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 unflagging love so that we will be able to be free to love unselfishly. 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 SENATE 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 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. HAGEL. Mr. President, 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. ROBERTS. Mr. President, the Senate begins consideration today of the Department of 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 needs. The Senate attempts to complete action on the defense bill, but 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. THOMAS. 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. THOMAS. 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 Iaculli.

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 needs.
Fiscal year 1999 represents the first budget cycle under the 5 year bipartisan budget agreement—the amount requested by the President corresponds to the cap agreed to for Defense.

That results in a fundamentally different dynamic for balancing this bill compared to fiscal years 1996, 1997 and 1998.

For the previous three fiscal years, Congress and the White House were at odds over the total level of funding for Defense. The budget submitted by the Pentagon failed 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 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 strongly commending 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 troops 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.

Additionally, 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 appropriation.

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 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 radical new personnel 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 intention to work with the leaders here in Congress, and with the Secretary of Defense, to put us on a track to fix the retirement system—in my mind, there is no higher defense funding priority, for it has led to a series of decisions by men and women in the services, not to continue because of their feeling about the unfairness of the retirement policies.

The considerable operational demands on our Armed Forces dictate that we provide the retirement and quality of life for those on active duty now.

Based on the committee's recent trip to Bosnia and Southwest Asia, a new $50 million MWR and retention initiative is included in this bill.

These funds will provide added resources and flexibility to address the though living conditions and family separation challenges of deployments to Bosnia and Southwest Asia.

More than $176 million is added for quality of life enhancements in the service O&M accounts, to upgrade barracks, dormitories, and other personnel support facilities.

Our second focus, maintaining readiness, has been stressed by overseas deployments during the past three years.

For 1998, this committee succeeded in providing needed contingency funds as an emergency, without disrupting other Defense programs.

For 1999, the recommendation adds funds for flying hours, depot maintenance, training, and base operations.

We recommend savings resulting from changed economic factors, such as fuel costs, foreign currency, and inflation—but restore all those amounts to the O&M appropriations.

There is no option to trade near term readiness for future modernization. As long as our Armed Forces face the range of missions and challenges today, the Department of Defense must find adequate resources to move our troops at the levels provided in this bill, and the House bill.

No sector of Defense has suffered more the past few years than acquisition. We must invest more to protect the technological superiority that our smaller than 500 million dollars on.

These recommendations fully fund the combat priorities advocated by the Joint Chiefs: F-22, the Crusader, F-18, new attack submarine, the JASSM missile, V-22, and national missile defense.

In many instances, the recommendations add funds for technology development programs, to look even further down the road, past the systems we will deploy over the next ten years—out for the next thirty years.

Achieving these three priorities was especially challenging given our fixed budget caps.

The dollar shifted among programs came from a reduction to an item in the budget request—there were no additional dollars to spend this year for Defense.

Senator INOUYE and I sought to allocate the resources well available to the subcommittee as equitably as possible, and consistent with the military needs identified by the Chiefs.

In most cases, we could not provide large increases in existing procurement programs, or to restore programs already terminated.

No member of this committee, or the Senate, secured every priority which he or she advocated to the committee. On the other hand, we reviewed all of them, and have done our best. I believe the recommendations are fair and achieve a balance between the budget and the priorities of Congress. It is my intention to do everything we can to work with all of our colleagues to meet the needs they have brought to this Committee.

Finally, there is one notable change from the bill reported last year by this Committee—in the area of medical research.

In the bill we reported last year, we provided $176 million for medical research. Coming out of conference, that total grew to $344 million, almost twice the level of the Senate.

In the context of adding $6 billion to the budget, that total was manageable.

Let me explain that again. Last year, we had an additional $6 billion by the time we came out of the conference, and it was possible to increase that amount. This year, we have no top line margin to allocate. Whatever is added to the bill will be either readiness, or future acquisition, or the quality of life concepts that I have discussed.

For 1999, Senator INOUYE and I recommended a new appropriations of $250 million in the defense health program for medical research grants.

This increase over last year's appropriation provides adequate resources to sustain growth in the breast cancer and prostate cancer programs, while enabling the Department of Defense to continue a review of other research programs and opportunities. The report lists all the programs seeking funding this year.

The bill establishes a floor for breast cancer and prostate cancer research at the minimum; at least they must be provided at the level that we finally agreed to in conference in 1998.

The bill also seeks to address the funding priorities of the National Guard. In testimony before the subcommittee, the Army Guard identified shortfall for 1999 $634 million for their operational requirements—not for future involvement for just their operational requirements.
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 $473 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.

Bosnia is envisioned by NATO and the Congress must be part of the operations. 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, 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, I 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 year, excluding amounts for military construction.

The total recommended is $230.5 billion. This is about $840 million less than was requested by the administration, but about $2.6 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 of 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 Appropriations Committee 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, Mosie Matson, Gary Reese, John Young, Justin Weddle, and on assignment as a legislative fellow, Ms. Carolyn 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 men 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 conclude 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 reiterate 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, what 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 cut the budget. If anything, 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 would not be that seen. It would be very useful if Members would communicate their amendments to us so that we can look at them and determine whether or not we can work with the person who wishes to present the amendment and accept it or modify it in a way that it becomes acceptable. I expect we will have some substantial votes today and into the night. But it will be much easier for all of us if we can see these amendments and we can try to find some way to accommodate the needs of 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:

SEC. 8104(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", 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", $35,000,000; 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", $1,000,000.

(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 amounts appropriated in the following accounts: "Operation and Maintenance, Army", by $8,000,000; "Operation and Maintenance, Navy", by $8,000,000; "Operation and Maintenance, Marine Corps", by $14,000,000, and "Operation and Maintenance, Air Force", by $14,000,000.

(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 four years the last Congress 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 a stagnant pay raise.

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 pay 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 meet 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 moneys 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:

SEC. 9106(a) On page 42, line 1, strike out the amount "$2,000,000", and insert the amount "$1,775,000,000".

(b) On page 42, line 1, strike out the amount "$2,000,000", 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", $35,000,000; 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", $1,000,000.

(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 amounts appropriated in the following accounts: "Operation and Maintenance, Army", by $8,000,000; "Operation and Maintenance, Navy", by $8,000,000; "Operation and Maintenance, Marine Corps", by $14,000,000, and "Operation and Maintenance, Air Force", by $14,000,000.

(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 four years the last Congress 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 a stagnant pay raise.

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 pay 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. 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.
further, that such amount is designated by Congress as an emergency requirement pursuant to section 25(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 concur 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 amendments.

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. 3993
(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 reads as follows:

The Senator from Kansas (Mr. ROBERTS) proposes an amendment numbered 3993.

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 Majority Leader and the Senate Appropriations Committee report 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 force protection, obviously, plays a big role in that. Force protection, intelligence assets in certain countries, and force protection, obviously, plays a big role in that. So if we have our intelligence assets—"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.

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 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 to 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 we’ve come back to 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, the chairman, 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 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 we 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 is not funding it and 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 effectiveness 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 want 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 you for 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 reduction 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 regular process. I think that is very wise to offer 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.

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

Mr. INOUYE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. It is my understanding that the Senator from Washington wishes to speak on a subject that is not related to the bill. I am pleased to afford my good southern friend that opportunity. I ask him, how much time does he wish?

Mr. GORTON. Ten minutes.

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

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 the 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 Project. I was asked about 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 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 agriculture.

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 apples, pears, asparagus, and potato production.

The Columbia Basin is a cornucopia for the Nation’s food supply. Dam drawdown or removal would shut down agriculture in the region. In addition, of course, those rivers provide the avenues of transportation to get those agricultural products to market, a transportation system that would be destroyed by dam removal.

No. 7, China trade policy—Washington wheat farmers seem not worth helping by this administration. For more than 20 years, China has refused to import Pacific Northwest wheat because of unfounded, nonscientific phytosanitary reasons. They call it “TCK smut.” TCK smut has never been detected in Washington wheat. It does exist, however, in the fields of our wheat-growing counterparts—Canada, France and Germany; but China imports from all of them.

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, not seem 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 and regionally based agriculture research programs. These programs conduct research necessary to all food-producing regions of the country. The administration insists on nationalizing these programs. Zeroing these programs has increased. 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 continues 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 over 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. 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. 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. 397

(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 opposed to the Senate, to offset that increase by reducing the amount provided for procurement for the F/A-18E/F aircraft program to the amount provided by the House of Representatives in H.R. 4163, as passed by the House of Representatives.)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.
Mr. FEINGOLD. Mr. President, I ask unanimous consent that the text of the House National Security Committee’s report on its fiscal year 1999 DOD authorization bill, which specifically addresses the Super Hornet, be printed in the RECORD for today as follows:

The budget request contained $2,787.8 million for 30 F/A-18E/F aircraft and $109.4 million for advanced procurement of 36 aircraft in fiscal year 2000.

Based on the results of the Quadrennial Defense Review (QDR), the committee notes that the Department has reduced the total procurement objective from 1,000 to 548 aircraft and has also reduced procurement in the first five years of the Long Range Acquisition Program (LRIP) from 248 to 224. The committee notes that the Department plans to request increases of six aircraft per year for each of the next five fiscal years until a production rate of 48 aircraft per year is attained in fiscal year 2002. However, for fiscal year 1999, the requested increase from fiscal year 1998 is 10 aircraft.

The committee is also aware that the Department has increased the number of low rate initial production (LRIP) aircraft in fiscal years 1998 and 1999 from 42 to 62, as approved in 1992 by the Defense Acquisition Board (DAB), to its current plan of 62 aircraft. The Department’s Selected Acquisition Reports indicate that both its initial plan of 42 LRIP aircraft and its current plan of 62 LRIP aircraft were predicated on a procurement objective of 1,000 aircraft. The committee notes that were the Department to comply with the 10 percent LRIP guideline contained in section 2400 of title 10, United States Code, 55 LRIP aircraft should be sufficient.

During the past year, the committee has followed the Department’s challenges in solving an uncoordinated problem that occurs at altitudes and angles of attack in that portion of the flight envelope where the F/A-18E/F performs air combat maneuvers. The Department’s Director of Operational Test and Evaluation recently testified that the most promising solution to this problem—a porous wing fairing—causes unacceptable airframe buffeting. The final solution to the problem may include other combinations of aerodynamic alterations to the wing surface. According to the Director, the root cause of the problem and modifications to the porous wing fairing are still being investigated, and the wing fairing configuration flown during developmental testing does not incorporate the production representative wing fold mechanism. Additionally, the Director stated that the Department would not have a complete understanding of the modifications until its experiences with the aircraft such as deficiencies in the performance of its survivability and radar jamming systems. In light of the significantly higher increase in production proposed for fiscal year 1999, the apparent excess number of LRIP aircraft.
and the development and testing issues yet to be fully resolved, the committee recommends a reduction of $231.1 million and three aircraft. Of the total $231.1 million reduction, initial spares is reduced by $84 million. The committee believes that an increase of seven aircraft from the approved fiscal year 1998 level is appropriate and further below the threshold of a 10% cut. Approximately 11 percent of the total procurement objective, will meet requirements for operational testing and evaluation and will significantly meet both initial training requirements and the first operational deployment scheduled for fiscal year 2002.

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

The PRESIDING OFFICER. The Senate has the PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I would like to commend the Senator from Wisconsin for presenting this amendment. I would have to speak against that.

Mr. FEINGOLD. Mr. President, I believe it should be noted that every service, every component of every service, is faced with shortfalls. There is a shortfall in the Guard and Reserve O&M. It would like to have more steaming time. They are having morale problems. They are having morale problems. They are having morale problems. They are having morale problems. They are having morale problems. They are having morale problems. They are having morale problems.

Mr. President, 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, but what we are doing here is to take a very paltry amount from the Guard and Reserve procurement accounts and use it for the Super Hornet. Very candidly, 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, $35 million to augment the Guard and Reserve personnel accounts.

We have added for the Guard and Reserve operation 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 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, that this time be on 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 wish 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.

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 will be automatically set aside?

The PRESIDING OFFICER. The Senate 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. 3938
(Purpose: To limit the use of funds pending establishment 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 3938.

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 the official to serve as the Director of the Defense Technology Security Agency with only the following duties:

(A) To develop for the Department of Defense policies regarding the appropriate export control 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 review and make recommendations regarding 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;

(iii) to ensure (using automation and other computerized techniques to the maximum extent practicable) that the Department of Defense data processing systems are protective of United States national security interests.

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

(b) 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 Committees 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 activities of 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 determination of how that role compares to the Chairman's role in those activities before the establishment of the position.

(3) 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 257a 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 Jeffords and his people outside of the room.

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, let us 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, I will go ahead 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 given 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, DTSA 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 to influence 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, of course, couldCertificate 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 was involved in the sale of 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 at the end of 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 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 cruise 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 Commerce approved for sale to Iraq 771 export licenses.

The Department of Commerce approved for sale to Iraq 771 export licenses.

This resulted in relaxed control over export-related equipment or technology.

And this resulted in relaxed control over export-related equipment or technology.

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.

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 No. 1 procurement program of the U.S. Navy. 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 worked with my colleagues, the chairman and the ranking member of the Defense Appropriations Committee, and the Senator from Kentucky, my cochairman of the National Guard, to fund the Guard component of the total force. But I do not believe that pitting one service against the other, raising the Navy’s No. 1 procurement program, is the way to fill that funding requirement. Nor does this amendment yield 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 would be 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 between the National Guard 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 fleet carrier strike-fighter aviators what will enable the Navy to be viable in the 21st century and beyond, they will tell you it is the Super Hornet. Yesterday the CNO was in my office with a group of the finest aviators in the Navy. 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. Nor do I think that some Members, for reasons known to themselves, would wish to pit the National Guard against the Navy. I think it is irresponsible and could lead to services raiding each other’s accounts to achieve one individual Senator’s political goals.

In January of 1997, 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-rate 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 looks like, will insist, and 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 send 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 all 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 fly it. Ask somebody who we are sending in harm’s way, asking them to fly it. Ask somebody who has had the opportunity to fly it. Ask somebody who has had the opportunity to fly it. 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, and force structure strength. This amendment is about bringing the Guard’s personnel, schools, training, full-time support, and retention and recruitment to adequate levels. This amendment, 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 was very forcefully made to carry this amendment, by shareholders of the company. 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. I hope my colleagues will draw their own conclusions from that figure. Indeed, I urge my colleagues to contact their State Adjutant General and ask them for their opinion of my amendment.

I urge my colleagues to support the National Guard, as I do. I urge my colleagues to vote against tabling my amendment.
(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenics policy known as the “Natal and Health Care Law”.

S. 9003. (a) Notwithstanding any other provision of law, the President—

(b) Notwithstanding any other provision of law, the President—

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to issue any visa to any national of the People’s Republic of China whose travel expenses or per diem were paid by funds of the reporting committees, on a quarterly basis during fiscal year 1999, that it did not pay, either directly or through a contractor or grantees, shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People’s Republic of China whose travel expenses or per diem were paid by funds of the reporting committees, on a quarterly basis during fiscal year 1999, to issue a visa to any national of the People’s Republic of China described in subsection (a).

(b) Each certification under paragraph (1) shall be supported by the following information:

(1) provides written notification to the Committees containing a certification for the waiver.

(2) provides written notification to the Secretary of State for fiscal year 1999 to issue a visa to any national of the People’s Republic of China described in subsection (a).

(c) The President may waive the prohibition in subsection (a) with respect to an individual described in subsection (a) if—

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government’s policy and practice of harassing and repressing religious believers.

SEC. 9012. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise available for the Department of State for fiscal year 1999 for the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation in conferences, exchanges, programs, and activities of the following nations of the People’s Republic of China—

(i) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Patriotic Christian Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops’ Conference.


(G) The Chinese Taoist Association.


(2) By prohibiting any government or approved organizations:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imposing only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenics policy known as the “Natal and Health Care Law”.

S. 9003. (a) Notwithstanding any other provision of law, the President—

(b) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any national of the People’s Republic of China, including any official of the Communist Party or the Government of the People’s Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

(b) Notwithstanding any other provision of law, the Governor General or the Government of the People’s Republic of China may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to issue any visa to any national of the People’s Republic of China described in subsection (a).

(c) The President may waive the prohibition in subsection (a) if—

(i) determines that it is in the national interest of the United States to do so; and

(ii) each certification under paragraph (1) shall be supported by the following information:

(A) The name of each individual described in such subsection if the President—

(1) in activities described in subsection (a)(2).

(ii) the charges against them, and sentence have been used in Communist China not otherwise harassed by the Chinese Government, the Department of State should bring to the General Assembly, the Security Council, the Economic and Social Council, and multilateral forum the issue of individual religious freedom and the freedom of religion one of the major objectives of the Secretary of the United Nations.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to issue a visa to any national of the People’s Republic of China described in section 9012(a).

(c) The President may waive the prohibition in subsection (a) if—

(1) determines that it is in the national interest to do so; and

(2) provides written notification to the Secretary of State for fiscal year 1999 to admit to the United States any individual described in subsection (a)(2).

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government’s policy and practice of harassing and repressing religious believers.

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(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to issue a visa to any national of the People’s Republic of China described in section 9012(a).

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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 of work by 1996,” it 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 has failed, and it 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 is in support of the State Department’s work in China to a vote in the Senate. I am glad to say that my friend, SPENCE ABRAHAM, the Senator from Michigan, intends to offer the human rights monitors amendment later on this bill.

I want to provide my colleagues with some background on this amendment. As many of my colleagues will recall, in November of last year, a number of China-related bills were overwhelmingly passed by the House of Representatives. This is that package of bills sponsored by Congressman Cox, a “policy for freedom,” it was called. Since that time, most of these measures have languished in Senate committees without hearings, without movement and without consideration.

On the defense authorization bill, we adopted several of these House provisions that I offered at that time. However, the remainder of those were not passed because my efforts to offer them were thwarted by those who did not desire to have that debate on these China provisions. During the President’s trip to China, I simply say the President has returned. This is our opportunity now.

My amendment, which I am glad to say is bipartisan and that Senator WELLSTONE from Minnesota, who is on the floor—and I welcome his remarks in support of this—is cosponsoring this amendment, mirrors the language that passed overwhelmingly in the House of Representatives last November.

The first provision, the forced abortions—by the way, the Nuremberg Tribunal on War Crimes condemned forced abortions, rightfully, as being a crime against humanity. This is not a pro-life, pro-choice issue. Pro-choicers overwhelmingly in the House of Representatives voted for this provision because this is, in fact, a crime against humanity.

To compel and to force—to use coercion—take a woman in the seventh, eighth, ninth month of pregnancy and compel her, against her wishes, to have an abortion, that is a crime against humanity. That is why that provision in the House of Representatives passed by a vote of 415–1—415–1.

Now, what does the amendment do? It condemns religious persecution and forced abortion in China. The amendment would prohibit the use of American funds, appropriated to the Department of State, the USAID, to pay for the travel of Communist officials involved in the abuse of religious worship or religious persecution.

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 the aid that is given 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 to raise, in every bilateral and multilateral forum, the issue 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' whereabouts, 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—for the travel of Communist officials involved in the abuse of religious worship or religious persecution. And there has been an increasing campaign of religious persecution. 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 that we can do.

Mr. President, the Chinese Government, the Communist Party, have in recent years intensified efforts to expel religious believers from the Government, the military, and the party, or deport them to the remote regions of the nation. Mr. President, the Chinese Government, the Communist Party, have in recent years intensified efforts to expel religious believers from the Government, the military, and the party, or deport them to the remote regions of the nation. Mr. President, the Chinese Government, the Communist Party, have in recent years intensified efforts to expel religious believers from the Government, the military, and the party, or deport them to the remote regions of the nation.

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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 over 18,000 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 would like briefly 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 to undergo sterilization by the Chinese authorities, in 1979, issued regulations that provided monetary bonuses and other benefits, as incentives, and economic penalties for those who would have exceeded.

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. They have provided our State Department any evidence that they are punishing the perpetrators of that terrible practice of coerced abortions and forced sterilizations in China today.

Every tragedy 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, second of all, 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 in our country and in other 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. 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, it 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, a woman who just wanted to go to a meeting. That repressive junta Government would not let her do so. She spent 5 days in her car, refusing to leave, before she could go to this meeting. She never could get to the meetings, never could get safely 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. 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 preconditions before visiting China. Having said that, I was still very hopeful that this visit would make a difference. I hope that the President has not given in while in China. But always the question was, what next? Will China now take realistic but meaningful steps, such as opening up Tibet to human rights monitors and foreign journalists? Will China release political prisoners? Will they put safeguards in place for the right of free association of workers, beginning a process of abolishing the arbitrary system of reduction through labor? Will they lift their official blacklist of pro-democracy activists now abroad who can't return to China?

