished senior Senator from Alaska.

NATIONAL ADVANCED TELECOMMUNICATIONS AND APPLICATIONS CENTER

Mr. FAIRCLOTH. Mr. President, I would like to enter into a colloquy
with the distinguished chairman of the Defense Appropriations Subcommittee. I was disappointed that the Defense Appropriations Subcommittee did not include funding for the National Advanced Telecommunications and Applications Center in the Research Triangle Park in North Carolina. I ask the chairman whether this is an indication that the subcommittee disapproves spending for this project or if it is merely because sufficient funds were unavailable.

Mr. STEVENS. The Senator from North Carolina will be pleased to know that the subcommittee believes that this project is very worthy, but we did not directly provide funding in FY 1999.

Mr. FAIRCLOTH. Therefore, may I assume that the chairman would support a reprogramming request from any branch of the Department of Defense if that branch found that unavoidable delays in its other programs made funding available for the NATAC?

Mr. STEVENS. The Senator is correct.

Mr. FAIRCLOTH. I thank the chairman. Mr. President, I yield the floor.

Mr. STEVENS. 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. STEVENS. 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. STEVENS. I understand the Senator from Iowa will ask to be recognized, and I urge Members of the Senate to stay around. In my opinion, we might not get my expectations, right?

Mr. President, I yield the floor.

Mr. BREAUX. The amendment is as follows:

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. SENSE OF THE SENATE REGARDING PAYROLL TAX BURDEN.

(a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contributions Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 15.3 percent tax burden on the wages and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used for the medicare benefits of current beneficiaries.

(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at $86,000. Therefore, the lower a family’s income, the more they pay in payroll tax as a percentage of income. The Congressional Budget Office has estimated that for those families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

(4) In 1996, the median household income was $35,492, and a family earning that amount and taking standard deductions and exemptions paid $2,719 in Federal income tax, but lost $5,430 in income to the payroll tax.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(6) Since 1983, the payroll tax has been higher than necessary to pay current benefits.

(7) Since most of the payroll tax receipts are deposited in the social security trust funds, which mask the real amount of Government borrowing, those whom the payroll tax hits hardest, working families, have shouldered a disproportionate share of the Federal budget deficit reduction and, therefore, a disproportionate share of the creation of the Federal budget surplus.

(8) Over the next 10 years the Federal Government will generate a budget surplus of $1,550,000,000,000, and all but $32,000,000,000 of that surplus will be generated by excess payroll taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) if Congress decides to provide tax relief, reducing the burden of payroll taxes should be a top priority; and

(2) Congress and the President should work to reduce this payroll tax burden on American families.

Mr. KERREY. I am delighted to be joined by Senators MOYNIHAN and BREAUX in offering this important Sense of the Senate on reducing the payroll tax burden. This Sense of the Senate is simple: the payroll tax is the biggest, most regressive tax that working families in this country face. According to the CBO, 80 percent of American families pay more in payroll taxes than in income taxes. Here’s what that means. The average household income in 1996 was $35,492. That family, taking the standard deductions and exemptions, paid $2,719 in Federal income tax. But they paid a whopping $5,430 in payroll taxes—double what they paid in income taxes! What this Sense of the Senate says is that if we talk about relieving the tax burden on American families, we ought to look first at the payroll tax burden. After all, of the over $1.5 trillion surplus we expect to generate over the next ten years, all but $32 billion is being generated through payroll taxes. If anyone is going to get tax relief in this country, it ought to be the working people responsible for that surplus. I urge my colleagues to support this Sense of the Senate.

Mr. MOYNIHAN. Mr. President, my colleague Senator KERREY, with whom I have had the pleasure of drafting the Sense of the Senate resolution, has it exactly right. The payroll tax is regressive. The statistic he quoted bears repeating. Among families that pay payroll taxes 80 percent pay more in payroll taxes than in income taxes.

If—and I say if—we are going to have a tax cut look no further than the payroll tax. Albert Hunt, writing in today’s Wall Street Journal, agrees, noting that for most families it is “the most generous levy.”

Even excluding interest income, the Social Security Trust Funds will generate $698 billion of surpluses over the next 10 years. That is just about enough to finance the 2 percentage point reduction in payroll taxes that Senator KERREY and I have proposed in our comprehensive Social Security rescue plan.

In contrast, the operating budget will only have a $32 billion surplus over the next 10 years—and no significant surplus until 2006.

