Mr. WARNER. I thank the Senator from West Virginia, my friend.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. First of all, I come to the floor to offer some comments on S. 2057, a 412-page law that is before us. But I had the pleasure, as many others did on the floor, to listen to the statement of the distinguished Senator from West Virginia about not only West Virginia, but also on Father's Day.

I want to offer my praise as well, not just for the Senator's statement, but for the Senator's service. The senior Senator from West Virginia has not only made the lives of the people of West Virginia better, but he has also made the lives of the people of America better and, for those of us who have had the opportunity to learn from him, we hope our service better as well.

I am grateful for the advice and counsel and the assistance that the distinguished Senator has given me. But I am most grateful for those times when I had the opportunity to sit and listen to his views and his capacity to connect the strength and courage of individuals in the past to what we do here on this floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. KERREY. Mr. President, I will connect what I say here about this piece of legislation with Father's Day. I had the occasion, during our last recess, to take my 23-year-old son and my 21-year-old daughter to Omaha Beach. I was in the audience on the 6th of June, 1994, in Antelope Park in Lincoln, NE, where, among other people, I heard at that time the senior Senator from Nebraska, Senator Exon, and many other speakers talk about that day on the 6th of June, 1944, when very young men crossed the English Channel in the early morning and, as they approached the beaches of Normandy in France—now quite quiet, now nowhere near as hostile as it was on that morning—the bullets from the German trenches rained down upon the beach. And the soldiers, as they approached the beach that morning, could hear the bullets raking the front of their landing craft. Those of us who have experienced bullets raking in any environment at all understand the courage that it took to lower those gates and leave those boats, knowing that it was highly likely that they were going to be shot and that it was even a higher probability, in those early landing craft, that they would die.

On the occasion that I took my son and daughter, this year, to Omaha Beach, I pointed out the crosses there in this very quiet, reverential place—that each one of them is a story. Each one of them is a son. Each one of them was either a potential father or perhaps was a father themselves, leaving behind grieving sons and daughters who remember that extraordinary service.

So, on Father's Day I am apt, I suspect as many of us who have served are—apt to reflect, not only upon my father, but also upon the fathers who are no longer with us as a consequence of their service, as a consequence of their heroism, as a consequence of their courage. And I, as an individual, am always more impressed with the courage and the heroism that is done, as the distinguished Senator from West Virginia was describing in his own father, without any expectation that there would be a television camera recording the act, or a newspaper reporter writing it down, or any glory whatsoever, necessarily, coming to that individual.

The most important act of heroism is that act of heroism that occurs when nobody is observing what you do. That is when character is built. That is when the strength of, not just the individual, but the strength of the Nation, comes through as well. These young men who landed on that beach on the 6th of June, 1944, knew that they perhaps would die with no one there recording what it was that they had done.

I am struck, not just on Father's Day, but on many other days as well, how blessed we are as a result of the sacrifices that our fathers made for us and our forefathers made for us.

As I begin my comments on this piece of legislation, I can't help but connect with what the distinguished Senator from West Virginia, the senior Senator, was talking about earlier about fathers and sacrifice and the nobility of character that is developed in that moment when you do what your father told you to do. You follow not just the straight and narrow path, but often the most difficult path. My own father's most important lesson to me was that the easy road is apt to be the wrong road; the easy course is apt to be the wrong course. It is that difficult path that we very often must choose.

I am here on the floor to make that observation about this particular piece of legislation, Mr. President, S. 2057, 35 titles, 412 pages. I came here as a former Governor, as a former businessperson, and the longer that I am on the job of writing laws, the more impressed I am that there is a connection between these laws and our lives. It may be that some of these words in this piece of legislation I disagree with, and I may come to the floor and try to change some of these words, but none of us should doubt that these words are important, that they create an authorization in law that enables us to have an Army, a Marine Corps, a Navy, an Air Force, and a Coast Guard. It frames for us and authorizes for us what we will need to defend our Nation.

One of the things that I hear very often when I am talking to the citizens of my State whom I represent is they will say to me, ''Well, Senator, what threats are there? The cold war is over. For gosh sakes, what threats are there today to the people of the United States of America that would justify this expenditure, not just of money but of lives?''

Understand, we are not just authorizing the creation of an Army, a Navy, a Marine Corps, an Air Force, and a Coast Guard, we are asking young men and women to come in and swear an oath to their country and defend the people and, if necessary, not only to risk their lives, but even to give their lives in a cause that we on this floor declared important, as we have done in Bosnia, as we have done throughout the world not just in this year but in past years.

My answer is, unfortunately it was not readily apparent in the 1920s that there was a threat. Thus, Americans in the 1920s said, ''We have suffered enough in the Great War,'' the so-called war to end all wars. It was supposed to be the last war of mankind. We had a treaty at Versailles in 1919. It was believed that was all we had to do. So we came home and wrote laws in response to people saying, ''We've had enough.'' We wrote laws that downsized our military, that said there is no apparent threat in the 1920s, so we maintained just a skeleton force, if that.