I fear that what we have seen so far by way of agreements announced in Beijing are merely symbolic in nature.

Mr. President, I am all 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 also harsh prison sentences and violence against religious activists still occur, state control increasingly takes the form of a registration process. This
is the way the Government monitors the membership in religious organizations.

According to the Senate's reports, Chinese officials have conducted a special campaign against all unauthorized activities led 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.

The amendment was 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 dissenters.

In Tibet, human rights conditions remain grim, and have gotten worse this past year. Tibetan religious activists face “disappearance,” or incommunicado, or life imprisonment, or brutal 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 work units, officials are routinely monitoring 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, which the President himself said: "I think the same can happen elsewhere.

Yes, we are dealing with countries that have a short contemporary history—Vietnam, Cambodia, Laos. These were European colonies. If one looks at the history of these colonies, the treatment was just as bad as the colonies in Africa. And now to suddenly say, ‘Now that you have freedom, we expect you to behave like Americans,’ I think is asking too much, Mr. President.

We speak of human rights. We will conclude this year the final payment of redress to Japanese Americans who were put in camps. Mr. President, I certainly recall that 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 country—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, 4C means you are 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 it is against religious persecution. We try to convince ourselves that there is no religious persecution in the United States. But I am certain we know that there is. 

Mr. President, I will be voting to table this amendment.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. Roberts). The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, it is with some reluctance that I respond to the comments, because I have such utmost respect for the Senator from Hawaii and his 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 universal.

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.

These 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. 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 we as a people 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.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

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 be in disagreement 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 of my friends 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 have even had waivers for the Presidents. But even 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 it is something that is an 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 the Senators to come forward, 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 we are willing to accept 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 not to take this away from 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 favor of this amendment. I think 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 Patriarchate Committee, 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 China 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 actions 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 at the head of these associations. These are the registered churches that are used as tools and the 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 by the State 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 to have that limitation, but in any event, it is a very controversial subject to be added to the Defense appropriations bill. In conferring with Members yesterday, it was the position that we took at the time that we were going to do our utmost to keep controversial subjects that would lead to extended debate off of this bill. The only way to do that is, once we have had a short explanation of it in courtesy to the presenters, to make it clear we were going to try to move to table any such amendment, not just this one but any such amendment.

Therefore, on the basis of the policy that we have announced, I move to table the Senator’s amendment and ask for the yeas and nays.

The PRESIDING OFFICER. There is it a sufficient second?

The amendment was agreed to.

The PRESIDING OFFICER. The amendment is set aside and the vote will occur after 2 p.m. today.

Mr. STEVENS. Mr. President, I ask unanimous consent at the request of Senator THOMAS that a letter signed by himself and Senator MURKOWSKI, Senator BIDEN, Senator KERRY, Senator SCHATZ, Senator HAGEL, Senator GRAMS, Senator FEINSTEIN, Senator ROBB, and Senator LIEBERMAN, and an excerpt from Newsweek be printed in the RECORD.

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


Dear Colleague: When the Senate returns to consideration of the DOD Authorization bill, S. 2057, we expect a series of amendments to be offered concerning the People’s Republic of China. These amendments, if accepted, would do serious damage to our bilateral relationship and halt a decade of U.S. efforts to encourage greater Chinese adherence to international norms in such areas as non-proliferation, human rights, and trade.

In relative terms, in the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized, several prominent dissents have been released, and the executive agreements on intellectual property rights have been stepped up, the revision of Hong Kong has gone smoothly, and China’s agreement to revalue its currency helped stabilize Asia’s economic crisis.

Has there been enough change? Clearly not. But there is a way, how does best encourage more change in China? Do we do so by isolating one fourth of the world’s population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these amendments do?

Or, rather, is the better course to engage China, to expand dialogue, to invite China to the table, in order 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 for that, there’s no dispute about that. But the question is, how do we best achieve human rights? We think it’s through engagement.

We urge you to look beyond the artfully-crafted titles of these amendments to their actual content and effect. One would require the United States to impose the prohibition 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 Clinton Administration’s trip to China, the raft of radical China-related amendments threatens to undermine our relationship with China and are, at most, crucial to advance vital U.S. interests.

Several of the amendments contain provisions which are sufficiently vague so as to effectively tie the hands of succeeding Administrations. This same amendment would require the government to increase programs between the two countries.

Finally, many of the amendments are drawn from bills which have yet to be considered by the committee of jurisdiction, the Foreign Relations Committee. That committee will review the bills at a June 18 hearing, and they are scheduled to be marked-up in committee on June 23. Legislation such as this that would have such a profound effect on our relationships with China would not be appropriate for such a date. The legislation should not be the subject of an attempt to circumvent the committee process.

In short, twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grassroots movement towards increased democratization, agreed to be bound by major international non-proliferation and human rights agreements, and is on the verge of dismantling its state-controlled enterprises. We can continue to nurture that transformation, or we can capitulate to the voices of isolation and containment that these amendments represent and negate all the advances made so far.

We hope that you will agree with us and choose engagement. We strongly urge you to vote against these amendments.

Sincerely,

Craig Thomas, Chairman, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Frank H. Murphy, Chairman, Committee on Energy and Natural Resources; Chuck Hagel, Chairman, Subcommittee on Intelligence, Committee on Foreign Relations; Joseph R. Biden, Jr., Ranking Member, Committee on Foreign Relations; John F. Kerry, Ranking Member, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Gordon Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations; Rod Gramps, Chairman, Subcommittee on International Operations, Committee on Foreign Relations; Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations; Diana Feinstein, Ranking Member, Subcommittee on International Operations, Committee on Foreign Relations; Joseph L. Lieberman, Ranking Member, Subcommittee on Acquisition and Technology, Committee on Armed Services.

[From Newsweek, July 6, 1998]

HELP ‘INDEPENDENT SPIRITS’—A GULAG VETERAN APPRAISSES CLINTON’S MISSION

(By Wang Daz)

President Clinton is taking a lot of heat for his decision to visit China in spite of the serious human-rights problems there. I spent seven years in prison in China for my activities in the Tiananmen Square movement. I certainly share the view that the Chinese government must change its ways. But I also think the American president can accomplish something positive through his visit.

It’s critically important to have a broad range of contacts with China. The West should not try to isolate the communist regime or limit contact to political exchange. Washington needs to maintain dialogue on many fronts at once: economic, cultural, academic, anything that helps build civil society. The key to democracy in China is independence. My country needs independent intellectuals, independent economic actors, independent spirits.

Economic change does influence political change. China’s economic development will be good for the West as well as for the Chinese people. China needs Most Favored Nation trade status with the United States, and it should fully enter the world trading system. The terms of that entry must be negotiated, of course, but in any case the rest of the world must not break its contact with China.

President Clinton’s visit to Tiananmen Square did not look like a sacrilege to the Chinese people. He did not step on the symbol of the square, but along the side, outside the Great Hall of the People. All foreign leaders go there. Clinton was right later to mention the events of June 4, 1989. He must continue to stick up for such political prisoners as Liu Nianchun, imprisoned in 1995 for three years; Li Hai, a former student at Peking University who was convicted in 1994 of trumped-up criminal charges. These people must never be forgotten. Nor should the routine arrest and harassment of other dissidents, which are sufficiently vague so as to effectively tie the hands of succeeding Administrations, be forgotten. Nor should the routine arrest and harassment of other dissidents, which are completely at odds with one of the amendments which would prohibit the United States from funding the extension of the proportion of Chinese officials in any State Department, USBIA, or USAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase programs between the two countries.

Several of the amendments contain provisions which are sufficiently vague so as to effectively tie the hands of succeeding Administrations. This same amendment would require the government to increase programs between the two countries.

Finally, many of the amendments are drawn from bills which have yet to be considered by the committee of jurisdiction, the Foreign Relations Committee. That committee will review the bills at a June 18 hearing, and they are scheduled to be marked-up in committee on June 23. Legislation such as this that would have such a profound effect on our relationships with China would not be appropriate for such a date. The legislation should not be the subject of an attempt to circumvent the committee process.

In short, twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grassroots movement towards increased democratization, agreed to be bound by major international non-proliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation, or we can capitulate to the voices of isolation and containment that these amendments represent and negate all the advances made so far.

We hope that you will agree with us and choose engagement. We strongly urge you to vote against these amendments.

Sincerely,

Craig Thomas, Chairman, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Frank H. Murphy, Chairman, Committee on Energy and Natural Resources; Chuck Hagel, Chairman, Subcommittee on Intelligence, Committee on Foreign Relations; Joseph R. Biden, Jr., Ranking Member, Committee on Foreign Relations; John F. Kerry, Ranking Member, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Gordon Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations; Rod Gramps, Chairman, Subcommittee on International Operations, Committee on Foreign Relations; Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations; Diana Feinstein, Ranking Member, Subcommittee on International Operations, Committee on Foreign Relations; Joseph L. Lieberman, Ranking Member, Subcommittee on Acquisition and Technology, Committee on Armed Services.

[From Newsweek, July 6, 1998]
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 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. 3499

(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 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 3499.

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:

S9341, (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 40 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 200 installations, and cut 16 divisions from its force structure;

(H) The Army has reduced its presence in Europe from 200,000 to 65,000 personnel;

(I) The Army has averaged 14 deployments every four years, increased significantly from the Cold War trend 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, 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.

(3) The Navy’s F-14 and F-18 Fighter 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 reenlistment 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 military 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 goals 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 enlistment rate for mid-career enlisted personnel by an average of six percent, with key war fighting career fields experiencing even larger drops in enlistments;

(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 80 percent air 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. At the beginning of fiscal year 1998, in one specific case, the 1st Armored Division was staffed at 94 percent in the aggregate, but its combat support and service support specialties were filled at below 85 percent, and captains and majors were filled at 73 percent.

(18) At the 10th Infantry Division, only 138 of its 252 infantry squads 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 authorized infantry人员 for 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, 76 of the MA1 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.

(19) 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 25,377 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200.

(20) 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:

(a) The reassignment of 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 armor units of maintenance personnel, and reassigning Non-Commissioned Officers and support personnel to the task force from throughout the brigade;

(b) 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;

(c) Hiring of outside contract personnel by 1st Armored and 1st Infantry later-deploying divisions to perform rotational duties;

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

(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...
conclusion of declining defense budgets and expanded missions;

(b) The ongoing, open-ended commitment of U.S. forces to the peacekeeping mission in Bosnia is directly causing units to restructure and support units to compromise their principle wartime assignments;

(c) Defense appropriations are not keeping pace with the expanding needs of the armed forces.

(c) Report Requirement.

(1) Not later than June 1, 1999, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Comptroller General of the United States, a report on the military readiness of the Armed Forces of the United States. The President shall include in the report a detailed discussion of the competition for resources service-by-service caused by the ongoing commitment to the peacekeeping operation in Bosnia, including those that are not but not directly deployed to Bosnia. The President shall specifically include in the report the following:

(A) an assessment of current force structure and its sufficiency to execute the National Security Strategy of the United States;

(B) an outline of the service-by-service force structure expected to be committed to a major regional contingency as envisioned in the National Security Strategy of the United States;

(C) a comparison of the force structures outlined in subparagraphs (A) and (B) above with the service-by-service order of battle in Operation Desert Shield/Desert Storm, as a representative and recent major regional conflict;

(D) the force structure and defense appropriation increases that are necessary to execute the National Security Strategy of the United States, assuming current projected ground force levels assigned to the peacekeeping mission in Bosnia are unchanged;

(E) a discussion of the U.S. ground force levels assigned to Bosnia that can be sustained without impacting the ability of the Armed Forces to execute the National Security Strategy of the United States, assuming no increases in force structure and defense appropriations during the period in which ground forces are assigned to Bosnia.

Mrs. HUTCHISON. Mr. President, this amendment is a sense of Congress regarding the readiness of the U.S. Armed Forces to execute the national security strategy of the United States. So many people are now talking about the hollow military that we seem to be going into, and I think it is time that Congress address the concern that all of us have that we may be driving our military down to the point that we will not be able to respond if something happens where we are needed anywhere in the world.

So, let's take the following findings:

That since 1989:

The national defense budget has been cut in half as a percentage of the gross domestic product;

The U.S. military defense budget has been cut by over $120 billion in real terms;

The U.S. military force structure has been reduced by more than 30 percent;

The Department of Defense's operations and maintenance accounts have been reduced by 40 percent;

The Department of Defense's procurement funding has declined by more than 50 percent;

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 its ranks.

The Army has averaged 14 deployments every four years, increased 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 operational 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 requirements.

The Air Force is 18 percent short of its retention goal for second-term airmen.

We know the Air Force is more than 800 pilots short, and we know that our experienced pilots have not been re-upped, even 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 and 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 recruiting and retention goals are 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, U.S. Marines in the operating forces have deployed on more than 250 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 believe it quite 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 success of specific war plans can be achieved.

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 95 percent of the required 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 below 25 percent, and captains and majors were filled at 73 percent.

At the 10th Infantry Division, only 138 of 162 infantry squads 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 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 effectively execute their mission in a major regional conflict. Indications of this include:

(1) the reassignment of 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) the 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 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
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 ensure that we are making with regard to the military readiness and the security of our country.

Mr. STEVENS addressed the Chair. The PRESIDING OFFICER. 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.

The ongoing, open-ended commitment of U.S. forces to the peacekeeping mission in Bosnia is causing assigned and supporting units to compromise their principle wartime assignments.

Defense appropriations are not keeping pace with the expanding needs of the Armed Forces.

So I am asking for a report by June 1, 1999 from: the President of the United States, to the Armed Services Committee and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, on the military readiness of the Armed Forces of the United States.

The President shall include in the report a detailed discussion of the competition for resources service-by-service caused by the ongoing commitment to the peacekeeping operation in Bosnia, including in those units that are supporting but not directly deployed to Bosnia.

What we are asking, Mr. President, is for an assessment of where we are. We have all talked about the problems we have seen in small instances and different pieces of testimony. What I have done in this sense of the Senate is put it all together. I have taken from the Department of Defense its own authorization, its own budget, its Quadrennial Defense Review, from statements made before one of our two committees that talked about the problems in specific detail.

I think it is time that we in Congress now say we have put it all together and we want a report on the state of our readiness. Let's look at all of the factors and let's determine that we have a problem, that we have to determine what to do about it, and let's go forward and try to work with the administration, with the President, with the Secretary of Defense, and look at the big picture and the big picture and the goal for all of us is that we would be able to meet the national security strategy of the United States, that we would be able to prevail in two major regional conflicts nearly simultaneously.

I prefer simultaneously, but, nevertheless, we are not even up to the goal that we have stated, and we want to do what is our responsibility in the U.S. Congress, and that is, ask for the report, let's study the problem and let's come up with a solution together with the Armed Services Committee and the Appropriations Committee of the U.S. Senate and the U.S. House.

Mr. President, I send to the desk a technical correction to amendment No. 3391 previously adopted. I ask unanimous consent that the amendment be modified. It is strictly a fairness issue, to me. I most concerned about survivors. Currently, 26 percent of all those who receive Federal annuities are survivors. This option cannot be exercised until 2 o'clock that they may be able to speak.

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, I understand the Senator from California would like to speak on the Hutchinson amendment.

Mrs. FEINSTEIN. Not on this amendment, Mr. President, but the Hutchinson amendment.

Mr. STEVENS. The Hutchinson amendment that I made a motion to table, the one pertaining to China.

Mrs. FEINSTEIN. That is correct.

Mr. STEVENS. Although I made a motion to table, I think it is in order until 2 o'clock that they may be able to speak.

AMENDMENT NO. 3409

Mrs. HUTCHISON. I am prepared to leave the floor, but I have two things. First, I ask unanimous consent that Senator ABRAHAM be added as a sponsor of amendment No. 3409.

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

Mrs. HUTCHISON. Secondly, I ask the manager of the bill if he still wants me to offer the other amendment that I was to offer, or would he prefer to go forward with Senator FEINSTEIN, and I can always do that after the votes.

Mr. STEVENS. Mr. President, I did request the Senator from Texas offer her Bosnia amendment so it will be the pending amendment after the votes this afternoon. I appreciate that she did that at this time. I urge she save the statement to be made until after the Senator from California, who has been waiting to make comments on the China amendment which I have already moved to table.

AMENDMENT NO. 3391, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a technical correction to amendment No. 3391 previously adopted. I ask unanimous consent that the amendment be modified. It is strictly a
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 33, line 24, strike out all after "$94,600,000" down to and including "1999" on page 35, line 7.

On page 42, line 1, strike out the amount "$2,000,000;75,000" and insert the amount "$1,775,000,000".

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

Sign. 8. In addition to funds provided under Title I of this Act, the following amounts are hereby appropriated for: for "Military Personnel, Army", $58,000,000; for "Military Personnel, Marine Corps", $14,000,000; for "Military Personnel, Air Force", $44,000,000; for "Reserve Personnel, Army", $53,770,000; for "Reserve Personnel, Marine Corps", $1,103,000; for "Reserve Personnel, Air Force", $1,000,000; for "National Guard Personnel, Army", $5,800,000; for "National Guard Personnel, Marine Corps", $1,103,000; for "National Guard Personnel, Air Force", $4,112,000.

(b) Notwithstanding any other provision in this Act, funds appropriated in this Act for "Quality of Life Enhancements, Defense", real property maintenance is hereby reduced by decreasing the total amounts appropriated in the following accounts: for "Operation and Maintenance, Army", by $58,000,000; 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 $24,686,000.

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 HUTCHISON, 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 responsible 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. Fink, GOLD, proposes an amendment numbered 3413.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the read 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) The Congress finds the following:

The Congress: (1) United States Armed 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 to be December 20, 1996.

(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 in the Republic of Bosnia and Herzegovina.

(4) On November 27, 1995, the President affirmed that United States participation in deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina would terminate in about one year.

(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 Chairman 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 deployment of United States Armed Forces personnel in the Republic of Bosnia and Herzegovina until June 1998.

(10) 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.

(11) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 21, 1996 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future.

(12) NATO military forces have increased their participation in law enforcement, particularly police activities.

(13) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for such law enforcement and police activities lies with the Bosnian parties themselves.

SEC. 2. LIMITATIONS ON THE USE OF FUNDS.

(a) Funds appropriated or otherwise made available for the Department of Defense for any fiscal year may not be obligated for the ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina except below:

(1) The President shall continue the ongoing withdrawal of American forces from the NATO Stabilization Force in the Republic of Bosnia and Herzegovina such that U.S. ground forces in that force or the planned multi-national successor force shall not exceed:

(A) 6,500, by February 2, 1999;

(B) 5,000, by October 1, 1999.

(2) To the extent necessary to support a limited number of United States military personnel sufficient to advise the United States diplomatic facilities in existence on the date of the enactment of this Act; or

(3) 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;

(4) To U.S. ground forces that may be deployed as part of NATO containment operations in regions surrounding the Republic of Bosnia and Herzegovina.

(c) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to limit the authority of the President under the Constitution to protect the lives of United States citizens.

(d) LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES.—None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended after the date of the enactment of this Act for—

(1) conduct of, or direct support for, law enforcement and police activities in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republica Srpska ('Bosnian Entities');

(2) conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republica Srpska ('Bosnian Entities');

(3) transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the Commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition or support of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety; and

(4) implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4. PRESIDENTIAL REPORT.

Not later than December 1, 1998, the President shall submit to Congress a report on the progress towards meeting the drawdown limit established in section 2(a).

(b) The report under paragraph (a) shall include an identification of the specific steps taken by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to European allied nations or organizations.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment be laid aside.

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

Mrs. HUTCHISON. This is the amendment on Bosnia that we will discuss.
July 30, 1998

CONGRESSIONAL RECORD — SENATE

immediately following the stacking of votes this afternoon. I am happy to yield the floor.

The PRESIDING OFFICER. The distinguished Senator from California is finally recognized.

Mrs. FEINSTEIN. Thank you, Mr. President.

AMENDMENT NO. 324

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, I believe, counterproductive 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 think that this is wrong.

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 think this is wrong. This amendment takes a stand on a principle but it does nothing to help solve the problem it is designed to address, and there is the rub.

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 explain 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 to deny visas to U.S. officials, further deepening our isolation from one another, and developing the adversarial relationship that many of us believe need never happen. It could go on and on in a vicious cycle.