Finally, maybe we shouldn’t be considering any tax cuts. Those surpluses can easily evaporate, even in the absence of a recession. Growth of one percent for the next two or three years—rather than the 2 percent projected by CBO—just about wipes out surpluses for the next several years.

Mr. BREAUX. Mr. President, I am pleased to be an original co-sponsor of the Sense of the Senate offered by Senator KERREY and I have proposed tonight by unanimous consent regarding payroll tax relief.

We keep hearing the good news about surpluses but of the $1.5 trillion surplus over the next decade, all but $32 billion comes from the social security trust fund—from payroll taxes paid by working Americans on their wages—taxes that American workers paid to insure the viability of their Social Security benefits.

Of families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes. The payroll tax is the most regressive tax in America, disproportionately burdening low income families. Remember that almost 50 percent of households in this country earn under $35,000 per year and most of this income is from wages which are subject to the payroll tax. Given these facts, the payroll tax cut is clearly the tax cut this Congress should be discussing.

And we should be discussing it along with the reforms necessary to fix Social Security for all Americans for all time. I know there are many Senators...
here who share my sentiments. I served with Senator GLENN on a bipartisan commission that thoroughly studied this issue and we have recommended a comprehensive reform package. Senator KERRY and Senator MOYNIHAN have been working on a bill. Others in this body are also working on social security reforms. I look forward to working with all of my colleagues in a bipartisan effort to not only reduce taxes but to shore up social security and create wealth for working Americans.

Mr. STEVENS. I ask for the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3478) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I state for the record, according to my understanding, the only amendment we have not disposed of that was listed on the two amendments and one amendment. The Senator from New Jersey, Senator HARKIN, is ready to discuss it.

Does any Senator have another amendment?

Mr. President—I repeat the request—does any Senator have another amendment?

Mr. FORD. 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. STEVENS. 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. STEVENS. Mr. President, it is my understanding the Senator from Iowa will speak in a minute. And no Senator has raised any amendment to be considered therefore, I ask unanimous consent that no more amendments be in order in this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that following the statement of the Senator from Iowa, we shall immediately go to third reading.

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

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the Senator from New Jersey also be recognized for 10 minutes prior to the vote.

Mr. HARKIN. 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. STEVENS. 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. HARKIN. 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. STEVENS. Mr. President, I have an amendment at the desk that basically would equalize the treatment that the Budget Committee gave to the defense side of the ledger, would equalize that with the nondefense side of the ledger.

Now, let me try to explain it as best I can. A couple of years ago in a situation involving Social Security here on the Senate floor, the Parliamentarian of the Senate ruled in a way that gave the chairman of the Budget Committee the authority to decide whether or not scoring would be done under the CBO estimates and rules or under OMB.

This year, using that authority, the chairman of the Budget Committee sent a letter to the chairman of the Appropriations Committee, Senator STEVENS. This letter, among other things, basically said—and I will quote from the letter:

Staff have also identified $2.0 billion in potential policy outlay scorekeeping adjustments. If the Administration’s own policy initiatives are legislated for the Defense Working Capital Funds (DWCF), I will exercise my authority to score the legislation recognizing the administration’s outlay estimates.

What that means, in “bureaucratese,” is that the chairman of the Budget Committee decided to use his authority to use the administration’s policy initiatives—read that to be OMB—to adjust the outlay figures for the Defense Appropriations Subcommittee.

What did that add up to? We looked at it and those adjustments added up to $2.2 billion—$2.2 billion under OMB.

Then the Budget Committee identified another $375 million in asset sales to come up with $2.9 billion additional for the Defense Appropriations Subcommittee.

But I am looking at the $2.2 billion. Forget about the other. The $2.2 billion came about because the chairman of the Budget Committee decided to use the administration’s own policy initiatives and use the administration’s outlay estimates from OMB. Mr. President, what that means is that the Budget Committee chairman has the authority because of a ruling by the Parliamentarian of this body that he can decide whether to use OMB or CBO estimates for outlay purposes.

I think it is appropriate to ask unanimous consent to have printed in the RECORD a copy of a letter from the chairman of the Senate Budget Committee, Senator DOMENICI, to Senator STEVENS, dated April 27, 1998.
Control Act, for the Department of Defense for fiscal year 1998, including supplemental, transfers, rescissions, and any other adjustments.

4. An analysis by CBO and the Administration, submitted as a part of their fiscal year 2000 Presidential budget presentations, of the outlays that are only appropriate for the fiscal year 1999 Department of Defense with: (a) the outlays and outlay rates originally estimated by CBO and the Administration for the fiscal year 1999 Department of Defense budget when that budget was originally presented to Congress, and (b) any revised outlays and outlay rates estimated for the fiscal year 1999 Department of Defense budget.