Mr. President, my father was a 6-year-old in Chicago in 1919, and little did he know that the move to demilitarize this Nation, the move to isolate this Nation, the move to say that we are going to take care of America first and only would result not just in his having to serve in the Army, and he was being prepared for the assault of Japan when Hiroshima and Nagasaki bombs were dropped and Japan surrendered, but his older brother, John, went to the Philippines expecting in 1941 to return happily a year later, but he was among those who were, on the 8th of December, the day after the attack on Pearl Harbor in Hawaii, he was among those who were on the island in the Philippines unprepared for an attack—unprepared—and, as a consequence, they not only suffered the Bataan death march, but suffered horribly over the next few years.

It may not be that we see a threat of enormous dimensions today, but this piece of legislation, I hope, prepares us for the threat that we don't see, for the threat that may occur tomorrow. I hope that we understand as we write this piece of legislation that there are men and women who are serving us in our Armed Forces.

I know that the Armed Services Committee has written in to make certain that they are not only given a sufficient amount of resources to train and prepare themselves, but that they are given adequate housing and that they are given adequate health care and that they are given other things as a consequence of us knowing and understanding that they are serving us and putting themselves at risk in service to us.

Another area that I think we also need to understand is that there is diplomacy that occurs simultaneously with our authorizing and preparing our defenses. One very important piece of diplomacy will occur next week when our President, our Commander in Chief, travels to the People's Republic of China, the largest nation on Earth, the most populous nation on Earth, still a Communist nation, still, in my opinion, suffering as a result of not having what we have, and that is the blessings of liberty, of a government of, by and for the people.

I hope that on this defense authorization bill we will not make it more difficult for the President to engage in diplomacy. I hope that we are able to restrain ourselves. I know that there is interest in China. I know there will be amendments that will come to the floor, but I hope that we will not make diplomacy more difficult, Mr. President.

Diplomacy is the effort that we make to say that we are going to do all we can, not just to keep our defenses strong to prepare for a threat we may not see today, not just to keep our defenses strong so we discourage bad behavior, but diplomacy is an effort we make to prevent wars from happening in the first place.

To that end, I would like to comment a bit on some diplomacy. On Wednesday of this week, the Secretary of State, Madeleine Albright, gave a speech about Asia, and especially she commented about the need to change our policies carefully towards the nation of Iran.

I rise, indeed, to note two important events in the often troubled relationship between the United States and Iran. One of these events, Secretary of State Albright's speech to the Asia Society on Wednesday night, and the other event is the World Cup soccer match in France between the teams of the United States and Iran. This event on Sunday is a far smaller event, but it is, nonetheless, still important. First, the speech of Secretary Albright is an intellectual event, and the second, the soccer match between the United States and Iran, is a physical event.

The first deals with the sweep of history, the sweep of culture and religion, and the second takes place in the here and now. Yet, both, in my judgment, are major departures in a complex and extremely difficult relationship. At the level of Governments, the United States and Iran have disliked and suspected each other for 19 years. At the human level, Americans and Iranians have expressed their resentments towards the other country as they almost unconsciously grow closer to each other at the same time.

Mr. President, with each passing year, and especially with events such as the election of President Khatami and the warm reception accorded to the American wrestling team in Iran, the gulf between our antagonistic Government-to-Government relations, and the more positive relations between the Americans and Iranians are becoming more apparent.

Secretary Albright took an important first step Wednesday night towards closing that gulf. The importance is by no means diminished by the initial negative response that was heard yesterday on Iran's state radio. Secretary Albright recognized Mr. Khatami as the choice of 70 percent of the Iranian voters, and that he embodies their desire for change for greater freedom, for a society based on the rule of law, for a more moderate foreign policy leading to an end of Iran's international isolation.

She also noted that Mr. Khatami has started to change Iranian policies of long-term concern to us. At the same time, Secretary Albright noted considerable caution. She said Mr. Khatami does not control the entire Iranian Government, and that is perhaps the most notable observation for all of us who are trying to decide what to do, on the one hand, with Mr. Khatami's very moderate and positive statements and the continued behavior in the overall Government that appears to be in conflict.

The intelligence services, the military, the Revolutionary Guards are outside the control of Mr. Khatami. They respond to Supreme Jurisconsult Khamenei and the more controversial leaders whose candidate was defeated by Khatami in last year's election. As a result, Iran's behavior is somewhat schizophrenic.

For example, with regard to the Arab-Israel peace process, Mr. Khatami invited Yasser Arafat to Tehran and accepted Palestinian decisions to negotiate for peace. But Iran also continues to emit harsh anti-Israeli rhetoric, which does not advance the cause of peace. Khatami has condemned terrorism, but Iran continues to support anti-Israeli terrorist groups like Hezbollah and terrorizes Iranian exile opponents of the regime. Iran has made progress against illegal drugs and is beginning to reform its institutions. But allies of Khatami, such as the mayor of Tehran and the Interior Minister, are threatened with trials, which are forms of intimidation by the old guard.