Do any of my colleagues seriously believe that any Chinese official would be dissuaded from conducting any human rights action because they would be denied a visa to the United States? I think not. Do deeply believe that if Chinese officials are exposed to U.S. society—and this has begun. I know it has been criticized, but I see it working. I come from a Pacific Rim State where there is a great deal of interaction with Asia. I see our values go across the Pacific. I see them enter the Chinese mainland. I see the changes that have been made.

Mr. President, when Richard Nixon went to China, it was still in the midst of the Cultural Revolution. There has never been a more brutal period in Chinese history than the Cultural Revolution. We have seen those dark days recede. We have seen a new leadership in place.

For the first time, I believe that this new leader now has the face, has consolidated his power, to begin to make certain major reforms. I very deeply believe we are going to see those reforms in the next few years. Already, there is writing here and in China about the order given to the Chinese military to remove themselves from all commercial endeavors.

Surprisingly enough, this, for the first time, has been done with transparency—in other words, a public statement for all to know that the new policy of the Chinese Government is that the Chinese military will not run commercial operations in trade, in industry, or in any other pursuit. This is a very positive advance, which I think the entire free world should take hold of.

Additionally, you heard voluntarily the President of China, after many of us have importuned him over a long period of time in 1991, carrying messages from His Holiness, the Dalai Lama, to the President of China, urging that there be a meeting—for the first time, the President of China has said publicly, with transparency, that if His Holiness, the Dalai Lama, makes a statement that respects the fact that Tibet is a part of China and that independence is not a part of the discussions, that there can be meetings that follow.

This is a breakthrough in rhetoric, but it has never happened before in the 8 years I have been trying to achieve it. That happened while the President was in China. So these changes are being made.

One by one—perhaps not enough—the freeing of political dissidents, the adoption of a 30-day period of administrative leave, the Chinese interests in developing exchanges in the rule of law, to develop a modern commercial legal system, I hope that the Chinese Government will take advantage of this transitory period in their will to engage with us, to continue to persuade and develop a better sense of values and would be truncated and cut off.

I believe, I say to the Senator, as one who has watched China for some 35 years now, that this is a country which has been humiliated by the West in the past. This is a country that has 5,000 years of dictatorship by one individual, generally an emperor, an emperor who could not abide people at will—then revolutionary war heroes, basically people who were uneducated.

This is the first post-revolutionary war leadership that has had some Western education, that has some Western understanding. China closed itself off from the West after the Boxer Rebellion and because of what happened in the opium trade, never wanting any kind of interaction with the West. Now, for the first time, China is open. I believe, to Western values, to Western ideas. I happen to believe it is to our interest. We didn’t settle the enormous intellectual property and piracy problems by saying, if you commit a piracy act, you won’t have a visa to the United States. We settled it by sending over delegation after delegation of officials to let the Chinese Government know what this was all about, to identify and help identify those factories that were producing illegal goods, and to follow up and see, in fact, that the Chinese Government was willing to take action to shut them down. It has worked. It will be a bumpy road.
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 that I’ve heard 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 takes place, where so many resources 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 rounds 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 going in the same path and all going in one direction. I find the arrest of dissidents 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 the way 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 say to myself, 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? I believe there are in fact, occasions where, 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 in poverty, some of which, 30 percent of which, some 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 of 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 a level, and 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 the values that 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 in- troduce the film that I am sure the Senator from Michigan would be happy to present 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 consent filing.

The PRESIDING OFFICER. Does the Senator from Michigan desire to make that request in the form of a unanimous consent request?
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 included in the Daschle bill, we would like to have a full and fair debate on 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 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 Republican leadership— the stonewall strategy—lasted for more than a year. But it broke down last month in the face of overwhelming public demand for action. Their minimal 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—on 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 protected. Doctors, nurses and patients 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 subjects—just those 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 offer up 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 more fully protected.

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—20 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 in which we have moved 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—only 20 amendments were considered. 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 concerns about adequate access to 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

July 30, 1998

CONGRESSIONAL RECORD — SENATE

S9347
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 patient knows that, and every doctor knows that profits, 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 President and the Senate Republican leadership plan. It leaves out too many 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 bill. Their letter is signed by more than 30 women's groups, who represent 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—like Diane Bergin—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 such benefits, not for the benefit of patients, but for the benefit of insurance companies. 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 to sue their insurers. 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 analyzed 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 disheveled roll 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 leader 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.

I ask the Republican leader why he doesn't want the American people to know where members of the Senate stand on whether health care protections for patients with cancer, heart disease, or other serious illnesses will not have timely access to specialists and the treatment they need. Managed care plans are immunized from liability for abuses that injure or even kill a patient. No other industry in America has this immunity. The managed care industry doesn't deserve it either.

Just as managed care plans gag their doctors, the Republican leadership wants to gag the Senate. Just as insurance companies delay and deny care, the Republican leadership is trying to delay and deny meaningful reform. Just as health plans want to avoid being held accountable when they kill or injure a patient, the Republican leadership wants to avoid being held accountable for killing patient protections.

Yesterday, Senator CHAFEE offered a proposal that is a major improvement over the Senate Republican leadership
plan, and it provides significant patient protections. But it lacks many of the most important protections in our Patients’ Bill of Rights.

Key provisions omitted in the Chafee plan include the lack of needed protection for cancer patients from drive-through mastectomies and access to reconstructive surgery—the lack of fair opportunities for patients to join health plans allowing them to go to the physician of their choice— the lack of protection for health professionals who point out problems with the quality of care provided by health plans or facilities—and the lack of adequate remedies for patients injuries or killed by HMO abuses.

All of these reforms are needed, and all of them are strongly supported by an unprecedented alliance of physicians, nurses, patients, and working families.

Despite these significant gaps, the Chafee plan has taken the wall of opposition by Senate Republicans to genuine reform is continuing to crack, and it shows that at least some Republicans in the Senate are serious about reform. Now is the time for the Republican leadership to respond. As the Chafee plan has shown, the current industry-proposed patient protection plan is becoming less and less tenable with each passing day. The American people demand action, but the Republican leadership still refuses to bring patient protection legislation to the floor for full debate and action.

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

The GOP-HMO line of defense continues to be to block any legislation, refuse to allow fair debate, and give the HMO industry’s anti-reform TV ads a chance to bite. But the genie is out of the bottle, and that cynical strategy will fail.

It’s time for Congress to end the abuses of patients and physicians by HMOs in the name of better care and acting. Too often, managed care is mis-managed care. No amount of distortions or smokescreens by insurance companies can change the facts. A real Patients’ Bill of Rights can stop these abuses. Let’s pass it now, before more patients have to bear the brunt.

Mr. President, I ask unanimous consent that two articles on the film “As Good As It Gets” be printed in the Record. The first is a March 29 Boston Globe column by Ellen Goodman. The second is a January 12 article in The St. Louis Post-Dispatch, which to my knowledge is the first report of the extraordinary impact of the film on the 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 a Oscar for the Single Best Line in a movie. A zeitgeist award for the sentence you want to freeze-frame in your memory. In the Hollywood fantasy meets daily life, with them 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 outbreak—with none of the expletives deleted—audiences all over America spontaneously burst out in applause. It was one of the moments when you know the tide has turned.

HMOs have become the new expletive—undeleted. Managed-care companies are rapidly recognizing the power of corporate demons. Indeed, if you watch “The Rainmaker,” the HMOs are taking the place of the Russkies as the bad guys. As Ronald Glasser, a Minneapolis pediatrician, HMO critic, and moviegoer 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, harassing the 800 numbers, trapped in a medical system we suspect is being run by accountants. The weakness in the system is trust. Or rather, mistrust.

It is an astonishingly swift transformation. Bob Blendon, who polls health care issues at Harvard’s School of Public Health, is a student of the HMO industry. He’s noticed the consumer backlash that confirms Helen Hunt’s less professorial opinion. His survey of surveys proves, he 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 one 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 trends of new transform industry, 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 patients who 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 because it is now at the center of the health plan debate. On the other hand, HMOs want to enroll the very healthy.

In general, managed-care companies have shown the public the relations skills of Ken Starr. In the past year or so, we’ve had reports of outpatient breast surgery and drive-through mastectomies, and we’ve seen in return is 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 law that would provide for independent appeal of treatment, access to emergency room, and an ombudsman program.

There are strong for the 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 with the public.” It’s time for the 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 with the public.”

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)

HMOs 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 new 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 ralling 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 capping more restrictions on the campaign and contracting practices of state politicians; continued controversy over hog farm waste; discussion of new transportation 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, an exterminatory year, 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, having a razor-thin majority—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 bills . . . but when it’s all said and done, I think it’s going to be a dud,” said Rep. Kurt Granbery, D-Carlyle. “Mainly, I think it’s going to be a budget year.”

AMONG THIS YEAR’S LIKELY TOPICS OF DEBATE RHETORIC: HMOs

The House last year passed several bills that would have regulated how HMOs deal with their patients and member doctors. Most of the legislation has remained stalled 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 made it illegal for insurance companies to cancel out-of-network medical services patients have contracted in advance. “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” Vitali, D-Waterdale, who has prevented 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 very hard.”

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

That trend has a chance at moving forward,” said Rep. Jay Hoffman, D-Collinsville. “I see bipartisan support.”

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. 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. ABRAHAM. 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.

AMENDMENT NO. 2961

(Purpose: To provide for improved monitoring of human rights violations in the People’s Republic of China, and for other purposes)

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

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 —MONITORING OF HUMAN RIGHTS VIOLATIONS 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:

(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 human rights standards”.

(C) “[a]lthough the Government continues to deny the existence of extrajudicial detention and torture, widespread evidence exists to indicate that torture and mistreatment of prisoners, forced confessions, and arbitrariness and incommunicado detention.”

(D) “[p]rison conditions remained harsh [and] the Government continued severe re-strictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights.”

(E) “[a]lthough 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) “[a]nonapproved religious groups, including Protestant and Catholic groups, . . . experienced intensified repression”.

(G) “[e]rion human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia, including the restrictions on religious and on other fundamental freedoms in these areas have also intensified.”

(H) “[e]ven through the Chinese 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.”

(i) “In 1996, the authorities continued to follow an intense crackdown, with the so-called ‘state secret’ Lao Xianchun, an independent labor organ-izer, sentenced to 3 years of ‘re-education through labor’ on July 4, 1996, due to his ac-tivities in support of the ‘Democratic Movement’.”

(2) The Government of the People’s Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment.

(c) Dialogue on Future of Tibet: The Sec-retary of State, in all official meetings with the Gov-ernment 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 Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, $2,200,000 for fiscal year 1999 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 author-ized for the “National Endowment for Dem-o-cy” $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 BUILDING.—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 transmit to the International Relations Committee of the House of Representatives and the Foreign
It is the sense of Congress that—
(1) 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 from entry to 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 in the United States 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 this 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 the manner 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 needs to be engaged 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 abiding 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.
- People of Hong Kong, a special administrative region of China, are prevented from having an election that would allow them to freely elect their representatives, and that the procedure for the conduct of the elections of the legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

The question I think we have to ask is, Should that influence how American policy is made and applied? 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 regime.
- 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.

The amendment also calls on the Secretary of State to seek greater access for international humanitarian organizations to prisons in Tibet and China—access that will ensure that prisoners are not being mistreated and that they are receiving necessary medical care.

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 full range of issues.

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 permissions 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 transplanting 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.

As the world’s first free nation, and the continuing leader of the free world, we have a responsibility, in my view, to defend people’s basic rights wherever they are endangered or violated.

We cannot, without undermining freedom in our own nation, turn our backs on those whose basic freedoms are under attack in China, or in any other nation.

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 it is so needed 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.

I yield the floor.

Mr. INOUYE addressed the Chair.

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, I so order.

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 denied the lack of 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 crackdown on political dissidents 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 and the reforms that are taking place, and that this administration could put so much faith in President Jiang and his regime in Beijing when all of the evidence that is forthcoming, whether it is in the media, through our intelligence agencies, or the State Department itself indicates that, in fact, those abuses are as bad as ever, and that the crackdown on religious believers is now only most recently exceeded by the crackdown on political dissidents. I do believe, as the President has expressed, that eventually China will be free. I believe that. I think someday China will be a country in which free expression is tolerated and the freedoms that are not American values, but are fundamental human values, will exist in China. But I think it will not be through the regime that rules with an iron fist in Beijing, China, today. So, let us engage, but let us engage thoroughly and on all fronts.

The package of amendments that is before the Senate today will enable us to do that. So it is essential that we not table the China amendments, that we support them, that we agree to them as part of the appropriations bill. I believe, because the House passed these measures by such an overwhelming vote, that they will be preserved in the conference and we will be able to give the President an opportunity to truly involve this administration in an engagement policy that will reflect the values that are precious to us and help to bring about the change that we desire to see in China and to give support to the freedom fighters, freedom lovers in China today who risk the limited freedom that they have to go about their daily activities by speaking out, by seeking to form an opposition political party, by seeking to worship according to the dictates of their conscience.

I think it is so imperative that we go on record with these amendments, to stand shoulder to shoulder with those who are putting their lives and their limited liberty at stake by taking a far more dangerous stand there, in China, today.

I applaud Senator Abraham for bringing the human rights monitors amendment to the floor of the Senate, and I look forward to casting my vote against tabling and for the amendment. I ask my colleagues to do likewise.

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

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

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.

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
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 marketplace, they’re all wrong. But they’ve been taken as supporting the modernistic conception of a change-based world in which forces devoid of meaning account for all outcomes. Some 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 inscrutable running down of the stars, proving existence to be pointless. A depressing inevitable death of the universe figures prominently in the works of post-modern novelists like Thomas Pynchon; while in the movie Annie Hall, Woody Allen’s character is psychologically paralyzed by his dread of the galactic endgame until he dies.

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 the University of Texas, to which cosmologists discussed the theological implications of their work, is representative. Allan Sandage, one of the world’s leading astrophysicists, thundering that, in explaining the majesty of the big bang helped make him a believer in God, willing to accept that creation could only be explained as a “miracle.”

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 want to find it respectable to talk about how physical law seems to favor life, notes Ian Barbour, a professor of both religion and physics at Carleton College, in Northfield, Minn.

In this vein, the recent book Consilience by Harvard biologist E.O. Wilson argues that there is no need to wall off scientific from moral thought; rather, people should once again pursue the Enlightenment vision of reconciling the technical and the spiritual. A boom in moral philosophy with titles such as A Case Against Accident and Self-Organization and God: The Evidence goes further, suggesting theunknowns of the big bang eventually will be seen as divine latency.

But now “theology and science are entering into a new relationship,” says physicist turned theologian Robert John Russell, who in 1981 founded the Center for Theology and the Natural Sciences at the Graduate Theological Union in Berkeley. Rather than undercutting faith and a sense of the spiritual, some are discovering support for them, at least in the minds of people of faith.

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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 want to find it respectable to talk about how physical law seems to favor life, notes Ian Barbour, a professor of both religion and physics at Carleton College, in Northfield, Minn.

In this vein, the recent book Consilience by Harvard biologist E.O. Wilson argues that there is no need to wall off scientific from moral thought; rather, people should once again pursue the Enlightenment vision of reconciling the technical and the spiritual. A boom in moral philosophy with titles such as A Case Against Accident and Self-Organization and God: The Evidence goes further, suggesting theunknowns of the big bang eventually will be seen as divine latency.

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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 1961 Nobel Prize in Physics for discovering the principles of the maser (microwave amplifier), further says there is 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 destroy. Ever since Isaac Newton, science has blurred a clear message: the world follows rules, rules that are fundamentally mathematical, rules that humans can figure out. In this way, abstract mathematics, basically making it up out of their imaginations, yet math magically turns out to describe the world. Greek mathematicians divided the quantities that have no obvious connections to circles. This points, says Polkinghorn, "to a very deep fact about the nature of the universe," namely, that our minds, which in fact make the world conform to the reality of the cosmos. We are somehow tuned in to its truths. Since pure thought can penetrate the universe, this seems to suggest that something about human consciousness is harmonious with the mind of God," says Carl Feit, a cancer biologist at Yeshiva University in New York and Talmudic scholar.

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 events. "in this spooky quantum 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 arranged 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? According to quantum mechanics, who in the Church of England in 1711, has no quarrel with evolution. Arthur Peacocke, a bio-logist who is a member of the Church of England, says, "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 the works of his hand, which is the natural universe. Knowing how the universe functions is crucial to a religious person because this is the world He created." Feit is usually careful to note that nomistically, his saying of Michael Shermer, a director 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 it shows, if you like, that would be like using baseball stats to prove a point in football." Another red flag is that adherents of different faiths—like the Orthodox 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 has always taught. Jews aren't likely to make the same leap. And someone who is not already a believer will not join the faithful because of quantum mechanics; conversely, someone in whom science raises no doubts about faith probably isn't even listening. But to people in the midst for whom science questions about religion, these new concordances can deepen a faith already present. As Feit says, "I don't think that by studying science you will suddenly find a new God. But if you have already found God, then you can say, from understanding science, 'Ah, I see what God has done in the world.'"

In one sense, science and religion will never be truly reconciled. Perhaps they shouldn't be. The default setting of science is eternal doubt; the core of religion is faith. Yet profoundly religious people and great scientists are both driven to understand the world. Once, science and religion were condemned as fundamentally antagonistic, ways of pursuing that quest, and science stood accused of smothering faith and killing God. Now, it may strengthen belief. And although it cannot prove God's existence, 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 has been documented. For most of history, religion and science have been siblings—feeding off and sparring with each other—rather than outright adversaries. But, increasingly, we can see a new kind of understanding. Only in the West, and only after the...
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 irreconcilability between "God" and "science" elevated to the status of cultural myth. History tells a different, more complicated story.

In the celestial world, religious myth invested nature and the cosmos with divine emanations and powers. But this celestial pantheon removed coherent explanation 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 disrupted religion's more comprehensive worldview. Buddhists, for example, showed no interest in investigating nature since it was both impermanent and, at bottom, an illusion. Islam made great advances in algebra, geometry, as well as philosophy. But Muslim scholars left the mysteries of physics—motion, causality, etc.—to the power of Allah and to the aphorisms of Aristotle, whose works they recovered and transmitted to the Christian West.

The Bible, of course, has its own creation myth, and the early history of the Christian West. The universe created by a rational God had to be rational and consistent—that much the Greeks already knew. But a universe created out of nothing, as Genesis described it, would have contradicted any words, it could have turned out other than it did. It was only one of an infinite number of possibilities open to a wholly transcendent deity. Gradually, scientists realized that the laws governing such a universe could not be deduced from pure thought—as Aristotle supposed—but instead needed to be discovered through experiment. Thus was experimental science nurtured by religious doctrine.

When the scientific revolution did occur, in Europe early in the 17th century, and researchers for the first time began to regard the world as a mechanism whose workings they could plumb through the scientific method, it wasn't God's existence that was thrown in doubt. Rather, it was Aristotle's "sacred geography," in which Earth and the heavenly bodies were fixed and eternal. Relying on Aristotelian, medieval Christianity had vested nature and the cosmos with divine myth. History tells a different, more complex story. The "celestial mechanics" of Isaac Newton produced a god who designed a world machine and somehow sustained it in motion. Theologians readily accepted whatever proofs for God's existence the new science chose to give. The result was a diminished "god of the gaps" inhabiting whatever dark corners remained of rational light. In this way, says Jesuit theologian Michael Buckley of Boston College, theologians themselves cooperated in the advancement of modern atheism by relying on science to explain God and ignoring "the traditional sources of religious insight and experience that make belief in God intelligible." By the 18th century, astronomer Pierre Laplace could explain nature as a self-sufficient mechanism. As for God, he told Emperor Napoleon, "I have no need of that hypothesis." So, did Darwin in his theory of evolution.

Now, at the end of the millennium, religion and science are beginning to talk, though neither answers to the other's authority. John Paul II consults with his Pontifical Academy of Science—most of whom are not Catholics. By 1998, he had examined the often-hidden assumptions on which scientific theories rest. Confronted by dimensions of the world no scripture has encoded, theologians and scientists who ran into such domestication into any single theory of how the world works. And at the center, still—are flawed and fragile humans trying to understand a universe that has the uncomfortable feel of a home away from home.