5. A timely explanation by DoD of (a) any policy initiatives in the fiscal year 2000 DoD budget that, in DoD's judgement, CBO did not recognize in the latter's scoring of the fiscal year 2000 DoD budget, (b) DoD's analysis of how such policy initiatives will affect outlays in fiscal year 2000 and subsequent years, and (c) how DoD intends to implement the policy initiatives.

Pursuant to your amendment we are also looking into the issue of non-defense outlays scoring and will report back to you shortly. I look forward to working with you on this year's DoD appropriation and on action to ensure we have the most accurate estimate possible for defense expenditures in future years.

With best regards,

Pete V. DOMENICI
Chairman.

Mr. HARKIN. Now, why am I taking the time here late at night to talk about this? Because we are about to go out on a break. We are going to go out for the month of August. In the first week of September when we come back the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, the largest of the nondefense appropriations subcommittees—and that is my colleague and my friend, Senator SPECTER from Pennsylvania—will be calling us together to mark up the Department of Defense. I am optimistic that in working with the distinguished chairman of the Budget Committee there are ways that we can resolve these differences on policy grounds. The Senator from Iowa and I have worked very closely for many years now, when the Senator from Iowa was chairman and I was ranking—in reverse. We will move ahead with our markup on Wednesday, September 1, the day after we get back. The chairman has agreed to have the markup on September 3 to bring this complex bill to the floor at an early date. I have taken the preliminary step in a very small meeting with Secretary Almala of Health and Human Services and Secretary Riley of Education and Secretary Herman of Labor, to try to ascertain their real priorities so that we can try to move this bill ahead and get it passed.

I think the Senator from Iowa is performing a real service in highlighting the necessity for similar scoring so we can have additional funds. I think we will get there. I thank my colleague for his yielding and for his cooperation this year and through the years.

Mr. HARKIN. Thank my chairman for his kind words. We have worked collaboratively. I could not ask for a better chairman, because Senator SPECTER. We have worked closely together. We have talked privately about this and, quite frankly, I believe we are going to be able to work this out. That is why I will, at the appropriate time, withdraw my amendment. I do believe we are going to be able to work this out with the chairman of the Budget Committee and with the chairman of the Labor-HHS appropriations subcommittee. I believe we will be able to work this out in a manner that will be, I hope, conducive to getting the money that we need immediately—just the basic requirements that we want for the National Institutes of Health, that we want for LIHEAP, and a lot of the other programs. If Mem-

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

Mr. HARKIN. I am delighted to yield to my friend the chairman.

Mr. SPECTER. An amendment on the sense-of-the-Senate resolution. It passed 99-0—I don't know who was missing, but it passed 99-0—a sense-of-the-Senate resolution that would raise NIH funding by $2 billion next year. That increase alone would require over $500 million in outlays. And I just said that our allocation puts us $300 million below a freeze.

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were made in the amounts of money available for the Defense appropriations bill. We will be very glad to show Senators precisely what we did. In fact, I am going to insert a statement into the RECORD—I won’t give it—showing that we made policy adjustments that permitted the changes in the expectation of expenditures, and then on top of that we allowed for the sale of assets that were a certainty, and we counted those sales in terms of receipts that could be spent in this bill. What I am going to say to Senator SPECTER, chairman of the committee—and I told him this already—is that the staff and I are going to work with them, and we intend to do everything in our power to adjust the numbers so that they get the benefit of any policy changes that are justifiably on the side of OMB’s different numbers. If that yields more money to spend, we are going to do that, and we are going to try our best. Let me repeat that we did not use OMB’s numbers; we used OMB policy adjustments in a very confused procurement account, and they convinced us that in the policy that they were going to adopt, there would be more than we expected—or less, whichever the case may be—that yields more money to spend.

I also want to say to the distinguished chairman, the ranking member of the Subcommittee on Labor, Health and Human Services, and Education that they chose last year to forward fund a lot of their accounts. I am not critical. What they did is, they said, on a number of accounts, we will not fund them for the whole year. We will fund them at the end of the year, thus, getting charged for only a small amount of money. Now, I can’t help it that the chickens have come home to roost. Let me repeat that we did not use OMB’s numbers; we used OMB policy adjustments in a very confused procurement account, and they convinced us that in the policy that they were going to adopt, there would be more than we expected—or less, whichever the case may be—that yields more money to spend.