As Secretary of State Albright noted, Iran has welcomed large numbers of Afghan refugees. Iran has also improved its relations with its Arab neighbors in the Gulf. But its development of weapons of mass destruction must give these same neighbors considerable pause. In no way could today's Iran be called a force for stability in the region.

Secretary Albright was clear that American concerns remain and that U.S. policy towards Iran will not change until Iranian policies, and the actions flowing from those policies, change first. But she also held out the possibility for better relations, which must be tantalizing to many of the Iranian majority who voted for Khatami. The possibility should be equally tantalizing to Americans who want peace, who want security, and who want democracy for all the states of the Middle East.

But closure will not come easily, Mr. President, or quickly. I will never completely get over the Iranian holding of our Embassy staff hostage in Tehran for over a year, and I suspect many other Americans agree with me. The death sentence which Iran applies to a writer whose book offends them and who is thereby condemned to a life in hiding deeply offends me. Let me add that if it is proven beyond a reasonable doubt that Iran was involved in the killing of 19 American airmen at Khobar Towers, the consequences for Iran will be severe and the possibility for better relations with us will be zero.

Major changes in Iranian behavior must precede an improvement in relations between the United States and Iran, and Secretary Albright's measured tone this Wednesday reflects the administration's sober understanding of this reality. But she reminded Iran that our problem with them is not their culture or their religion, both of which we respect; the problem is Iranian actions. If those actions change, we will develop a roadmap for better relations over time.

Meanwhile, at the human level of athletics, this coming Sunday in Lyons, France, or in universities across the United States, Iranians and Americans accept each other as individuals, compete fairly, and come to know each other as friends. We relearn how much more we have in common in our fundamental aspirations for our lives and our children's lives. If the Iranian Government chooses, our Governments can relate in the same way, and a key region will be safer.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

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

Mr. ROBB. Thank you, Mr. President.

May I commend my friend and colleague from Nebraska for his usual eloquence. When he reflects on past experiences and provides some insight into some of the actions that this country has taken, and those who wear the uniform of this country have taken, all Americans do well to listen, in my judgment. I have enormous respect for him.

He has drawn our attention today to some important developments that have taken place or will take place in the next week. And I continue to commend him for his leadership in those areas. I have enjoyed an association that goes over a long time. We did not know each other in Vietnam, but we served together as Governors, and we came to this institution together. And I am very proud to call him a friend.

Mr. WARNER. If the Senator will yield, I wish to associate myself with the remarks of my colleague from Virginia in regards to the distinguished Senator from Nebraska and how we all

have profound respect for his judgments, his remarks, particularly as they relate to the security interests of this country, which he has served and continues to serve very aptly.

Mr. ROBB. Mr. President, I was pleased to be able to yield to my distinguished senior colleague notwithstanding an earlier conversation that appeared to combine two very fine States in ways that might not work to the complete satisfaction of the two junior Senators from those States.

Mr. President, the defense bill before us today is a solid package. It represents a bipartisan effort on the part of the committee and a delicate balance between funding our readiness today and preparing for the wars of tomorrow.

We are hearing a familiar ring with regard to defense spending. Force structure and end strength have been slashed by over 30 percent. Overseas commitments have increased significantly and are pushing our troops to their limits. Procurement funding is down by over 70 percent. And our vehicles, ships, and aircraft inventories are too old and cannot be sustained at current production rates.

On the other hand, we are now, in the context of imminent major military challenges, in a relatively benign period. The end of the cold war has allowed us to reduce force structure and end strength by roughly one-third and procurement by well over half. Despite this, we are still spending at 85 percent of the average cold war peacetime spending levels, and we will continue to do so at least through 2003—85 percent.

We have gone from 18 to 10 Army divisions, 36 to 20 fighter wing equivalents, and 15 to 11 carriers. Yet we have only cut the budget top line by 15 percent.

How do we explain this? In part, Mr. President, by increased overseas commitments. Yet even Bosnia involves only about a third of the division and is costing us less than 1 percent of the defense budget. In part, we are spending more for weapons. But weapons procurement is down by over 70 percent, and each new weapon is much more lethal than its predecessor, allowing us to buy fewer.

In part, we are having to spend much more for maintenance per vehicle or ship or aircraft or weapon because many of these systems are so old. But new systems entering the inventory require far less maintenance, and much of the maintenance is now being done for less by the private sector.

How then can we explain to the American taxpayer that we have cut forces by over a third but have only cut the budget by half? And that amounts to only about 15 percent. The obvious and unequivocal answer is infrastructure. Infrastructure means the facilities and other assets that support our troops on the front line. Above all, it means bases.

Last month, we received a BRAC report required by last year's defense authorization bill. The report involved analysis of 259 bases that the military departments identified as major installations and concluded that DOD has about 23 percent excess capacity.