**AUGUSTUS ENGLEKEN STEVENS**

Mr. BYRD. Mr. President, August is from the Latin Augustus, the eighth month of our calendar year, a time of harvest and of plenty, named after Augustus Caesar. Augustus Caesar, or, more properly, Octavianus, was the grandnephew of Julius Caesar, and he was the first emperor of Rome, from 27 B.C. through 14 A.D. August is also an adjective, derived from the Latin verb meaning to increase, and in English meaning: to inspire awe and reverence, impose, something that is imposing and magnificent, or dignified and majestic. The adjective Augustan refers also to the age of Augustus Caesar and his reign and the period of history so described is classical and elegant. The term Augustan age specifically refers to a period of Latin literature during the reign of Augustus Caesar, when elegance and correctness were highly valued. Oh, that we might return to that age at least in one sense, when elegance and correctness—not political correctness—were highly valued.

Augustine, a diminutive form of Augustus, was the name of two saints, Saint Augustine of Hippo (354-430 A.D.), a Latin church father and bishop of Hippo, in northern Africa, known for his "Confessions" and his work "The City of God." The second Saint Augustine—the dates we are not sure of but we can believe that he lived until about 604 A.D. He was a Roman monk who went to spread Christianity among the English and who was the first Archbishop of Canterbury. People see from this that the name Augustus is fraught with significance and with portent. It is a name to be lived up to with great deeds and great learning. It is also the name conferred upon the newest member of Senator TED STEVENS' growing family, Augustus Engleken Stevens. My guess would be the middle name is Anglo-Saxon. And this is the third child of Senator STEVENS' third son, Ben.

It is also the tenth grandchild to join the impressive Stevens clan. This newest Caesar to rule with his chubby and imperious fist, and to issue edicts in a piercing wail, was born on Monday, July 27, at 3:30 p.m., weighing in at a healthy 7 pounds, 10 ounces.

In choosing a name as ancient and as illustrious as Augustus, his parents—I surmise—have high hopes and grand ambitions for their infant son. I am sure that grandfather Ted and grandmother Wilma have grandiose schemes afoot as well, to bounce him on a hobbyhorse knee, or to take him salmon fishing in pristine Alaskan waters. I suspect that those who see Ted on the Senate floor, herding appropriations bills through contentious debate to final passage—fists pounding and voice booming—might not recognize Senator STEVENS in his happier and more serene role as grandfather. But to be a grandfather is to be a happy man.

And what feelings of immortality, to be a grandfather. Holding this youngest member of his family, born in the waning days of this second millennium, the namesake of one whose life spanned the opening days of the first millennium, and poised to come into his own birthright in the third millennium, Senator STEVENS can see history unfold into the coming ages. Through children and grandchildren, one has a glimpse of the glorious future, the immortality of the ages. But there be more to than see that little mouth open in a sleepy, toothless yawn, or to catch a glimpse of a little foot—not much longer than a peanut, with toes so small that they could not possibly have working bones inside them—kicking out on bowed leg from within the folded blanket?
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, barked shins, and kisses. I have always liked 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 played with!  
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 have any soup to-day.’  
Welcome, young emperor, and carry on, bringing over 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 newborn and realize what that child means. Senator BYRD told me once that to have a grandchild is to touch infinity. And it is a sobering thing to think about. But it is a joy to have these grandchildren. If one must get old, it helps a lot.

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 quorum be rescinded.

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

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

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 additional term length for the staff director and general counsel of the Federal Election Commission.

Glenn amendment No. 3390, to provide additional funding for enforcement activities of the Federal Election Commission.

Graham amendment No. 3391, to provide funding for the Central Florida High Intensity Drug Trafficking Area.

Stevens amendment No. 3392, to provide an adjustment in the computation of annuities for certain Federal officers and employees relating to average pay determinations.

Campbell (amendment No. 3386) to protect Federal law enforcement officers who intervene in certain situations to protect life or property.

Harkin amendment No. 3367, 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.

Mr. TORRICELLI. Mr. President, yesterday I engaged in a colloquy with Senators KOLI and MOSLEY-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.

Mr. President, I was concerned about this and I look forward to a response to this.

Mr. JOHNSON. Mr. President, I rise today to ask unanimous consent that I be 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 combat methamphetamine trafficking in the state that I represent.

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.
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. MCCONNELL. Mr. President, I urged last night that we have a quorum 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. As 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 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 the 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 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 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 (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—45

Alaska

Baucus

Biden

Bingaman

Boxer

Breaux

Bryan

Bumpers

Byrd

Clintond

Conrad

Daschle

Durbin

NAYs—54

Alaska

Baucus

Biden

Bingaman

Boxer

Breaux

Bryan

Bumpers

Byrd

Clintond

Conrad

Daschle

Durbin

Abraham

Ashcroft

Bennett

Brownback

Burns

Campbell

Chafee

Coats

Cochran

Collins

Cascarano

Craig

D’Amato

DeWine

Domenici

Rusi

Abraham

Ashcroft

Bennett

Brownback

Burns

Campbell

Chafee

Coats

Cochran

Collins

Cascarano

Craig

D’Amato

DeWine

Domenici

Rusi

Faircloth

Feinstein

Ford

Gingrich

Hatch

Huntsman

Huntsman

Inhofe

Jeffords

Kempthorne

Kyl

Leach

Lugar

Mack

Leach

Feinstein

Ford

Gingrich

Hatch

Huntsman

Huntsman

Inhofe

Jeffords

Kempthorne

Kyl

Leach

Lugar

Mack

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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.

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The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 246 Leg.]

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Baucus

Biden

Bingaman

Boxer

Breaux

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Conrad

Daschle

Durbin

NAYs—54

Alaska

Baucus

Biden

Bingaman

Boxer

Breaux

Bryan

Bumpers

Byrd

Clintond

Conrad

Daschle

Durbin

Abraham

Ashcroft

Bennett

Brownback

Burns

Campbell

Chafee

Coats

Cochran

Collins

Cascarano

Craig

D’Amato

DeWine

Domenici

Rusi

Faircloth

Feinstein

Ford

Gingrich

Hatch

Huntsman

Huntsman

Inhofe

Jeffords

Kempthorne

Kyl

Leach

Lugar

Mack

Faircloth

Feinstein

Ford

Gingrich

Hatch

Huntsman

Huntsman

Inhofe

Jeffords

Kempthorne

Kyl

Leach

Lugar

Mack

aboute how to proceed to this point. There is disagreement about this particular amendment and how we can complete the Treasury-Postal Service and other related agencies appropriations bill at this time.

I ask that interest of Senators to have time to work on the substance, what we have agreed to do is to set this bill aside—I will ask unanimous consent to that effect in a moment—and we would go on to the Department of Defense appropriations amendments and continue to work progressively, with the idea of finishing the Department of Defense appropriations bill as early as possible—hopefully, even tonight—which will allow us time to work on some nominations and allow Senators to attend the funeral tomorrow and adjourn for the recess at a reasonable hour tomorrow, or earlier if there is any way of doing it.

I ask unanimous consent that the pending Treasury-Postal Service appropriations bill be laid aside, not to recur prior to September 1, unless agreement is worked out in the meantime. There is hope that could be done. Maybe we could act on it after the DOD appropriations bill is completed. If not, it would be September 1. And no call for the regular order serves to displace the treasury bill, when it is pending in September, in the status quo.

Mr. DASCHLE. Mr. President, reserving 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. LOTT. 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, and 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. LOTT. 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. LOTT. 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 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.

The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The NAYS—19

NAYS—19

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. Mr. STEVENS, Mr. President, could we have order for just one moment. 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 of one hour, and they must be discussed, 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 plane is the last one I can catch. 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 be presented and offered before five 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. What is the next order of business, Mr. President?

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. You as well as I might be 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 that 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.

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

[Roll Call Vote No. 247 Leg.]

YEAS—80

Mr. MURkowski addressed the Chair.

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. What 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 Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, the Senate is not in order.
The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska was 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, 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 or dealt with this, if that is agreeable. If it is, then I would ask it be brought up. I ask unanimous consent that it be temporarily set aside until that is resolved.

The PRESIDING OFFICER. Is there objection, it is so ordered.

Mr. HUTCHINSON. Thank you.

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 move 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?

Mr. HUTCHISON. That is correct. I have spoken on the first amendment, No. 3124. 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 is the regular order. And that is the amendment that was not tabled.

The PRESIDING OFFICER. Without objection, the pending amendment will be amended—Mr. President, 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. 3413

Mrs. HUTCHISON. Mr. President, amendment No. 3413 is to condition the use of appropriated funds for the purpose and orderly and honorable reduction 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 the Senate has voted on any kind of resolution that would establish some kind of policy on Bosnia since the President decided that it would be an unwinding 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 termi-

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 of those deadlines by senior 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.

At that 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 in the same way that 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 work-
ing with our allies to have a better dis-

The United States has approximately 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 at 1979. The Army failed to meet its objective to recruit infantry soldiers, the single most important specialty in the Army. Senate Budget Committee In-

Mr. President, I think they are fol-

On October 3, 1996, the United States has cut its Armed Forces by about a third. It was a forceful statement by the Chairman of the Joint Chiefs. He said it is a recipe for mission creep not to have a termi-

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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 to places where there is no 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 discussing a 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 an individual.

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 a year ago now, the former NATO commander, General 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 there would be no 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 vital 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 are to 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 for national leadership. They would begin to resettle refugees.

Dayton has long since passed. I was in Brcko a year ago, 1 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 resettling of refugees who did not even meet their next-door neighbors from the other factions, and I thought this was going to be a smoking gun. 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, and harmonize.” 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-majoritarian. I think it is going to provoke the uprising we shall try to force 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 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 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 cost of $7 billion a year in a peacekeeping mission, which can be done just as well by any of our other allies, we are walking away from the responsibility we have to our allies to protect them in a way that by the next century we can cause 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, 1 year in a peacekeeping mission, which can be done just as well by any of our other allies, we are walking away from the responsibility we have to our allies to protect them in a way that we can cause only we have the resources to do it.

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, Congresses in the past, Congresses in the past, 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
The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, it is with reluctance I rise to oppose the amendment offered by my colleague, the Senator from Texas, because we share the same concern about the deployment of our troops to Bosnia. We have the same concerns about the Dayton accord which, as presented to us, was transparent on its face. It was disappointing on its face that we could not accomplish the task incorporated in Dayton with a 1-year period of time of deployment of our troops on the ground, a timetable unachievable by any measure. The continued existence of our involvement 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 period those troops will be deployed once the decision has been made by 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 I think the constitutional prerogatives and constitutional powers that I think need defending regardless of what your personal assessment is of any particular President.

Second, I believe it is unwise policy for Congress to mess around with the force levels of our troops or decisions 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 commitment, and the fluid tactical situations they face. In addition, legislating with the timetable of the United States. Particularly at a time like this.

I quote from a letter from the Secretary of Defense dated May 21, 1998, when he says, “Military commanders in the field have determined the level and type of force required to carry out the mission within acceptable risks. The mission force and guidance of the force currently planned for have been fully agreed to by military authorities. Military commanders”—under the amendment offered here—“Military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational consideration, and the fluid tactical situations they face. In addition, legislating withdrawal would incite heightened transgression and extremism.”

Mr. President, we sadly learned in Somalia, to cite one example, the disastrous and tragic consequences of political decisions overriding military requests. We lost some brave Americans unnecessarily because the political decision 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.

In Congress do not have the expertise to make that decision. Even if we didn’t make the 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 table this 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 unnecessarily to limit America’s involvement abroad, I value her enthusiasm and engagement.

The amendment that Senator HUTCHISON 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 Hutchison 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 circumscribing future activities, it also incorrectly implies that NATO forces are transiting 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 Hutchison 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 not 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 Hutchison amendment is a prescription 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 Hutchison 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 nation 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 aptly 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 Hutchison 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 Hutchison amendment, and I urge my colleagues to join me in voting against 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 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 war-fighting 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 the situation in 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 NATO and 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 tough 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 our troops 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 people. We must carry out 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 to end U.S. financial support, 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.

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

I am convinced that the direction we should be taking is to move toward a force made up of European nations inside Bosnia, with U.S. forces just “over-the-horizon” outside of Bosnia—providing a rapid response capability to deter 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 having more 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 the things. It imposition 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 European force inside Bosnia with a U.S. force outside Bosnia that could provide redeployment support to the European force;

6. An assessment of the impact of reducing our forces according to the timetable proposed in the original Byrd-Hutchinson amendment.

This may seem like a detailed and onerous reporting requirement, but it is nothing more than the king 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 Secretary Cohen be printed in the RECORD.

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

THE SECRETARY OF DEFENSE, Washington, DC, 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 or schedule for withdrawal and reduction of 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 U.S. troop levels from almost 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. Yet even more recently, 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 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 the pace 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 heightened interference.

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
MNĐ-North might well be transferred to a non-US officer early next year.

Shifting to a posture in which the US has much smaller force levels in Bosnia but enhances its presence in regions surrounding Bosnia, as envisioned by the amendment, will not save money and indeed could increase our current defense cost in Bosnia. We are continually evaluating the force posture for Bosnia, and do not consider an over-the-horizon force appropriate now. Accordingly, we strongly urge you to oppose any legislated fixed date or timetable for withdrawal or reduction of US forces in Bosnia.

There is one other factor related to operations in Bosnia of great concern to us, and that is funding. The Department submitted an addition to the FY99 budget to fund a 6,900-person force in Bosnia. Authorizing that request is essential to accomplishing the mission without significantly reducing readiness in other areas. Without that funding, we would have to choose between Bosnia operations and the overall readiness of our Armed Forces.

Sincerely,

HENRY H. SHELTON
BILL COHEN

Mr. MCCAIN. Mr. President, in Secretary Cohen and General Shelton's letters to the Senator from Arizona just referred to, it is very important to understand what they are saying here:

Under a legislated approach, military commanders will be forced to restructure their force and mission tasks based on an arbitrary 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 heightened intransigence and extremism.

So that is the view of the people to whom we entrust the care of our men and women in the military.

I think it would be very appropriate to have a vigorous and, I think, illuminating debate on the issue of whether the troops should be there at all. Congress clearly has the right to cut off funding for any military operation anywhere in the world. But I see nowhere in the Constitution where we have, indeed, declared levels of troops that should be there. I pride myself on the fact that I had some time in the service of our country wearing a uniform, but no way does that give me the expertise or the knowledge to set a troop level. That responsibility is entrusted to our civilian and military commanders.

So it is with reluctance, because I agree with the thrust of what Senator Hutchison is saying. Mr. President, I move to table the Hutchinson amendment.

Mr. BYRD. Mr. President, will the Senator allow me to speak on this amendment before he moves to table it?

Mr. MCCAIN. Absolutely.

Mrs. HUTCHISON. Will the Senator also allow others who said they would like to speak on this amendment to speak and then move to table?

Mr. MCCAIN. I do not intend that the request for the distinguished manager of the bill. It is nearly 5 o'clock. We have 50 pending amendments.

Mrs. 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 will yield.

The PRESIDING OFFICER. The Chair needs to know whether the Senator has withdrawn his motion to table.

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 of 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 Inhofe and Senator Sessions have both asked to speak for approximately 10 minutes each, and then I would like to comment on my amendment with about 10 minutes left.

Mr. MCCAIN. Senator Inhofe said he does not wish to speak on the amendment.

Mr. STEVENS. He has gone to a meeting.

Mr. President, I would like to put some 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 would be interested in this discussion, and I hope that maybe just the Senator from West Virginia, Mr. Byrd, would speak and then those who already spoke 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 without limitations. And it is with the understanding that if the amendment is not tabled, there is no agreement on the amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. After Senator Byrd speaks, I would be allowed at least 5 minutes to close?

Mr. STEVENS. That leaves 10 minutes. I might say to the Senator, in her control; 25 minutes in the control of the Senator from West Virginia.

Mrs. HUTCHISON. That will be fine. I thank the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent agreement is accepted. The Senator from West Virginia.

Mr. STEVENS. Pardon me. The agreement is the Senator from Arizona will be recognized, is that correct?

The PRESIDING OFFICER. That is part of the unanimous consent agreement.

Mr. LEVIN. Mr. President, parliamentary inquiry. Has the agreement been entered into?

Mr. STEVENS. Yes, it has. Is the Senator from Michigan upset?

Mr. LEVIN. I would like 5 minutes, if I could.

Mr. STEVENS. On which amendment?

Mr. LEVIN. On the pending amendment.

Mr. STEVENS. The Senator has not spoken on the amendment.

May I extend him another 5 minutes. We will vote, then—let's put that off. When that time has expired, I do want to ask unanimous consent that we then proceed to the Hutchinson amendment in the second degree to his amendment, and following that, there will be a vote. I understand there is an agreement so I don't think we need a time agreement. But I would ask that the time on this expire at 5:40 and that we then proceed to the Hutchinson amendment in the second degree—there will be three comments about that amendment—and that we vote on both of those amendments at 6 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, why didn't the Senator just leave it at 5:30 the way you had it? I think the Senator from Michigan may be willing to take, say, a minute.

Mr. STEVENS. Very well. At 5:30 he gets a minute, and we will go back. We still want have a vote on the two amendments at the same time. I will renew that request later.

Mr. COATS. Mr. President, reserving the right to object, but I will not object, could I just inquire, did I understand the Senator to say that the second degree will be in order if the amendment is not tabled?

Mr. STEVENS. If it is not tabled. There is no second-degree amendment available because the Senator from Arizona will be recognized to table at the end of these statements.

Mr. COATS. If not tabled, the second degree—

Mr. STEVENS. If not tabled, the second degree is still in order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.
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 continuing 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 purpose 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, whether the troops be 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 commend Senator 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 falling United Nations peacekeeping effort there since 1992. The original mission of the NATO force was quite limited—contain 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, would take "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 recovery effort continued. It is 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 considerations regarding the continuing participation of U.S. forces in a government and civilian infrastructure requires the continued reassurance of a NATO peacekeeping force. Elections are scheduled for September, and more work needs to be done to establish judicial and police structures to ensure the safety 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 straightforward: that when Bosnian government and institutions resemble those of the United States, then our troops might leave.

Mr. President, that is a pretty big order. Bosnia has never previously reestablished a viable, free 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 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 utopian vision.

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 also recognizes 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 the United States 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, 2,000 years ago. $9.50. 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 6,700 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, charged with the status of 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 continue reassurance for civilian reconstruction in Bosnia—what is the minimum number of troops required to provide that reassurance? And for how long? And at what cost? Let us not be too quick to pass to our European allies the baton of leadership because our European 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 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 now envisioned? If we cannot pass an amendment that limits numbers required, must we continue to shoulder this burden? Which would be a reasonable 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 now envisioned? If we cannot pass an amendment that limits numbers required, must we continue to shoulder this burden? Which would be a reasonable 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.

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 and 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 more work being done in that regard. Where are the discussions on a peace process? One ethnic group over another? NATO forces have played an increasing role in the capture of war criminals, and have more work being done in that regard. Where are the discussions on a peace process?
came very close to mounting a “snatch and grab” exercise designed to capture Serb military leaders before commanders on the ground declared that the intelligence was insufficient to ensure a reasonable chance of success. The longer we stay in Bosnia, and the more manpower we have to spare, the more such jobs we will be drawn into doing. It is the American way, to say, “we’ll pitch in.” And we are suckers for the underdog. But that can be dangerous in a place with centuries-old animosities as Bosnia. The ethnic and religious factions know how to carry a grudge, how to nurse an injustice, through centuries if need be. With these questions in mind, consider the current situation in the Balkans, as Senator Hutchinson has. Bosnia is relatively stable. No one is shooting at each other, and no one is shooting at the NATO forces. But, Kosovo, on its borders, is not stable. There, the situation is rapidly degenerating, and more than 100,000 refugees have fled into neighboring Albania to seek refuge from Serbian dominated Yugoslav military forces who are ruthlessly squashing a separatist movement in ethnically Albanian Kosovo, which was an autonomous region of Yugoslavia until 1989. The situation is complex and, frighteningly, contains the potential to draw in neighboring nations and even NATO members. This is the dreaded “spillover” that was much discussed when the ethnic conflict in Bosnia erupted in 1992.

NATO officials have already contemplated what forces might be necessary to contain the conflict in Kosovo. Even with over 20,000 troops spread along the mountainous border between Kosovo and Albania, they concluded, the probability of success would be low. Air strikes are under consideration. Diplomatic efforts are ongoing, but the Yugoslav leader, Slobodan Milosevic, has an unenviable history of playing both ends against the middle to achieve his goals.