So, Mr. President, let me just say to the Senate, the bill, which Senator SPECTER and Senator HARKIN are ranking member on, is the most difficult bill we have. And this Senator, in my responsibility to the Senate, will do everything I can to see that the numbers are accurate and that we maximize the amount of outlays. It is outlays they need; they don’t need any budget authority. I will do that as soon as practicable, and our staff and theirs will start working as soon as they want us to.

The amendment and its author do not accurately characterize what has been done respecting outlays for the National Defense budget function. There has been no arbitrary adjustment of CBO’s scoring of defense outlays as some characterize.

Instead, the following actions have been taken: The DoD Authorization bill contains legislation to reduce outlays in DoD’s Working Capital funds by $1.3 billion. The DoD Authorization bill also implements policies that would reduce outlays in two Air Force accounts in classified programs by $700 million. The DoD Appropriations bill we are debating today contains a new Pentagon Renovation Fund; there has been a scoring adjustment for this new fund to bring its outlays in line with typical military construction outlay rates, rather than the higher overall rates that CBO would otherwise attribute to this spending. This adjustment amounts to about $190 million.

That’s the totality of any outlay scoring adjustments in this appropriations bill. There are no other adjustments to CBO scoring. I believe it is important to realize that for the adjustments that have been made, in each case there is a specific legislative and policy provision that is key to the adjustment, and each legislative provision should have a material impact on outlays.

Mr. STEVENS, Mr. President, parliamentary inquiry. The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. The remaining speaker is the Senator from New Jersey, is that correct?

Mr. LAUTENBERG. Mr. President, I say to the distinguished chairman that I am going to be very brief, in view of what has just been said. I trust the chairman of the Budget Committee. There is some time available, is there not, Mr. President?

The PRESIDING OFFICER. Yes. Mr. LAUTENBERG. Very quickly, I am pleased to hear the assurances. First, I commend the Senator from Iowa for bringing this to our attention because we were both of the same mind. Even as I read the letter sent to Senator STEVENS and Senator THURMOND, to me, it looked like we were going to be put in a position where defense was going to be particularly well treated, and nondefense was going to be left out. But we have had an interesting colloquy here, a dialog, and I trust the chairman of the Budget Committee. I work with him all the time. I have great respect for him.

When he gives us an assurance that there will be no distinction, or no difference between the treatment given to defense and nondefense, I don’t have to go a lot further. We have heard it. We have heard it directly from the chairman. We have heard it in this public forum.

Mr. President, I yield the time I have in the interest of moving this along.

Mr. HARKIN. Mr. President, I have an amendment.

Mr. STEVENS. Mr. President, I say to the Senator, under the agreement the amendments, if they are not called up, just go away. We do not offer them all. But the Senator is at liberty to withdraw his amendment.

Mr. HARKIN. Was it called up?

Mr. STEVENS. It was not called up. Mr. HARKIN. That is fine.

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. Under the previous order, the Senate will now proceed to H.R. 4103, all after the enacting clause is stricken, the text of S. 2132, as amended, is inserted in lieu thereof.

The House bill is considered read a third time.

Mr. STEVENS addressed the Chair. The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that we stop there for just one moment for leaders to have a chance to talk about this bill just briefly.

I want to make a statement to the Senate. I often make mistakes. I have not made one as great as the one I made tonight when I interrupted the Senator from West Virginia. I had no intention of interrupting him. I know he intended to make his speech. I assured him that he would have the time to make the speech that he wished. We had entered into an agreement concerning a time limit on the amendment of the Senator from Illinois.

I deeply regret the misunderstanding that occurred. I know my good friend from West Virginia has a long and serious speech to make about the war powers and the amendment that was offered by the Senator from Illinois concerning the power of Congress to declare war.

I admire and respect him greatly, and I sincerely regret that incident.

Mr. LOTT addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will momentarily proceed to passage of the Department of Defense appropriations bill.

But I can’t let this moment escape when I first commending the chairman, Senator STEVENS, and his ranking member, Senator INOUYE, for the unbelievable speed in which they have been able to handle this appropriations bill and bring it to a close.

They are absolutely the best when it comes to knowing this legislation, and perhaps all legislation. I think they probably have set a record. But I think they did it in a way that was sensitive to all Senators’ needs. And it took a lot of cooperation on both sides of the aisle.