The report went on to indicate that new base closure commissions in 2001 and 2005, if bold enough to close the bulk of the remaining excess, will add $21 billion in the years 2008 through 2015 and $3 billion every year thereafter.

Needless to say, Mr. President, I am deeply disappointed that this Congress is unwilling to authorize another base realignment and closure commission at this time.

If we don't have the courage to shut down these unneeded facilities to quit wasting so flagrantly the taxpayers' money, we will continue to stress our forces to their limits, to lose troops in droves that we've spent billions to recruit and train, and to fail to invest in the weapons, that will maintain our substantial military edge.

I am especially troubled by those who will not support another BRAC then turn around and attack the Administration and the Congress for underfunding the military for deploying U.S. forces to contingencies overseas, or for procuring too few weapons.

Mr. President, I understand, objections to BRAC, related to privatization-in-place of depot work in Texas and California even though this issue is mostly behind us, the atmosphere, remains unnecessarily charged. But the real issue here concerns who is being punished by Congressional indignation, with the BRAC process as a result of the recent depot controversy?

In the end, we only punish those who most need the benefits of infrastructure savings. First, we punish the nation's taxpayers when we fail to make the best use of the resources with which they entrust us. Second, we punish today's soldiers, sailors, airmen and marines, whose readiness depends on sufficient reliable resources for equipment, training and operations through the year. Finally, we punish tomorrow's force, as we continue to mortgage, research, development, and modernization of equipment necessary to keep America strong into the 21st century.

At its most basic level, getting rid of excess infrastructure, consistent with American public expectations, is just a good government. I reiterate may disappointment that we do not have the support needed to deal with this wasteful situation.

Mr. President, I nonetheless support the bill in its current form. It includes many badly needed provisions, including a 3.1 percent pay raise for our troops, funding for Bosnia, and funding for numerous modern systems to replace those that are simply too old to effectively wage future battles and to be maintained at reasonable costs. I look forward to the continued deliberations on this important legislation, not only with my fellow members of the Senate Armed Services Committee but with the entire Senate on the important issues and challenges that face our Nation today.

With that, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

OIL SPILLS IN PUGET SOUND

Mr. GORTON. Mr. President, I will take this opportunity to thank my colleague, Senator THURMOND, and the other managers of this bill, for agreeing to a modest amendment of my own in their bill. They and their staffs have been most helpful in this effort.

That amendment is a sense-of-the-Senate resolution urging the Navy to take immediate action to control oil spills from Naval vessels at U.S. ports. This amendment is the result of a discouraging performance by the navy in my home state of Washington this year. There have been six significant oil spills from Naval vessels in Puget Sound in 1998. In my opinion, that is six spills too many.

The Puget Sound is the jewel of Washington. With Mount Rainer to the east and the Olympic Peninsula to the West, Puget Sound is one of the most beautiful places in the state, and in my admittedly biased opinion, in the country. Tourists and recreationists alike enjoy sailing, fishing, and ferry rides on the Sound. The Sound is home to abundant marine life. Thousands of people in Washington are dedicated to keeping Puget Sound clean so that its magnificence can be enjoyed by generations to come.

So, Mr. President, I am disturbed when the carelessness of Naval personnel on vessels docked in the Sound for repairs at the Naval Shipyard in Bremerton or Naval Station Everett pollutes that beautiful body of water. Six oil spills in as many months is a poor record by any standard.

I urge my colleagues to join me in pushing the Navy to take immediate steps to curb the number of oil spills caused by Naval personnel in U.S. waters. More attention to the risk of oil spills, more training to teach Naval personnel how to avoid spills, and improved liaison with local communities where spills occur should go a long way to improve the Navy's environmental record. Oil spills, Mr. President, can and should be limited.

I thank the Armed Services Committee, the bill managers and their staffs for working with me to pass this important amendment.

Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business on two additional subjects.

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

(The remarks of Mr. GORTON pertaining to the introduction of S. 2196 are located in today's RECORD under ''Submission on Introduced Bills and Joint Resolutions.'')

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2735

Mr. WARNER. Mr. President, I have just been in consultation with the distinguished majority leader. Acting on his behalf and at his instruction, I take the following steps:

I move to recommit the pending bill to the Armed Services Committee with instructions to report back forthwith with all amendments agreed to in status quo, and with the following amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] moves to recommit the pending bill, S. 2057, to the Armed Services Committee with instructions to report back forthwith with all amendments agreed to in status quo, and with the following amendment No. 2735, for Mr. WARNER.

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

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

The amendment is as follows:

AMENDMENT NO. 2735

(Purpose: Condemning Forced Abortions in the People's Republic of China)

At the appropriate place insert:

TITLE —FORCED ABORTIONS IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly 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 the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese 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.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving 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. In Fujian, 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.

(D) 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 under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

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

(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 eugenic policy known as the ''Natal and Health Care Law''.

SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, 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.

SEC. . WAIVER.