It is clear that the cost of maintaining a large presence in Bosnia could be fairly high if forces are needed to contain the conflict in Kosovo and keep it from engulfing a large part of the Balkans. Our NATO allies will happily continue to let the U.S. carry the heaviest load in addition to the burdens of leadership, if all it takes is to threaten that is through the exit door, should we decide to leave. To hear them say it, it would be quite a stampede, no matter what the consequences are for Bosnia and their own continent’s future.

The amendment offered by Senator Hutchinson calls for a gradual ramping down of the U.S. presence in Bosnia, reducing our forces there to 5,000 by October 1, 1999, a number roughly equivalent to that of Britain, the next largest contributor to the NATO mission. The amendment of the Senator from Texas also limits the mission of those remaining forces to the security role assigned to them in 1995. This honors U.S. NATO commitments in Bosnia, protects our men and women in the military from being put in a position of playing favorites and therefore creating enemies, while freeing up troops, energy, and funds for other pressing security concerns.

The United States cannot continue to pick up the largest burden of every NATO military mission. While our allies have been reducing their military budgets and forces since the cold war ended, the United States military has dedicated a number toward $40 billion of calls to respond to crises around the world—in Somalia, Rwanda, Haiti, Iraq, Bosnia, and next, perhaps, in Kosovo. Our generosity in picking up the bulk of the tab has, I fear, marked us as a patsy, a patsy who can be suckered into bankrupting everyone’s problems with funds and troops. If we keep doing it, what incentive is there for anyone else to develop the expertise, training, and tools to take over appropriate parts of that role?

I wish that the administration would put its support behind this amendment. I think it would strengthen the administration’s position in talking with our allies in Europe, and it would seem to me that would be a very beneficial thing, insofar as the administration is concerned.

Mr. President, I believe that Senator Hutchinson has offered a blueprint for the continued U.S. participation in Bosnia that supports our NATO commitment, even our leadership role, but not at the cost of maintaining a disproportionate force size. The most important thing we can do here today is to let the soldiers and airmen out there for far away know that we are watching, and that we care enough about them to act in their best interests. They are not America’s forgotten heroes, out of sight and out of mind unless trouble comes their way. We are there with them, in thought and in deed. And if more of them engaged in lengthy and lonely overseas deployments for any longer than is absolutely necessary, I will vote for the Hutchinson amendment. I urge my colleagues to do the same.

Mr. President, I yield back the remainder of my time.

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 Senator from Alabama is recognized for 3 minutes.

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 probably will be casting their vote for it. We are at a great junction, the greatest Nation in the history of the world. This body, this Senate, has traditionally been involved in American foreign policy and American national defense. We are spending a very large sum of money on this mission which is ill-defined and provides little immediate benefit to our Nation. Other nations which have a far clearer and more direct interest in it are picking up the bulk of the tab.

This mission has exceeded $10 billion, which comes from the American taxpayers. We went through a BRAC process, a base-closing process of which the Senator from Texas and the Senator from Oklahoma, who is here, have all quite understood $9 billion. We spent more than that already on Bosnia, an operation that has very little vision. The President has articulated very poorly and inadequately, in my opinion, any justification for an extended mission with no end in sight.

As the President said in remarks earlier, it was a political decision to move into this area of the world. Therefore, it is a decision quite appropriate for this body to respond to. I say it is time to confront the issue, demand some answers, require the President to be responsible, and assert our rightful role as a U.S. Senate in American national defense. I am, frankly, disappointed that a Senator would move to table and cut off debate on this issue.

I think we ought to say a lot more about it, and we ought to have a lot of time talking about it, not be cutting off this debate. Maybe some of them have wobbled up their minds, they think they know what is best for everybody else here, but I am not so certain they do. So I don’t know.

I do not have much time. I know others do. And we are going to have the vote on the motion to table shortly. And I just feel very strongly about it. We have a role in this world, not to be the policemen. We have ballistic missile defense. We have chemical, biological weapons. We have strategic capabilities we want to maintain. We cannot just drift into this without a clear understanding of our mission.

Mr. President, I yield the floor.

Mrs. HUTCHISON. Mr. President, I yield up to 3 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Texas for yielding the time. It is very precious time. There isn’t nearly time to get into the seriousness of this issue. The Senator from Alabama is exactly right, there is no issue before this body that is more significant than this particular issue.

We have stood here and debated this at least once a month since November of 1995. If I could criticize the Senator from Texas, I would say this isn’t strong enough. But I know she knows it is not strong enough either. We should have a date. We should be out of there. And it isn’t being heartless, it isn’t being uncompassionate.

This is something where the times are running against us. They were back in 1995. If you just look at a very recent development, the Rumsfeld report came out. And if you will remember,
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 ballpark—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 on the ground and clean it up.

How do you do that? If you go to the 21st TACOM in Germany, they 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 do that, 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 time allocated to the Senator was 2 minutes. If it was 3, 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 quick, I think 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; it is because of the type of operation 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 the best thing out there.

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 my colleagues, General Shelton and Secretary Cohen, on May 21, told us the following: Under a legislated approach, military commanders would be forced to restructure their forces and missions 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 commanders, 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 remind 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 certification and objectivesAct to Congress 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 achievable, and their achievement will enable the international community to rely largely on traditional diplomacy, international civilian 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 bilaterally 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 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 a report on these matters by June 30, 1998 and annually thereafter as 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 OPLAN for the post-June 1998 mission in Bosnia. The OPLAN requires benchmarks and objectives 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 March 3, 1998, 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, and adds 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 language added by the amendment.

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 Defense Authorization bill for Fiscal Year 1999 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 mission 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 in 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 5,600 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.

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 main 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 Peace Implementation Council was considering 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 US forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkable successful to date.

"We will conduct regular reviews of our force posture and progress toward the benchmarks we have established, and we expect other countries to do the same. 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.

"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 May 21, 1998 letter from Secretary Cohen and General Shelton be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1)

EXHIBIT 1

Mr. LEVIN. Mr. President, Secretary Cohen and General Shelton said it well. I agree with them—Congress should not mandate troop reduction by arbitrary dates.

Mr. President, I also disagree with other sections of this amendment dealing with exceptions to the mandated drawdown and limitations on support for law enforcement activities in Bosnia.

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 2

TEN BENCHMARKS

1. The Dayton Peace Agreement 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 Selek Impexa) are dissolved and illegal and criminal enterprises 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 international commerce eliminated.

8. A phased and orderly minority return process is functioning, with Sarajevo, Brcko and Zvornik having accepted significant returns.

9. In Brcko, the multi-ethnic administration functioning and a secure environment for citizens 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, international civilian agencies, and disincentives, confidence-building measures, and negotiation to continue implement 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 concurrence among NATO allies on (1) 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 in the implementation of the Implementation Force (IFOR) in December 1995, incorporating the benchmarks and
S3970
CONGRESSIONAL RECORD — SENATE July 30, 1998


Dear Carl: We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or redeployment 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.

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 troop levels from about 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. We will conduct regular reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible. But this must be 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. Under a legislated schedule, 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.

There is one other factor related to operations in Bosnia of great concern to us, and that is funding. The Department submitted an FY98 budget to fund a 6,000-person force in Bosnia. Authorizing that request would allow us to accomplish the mission without significantly reducing readiness in other areas. Without that funding, we would have to choose between Bosnia operations and the overall readiness of our Armed Forces.

Sincerely,

Henry H. Shelton
Chairman
The Joint Chiefs of Staff

B. J. Olson
The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCISON. Thank you, Mr. President.

Mr. President, I thank the Senator from Oklahoma, the Senator from Alabama, the Senator from West Virginia, who have all made very strong statements about their commitment and the commitment of Congress to support our troops. It is our responsibility to do this.

I want to answer a couple of points that were made. Somalia—the argument was made that troops were not provided equipment and we lost 18. I think that is correct. I purposefully made that point.

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 troop levels from about 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. We will conduct regular reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible. But this must be 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. Under a legislated schedule, 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.

Shifting to a posture in which the U.S. has much smaller force levels in Bosnia but enhances its force presence in regions surrounding Bosnia, as envisioned by the amendment, will not save money and indeed could cost more than our current operation in Bosnia. We are continually evaluating the force posture, and we do not consider an over-the-horizon force appropriate now.

Accordingly, we strongly urge you to oppose any legislated fixed date or timetables for withdrawal or reduction of U.S. forces in Bosnia.

There is one other factor related to operations in Bosnia of great concern to us, and that is funding. The Department submitted an FY98 budget to fund a 6,000-person force in Bosnia. Authorizing that request would allow us to accomplish the mission without significantly reducing readiness in other areas. Without that funding, we would have to choose between Bosnia operations and the overall readiness of our Armed Forces.

Sincerely,

Henry H. Shelton
Chairman
The Joint Chiefs of Staff

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCISON. Thank you, Mr. President.

Mr. President, I thank the Senator from Oklahoma, the Senator from Alabama, the Senator from West Virginia, who have all made very strong statements about their commitment and the commitment of Congress to support our troops. It is our responsibility to do this.

I want to answer a couple of points that were made. Somalia—the argument was made that troops were not provided equipment and we lost 18. That is exactly correct. I hold up Somalia as one very real example of what we should be doing something today to protect our troops in the field—because, in fact, in Somalia Congress was never consulted. The decision not to send the equipment was made by the Pentagon. It is precisely because Congress was not consulted and was not committed to this that it failed so miserably. The mission creeps in Somalia is exactly what we are trying to avoid in Bosnia today. And that is why I support this amendment.

Let us talk about precedent. On July 31, 1989, there was a resolution requiring the President to reduce the number of U.S. forces in Korea. That is exactly what I would hope that we would do today. Nine years ago, almost to the day, Congress met its responsibility. This was an amendment that specifically asked the President to come forward with a plan to have gradual reductions in the number of U.S. military personnel stationed in the Republic of Korea.

This is exactly what we are doing today. We are saying, in this appropriations bill for this fiscal year, that we should reduce the number of forces so the President can go to our allies and start negotiating for a more equitable spread. That is exactly what we did in Korea.

With Korea we said, ‘‘The Republic of Korea should assume increased responsibilities for its own security.’’ This was an amendment that was sponsored by Senator McCain, Senator Nunn, Senator Warner, Senator Exon, Senator Dixon, Senator Wirth, Senator Shelby, Senator Thurmond, Senator Cohen, Senator Wallop, Senator Gore, Senator Lott, and Senator Coats.

This is exactly what I hope we will do today. It is the responsibility of Congress to provide support for our troops. We cannot stand by and watch our military disintegrate, lose our most experienced warriors, put them in harm’s way, and do nothing.

Have we lost our backbone in 9 years? Or have we lost our compass? Have we lost the will to do what is right for this country?

Congress is responsible for providing the support for our troops. And I hope that we will meet our responsibility today.

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

Mr. McCaIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCaIN. Nearing the moment, I think, according to the previous unannounced motion to recommit to make a motion to table, I would just like to make one quick point.

Back several years ago, in 1990, I was speaking in support of an amendment—in support of the Bush administration, the President of the United States, not in opposition. And it was a peace-time deployment to Korea, a rearrangement of forces, not the situation in Bosnia. An important factor is, I was supporting the President of the United States and the Secretary of Defense.

The Hutchisons amendment is in opposition to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, as well as the President of the
United States. I think there is a significant difference there.

Second, one of the Members came to the floor and said that we need to debate this more. As the Senator from Indiana pointed out, this is the same amendment we voted on last May; basically, the same wording, the same thing. We did have lots of debate on it.

As the distinguished chairman of the committee pointed out, we have 50 or 60 amendments that we need to address between tonight and tomorrow, all of which we could do very thoroughly. But I expect to get out at a reasonable time-frame either tomorrow or Saturday or Sunday, as the distinguished chairman and ranking member pointed out.

The hour of 5:30 having arrived, I move to table the Hutchison amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I want to announce, there is now a second-degree amendment to the Hutchinson amendment that could be offered and may settle the issue with regard to the previous amendment which was tabled.

AMENDMENT NO. 3135 TO AMENDMENT NO. 3134

Therefore, I ask unanimous consent the Senate now turn to the Hutchinson amendment in the second-degree and that there be a short period of debate. Can you tell me how long you think it will take?

Mr. HUTCHINSON. I think the amendment has been agreed to and would not need debate, from my standpoint.

Mr. STEVENS. I think we should have at least 10 minutes equally divided between the Senator from Arkansas and the Senators from Michigan and Delaware, and I am informed it will require a rollover vote.

I ask unanimous consent there be that period now for 10 minutes on this amendment that Senator Hutchinson will offer, and following that time that the rollcall on his amendment take place after the rollcall vote on the motion to table that has just been made by the Senator from Arizona.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that it be in order for me to offer an amendment to the Hutchinson amendment in the second-degree and that there be a short period of debate.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. Hutchin-son], for himself and Mr. Levin, Mr. Kerry, Mr. Biden and Mr. Lieberman proposes an amendment numbered 3419 to amendment S.3054.

The amendment is as follows:

Strike all after the word “Title” and insert the following:

IX

HUMAN RIGHTS IN CHINA

Subtitle A—Forced Abortion in China

S.9001. This subtitle may be cited as the “Forced Abortion Condemnation Act”.

S.9002. Congress makes the following findings:

1. Forced abortion was wrongly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

2. For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with births below the population control program goals.

3. The population control program, in fact the Chinese Communist Government, encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

4. The People’s Republic of China population control officials, in cooperation with employers and others, monitor women’s menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpaid fines and loss of employment, and often to physical force.

5. An estimated 6.5 million women give birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People’s Republic of China, for example, the average fine is estimated to be twice a family’s gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

6. Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control measures under orders from the local government to “have more graves than one more child.” Enforce-ment measures included torture, sexual abuse, and the detention of residents’ relatives as hostages.

7. Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

8. Since 1994 forced abortion and steriliza-tion have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective. In 1995, the official eugenic policy known as the “Natal and Health Care Law”.

S.9003. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any official of any country (except the head of state, the head of government, and cabinet level ministers) who has directly participated in the establishment or enforcement of policies restricting freedom of religion that have been directly involved in the establishment or enforcement of policies restricting freedom of religion.

(b) As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum and the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds.

(c) In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals’ whereabouts and conditions of detention or release.

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government’s policy and practice of harassing and repressing religious believers.

S.9002. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to admit to the United States any individual covered by subsection (a).

(b) The President may waive the prohibi-tion of subsection (a) in the case of an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

S.9004. In this subtitle, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Mr. HUTCHINSON. Mr. President, I want to express my appreciation to the Senators on the other side of the aisle who, I think, have made very positive and productive suggestions to improve the amendment that I have offered regarding human rights abuses in China.

The simple explanation for the changes that are made, we have made the bill generic in nature rather than country-specific. I have some reservations about the bill. I don’t want the President may waive the prohibition in subsection (a) or (b) if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives containing a justification for the waiver.

Subtitle B—Freedom on Religion in China

S.9001. (a) It is the sense of Congress that the President should promote freedom of religion one of the major objectives of United States foreign policy with respect to China.

(b) As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds.

(c) In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals’ whereabouts and conditions of detention or release.

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government’s policy and practice of harassing and repressing religious believers.

S.9002. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to admit to the United States any individual covered by subsection (a).

(b) The President may waive the prohibi-tion of subsection (a) in the case of an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

S.9004. In this subtitle, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Mr. HUTCHINSON. Mr. President, I want to express my appreciation to the Senators on the other side of the aisle who, I think, have made very positive and productive suggestions to improve the amendment that I have offered regarding human rights abuses in China.

The simple explanation for the changes that are made, we have made the bill generic in nature rather than country-specific. I have some reservations about the bill. I don’t want the
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." 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 organizations 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.

So 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 abortion, forced sterilization, 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 LEVINE, be added as cosponsor.

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 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 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. 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:

[Roll Call Vote No. 249 Leg.]

YEAS—68

Abraham    Arkansas
Akaka       Arizona
Baucus      California
Bennett     Connecticut
Biden       Delaware
Bingaman    Idaho
Bommarito   Indiana
Breaux       Louisiana
Brownback    Kansas
Bryan       Mississippi
Bumpers      Missouri
Burke       Nevada
Byrd        North Carolina
Chafee      Rhode Island
Cleland     Tennessee
Coats       Texas
Coats       Utah
Coats       Vermont
Coats       Virginia
Collins     Wisconsin
Collins     Wyoming
Cornell     Wyoming
D'Amato      Wyoming
Daskie      Wyoming
Dodd        Vermont
Domenici     New Jersey
Durbin       Virginia
Feinstein    California
Ford        Idaho
Glen          North Dakota
Graham       Arizona
Hagedorn     Idaho
Harkin       Wisconsin
Hatch        Utah
Hollings     Arizona
Inouye       Hawaii
Jeffords     Washington
Johnson      Virginia
Kennedy      Texas
Kerry        North Carolina
Kerry        Ohio
Kohl        South Dakota
Kyl         North Dakota
Landrieu      Louisiana
Laurntenberg    California
Leahy       Massachusetts
Levin        Arizona
Lieberman     New Jersey
Lott        South Dakota
Mack         New York
McClain      Washington
McConnell     California
Mikulski     North Dakota
Moseley-Braun     Utah
Murray       Kentucky
Reed         Idaho
Reid         Nevada
Robb        South Dakota
Rockefeller   New York
Roth         Wisconsin
Sarbanes      Maryland
Sasser        South Carolina
Specter      Pennsylvania
Thurmond     Mississippi
Torricelli     New Jersey
Warner       North Carolina
Weinstein     Massachusetts
Wyden        South Carolina

NAYS—31

Allard       Montana
Ashcroft     California
Bond        Idaho
Byrd        Virginia
Campbell     Michigan
Cassidy      South Dakota
Caucus       Montana
Cook         Montana
Coverdale     Ohio

The yeas and nays were ordered.
The motion to lay on the table the amendment (No. 3413) 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.

CHANGE OF VOTE

Mr. GRAMS. Mr. President, on roll-call vote No. 249, I voted “aye.” It was my intention to vote “no.” Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I believe the Senator from Delaware wished to be recognized for just one minute.

The PRESIDING OFFICER. The Senator from Delaware has been recognized.

Mr. STEVENS. He has been?

The PRESIDING OFFICER. Yes.

VOTE ON AMENDMENT NO. 3419

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

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIDEN. Mr. President, I also ask unanimous consent the Senator from Virginia, Mr. Rобб, be added as a cosponsor.

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

Mr. STEVENS. Vote.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment offered by the Senator from Arkansas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “aye.”

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 250 Leg.J.

YEAS— 99

Abraham  Faircloth  Lott
Alaska  Feingold  Logan
Aliarid  Feinstein  Mack
Ashcroft  Ford  McCain
Baucus  Fred  McConnell
Bennett  Glenn  Mikulski
Biden  Gorton  Moosley-Braun
Bingaman  Graham  Meyhujuan
Bond  Gramm  Murkowski
Boxer  Graves  Murray
Breaux  Grassley  Nickles
Brownback  Gregg  Reed
Bryan  Hagel  Robb
Bumpers  Barkin  Robb
Burns  Hatch  Roberts
Byrd  Hollings  Rockefeller
Campbell  Hutchinson  Roth
Chafee  Hutchinson  Santorum
Cleland  Inouye  Sarbanes
Cochran  Jeffords  Shelby
Collins  Johnson  Smith (NH)
Conrad  Kempthorne  Smith (OR)
Ceverddell  Kennedy  Snowe
Cruz  Kerry  Stevens
D’Amato  Kerry  Stevens
Daschle  Kohl  Thomas
DeWine  Kilgore  Thompson
Dodd  Landrieu  Thurmond
Domenici  Lautenberg  Torricelli
Durbin  Levin  Wellstone
Enzi  Lieberman  Wyden

NOT VOTING— 1

Heims

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.

VOTE ON AMENDMENT NO. 3214, AS AMENDED

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 on the underlying amendment No. 3214, as amended.

The amendment (No. 3214), 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 ?
Mack—Commercial Space Act.
D’Amato—G.Smith—Sanctions—Serbia/Montenegro.
Coats—Sense of Senate.
Coats—Next QDR.
Stevens—relevant.
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.
Holllings—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 is 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 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. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, as I understand it, 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, SHELBY, 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 am now ready 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 veterans' 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 DURKIN'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 PPO 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—there is in the House bill; we prefer not to take it up at this time if we can avoid it—and Senator WELLS'lemon'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 chairmanship 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 is 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 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 that conference report be considered as having been read. I further ask that there be four hours of debate, equally divided, between the Senator from Minnesota, Senator WELLS, 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 WELLS 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 sent to the desk the first 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 adopted.

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 amendments.