So I thank Senator STEVENS. He set an example for all of us to follow. And the better part of wisdom was for me to get out of the way and let him do his job. He did a great job. I thank him, and I know that all Senators extend their thanks to him, and congratulations.

Having said that, the Senate still must consider two additional items before I can announce the voting situation for the rest of the evening.

Those items are the Emergency Farm Financial Relief Act, and legislation coming from the House relative to H-
Resolved by the Senate (the House of Representatives concurring). That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Friday, July 31, 1998, Saturday, August 1, 1998, or Sunday, August 2, 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, August 31 or Tuesday, September 1, 1998, or until 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.

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

Executive Nominations Confirmed by the Senate July 30, 1998.

DEPARTMENT OF LABOR

RAYMOND L. BRAMBLE, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF LABOR.

UNITED STATES INTERNATIONAL TRADE COMMISSION


EXECUTIVE OFFICE OF THE PRESIDENT

DEBRA A. LIE, OF OKLAHOMA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

ROSE H. HEBBERD, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

CENTRAL INTELLIGENCE AGENCY

L. BRITT SNIDEL, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY.

FEDERAL ELECTION COMMISSION


UNITED STATES INFORMATION AGENCY

JONATHON H. SPALTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HUGH Q. PARMIER, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF DEFENSE

CAROLYN H. BERSAPT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

RUDY BUTLIE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

FATHER T. NEWMAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

CORPORATION FOR PUBLIC BROADCASTING


DEPARTMENT OF TRANSPORTATION

KELLEY S. CONNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

CORPORATION FOR PUBLIC BROADCASTING


IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES COAST GUARD, AND TO THE RANK INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

BRIEF ADJ. TIMOTHY W. JOSIAH, 0000.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

COL. GEORGE W. KEEFE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE AS CHIEF, NATIONAL GUARD BUREAU, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 10502:

MAJ. GEN. RUSSELL C. DAVIS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

COL. RICHARD S. COLT, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

COL. RICHARD S. COLT, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

COL. RICHARD S. COLT, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

COL. RICHARD S. COLT, 0000.
To be major general
BRIG. GEN. EDMUND C. ZYSK, 0000.

To be brigadier general
COL. WILLIAM J. DAVIS, 0000.
COL. JAMES P. COMBS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

REAR ADM. (LH) ANDERSON B. HOLDERBY, JR., 0000.
AS CHIEF OF CHAPLAINS AND FOR APPOINTMENT TO THE IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:
CPT. MICHAEL L. FINLEY, 0000.
CPT. GWILYM H. JENKINS, JR., 0000.
CPT. JAMES D. STEELE, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

REAR ADM. JAMES F. AMIRAUTO, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

REAR ADM. JOSEPH H. MOBYL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

REAR ADM. EDWARD MOORE, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

REAR ADM. JOHN W. CRAINKE, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

VICE ADM. HERBERT A. BROWN, JR., II, 0000.

IN THE AIR FORCE

IN THE ARMY

IN THE COAST GUARD

IN THE MARINE CORPS

IN THE NAVY

WITHDRAWAL
Executive message transmitted by the President to the Senate on July 30, 1998, withdrawing from further Senate consideration the following nomination:
AIR FORCE
DARYL L. JONES, OF FLORIDA, TO BE SECRETARY OF THE AIR FORCE, VICE SHEILA WIDNALL, RESIGNED, WHICH WAS SENT TO THE SENATE ON OCTOBER 22, 1997.
NATIONAL INDIAN GAMING COMMISSION
ENVIRONMENTAL PROTECTION AGENCY
CARDELL COOPER, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE ELLIOTT PEARSON, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 2, 1997.

LEGISLATIVE SESSION
The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, JULY 31, 1998
Mr. JEFFORDS. For the information of all Senators, when the Senate reconvenes on Friday, there will be a period of morning business, with Senators permitted to speak for up to 5 minutes each. The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM
Mr. JEFFORDS. For the information of all Senators, when the Senate reconvenes on Friday, there will be a period of morning business, with Senators permitted to speak for up to 5 minutes each. The Senate may also consider any executive or legislative items that may be cleared for action. The majority leader has announced there will be no rollcall votes during Friday’s session and would like to thank all Members for their cooperation this week and wishes them a restful and productive August break.
If there is no further business to come before the Senate, I now ask that
the Senate stand in adjournment under the previous order.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10 a.m., Friday, July 31, 1998.

Thereupon, the Senate, at 11:05 p.m., adjourned until Friday, July 31, 1998.