The President may waive the requirement contained in section ____ with respect to a national of the People's Republic of China 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 Congress containing a justification for the waiver.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2736 TO MOTION TO RECOMMIT

(Purpose: Condemning forced abortions in the People's Republic of China)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2736 to the motion to recommit with Amendment No. 2735.

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

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

The amendment is as follows:

In the amendment, strike all after ''FORCED'' and insert the following:

ABORTIONS IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly 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 the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese 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.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving 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. In Fujian, 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.

(D) 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 under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

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

(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 eugenic policy known as the ''Natal and Health Care Law''.

SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, 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.

SEC. . WAIVER.

The President may waive the requirement contained in section _____ with respect to

a national of the People's Republic of China 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 Congress containing a justification for the waiver.

(3) This Section shall become effective 1 day after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Chair is advised by the Parliamentarian that 11 are needed to get the yeas and nays.

Mr. WARNER. Mr. President, while the Chair is seeking to consult with the Parliamentarian, I want to say that this is an effort to keep this very important bill moving. I feel very strongly that this is a limited opportunity for the Senate to consider the annual authorization bill. The majority leader, in consultation with the Democrat leader, has decided that we have the balance of this day. We hope to have votes at 5 o'clock on Monday. I will address that later. We will have Tuesday and such part of Wednesday as the leadership will give us to complete this very important piece of legislation.

Given this extremely narrow window of opportunity, I hope that we can proceed today to have a parliamentary situation, which is in place and which will enable the distinguished majority leader and the Democrat leader, on Monday, to address the Senate and keep this bill active.

It is so important because I had the opportunity last night to visit with the Secretary of State, as I had earlier in the day the opportunity to have breakfast with the Secretary of Defense.

And our country is working with our principal allies in regard to the very serious issues and fractious situations surrounding Kosovo and the need for clarification of our position as it relates to Bosnia.

Mr. President, It is very interesting. I remember the extensive debates here on the issue of Bosnia. This Senator time and time again was opposed to sending in the ground forces. But, nevertheless, that decision was made. It was always the thought that you have to contain the Bosnia-Herzegovina geographic area to preclude a spillover into the Kosovo region, a region which I visited at one point with the distinguished former majority leader, Senator Dole.

Mr. President, I understand that I can at this time ask for the yeas and nays on the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Are the yeas and nays ordered on the second-degree amendment, Mr. President?

The PRESIDING OFFICER. Is there a sufficient second for the yeas and nays on the second-degree?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I understand the ruling of the Chair is that the yeas and nays are on all of the amendments.

The PRESIDING OFFICER. The yeas and nays are ordered.

The Parliamentarian advises me that the yeas and nays have been ordered on the motion and on the first-degree amendment to the motion.

AMENDMENT NO. 2737 TO AMENDMENT NO. 2736

(Purpose: Condemning human rights abuses in the People's Republic of China)

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 2737 to amendment No. 2736.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

CLOTURE MOTION

Mr. WARNER. Mr. President, I send a cloture motion, at the instruction of the distinguished majority leader, to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon S. 2057 (Calendar No. 362), a bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Strom Thurmond, John Warner, Dan Coats, James Inhofe, Dirk Kempthorne, Pat Roberts, Bob Smith, Rick Santorum, John McCain, Olympia Snowe, Larry Craig, Jesse Helms, Charles Robb, Trent Lott, Don Nickles, and Ted Stevens.

Mr. WARNER. Mr. President, for the information of all Senators, this cloture vote will occur on Tuesday, June 23, at a time to be determined by the majority leader after notification of the Democratic leader. I do now, however, ask that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. For the information of all Senators, a cloture motion was just filed on the DOD authorization bill in an effort to keep the bill free from extraneous matters. Under rule XXII, all Senators must file first-degree amendments by 1 p.m. on Monday, and the second-degree amendments up to 1 hour prior to the cloture vote.

Mr. President, the amendments which have just been filed, of course, are offered by the distinguished Senator from Arkansas. I will be in consultation with the majority leader. But at the present time, it is the intention of the Senator from Virginia, in his capacity as comanager of the chairman, Mr. THURMOND, to have a taking of those amendments. I just wish to inform all Senators of that intention, because this is an effort to keep this bill once again moving so that we can continue to have action by the Senate on this bill.

Does my distinguished colleague at this point wish to address the clearances of the amendments that are pending?

Mr. LEVIN. Mr. President, I wonder if the Senator from Virginia will yield.

Mr. WARNER. I just yield for a question.

Mr. LEVIN. I wonder whether or not it is inconvenient to anyone if we put in a brief quorum call for 5 minutes to allow me to do something that I need to attend to, if that would not inconvenience any other Senator.

Mr. WARNER. Perhaps there are some who wish to address the Senate in the intervening period.

I see no Senator seeking recognition. Mr. President, 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Mr. President, earlier today I had the distinct honor of attending a 75th anniversary ceremony held at the Naval Research Laboratory here in the Anacostia area of our Nation's capital. For 75 years, the U.S. Navy has conducted research on all aspects of radio, radar, sonar, space, and the like. It is a facility that is without comparison anywhere in the world in terms of its excellence.