The legislative clerk read as follows:

The Senate from Alaska [Mr. STEVENS] proposes amendments No. 3420 through and including 3464 in en bloc, and the Senator from Hawaii [Ms. Inouye], for Ms. Moseley-Braun, proposes amendment numbered 3464.

The amendments are as follows:

AMENDMENT NO. 3420

(Purpose: To set aside $12,000,000 for continuation of electric and hybrid-electric vehicle development)

On page 33, line 25, insert before the period: 

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That of
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Mr. AKAKA. I have offered an amendment for Senator COCHRAN on the near-term digital radio issue; my amendment on the MILES training and equipment; the Specter amendment on provision of the Weapons of Mass Destruction Commission; my amendment on the KOREAN war vets memorial repairs; the McConnell amendment on chemical demilitarization; the Mack amendment on NAWC transfer of property; the Mikulski amendment on ship-breaking; the Lott amendment on the next-generation Internet; the Murkowski amendment on FERTEC; my amendment for Senator SHELBY on the electronic circuit board manufacturing; the Specter amendment on proliferation of the Weapons of Mass Destruction Commission; my amendment on the MILES training and equipment issue; my amendment on rescission as of the date of enactment; my amendment for Senator COATS on the near-term digital radio issue; my amendment 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 sequesters; the McCain-Kyl amendment on land transfer; my amendment for Senator Kyl on passenger safety system for tactical trucks; the Grassley amendment on problem disbursements threshold; the Harkin amendment on the Gulf War illness; my amendment on the air combat training instrumentation issue; Faircloth amendment on TRICARE; my amendment on firefighting equipment leasing; the Bumpers amendment on the DTRTCA, Domestic Preparedness Training Research and Education Act; my amendment on the Aerostat Development Program; Burns-Baucus for redevelopment of the Havre Air Force Base; the McCain amendment on foreign students' reimbursements; the McConnell-Ford amendment on chemical demilitarization; the Wallstone SOS, child soldiers, global use amendment; my amendment on Senator Faircloth on spending 1996 funds on so-called PFNA issue; the Bennett amendment on alternate turbine engines; and the Gramm amendment on military voting rights.

There should be 44 separate amendments 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 amendment 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 adopted.

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 amendments.

The legislative clerk read as follows:

The Senate from Alaska [Mr. STEVENS] proposes amendments No. 3420 through and including 3464 in en bloc, and the Senator from Hawaii [Ms. Inouye], for Ms. Moseley-Braun, proposes amendment numbered 3464.

The amendments are as follows:

AMENDMENT NO. 3420

(Purpose: To set aside $12,000,000 for continuation of electric and hybrid-electric vehicle development)

On page 33, line 25, insert before the period:

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That of
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Mr. AKAKA. I have offered an amendment to the Department of Defense 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 Department of Defense for the electric vehicle program over the past five fiscal years. Industry has contributed more than $115 million in matching funds. In fiscal year 1998, the appropriation was $15 million, so my amendment represents a budget reduction of 20 percent compared to the fiscal year 1998 appropriation.

Seven regional consortia, comprised of more than 200 member companies, participate in the program. Individual consortia, which were selected competitively, include Hawaii, Sacramento, the Mid Atlantic Consortium in Johnstown, PA, the Northeast Consortium in Boston, the Southern Consortium in Atlanta, the Mid America Consortium in Indianapolis, and CALSTART in Burbank, CA.

The President's fiscal year 1999 budget proposed that the DARPA program be transferred to the Department of Energy and the Department of Transportation. The object of the fiscal year 1999 budget was to transfer the developed technology to commercial service vehicles such as buses, delivery vans, and service trucks. I support this transfer.

Unfortunately, despite the best efforts of all the 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 combat vehicles because they can reduce fuel consumption by 50 percent, leading to a reduced fuel logistics burden, increased endurance, and reduced emissions. In addition, hybrid electric combat vehicles use electric power for mobility, weapons, countermeasures and sensors, and have reduced thermal and acoustic signatures.

The five-year DARPA program has resulted in the development of a number of combat vehicles with hybrid electric propulsion. These include an Army M-113 Armored Personnel Carrier, a Bradley Fighting Vehicle, two High Mobility Multipurpose Wheeled Vehicles, commonly known as Humvees, and a prototype composite armored vehicle.

Other DoD projects in the planning stage. 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 Y-22 Osprey in support of the Marine Corps Sea Dragon operation. DARPA and the Army are jointly developing a combat hybrid power system for a 15-ton future combat 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 amendment should be used in the same manner, and for the same program objectives, 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 development of defense and non-defense electric and hybrid-electric vehicles.

I thank the Chairman, and my colleague the Ranking Democrat on the subcommittee for their consideration of my amendment. I yield the floor.
(Purpose: To set aside $2,250,000 for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas.)

On page 99 in between lines 17 and 18, insert the following:
"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 Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas".

Amendment No. 322
(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 amounts appropriated for Defense-wide RDT&E.)

On page 99 insert at the appropriate place the following:
"SEC. 8104. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $1,000,000 is available for Acoustics Sensor Technology Development Planning."

Amendment No. 323
(Purpose: To require the Secretary of Defense to 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:
"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 members of the Armed Forces. The Secretary shall submit the report at the same time that the Secretary submits to Congress, in support of the fiscal year 2000 budget, the materials that relate to the funding provided in that budget for the Department of Defense."

(b) The report shall include the following:
(1) The number of members of the Armed Forces and dependents of members of the Armed Forces who are eligible for food stamps.

(2) The number of members of the Armed Forces and dependents of members of the Armed Forces who received food stamps in fiscal year 1998.

(3) A proposal for using, as a means for eliminating or reducing significantly the need of such personnel for food stamps, the authority under section 2028 of title 10, United States Code, to lease housing facilities for enlisted members of the Armed Forces and their families when Government quarters are not available for such personnel.

(4) A proposal for increased locality adjustments through the basic allowance for housing and other methods as a means for eliminating or reducing significantly the need of such personnel for food stamps.

(5) Other potential alternative actions (including any recommended legislation) for eliminating or reducing significantly the need of such personnel for food stamps.

(6) A discussion of the potential by each alternative action referred to in paragraph (3) or (4) to result in the elimination or a significant reduction in the need of such personnel for food stamps.

(c) Each potential alternative action included in the report under paragraph (3) or (4) of subsection (b) shall meet the following requirements:

(1) Apply only to persons referred to in paragraph (1) of such subsection.

(2) Be limited to the lowest amount feasible to achieve the objectives.

(3) ..."

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 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 the perception of a larger family than he/she can afford." In other words, it is Defense Department policy to discourage military families and to engineer the size of those families.

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 will require DoD to consider proposals as a part of DoD's 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 high 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 understood, 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 offer 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.

At the appropriate place, insert the following:
SEC. 8104. (a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Town of Newington, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, located at former Pease Air Force Base, New Hampshire, and known as the site of the old Stone School.
(b) CONVEYING REQUIREMENT.—The Secretary shall make the conveyance under subsection (a) without regard to the requirement under section 2869 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.).
(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) as the Secretary determines to be conveyed shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.
(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 3125
(Purpose: To make available up to $10,000,000 for the Department of Defense share of environmental restoration at Defense Logistics Agency location 429 (Macalloy site) in Charleston, South Carolina)

On page 99, between lines 17 and 18, insert the following:
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 made available for Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

AMENDMENT NO. 3127
(Purpose: To designate funds for a strategic materials manufacturing project)

On page 99, insert in the appropriate place the following new general provision:
SEC. 8104. Of the amounts appropriated or otherwise made available under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, for Materials and Electronics Technology, $23,000,000 shall be made available only for the Strategic Materials Manufacturing Facility project.

AMENDMENT NO. 3128
(Purpose: To authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii.)

On page 99, between lines 17 and 18, insert the following:
SEC. 8104. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:
“2641a. Transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for certain medical care in Hawaii.”

(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the purpose of transporting any veteran specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.
(b) VETERANS ELIGIBLE FOR TRANSPORT.—A veteran eligible for transportation under subsection (a) is any veteran who—
(1) resides in and is located in American Samoa; and
(2) as determined by an official of the Department of Veterans Affairs designated for that purpose by the Secretary of Veterans Affairs, is transported to the State of Hawaii in order to receive care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

(c) AMENDMENT.—(1) Transportation may be provided to veterans under this section only on a space-available basis.
(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this section.

(d) DEFINITIONS.—In this section:
(1) ‘‘The term ‘veteran has the meaning given that term in section 1701(5) of title 38.”.
(2) The term ‘hospital care’ has the meaning given that term in section 1701(5) of title 38.”.

The table of sections at the beginning of chapter 157 of title 38 is amended by inserting after the item relating to section 2641 the following new item:
“2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.”

AMENDMENT NO. 3129
At the appropriate place, insert:
SEC. 8104. Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of facilities within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resource plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to those used at the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

Mr. INOUYE. Mr. President, I rise today to raise a matter which I believe could revolutionize the way we finance our defense 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 often Members rise and offer that theirs is a simple amendment. This is not a simple matter, and it will take some time to describe it, but I want all of my colleagues to understand what it would do for national defense.

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. For years, boats have 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 major utilitarian 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 take advantage of this. But, 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 as an opportunity to recognize 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 might 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. As a result, the Commander 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 blessings.

It was many years and months, 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 provide the Senate Armed Services Committee time to review this matter prior to its mark up.

I offered this same amendment to that bill and it was adopted. However, there are some in the House that do not agree with me and 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, 1998. That will provide sufficient time for the authorization committee to pass judgment on the matter next year.

The amendment does not mandate any specific terms for the Defense Department to work under, but 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 that 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 the assets and revenues to lever age 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 programs, future rents and other fees 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 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 to ensure 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 would stimulate a modest number of small posts and with large commercial development in poor conditions a long way away from their jobs at Pearl Harbor.

The development of Ford Island will allow the Navy to move many of its sailors right to the base to live and work. This will cut down on their commutes, and it will keep them on base.

It will also help ease what has become a very congested rush hour on the highways in the area. For many what was an hour commute will now be 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. It has become painfully clear, that there 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 the ideas raised 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 is a good idea, 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 Clemons. He was demonstrated his skills as both 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 areas arise 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 a 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.

For years from now, we can be discussing how we will get enough money and authority to proceed to develop Ford Island for the Navy, or 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.

Mr. KENNEDY. Mr. President, the Department of Defense and many other government agencies are increasing their use and reliance on information technology for a wide variety of applications.

The growing frequency and increasing sophistication of attacks on the Defense Department's computer networks is cause for concern. Other government agencies, as well as the private sector, are also subject to these attacks on their network infrastructure.

Last year, the Administration organized an exercise to test the Pentagon's ability to deal with cyber attacks. In this exercise, several computer specialists from the National Security Agency targeted computers used by our military forces in the United States and our forces in the Pacific. Using computers, modems, and software technology widely available on the Internet, these friendly "hackers" were able to penetrate unclassified military computer networks in Hawaii, Washington, D.C., Chicago, St. Louis and Colorado.

We need to do more to protect the Defense Department networks that are critical for the operation of our military forces around the world. My amendment, which is fully offset, adds $8 million to the Air Force Information Systems Security Program. The additional funds will be used for research by the Air Force and will rely on the expertise of two federally funded research and development centers currently working on issues of information security. These efforts will facilitate the development of information assurance technology for the Armed Forces, and I urge the Senate to approve it.

Mr. SARBANES. Mr. President, the amendment I am offering would fix an error in one of the most important monuments, the Korean War Veterans Memorial. It authorizes the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Memorial.

Joining in support of this amendment is my distinguished colleague from Colorado—a Korean War veteran himself—Senator Campbell.

The Korean War Memorial is the newest war monument in Washington, D.C. It was authorized by Public Law 99–752 which established a Presidential Advisory Board to raise funds and oversee the design of the project, and charged the American Battle Monuments Commission with the management of this project. The authorization provided $1 million in federal funds for the design and initial construction of the memorial and Korean War Veterans' organizations and the Advisory Board raised over $13 million in private donations to complete the facility. Construction on the memorial began in 1992 and it was dedicated on July 27, 1995.

For those who haven't visited, the Memorial is located south of the Vietnam Veteran's Memorial on the Mall, to the east of the Lincoln Memorial. Designed by world class Cooper Lecky Architects, the monument contains a triangular "field of service," with 19 stainless steel, larger than life statues, depicting a squad of soldiers on patrol.

A curb of granite north of the statues and plaques that sent troops in defense of South Korea. To the south of the patrol stands a wall of black granite, with engraved images of more than 2,400 unnamed service men and women detailing the countless ways in which Americans answered the call to service. Adjacent to the wall is a fountain which is supposed to be encircled by a Memorial Grove of linden trees, creating a peaceful setting for quiet reflection. When this memorial was originally created, it was intended to be a lasting and fitting tribute to the bravery and sacrifice of our troops who...
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. 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 cracked 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 to the Korean War. He says, “Who can forget the conflict that was the ‘Forgotten War’ and 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 statuary 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 no more, and lasting 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. 3432
(Purpose: To designate funds to continue an electronic circuit board manufacturing program)

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, Army”, for Industrial Preparedness, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

AMENDMENT NO. 3433
(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 “Other Procurement—Army”, up to $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-88-C-0065”.

AMENDMENT NO. 3434
(Purpose: To designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title III of this Act under the heading “Other Procurement—Army”, for Training Devices, $1,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

AMENDMENT NO. 3435
(Purpose: To designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title III of this Act under the heading “Other Procurement—Army”, for Training Devices, $1,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

AMENDMENT NO. 3436
(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 “Research, Development, Test and Evaluation, Army”, for Industrial Preparedness, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

AMENDMENT NO. 3437
(Purpose: To designate funds to continue an electronic circuit board manufacturing program)

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, Army”, for Industrial Preparedness, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

AMENDMENT NO. 3438
(Purpose: To strike the emergency designation for the 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: Snc. 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 $10,581,000, and for the Navy for Near Term Digital Radio System development is hereby increased by $10,581,000.

AMENDMENT NO. 3442

(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: Snc. 8104. Of the funds provided under Title IV of this Act under the heading ‘Research, Development, Test and Evaluation, Army’, for Digitization, $2,000,000 shall be made available only for the Digital Intelligence Situation Mapboard (DISM).

AMENDMENT NO. 3443

(Purpose: To set aside $5,000,000 for Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System) AMENDMENT NO. 3447

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

AMENDMENT NO. 3444

(Purpose: To provide authority for Federal support of National Guard drug interdiction and counterdrug activities)

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

Snc. 8104. (a) Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out ‘‘and leasing of equipment’’ and inserting in lieu thereof ‘‘and equipment and the leasing of equipment’’.

(b) Subsection (b)(2) of such section is amended to read as follows:

‘‘(2) Appropriations available for the Department of Defense for drug interdiction and counterdrug activities may be used for paying costs associated with a member’s participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be made available for making the reimbursements.’’

(c) Subsection (b)(3) of such section is amended to read as follows:

‘‘(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

(B) (i) the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.

(d) Subsection (i)(1) of such section is amended by inserting after ‘‘drug interdiction and counter-drug law enforcement activities’’ the following: ‘‘, including drug demand reduction activities.’’

AMENDMENT NO. 3445

(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 of the existing provision the following: Provided. That, of the funds available under this heading, $5,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

AMENDMENT NO. 3446

(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:

Snc. 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.

AMENDMENT NO. 3447

(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:

Snc. 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 all 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 Auxiliary 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 Secretary of 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 and privatize public and private development compatible to the mission of 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.

AMENDMENT NO. 3448

(Purpose: To designate Army RDT&E funds for integration and evaluation of a passenger safety system for heavy tactical trucks)

On page 99, in the appropriate place the following new general provision: Snc. 8104. Of the funds provided under title IV of this Act under the heading ‘Research, Development, Test and Evaluation, Army’, up to $1,300,000 may be made available only to integrate and evaluate enhanced, active and passive, passenger safety system for heavy tactical trucks.

AMENDMENT NO. 3449

At the end of title VIII, add the following: Snc. 8106. Effective on June 30, 1999, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended—

(1) by striking out ‘‘not later than June 30, 1997,’’ and inserting in lieu thereof ‘‘not later than June 30, 1999,’’ and

(2) by striking out ‘‘$1,000,000’’ and inserting in lieu thereof ‘‘$500,000’’.

AMENDMENT NO. 3450

(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:

Snc. 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 offer this amendment because 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, headache, 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 their Gulf Defense.

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 will make a report 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 nerve gas. Unfortunately, the 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 Persian Gulf. Previously, the vets had two years to file. 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 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 in understanding Gulf War illnesses. They suggest research on the long-term health effects of low-level exposures to chemical warfare agents, the combined effects of medical injections meant to combat chemical warfare with other Gulf War risk factors, and on the body’s physical response to stress. It is also imperative to ensure that longitudinal studies and mortality studies are funded since some health effects, such as cancer, may not appear for several years after the end of the Gulf War.

Although there may be no single Gulf-War related disease so to speak, it is widely acknowledged that the multiple illnesses and symptoms experienced by Gulf War veterans are connected to their service during the war. Therefore, we must not forget on our solemn obligation to those who willingly served their country and put their lives in harm’s 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 work with veterans from 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.

AMENDMENT NO. 3451
(Purpose: To reduce funds available for development of the Navy Hard and Deeply Buried Target Defeat System and to provide funds for the procurement of Joint Tactical Combat Training System (JTCFTS) equipment)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Navy”, the amount available for Hard and Deeply Buried Target Defeat System is hereby decreased by $9,872,000. The amount available for Consolidated Training Systems Development is hereby increased by $9,872,000.

AMENDMENT NO. 3452
(Purpose: To require a comprehensive assessment of the TRICARE program)

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

SEC. 8014. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

1. A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits program most similar to each such option that has the most subscribers as of the date of enactment of this Act, including—

(A) the types of health care services offered by each option and plan under comparison;

(B) the ceilings, if any, imposed on the amounts paid for covered services under each option and plan under comparison;

(C) the timeliness of payments to physicians providing services under each option and plan under comparison.

2. An assessment of the effect on the subcription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority to the covered services to subscribers to a particular option.

3. An assessment whether or not the implementation of the TRICARE program has discouraged Medicare-eligible individuals from obtaining health care services from military treatment facilities, including—

(A) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period ending with the commence-ment of the implementation of the TRICARE program; and

(B) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period following the commence-ment of the implementation of the TRICARE program.
(4) An assessment of any other matters that the Comptroller General considers appropriate for purposes of this section.

(c) In this section:

(1) the term "Federal Employees Health Benefits program" means the health benefits program under chapter 89 of title 5, United States Code;

(2) the term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

REQUIRING A COMPREHENSIVE ASSESSMENT OF THE TRICARE PROGRAM

Mr. FAULKNER. Mr. President, this amendment directs the General Accounting Office to take a close look at the health care benefit that we provide to our military dependents, retirees, and their survivors. Enough time has passed since we replaced CHAMPUS with the TRICARE program that it is now time to see whether or not we are providing a proper benefit.

When I speak of a "proper benefit," I use a very simple standard. I want to be sure that men and women in uniform and their loved ones are being cared for as well as our civilian federal employees are. The Federal Employees Health Benefits program (FEHBP) provides civilian federal employees and retirees with a good health care benefit having regard to patient choice. It's the program that covers all of us in Congress, and my goal is to make sure that TRICARE is just as good for our military families.

Mr. President, the FEHBP offers many different managed-care, fee-for-service, and preferred-provider plans from which to choose. If the civilian federal employee or retiree finds his or her health care plan to be inadequate, another plan of the same type can be chosen. For our military families, it is not so simple. With TRICARE, you only get a choice of one managed-care, one fee-for-service, or one preferred-provider plan. To paraphrase Henry Ford, you can pick any HMO-type plan that long as you choose the TRICARE Prime. And if, for example, you are unhappy with TRICARE Prime, you either have to live with it, or go for the one fee-for-service or the one preferred-provider plan—there are no alternate managed-care plans.

Now, I recognize that a comparison between the TRICARE plans and the FEHBP plans will have to be very subjective. The comparison should not be limited simply to objective cost factors, but it must be expansive enough to consider factors such as patient satisfaction, administrative requirements, ceilings on reimbursements and timeliness of their payment, covered services, etc. This is why I want the GAO to do this study. They will be independent and can use a combination of objective analyses and subjective surveys and interviews to give us the most clear, unbiased picture.

Of course, we should not have to worry about conducting studies or figuring out how to compare the quality of TRICARE with the FEHBP if we provided more customer choice. Ultimately, 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 type of plan 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 choice 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 military 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 Prime patients have first 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 way it 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 for the 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:

Sec. 8104. (a) The Secretary of the Army and the Secretary of the Air Force may each enter into one or more multiyear leases of non-tactical firefighting equipment, non-tactical crash rescue equipment, or non-tactical snow removal equipment. A lease entered into under this section shall be for any period not in excess of 10 years. Any such lease shall provide that performance under the lease during the second and subsequent years of the contract is contingent upon the appropriation of funds and shall provide for a cancellation payment to be made to the lessor if such appropriations are not made.

(b) Lease payments made under subsection (a) shall be made from amounts provided in this or future Appropriations Acts.

(c) This section is effective for all fiscal years beginning after September 30, 1998.

AMENDMENT 3454

(Purpose: To provide funds for a Domestic Preparedness Sustainment Training Center) At the appropriate place in the bill in Title VIII, insert the following:

"Sec. . Of the amounts appropriated in this bill for the Defense Threat Reduction and Treaty Compliance Agency and for Operations and Maintenance, National Guard, $1,500,000 shall be available to develop training materials and a curriculum for a Domestic Preparedness Sustainment Training Center at Pine Bluff Arsenal, Arkansas."

AMENDMENT 3455

(Purpose: To ensure that a balanced investment is made in the Aerostat development program) On page 99, insert in the appropriate place the following new general provision:

Sec. 8104. Of the funds provided under Title IV, this Act under the heading "Research, Development, Test and Evaluation, Army", up to $10,000,000 may be made available only for the efforts associated with building and demonstrating a deployable mobile large aerostat system platform.

AMENDMENT NO. 3456

(Purpose: To provide $150,000 for the redevelopment of Havre Air Force Base and Training Site, Montana, for public benefit purposes) On page 99, in between lines 17 and 18, insert before the period at the end the following:

"Sec. . That of the amounts available under this heading, $150,000 shall be made available to the Bear Paw Development Council, Montana, for the management and conversion of the Havre Air Force Base and Training Site, Montana, for public benefit purposes, including public schools, housing for the homeless, and economic development."

AMENDMENT NO. 3457

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

Sec. 8004. (a) Section 434(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking out ">", except that the reimburse- ment rates may not be less than the cost to the United States of providing such instruc- tion, including pay, allowances, and emolu- ments, to a cadet appointed from the United States"; and

(2) by striking out paragraph (3).

Sec. 8007(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ">", except that the reimburse- ment rates may not be less than the cost to the United States of providing such instruc- tion, including pay, allowances, and emolu- ments, to a midshipman appointed from the United States"; and

(2) by striking out paragraph (3).

Sec. 934(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ">", except that the reimburse- ment rates may not be less than the cost to

...
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 national tuition.

Mr. President, the Senate Armed Services Committee included this provision in its version of the Fiscal Year 1999 Defense Authorization bill, however, 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. 3585
(Purpose: To provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment Program)

On page 54, strike Section 8023 and insert the following:

Section 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. 1544), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian incentive program.

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:

SEC. 8104. Out of the funds available for the Department of Defense for any fiscal year, the Secretary of Defense for any fiscal year, the Secretary of Defense may use not more than $2 million appropriated for Indian subcontracting payments to contractors that have entered into contracts with Indian organizations or Indian-owned business enterprises under the Assembled Chemical Weapons Assessment Program. He may be reached at (703) 697–1688.

Robert L. Neal, Jr., Director of Disadvantaged Business Utilization.
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 40,000 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 abducted by the LRA are likely to become child soldiers if they are poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education; orphans and refugees are particularly vulnerable to recruitment; one program uses educational 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 "the LRA kills, maims, and rapes large numbers of civilians, and forces abducted children into "virtual slavery as guards, conscripts, 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 intelligence agents 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 forces; and the Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commission on 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.

SEC. 1. (a) The Senate hereby—

(1) deproves 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 not 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 involved in prevention 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. 3601
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. 3602
(Purpose: To designate funds for the development and testing of alternate turbine engines for military use.

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.

AMENDMENT NO. 3603
(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 RESIDENCE.—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:

"(5) that a person who is absent from a State in compliance with military or naval orders shall not be deemed to have lost a residence or domicile in that State;"

"(6) to be deemed to have acquired a residence or domicile in any other State; or"

"(b) GUARANTEE OF VOTING RIGHTS.—The Act of August 30, 1952 (76 Stat. 543) is amended by striking from the Act, up to $10,000,000 may be available only for the development and testing of alternate turbine engines for military use.

AMENDMENT NO. 3604
(Purpose: To designate funds for the development and testing of alternate turbine engines for military use.

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 available only for the development and testing of alternate turbine engines.

AMENDMENT NO. 3605
(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 RESIDENCE.—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:

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"(b) GUARANTEE OF VOTING RIGHTS.—The Act of August 30, 1952 (76 Stat. 543) is amended by striking from the Act, up to $10,000,000 may be available only for the development and testing of alternate turbine engines for military use.

AMENDMENT NO. 3606
(Purpose: To designate funds for the development and testing of alternate turbine engines for military use.

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 available only for the development and testing of alternate turbine engines.

AMENDMENT NO. 3607
(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 RESIDENCE.—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:

"(5) that a person who is absent from a State in compliance with military or naval orders shall not be deemed to have lost a residence or domicile in that State;"

"(6) to be deemed to have acquired a residence or domicile in any other State; or"

"(b) GUARANTEE OF VOTING RIGHTS.—The Act of August 30, 1952 (76 Stat. 543) is amended by striking from the Act, up to $10,000,000 may be available only for the development and testing of alternate turbine engines for military use.

AMENDMENT NO. 3608
(Purpose: To designate funds for the development and testing of alternate turbine engines for military use.

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 available only for the development and testing of alternate turbine engines.
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, which vests in Congress the power to declare war and take certain action in the exercise of that power.

Mr. DURBIN. Mr. President, it is the usual custom in the Senate as long as I have been here almost 50 years to dispense with the reading of an amendment. In this case, I did not—the amendment is very brief, only one page; and, second, I wanted those who are following this debate to hear exactly what I say.

This amendment which I offer reaffirms that the Constitution vests in Congress the power to declare war and take certain related actions.

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This amendment which I offer reaffirms that the Constitution vests in Congress the power to declare war and take certain related actions.
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 hurry us into war; it is calculated to guard against it. It will not be in a single instance or in a single body of men to involve us in such distress; for the important power of declaring war is vested in the legislature at large.

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 peacetime 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 (unless the United States were suddenly attacked) or for peacetime purposes, except as Congress directed.

The constitutional framework adopted by the framers for the war power is remarkably clear in its basic principles. The authority to initiate war lay with Congress. Other U.S. Presidents have affirmed this interpretation of war powers under the Constitution.

Abraham Lincoln wrote this in 1848:

“This, our (Constitutional) Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Fast forward 100 years into the 20th century, as we debated the possibility of creating a United Nations. The U.N. Charter, signed against the backdrop of the disaster of the Treaty of Versailles and President Wilson’s determination to make foreign policy without Congress. When President Wilson submitted that treaty to the Senate in 1919, he attached the covenant of the League of Nations. Senator Henry Cabot Lodge offered a number of reservations, specifically including a protection of the prerogative of Congress, and Congress to declare war. President Wilson called this reservation “a nullification of the treaty.”

The issue was joined. The Senate rejected the treaty, and thereby the League of Nations, in 1919 and again in 1920.

In the midst of World War II, when the concept of another world organization began to form, care was taken not to cross the line that had doomed the League of Nations. Any commitment of U.S. forces to a world body would require prior authorization by both Houses of Congress. Debate on the Hill between the House and Senate had more to do with each body’s prerogative and role than the underlying assumptions. Even under the auspices of the United Nations, congressional approval was necessary before troops could be committed.

Section 6 of the United Nations Participation Act is explicit. Agreements “shall be subject to the approval of the Congress by appropriate act or joint resolution.”

Ultimately the decision was reached that both Houses of Congress—not just the Senate under its treaty authority— was necessary.

Soon after President Roosevelt’s death, President Harry Truman sent a cable from the conference in Potsdam that led to the establishment of the U.N., stating that all agreements involving U.S. troop commitments in the U.N. would first have to be approved by both Houses of Congress.

President Eisenhower assured the press, in January of 1956, in an often-quoted statement, “When it comes to a matter of war, there is only one place I would go, and that is the Congress of the United States and tell them what I believe. I will never be guilty of any kind of action that can be interpreted as war until Congress, which has constitutional authority, says so. I am not going to order any troops into anything that can be interpreted as war until Congress directs it.”

In the creation of NATO, Secretary of State Dean Acheson told the Senate Foreign Relations Committee in 1949 that the North Atlantic Treaty Organization “does not mean the United States would automatically be at war if one of the other signatory nations were the victim of an armed attack. Under our Constitution the Congress alone has the power to declare war.”

Then came Korea. President Truman sent U.S. troops in 1950 without ever seeking, or obtaining, congressional authority. By historical fluke, the Soviet Union was absent from the U.N. Security Council when a crucial vote was taken responding to the possibility that the Korean peninsula would be overrun. Without a Soviet veto, the U.N. moved forward, and President Truman rationalized the use of force in this “police action” to uphold the rule of law.

I recall that particularly, because my two older brothers served in the Korean War, and the ongoing joke about the fact that this was just a “police action.” They knew better. All of the families and all of those involved knew that it was, in fact, a war.

The courts, too, have supported the constitutional prerogatives of Congress with regard to declaring, including the implied constitutional power to “authorize” war.

The Supreme Court in Bas v. Tingey, in 1800 said, “Congress is empowered to declare general war. Or Congress may wage a limited war: limited in place, in objects, and in time. . . .”

Chief Justice Marshall, writing in Talbot v. Seeman in 1801: “The whole powers of war being, by the Constitution of the United States, committed to the Congress, the acts of that body can alone be resorted to as guides in this inquiry.”

U.S. Circuit Court, New York, U.S. v. Smith, 1806: “It is the exclusive province of Congress to change a state of peace into a state of war.”

More recently, during the Persian Gulf episode, a case was filed in the U.S. district court in Washington. I joined with petitioners who filed this action to ask the court to spell out the powers of Congress it should use to determine if a declaration of war. The court rejected the Justice Department’s contention that “the question whether an offensive action taken by American armed forces constitutes an act of war (to be initiated by a declaration of war) or an offensive military attack” (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 variables 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 congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such a ‘Declaration’ 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.

I will not visit that sad and contentious chapter of American history surrounding the Vietnam war, but suffice
it to say that after that war Congress made the decision, through the passage of legislation, to take a more active role in the decisionmaking process.

The 1973 War Powers Resolution, which then-Armed Services Committee Chairman Al Gore called "an 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 embolden Congress to exercise its own 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, change 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,"Bush said.

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, the 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 policy 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 during the 1991 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 words that I have heard 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, IL. Time and again, I thought at those sad services that there is a legitimate question the family could ask of their elected representatives: Is this support now in the U.S. 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.

In 1991, there was no formal approval, and I applaud 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 U.S. air space or the 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 America. But I do not feel it's 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 Congress 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 uncharacteristically has indicated that this is in America's national security interest. The potential for spill-over into neighboring States remains a paramount 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.

I 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.

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, 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 the battlefields of 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 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 my understanding that at about one 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 understood it. 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 was what at about one quarter of 7 we agreed we would debate this until 8 o’clock equally divided?

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Mr. DURBIN. I offer him the full amount of time that was allocated to this side to debate them.

Mr. DURBIN. It is my understanding that the Senator who wants to debate the amendment, because he may not want to debate it. If no one comes after the motion to table the Durbin amendment to present an amendment, I shall move to go to third reading. It is a debatable motion, and we may have some debate on that. I recall my good friend from West Virginia taught me how to do that, Mr. President. So we are going to proceed. I ask my friend from Hawaii if he knows of any amendments or any matter to take up at this time.

Mr. INOUYE. No, we are prepared to go to third reading.

Mr. STEVENS. The managers of the bill are prepared to go to third reading, unless a Senator appears to debate an amendment. I suggest the absence of a quorum, the time to be charged to our side.

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

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 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.

Mr. BIDEN. Mr. President, I ask unanimous consent that 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.

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. I admire what he is attempting to do and respect his effort. I am not, quite frankly, certain it will have its intended effect.

I 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 prevalent 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 sought to use the Durbin amendment clause envisioned by the Founding Fathers, 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 Congress has the power “to declare War, [and] grant Letters of Marque and Reprisal . . . .” Article II, section 2, provides, “The President . . . . shall be 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 preserve the safety and security of Americans abroad.

On this point, the writings of Alexander Hamilton are very strong defending, as the President knows, of Presidential power, is very instructive. Federalist No. 49, 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 pervade—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 at 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 power to deploy forces to Haiti and to begin offensive military action against Iraq.

I believe we need to remedy 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 drafted, comprehensive legislation called the Use of Force Act, which is designed to replace the War Powers Resolution.

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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 done 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 a 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 then.

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 need to issue 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 indeed they are being foolish 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 it be in order for me to put down the first of the series of the second managers’ package.

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

AMENDMENT NO. 3466

(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 following:

The assistant legislative clerk read as follows:

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

S. 804—The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 15, 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. 3392, AS MODIFIED

Mr. STEVENS. Mr. President, there is a technical correction to amendment No. 3392. It was earlier adopted. Its citation needs to be corrected. I ask unanimous consent that it be corrected.

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

The amendment (No. 3392), as modified, is as follows:

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

S. 3392—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, operation and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds.

Mr. STEVENS. Mr. President, at this time the Senator from Illinois is left. I say to my good friend, be my guest for the extra 1½ minutes.

AMENDMENT NO. 3465

Mr. DURBIN. 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 it 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 a 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. If 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 feelings.

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 out. I spent many more days and nights preparing for this debate, there is no sadder moment, in my life, than to see this amendment tonight will not be able to say the President should have acted. I believe this is straightforward and honest in its approach. I believe that as you consider this amendment tonight will not be able to say the President should have acted. I believe that as you consider the possibilities just in the weeks ahead—perhaps even while we are gone over the August recess—that there may be an effort in the Bosnian region, in Kosovo or some other place, to assert and wage offensive military action. Those who have voted against this amendment tonight will not be able to say the President should have called on us first, because that is what this amendment says. This amendment says anywhere in the world where the President wants to take offensive military action—not to defend the property and the persons of America, but offensive 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 vote is 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:

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The motion to lay on the table the amendment (No. 3365) was agreed to.

The motion to lay on the table the amendment (No. 3368) was withdrawn.

The motion to lay on the table the amendment (No. 3398) was withdrawn.
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. 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 it 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 read as follows:

The Senator from Alaska [Mr. Stevens], on behalf of others, proposes en bloc amendments 3466 through 3475.

The PRESIDING OFFICER. If there is no objection——

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. We may have order.

If there is no objection, the amendments are considered and agreed to en 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 provide 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 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 to DoD Indian Health Service facilities and to Federally-qualified health centers within the United States, including the Secretary of Indian Affairs, the Secretary of the Interior, the Indian Health Service, and the Secretary of the Army.)

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 the United States, including the Secretary of the Interior, the Indian Health Service, and the Secretary of the Army) (42 U.S.C. 1396f(d)(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 include—

(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 relating to Army service and to report to Congress.

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 for replacement medals and replacement of 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). (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 retainer 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:

SEC. 8104. (a) Of the amounts appropriated by title II of this Act under the heading “OPERATION AND MAINTENANCE, ARMY”, $5,000,000 may be available for procurement of light-weight 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 light-weight maintenance enclosures (LME).

LIGHTWEIGHT MAINTENANCE ENCLOSURES

Mr. FRIST. Mr. President, I appreciate the Senate offering the committee 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 shel-
ter systems that are easy to operate,
provide protection for field mainte-

ance operations in difficult envi-
ronments, and at a cost that is one-quar-
ter the cost of the older model units
previously utilized by the Army and
Marine Corps.

The House of Representatives recog-
nized 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. 105-332),
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,
previously utilized by the Army and
Marine Corps.

Unfortunately, despite the authoriza-
tion in place in the House-passed De-
fense authorization bill, no approta-
ations have been provided in either the
House or Senate versions of the De-
fense appropriations bills. Therefore, it
is my hope that the distinguished Sen-
ator from Alaska, Senator STEVENS,
and his outstanding Ranking Member,
Senator BURKHARDT, and our colleagues
in the Senate, will consider this amend-
ment to provide this needed funding,
and it is being introduced by me.

Mr. President, I would like to work with
the Senate leadership, the two managers,
and the conferees to see this amendment
approved in conference.

(3) In prescribing the regulations, the Sec-
retary shall consider the following:
(A) Any risk that the goals of advocacy
and counseling programs for helping victims
recover from adverse effects of misconduct
will not be attained if there is no assurance
that the records of the communications
(including records of counseling sessions)
will be kept confidential.
(B) The extent, if any, to which a victim’s
safety and privacy should be factors in deter-
minations regarding—
(1) disclosure of the victim’s identity to the
public or the chain of command of a member
of the Armed Forces alleged to have engaged
in the misconduct toward the victim; or
(2) any other action that may result from
such a disclosure without the consent of the victim.
(C) The eligibility for care and treatment
in medical facilities of the uniformed serv-
ices, including LMEs, shall be the same as the
eligibility for care and treatment in medical facili-
ties of the uniformed services identified in
paragraph (a)(2) of section 1033 of title 10, United
States Code, and entitled the polyclinica.

Mr. STEVENS. Mr. President, may I
inquire of the Senator from Florida,
Mr. GRAHAM—is he here?

The PRESIDING OFFICER. The Sen-
ator from Florida is present.

Mr. STEVENS. Is Mr. HARKIN here?

The PRESIDING OFFICER. May we
please have order in the Chamber.

Mr. STEVENS. Is Mr. HARKIN here?

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, Senator
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 time, the Ambassador of the
United States to Italy has already
agreed that, under the Status of Forces
Agreement, that the United States

SEC. 8104: Of the funds available for Drug
Interdiction, there may be available to
support restoration of enhanced
counter-narcotics operations around the
island of Hispaniola, for operation and mainte-
ance of a marine patrol vessel, and for
ground based radar coverage at Guantanamo Bay Naval
Base, Cuba, for procurement of 2 Schweizer
observation/spray aircraft, and for upgrades
for 3 UH-III helicopters the polyclinica.

AMENDMENT NO. 373
(Purpose: To provide additional resources for
enhanced drug interdiction efforts in the
Caribbean and South America.)

On page 10, between lines 16 and 18, insert
the following:
S 8104: Of the funds available for Drug
Interdiction, there may be available to
support restoration of enhanced
counter-narcotics operations around the
island of Hispaniola, for operation and mainte-
ance of a marine patrol vessel, and for
ground based radar coverage at Guantanamo Bay Naval
Base, Cuba, for procurement of 2 Schweizer
observation/spray aircraft, and for upgrades
for 3 UH-III helicopters the polyclinica.

AMENDMENT NO. 374
(Purpose: To provide for enhanced protec-
tions of the confidentiality of records of
family advocacy services and other profes-
sional support services relating to inci-
dents of sexual harassment, sexual abuse,
and intrafamily abuse.)

On page 99, between lines 17 and 18, insert
the following:
S 8104: Of the funds available for Drug
Interdiction, there may be available to
support restoration of enhanced
counter-narcotics operations around the
island of Hispaniola, for operation and mainte-
ance of a marine patrol vessel, and for
ground based radar coverage at Guantanamo Bay Naval
Base, Cuba, for procurement of 2 Schweizer
observation/spray aircraft, and for upgrades
for 3 UH-III helicopters the polyclinica.

AMENDMENT NO. 375
(Purpose: To provide for enhanced protec-
tions of the confidentiality of records of
family advocacy services and other profes-
sional support services relating to inci-
dents of sexual harassment, sexual abuse,
intrafamily abuse)
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 out 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 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 United States of Italy, the Italian Air Force, under the Status of Forces Agreement (SOFA), civil claims arising from the accident at Cavalese must be brought against the Government of Italy, in accordance with Italian laws and regulations of Italy, as if the armed forces of Italy had been responsible for the accident;

under Italian law, every claimant for property damage, personal injury or wrongful death must file initially an administrative claim and then confer with 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 now and could be a conferee 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.

The motion to lay on the table was agreed to.

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 budget. The chairman of this 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 Congress. The outlays needed to execute the programs in the budget request. CBO’s estimate was $3.7 billion higher than OMB and DoD’s estimate.