I ask unanimous consent that an article in today's Washington Post be printed in the RECORD following my remarks.

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

(See exhibit 1)

Mr. WARNER. In today's Washington Post, on page 23, is a brief description of the historic work that has been performed by this laboratory.

I say with a great sense of humility I was asked to speak because of the fact that I am a graduate of a school that was conducted at this laboratory during World War II. Young men, and to my recollection, a few young women, were trained as radio/radar technicians. It was a 15-month course. Barely a third of those who started this course ever completed it because it was 6 days and 6 nights, and those were not unusual hours during wartime, and then

for the period after the cessation of the war in Europe and the Pacific, the momentum kept up, but they turned out remarkably trained young people, and I was privileged to be one of them.

I remember on the day of graduation—and these are the basic remarks that I deliver today—an admiral stood up and addressed us, and he said, ''You understand how to maintain,'' which means fix, ''every piece of equipment in the United States Navy through which an electron flows.''

Thousands of young persons went through that program, then reported to the fleet, whether it was a ship or submarine or an airplane, and they were immediately able to go in and examine the most complicated pieces of equipment and repair them. And that was before the black box era, where today, if there is a malfunction of a piece of electronic equipment, by and large, the technician goes in and pulls the box, takes a spare box out and pushes it right in, and the equipment starts up.

No, in those days we had to take the time to take off the covering, go in with electronic devices to try to find the faulty vacuum tube. We did not have solid circuitry in those days to any extent. It was vacuum tubes, great big capacitors. But that was the equipment that gave the eyes and ears to the U.S. Navy, and we shared it with our allies.

I always believed that this laboratory contributed in a very significant way to the ultimate victory of the U.S. forces, together with our allies. Radar, which was a distinct advantage that the United States and Britain had, was basically developed simultaneously in Great Britain and at this laboratory. That gave us an enormous, what we called a force multiplier, over the axis forces, because we had the eyes and ears to project out distances which are small by today's measure but in those days very significant, and to detect the presence of ships and aircraft to give the American and allied forces early warning. I don't know how many lives were saved.

This laboratory really was the vision of Thomas Alva Edison, who we all recognize as one of the great pioneer scientists in American history. He had an active role in this institution in 1923. Then for a while he phased out, and then he came back.

I commend the tens of thousands of people who through the 75 years of history, both civilian and uniform, Navy and Marine, and, indeed, officers and enlisted of other services who have trained there and their contribution to world freedom.

Mr. President, I thank the Chair. I yield the floor.

EXHIBIT 1

NAVY LAB UNCLOAKS A SECRET, CELEBRATES ITS BREAKTHROUGHS

(By Steve Vogel)

The veil was pulled away from a Cold War secret this week at the Naval Research Laboratory in Southwest Washington.

Speaking to an audience of scientists, lab employees and reporters, top U.S. intelligence officials on Wednesday disclosed the existence of a previously classified spy satellite system.

The system, known as Galactic Radiation and Background (GRAB), was launched in June 1960 and became the nation's first reconnaissance satellite system, gathering information on Soviet air defense radars only weeks after Francis Gary Power's U–2 was shot down over the Soviet Union.

For the NRL, which this week is celebrating its 75th anniversary, the public disclosure of GRAB was a relatively rare moment in the sun.

Spread over 100 buildings on a 130 acre site along the Potomac, NRL has been responsible for a host of critical scientific developments, from the discovery of radar in the 1920s to directing the first American satellite program—the Vanguard project—in the 1950s, to a pivotal role more recently in developing the Global Positioning System.

GRAB, which was proposed, developed, built and operated by NRL, was ''a milestone in the history of the laboratory in the history of U.S. intelligence,'' said Keith Hall, director of the National Reconnaissance Office, in announcing the declassification.

Addressing the family members of NRL employees in the audience, Rear Adm. Lowell Jacoby, the director of naval intelligence, said, ''For many of you, this is the first opportunity to hear what your husband or your father or your grandfather or whoever were doing every day when they came to work at NRL.''

The lab, though little known today to many Washingtonians, including the thousands of commuters who drive past it every day on Interstate 295 just above the Blue Plains water treatment plant, is inextricably linked to some of the 20th century's major scientific breakthroughs.

Those accomplishments are being celebrated this week in a ceremony and a five-day symposium.

''There's a real long history of firsts that came out of this lab,'' said Ed Senasack, head of the lab's spacecraft engineering department.

The lab has provided many things, not the least of them ''time to think,'' said Jerome Karle, who has worked at the lab since 1946. Karle, with his partner and wife, Isabella Karle, used his time to develop a theory for determining molecular structure, for which he was awarded the Nobel Prize for chemistry in 1985.

That research, like much of the work at NRL, has had implications far beyond military technology. ''The ability to get these fundamental structures has revolutionized the pharmaceutical industry, because it provides fundamental information about drugs and their activities and processes,'' Karle, 80, said in an interview at the lab where he and his 76-year-old wife still lead groundbreaking research.