As my colleagues from Alaska and Hawaii have said, the United States should resolve the claims of the victims of the February 8, 1998 United States attack on the Italian ski resort near Cavalese, Italy, as quickly and fairly as possible.

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 amendments from the Department which opposed the amendment. The Senator’s information is the Department supports the amendment. Would the Senator agree to take this amendment. It is now a sense-of-the-Senate amendment and requires a report concerning the Italy incident. I ask for its immediate consideration.

The PRESIDING OFFICER. There be no further debate, without objection, the amendment is agreed to.

The amendment (No. 3476) was agreed to.

Mr. ROBB. Mr. President, 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.

Amendment No. 3477

Mr. STEVENS. Senator LEAHY’s amendment on JSAT, has he sent the amendment from the Department of State?

Mr. LEAHY. 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 Vermont [Mr. Leahy] proposes an amendment numbered 3477.

Mr. LEAHY. 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:

SEC. 1. 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 security 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.

(b) MONITORING. — Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that the Secretary of Defense monitors any 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 15 days after the exercise of any waiver under paragraph (c), 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 amendments 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 now and could be a conferee 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.

The motion to lay on the table was agreed to.

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 budget. The chairman of this 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 Congress. The outlays needed to execute the programs in the budget request. CBO’s estimate was $3.7 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 for 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 $730 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.

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) |
| Senate-reported bill: |
| Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Senate 302(b) allocation: |
| Budget authority | 250,289 | 27 | 202 | 250,518 |
| Outlays | 344,942 | 27 | 202 | 245,171 |
| President’s request: |
| Budget authority | 250,290 | 27 | 202 | 250,519 |
| Outlays | 344,942 | 27 | 202 | 245,171 |
| House-passed bill: |
| Budget authority | 250,763 | 27 | 202 | 250,992 |
| Outlays | 242,483 | 27 | 202 | 242,012 |

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current accounting conventions.

Mr. STEVENS. Mr. President, the Budget Committee chairman is too kind. We do appreciate his constant watch over the budget and our spending of the money from the Treasury.

Mr. DOMENICI. I yield the floor.

AMENDMENT NO. 3409

Mr. STEVENS. Mr. President, there still is pending the Hutchison amendment, the sense of the Senate on Bosnia, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. May I make a parliamentary inquiry? Is it my understanding that is the only other amendment that is pending?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. We still have four more beyond that to deal with. So I suggest the absence of a quorum until we find out what is going to happen with these three amendments.

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. 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 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. It is 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. 3409) 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 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 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 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 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 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 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. 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. 394

(Purpose: To add $8,200,000 for procurement of 30 millimeter, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air Force war reserve materials (PE 1999) 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 the 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 in a colloquy with 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 Tulelake 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 while 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 underway 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. The FIRST program is under the chairmanship of the chairman for that assurance. I hasten to add my support for the upgrade program, which is done in part at two separate facilities in Greer, South Carolina.

While I would like to thank the subcommittee and full committee, I strongly urge the chairman to give careful consideration to restoring full program funding in conference based on this new information. The upgrade program is just phasing out of its low rate initial production phase with the FY 1999 funds. Maintaining the production schedule is critical to controlling costs and achieving efficiencies. The FY 1999 funding in question starts full rate production for which all the necessary Army approvals have been given.

Mr. STEVENS. I accept the Senator’s point on timing of the committee mark up. I point out that the House has reduced the program by $12.7 million for other reasons. I assure the Senator that we will do our best in conference if the contracts are signed in accordance with the schedule given to you.

Mr. HOLLINGS. I thank my good friend, the distinguished Senator from Alaska. Mr. President, I yield the floor.

FIRST PROGRAM

Mr. DEWINE. Mr. President, as the Senate continues consideration of the Fiscal Year (FY) 1999 Defense appropriation bill, I would like to take this opportunity to mention at this moment to express my concerns regarding the funding and administration of the Air Force’s Financial Information Resources System (FIRST) program. This is a controversial program for a number of reasons. First, legitimate questions have been raised about the necessity of this program. It is my understanding that even though all the military departments and agencies were to move toward a single system for program, budgeting and accounting (PBAS), the Air Force has not moved in that direction.

The Air Force intends for the FIRST program to perform the functions in- tended for PBAS, which would make the program duplicative. This issue was raised by the house National Security Committee, which zeroed out funding for the FIRST program in its version of the Fiscal Year 1999 Defense Authorization Bill.

The House National Security Committee also noted in its Committee report that the Air Force has chosen to utilize the Global Combat Supply System-Air Force (GCSS–AF) contract for the program, rather than competitively bid for the program. This decision raises both fiscal and policy concerns because this would be work outside the scope of the GCSS–AF contract. The GCSS–AF contract was advertised and awarded for “base-level systems modernization.” In contrast, the FIRST program involves a budget system modernization plan that would impact all Air Force functional levels: base level, wholesale level, major air command, and headquarters. Clearly, the FIRST program was intended to be under the base level, wholesale level or major air command scope.

I should also point out that the Air Force’s decision to utilize GCSS–AF for the FIRST program was made after the Air Force announced an open competition for companies acted in good faith and submitted qualification applications for evaluation and screening. This course reversal, and the rational behind it has not been made clear to me or others that are concerned about the rational behind it.

Mr. President, I also believe the Air Force’s decision merits close review because it’s not clear to me that it would be wise for the Air Force to place a disproportionate amount of its systems modernization work all in one contract.

Finally, the entire process raises policy concerns with respect to organizational planning within the Air Force. Currently, the development and execution of Corporate Information Management systems for combat support is, in my view, not conducted in a coordinated and integrated fashion. In other words, the way the FIRST program is being administered is a symptom of a much larger organizational issue that deserves review by Congress and the Air Force.

In short, given all the issues that I have briefly described, I believe we should withhold going forward with the program until we can sort these concerns out as well as any other related issues that others may have. In fact, I had intended to offer an amendment that would allow for the Defense Department to use these funds for drug interdiction programs, but I have worked with the chairman and the ranking member to find other ways to help our drug interdiction strategy.

Mr. President, we cannot underestimate the importance of information technology programs for the future of our national defense. Thousands of people at Wright-Patterson Air Force Base and in the surrounding Miami Valley area play a leading role in the development
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 his seat so that I have raised into consideration as he proceeds to conference with the House of Representatives.

Mr. STEVENS. Mr. President, I thank my friend 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 G. McCaffrey, 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 the DoD to proceed with full execution 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 testing, including detecting the presence of contraband in sealed containers well over 90 percent of the time and with false alarm rate 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 might be optimized 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 crafting this pilot project—and the 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 cost and past performance?

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 chair and ranking member for their courtesy and assistance in this important matter.

SUPPLEMENTAL IMPACT AID PROGRAM

Mr. KEMPThORNE. Mr. President, I rise today to discuss the Department of Defense's Supplemental Impact Aid Program. As chairman of the Military Personnel subcommittee of the authorization committee, I included $35 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

SHIPBREAKING PROVISION

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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 impacted districts would be quite frankly, 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 these families and the members of the military 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 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 in 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 Authorization 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 every 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 so important to the good citizens of Alaska. In addition, this program is equally important to the people of Mountain Home, Idaho, home of the 366th Com- posite Wing.

Ms. MOSELEY-BRAUN. Mr. President, I rise today to engage in a short colloquy with the distinguished Chair- man 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 statewide intelligent surveillance 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. 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 con- fronted 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 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 air units are taught and trained 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 currently at Eglin Air Force Base. Some believe the Base Closure and Realignment process mandates the relocation 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 are pleased to discuss the matters concerning a housing project at Ellsworth Air Force Base. We cannot let ambiguity 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 Senate 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. STEVENS. I agree with my colleague from Florida. I have followed this difficult issue for some time. I firmly believe we need for these issues resolved. 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 Ranking Members of the Senate Appropriations Committee, Senator Stevens, and the distinguished Chairman of the Senate Appropriations, Senator Inouye, in a discussion regarding a housing project at Ellsworth Air Force Base.

Mr. STEVENS. Mr. President, Senator Inouye and I are pleased to discuss this matter with our colleagues from South Dakota.

Mr. DASCHLE. Mr. President, I thank the chairman and the Ranking Member for their indulgence. As both of you know, the Hunt Building Corporation (HBC) constructed an 828-unit military family housing complex, known as the Centennial Housing Project, at Ellsworth Air Force Base in 1990 and 1991. Unfortunately, within a year of the completion of construction, serious and often dangerous defects were found in many of the units. It is my understanding that over half of the units in the Centennial Housing Project constructed by HBC are currently uninhabitable.

Mr. JOHNSON. Mr. President, Senator Daschle is correct. In fact, the extensive damage in these units includes: severe cracking due to the units' design not holding up to wind; uneven floors, sticking windows and doors, and cracking due to poorly designed and constructed rim joists; collapse of interior ceilings caused by defective garage eaves, which allow heavy snow and rain to enter; low water pressure due to improperly vented plumbing; deck and porch supports and stairs that have separated from the units and become unlevel because caissons supporting these structures were not placed below the frost line; and other problems both with the work done and problems resulting from work required by the contract but never completed by the Corporation. Despite these serious problems, the Air Force continues to pay rent on these units.

Mr. STEVENS. 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 Department of Justice and have had several subsequent meetings to consider the matter. 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 be timely, and that a workable 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 has been looking into 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 Senator about the mediation process, which is of critical importance to the quality of life at Ellsworth Air Force Base. We will keep you apprised of progress 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 Senator for their indulgence as well.

Mr. 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 which 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 initiatives 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 development. The Committee on Defense has demonstrated its support for these and a number of other initiatives underway.

Mr. STEVENS. I thank the Senator from Georgia for his comments. The Senate Appropriations Committee 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 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 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 in 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. STEVENS. If the Senator would yield, the Senator raises an interesting point. I would be interested in learning of some of the types of initiatives that are under way that may prove useful in retaining personnel in the military.

LEARNING BY THE DEPARTMENT OF DEFENSE
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 contacted 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 armed forces?

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 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 takes 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 rationality.

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 a Marine 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 for toilet seats to $2 billion bombers that don’t work and the department doesn’t seem to want to use, we have a storied history of wastage of our tax dollars. I presented an opportunity to spend defense dollars on something that is worth-while, 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 appropriations bill, the House, by margins of nearly 200 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 rationality 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-60A helicopters; $90.0 million for JV-15E ADMIRAL and AIM-7C-D missiles; $70.0 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 Department of Defense to support 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 in the 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 bring down the federal debt, so long as we continue to commit to programs and force structures that are so blatantly unaffordable. We must continue to fight for further spending reductions until we achieve the most effective and cost efficient military which serves our national security 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 on prostate cancer. 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. Nationwide, 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 techniques has been resolves in the right direction. However, we can, and must, do better for the men of our country. How? Through improvement.

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 a Marine 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.

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PROSTATE CANCER RESEARCH
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 new research, we have provided funding for 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 a 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, 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 Appropriations bill for fiscal year 1999 for schools that have been heavily impacted by their proximity to military installations.

Unfortunately, the House bill does include $35 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 funding—those districts whose 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 harmfulness of the 1998 continuing resolution.

Although the amendment did not receive the support of a majority of my colleagues, I appreciate the cosponsorship by Senator Bingaman of New Mexico, also a long-time champion of veterans, should have been included as a cosponsor.

The amendment’s description was incomplete as to the listing of cosponsors and I would like to correct the record. Along with Senator Wellstone of Minnesota, Senator Bingaman of New Mexico, also a long-time champion of veterans, should have been included as a cosponsor.

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. I will be happy to eliminate one of the two.

Mr. President, again, I call on the Senators involved to inform us if they 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 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 Department 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 been 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 hazardous release or 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 ADVANCE 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 Research 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 un-avoidable 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.

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

The PRESIDING OFFICER. The clerk will 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 are very close to final passage. We are very close to final passage. I expect final passage within 20 minutes. I might not get my expectations, right? I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will 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. 3478
(Purpose: Express sense of Senate regarding payroll tax relief)

Mr. STEVENS. Mr. President, I send to the desk a sense-of-the-Senate resolution on behalf of Senator KERREY and Senator MOYNIHAN and Senator BREAUX, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Alaska [Mr. STEVENS], for Mr. KERREY, for himself, Mr. MOYNIHAN and Mr. BREAUX, proposes an amendment numbered 3478.

Mr. STEVENS. I ask unanimous consent of the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. SENSE OF THE SENATE REGARDING PAYROLL TAX RELIEF.

(a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contribution Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 15.3 percent tax burden 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 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 $98,400. 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 $5,439 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 masks 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 simply 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 Federal 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 $5,439 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’s 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, the American worker is 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 am pleased to co-sponsor this 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 regressive 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. As proposed by Senator KERREY and accepted tonight by unanimous consent regarding payroll tax relief.

We keep hearing the good news about surpluses but of the $1.55 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 the answer, it ought to be: 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 GREGG on bipartisan 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 lists was the amendment that Senator HARKIN is about ready to discuss.

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 to 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.

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. 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. HARKIN. 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 dated April 27, 1998, 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 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 the chairman of the Budget Committee decided to use his authority to use the administration’s policy initiatives to decide whether or not scoring would be done under CBO estimates or under OMB.

Does any Senator have another amendment?

Mr. President—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.

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The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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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—to decide whether or not scoring would be done under CBO estimates or under OMB.

Mr. HARKIN. 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 non-defense side of the ledger.
Now, we have heard many calls on the other side of the aisle to get more funding for IDEA, the Individuals with Disabilities Education Act. We have had more calls from the other side of the aisle to fund more programs for the National Institutes of Health. We have heard calls on this side of the aisle for more funding for Head Start, for low-income heating energy assistance programs for the elderly and the working poor. This cuts across both sides of this aisle. Those are just a few of the programs that we have worked very closely for many years.

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 which the Senator from Iowa joined this Senator from Pennsylvania.

Mr. HARKIN. I proudly did do so.

Mr. SPECTER. I believe the Senator from Iowa raises a valid point on having the same scoring for the Subcommittee for Health and Human Services, and Education as for 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 President, again, I raise this issue because it is vitally important. I don't know how many other Senators want to speak on this issue. But I would be willing to yield at this time for any other Senators who might want to speak on the issue.

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

Mr. LAUTENBERG. Mr. President, I yield 5 minutes of the time I have to the Senator from New Mexico.

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

Mr. DOMENICI. Mr. President, I believe one of the most difficult bills to appropriate and stay within the caps and the allocations under the Balanced Budget Act is the bill that the distinguished Senator, Senator HARKIN, is referring to. It is difficult every single year. It will be difficult this year; he knows it and I know it.

I want to make sure that everybody understands that the Senator from New Mexico did not adopt OMB numbers in arriving at the corrections that
The DoD Appropriations bill will be debated today, including the new Pentagon Renovation Fund, with a scoring adjustment that brings its outlays in line with typical procurement outlay rates, rather than higher overall rates that CBO would otherwise attribute to this spending. This adjustment amounts to over $190 million.

That’s the total of any outlay scoring adjustment proposals in the 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. Just as 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 and 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, if they are not dropped, 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 is not called up. Mr. HARKIN. That is fine.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.
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 receives a recess or adjournment 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; and that when the House adjourns on the legislative day of Friday, August 7, 1998, it stand adjourned until noon on Wednesday, September 9, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 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.
July 30, 1998

To be lieutenant (junior grade)
UNITED STATES INFORMATION AGENCY
JONATHAN 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. PARKER, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT;

DEPARTMENT OF DEFENSE
CAROLYN H. BERCAPT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY;

CORPORATION FOR PUBLIC BROADCASTING
DIANE D. BLAIR, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPiring JANUARY 31, 2006;

DEPARTMENT OF TRANSPORTATION
KELLEY S. COTNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND DEVELOPMENT CORPORATIONS AGENCY; AND

CONFIRMATIONS
Executive Nominations Confirmed by the Senate July 30, 1998.

UNITED STATES NAVAL RESERVE CORPS OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant
NOBA A. BURGHARDT, 0000
BRYAN E. HELLER, 0000
CHARLES W. CORIELL, 0000
STEVEN D. WATSON, 0000
BRYAN E. HELLER, 0000
NORA A. BURGHARDT, 0000
MARK A. WINTER, 0000
MATTHEW A. WISE, 0000

The following named officers for regular appointment in the grades indicated in the United States Navy under title 10, U.S.C., sections 531 and 5582:

The following named temporary limited duty officers for permanent appointment in the grades indicated in the United States Navy under title 10, U.S.C., sections 531 and 5582:

To be lieutenant (junior grade)
DAVID M. ALGER, 0000
ROBERT J. WEGGEL, 0000
BRIAN L. TOTHERO, 0000
MARIANNE SIMMONS, 0000
JASON A. SEIFERT, 0000
NANNETTE M. PACO, 0000
GREGORY J. OSTIDIEK, 0000
JEFFREY M. LISAK, 0000
LAURA A. KNABB, 0000
HENRY A. JOHNSON, 0000
DARRYL R. WOLD, OF CALIFORNIA, TO BE A MEMBER OF THE CONGRESSIONAL RECORD — SENATE S9409

DEPARTMENT OF THE ARMED FORCES:

To be lieutenant
STEVEN J. WICKEL, 0000
ROBERT J. WEGGEL, 0000
BRIAN L. TOTHERO, 0000
MARIANNE SIMMONS, 0000
JASON A. SEIFERT, 0000
NANNETTE M. PACO, 0000
GREGORY J. OSTIDIEK, 0000
JEFFREY M. LISAK, 0000
LAURA A. KNABB, 0000
HENRY A. JOHNSON, 0000
DARRYL R. WOLD, OF CALIFORNIA, TO BE A MEMBER OF THE CONGRESSIONAL RECORD — SENATE S9409

DEPARTMENT OF THE ARMED FORCES:

To be ensign
KEITH K. BENSON, 0000
MICHAEL A. VANE, 0000
ANDREA K. MORGAN, 0000

The following named temporary limited duty officers for permanent appointment in the grades indicated in the United States Navy under title 10, U.S.C., sections 531 and 5582:

To be lieutenant
CHARLES W. CORIELL, 0000
STANLEY W. WILLIAMS, 0000
JOHN B. ANDERSON, 0000

The following named members of the reserve of the army to the grade indicated under title 10, U.S.C., section 624:

To be major general
BRIG. GEN. RICHARD C. COSGRAVE, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be brigadier general
COL. GEORGE W. KEEFE, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be major general
LT. GEN. ROSS A. RICHARDSON, II, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. ROBERT E. JONES, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. CHARLES E. GORDON, II, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. JOHN R. MILLER, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. JOHN B. OWENS, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. JEROME D. RICHARDSON, III, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. DAVID M. HARRIS, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. GEORGE F. WARD, III, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. LEONARD E. RANSFORD, III, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. ROBERT T. GATES, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. DONALD M. DILL, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. DAVID C. DAVEY, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. JIMMY D. SMITH, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. ROBERT T. DIAL, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. GORDON R. HANNAH, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. NICHOLAS B. KEHOE, III, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. ROBERT T. DIAL, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. JOHN R. MILLER, 0000

The following named officer for appointment in the United States air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
LT. GEN. ROBERT T. DIAL, 0000
IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

Rear Adm. (LH) Peter A. C. Long, 0000.

IN THE UNITED STATES NAVY TO THE GRADE INDICATED COL. Bruce W. Pieratt, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED LT. GEN. Thomas A. Schwartz, 0000.

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

IN THE UNITED STATES ARMY TO THE GRADE INDICATED BRIG. GEN. Benny M. Paulino, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED BRIG. GEN. Bennett C. Landreneau, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED BRIG. GEN. Paul J. Glazar, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED MAJ. GEN. David H. Ohle, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED LT. GEN. John N. Abrams, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED LT. GEN. Edward G. Anderson, III, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED LT. GEN. Thomas A. Schwartz, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Paul H. Wieck, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Thomas P. Mancino, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Larry D. Haub, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Daniel P. Coffey, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Richard W. Averitt, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. William J. Davies, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Larry D. Haub, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. RICHARD W. AVERITT, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Daniel P. Coffey, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Howard A. Dillion, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Larry D. Haub, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Robert J. Hayes, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Lawrence F. LaFreniere, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Victor C. Langrise, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Thomas P. Manning, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Dennis C. Meeks, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Walter A. Paulson, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Roy L. Robinson, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Kenneth B. Robinson, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Roy M. Udiliger, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Jimmy B. Watson, 0000.

IN THE UNITED STATES ARMY TO THE GRADE INDICATED COL. Paul H. Whick, 0000.


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.