''NRL is a research lab. It's where the ideas come from,'' says Gerald Borsuk, a scientist who has worked at the lab for three decades. ''NRL has kept research going here when industry has shut theirs down. Nobody wants to spend money on research, because it won't pay off for 10 years.''

The lab began with an offhand remark made by Thomas Edison to a newspaper reporter. What the country needed, the great American inventor told an interviewer in 1915, was an idea factory.

It took eight years and even some lobbying help from Edison to get congressional funding, but in 1923, the lab opened on the site of an annex to the Navy's Bellevue Arsenal, a location that won out over competing proposals from Annapolis and West Orange, N.J.

Peeved that the site near his own lab in New Jersey had not been selected, Edison refused to attend the commissioning ceremony and predicted the lab would develop into a home for incompetent naval officers who would take the work out of the hands of scientists. But within a few years, impressed by the lab's early successes, Edison admitted that his fears were without foundation.

One of those early successes—the discovery of radar—happened more or less by accident in the early 1920s. NRL researchers who were experimenting with radio sent signals across the Potomac to a receiver on Hains Point. ''As ship traffic would pass through, they noticed the phenomenon that was radar,'' said Capt. Bruce Buckley, commanding officer of the NRL. Though the Navy was slow to act on the discovery, the NRL was to play a key role in developing radar for military use.

In the early years, because NRL was off the beaten track, some hardy employees living in Virginia rowed to work across the Potomac. Well into the 1950s, many employees commuted to work on launches that ferried workers from Alexandria and the Washington Navy Yard.

Space exploration became a major part of the lab's operations in the 1940s, when NRL scientists conducted cosmic ray and other experiments by launching captured German V–2 rockets. Many of the most important V–2 experiments were the brainchild of a NRL scientist named Herbert Friedman, a man now considered a space pioneer.

''It was a wonderful opportunity,'' Friedman, 82, but still active at NRL, recalled recently. ''It opened up an entirely new vision of how the sun interacts with the ionosphere.''

The lab's most recognizable physical feature, a 50-foot radio telescope atop the headquarters building, was installed in the early 1950s. Though no longer operating, the telescope was used in determining the surface temperatures of Venus, Mars and Jupiter.

Vanguard I, developed by NRL, was launched into orbit in 1958 and is still there; in March, the satellite marked its 40th year in space, by far the record for any man-made satellite.

Civilian scientists at NRL praise the Navy's stewardship of the lab, which operates with about $800 million in annual funding and has around 3,400 employees. ''The Navy has kept NRL alive, despite having lots of freaks here, and guys in sandals, and geeks, and you don't know what they'll come up with next,'' said Borsuk.

Throughout much of NRL's history, the military leadership has been ''very quick to support anybody with ideas,'' said Friedman.

But there is concern at the lab about a growing sentiment in Congress, in the aftermath of the Cold War, against funding research unless it is guaranteed to have concrete results.

''In the past, there weren't [funding problems], but there are pressures outside the military that have made life much more difficult,'' said Nobel laureate Karle. ''It is post-Cold War, but it's accelerating now.''

Mr. THURMOND. I ask unanimous consent that the pending amendments be set aside solely for the purpose of adopting a series of amendments which have been agreed to by both sides. I further ask unanimous consent that upon the disposition of this series of cleared amendments, the amendments set aside once again become the pending amendments.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, of course I will not object. I understand that the second unanimous consent agreement would read that upon the disposition of

this series of cleared amendments, the amendments set aside once again become the pending business. Is that the Chair's understanding?

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

Mr. LEVIN. I thank the Chair.

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

AMENDMENT NO. 2738

(Purpose: To reduce amounts authorized to be appropriated under titles I, II, and III and division B in order to reflect savings resulting from revised economic assumptions, and to increase funding for operation and maintenance for the Army National Guard and funding for verification and control technology of the Department of Energy)

Mr. THURMOND. Mr. President, I offer an amendment which would reduce the amounts authorized to be appropriated in the Department of Defense for inflation savings. The amendment also increases readiness funding for the Army National Guard by $120 million and $20 million for arms control in the Department of Energy.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2738.

The amendment is as follows:

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

SEC. 1005. REDUCTIONS IN FISCAL YEAR 1998 AUTHORIZATIONS OF APPROPRIATIONS FOR DIVISION A AND DIVISION B AND INCREASES IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) TOTAL REDUCTION.—Notwithstanding any other provision in this division, amounts authorized to be appropriated under other provisions of this division are reduced in accordance with subsection (b) by the total amount of $421,900,000 in order to reflect savings resulting from revised economic assumptions.

(b) DISTRIBUTION OF REDUCTION.—

(1) PROCUREMENT.—Amounts authorized to be appropriated for procurement under title I are reduced as follows:

(A) ARMY.—For the Army:

(i) AIRCRAFT.—For aircraft under section 101(1), by $4,000,000.

(ii) MISSILES.—For missiles under section 101(2), by $4,000,000.

(iii) WEAPONS AND TRACKED COMBAT VEHICLES.—For weapons and tracked combat vehicles under section 101(3), by $4,000,000.

(iv) AMMUNITION.—For ammunition under section 101(4), by $3,000,000.

(v) OTHER PROCUREMENT.—For other procurement under section 101(5), by $9,000,000.

(B) NAVY AND MARINE CORPS.—For the Navy, Marine Corps, or both the Navy and Marine Corps:

(i) AIRCRAFT.—For aircraft under section 102(a)(1), by $22,000,000.

(ii) WEAPONS.—For weapons, including missiles and torpedoes, under section 102(a)(2), by $4,000,000.

(iii) SHIPBUILDING AND CONVERSION.—For shipbuilding and conversion under section 102(a)(3), by $18,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 102(a)(4), by $12,000,000.

(v) MARINE CORPS PROCUREMENT.—For procurement for the Marine Corps under section 102(b), by $2,000,000.

(vi) AMMUNITION.—For ammunition under section 102(c), by $1,000,000.

(C) AIR FORCE.—For the Air Force:

(i) AIRCRAFT.—For aircraft under section 103(1), by $23,000,000.

(ii) MISSILES.—For missiles under section 103(2), by $7,000,000.

(iii) AMMUNITION.—For ammunition under section 103(3), by $1,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 103(4), by $17,500,000.

(D) DEFENSE-WIDE ACTIVITIES.—For the Department of Defense for Defense-wide activities under section 104, by $5,800,000.

(E) CHEMICAL DEMILITARIZATION PROGRAM.—For the destruction of lethal chemical agents and munitions and of chemical warfare material under section 107, by $3,000,000.

(2) RDT&E.—Amounts authorized to be appropriated for research, development, test, and evaluation under title II are reduced as follows:

(A) ARMY.—For the Army under section 201(1), by $10,000,000.

(B) NAVY.—For the Navy under section 201(2), by $20,000,000.

(C) AIR FORCE.—For the Air Force under section 201(3), by $39,000,000.

(D) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 201(4), by $26,700,000.

(3) OPERATION AND MAINTENANCE.—Amounts authorized to be appropriated for operation and maintenance under title III are reduced as follows:

(A) ARMY.—For the Army under section 301(a)(1), by $24,000,000.

(B) NAVY.—For the Navy under section 301(a)(2), by $32,000,000.

(C) MARINE CORPS.—For the Marine Corps under section 301(a)(3), by $4,000,000.

(D) AIR FORCE.—For the Air Force under section 301(a)(4), by $31,000,000.

(E) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 301(a)(6), by $17,600,000.

(F) ARMY RESERVE.—For the Army Reserve under section 301(a)(7), by $2,000,000.

(G) NAVAL RESERVE.—For the Naval Reserve under section 301(a)(8), by $2,000,000.

(H) AIR FORCE RESERVE.—For the Air Force Reserve under section 301(a)(10), by $2,000,000.

(I) ARMY NATIONAL GUARD.—For the Army National Guard under section 301(a)(11), by $4,000,000.

(J) AIR NATIONAL GUARD.—For the Air National Guard under section 301(a)(12), by $4,000,000.

(K) ENVIRONMENTAL RESTORATION, ARMY.—For Environmental Restoration, Army under section 301(a)(15), by $1,000,000.

(L) ENVIRONMENTAL RESTORATION, NAVY.—For Environmental Restoration, Navy under section 301(a)(16), by $1,000,000.

(M) ENVIRONMENTAL RESTORATION, AIR FORCE.—For Environmental Restoration, Air Force under section 301(a)(17), by $1,000,000.

(N) ENVIRONMENTAL RESTORATION, DEFENSE-WIDE.—For Environmental Restoration, Defense-wide under section 301(a)(18), by $1,000,000.

(O) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—For Drug Interdiction and Counter-drug Activities, Defense-wide under section 301(a)(21), by $2,000,000.

(P) MEDICAL PROGRAMS, DEFENSE.—For Medical Programs, Defense under section 301(a)(23), by $36,000,000.

(4) MILITARY CONSTRUCTION, ARMY.—Amounts authorized to be appropriated for military construction, Army, under title XXI by section 2104(a) are reduced by $5,000,000, of which $3,000,000 shall be a reduction of support of military family housing under section 2104(a)(5)(B).

(5) MILITARY CONSTRUCTION, NAVY.—Amounts authorized to be appropriated for military construction, Navy, under title XXII by section 2204(a) are reduced by $5,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2204(a)(5)(A); and

(B) $3,000,000 shall be a reduction of support of military family housing under section 2204(a)(5)(B).

(6) MILITARY CONSTRUCTION, AIR FORCE.—Amounts authorized to be appropriated for military construction, Air Force, under title XXIII by section 2304(a) are reduced by $4,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2304(a)(5)(A); and

(B) $2,000,000 shall be a reduction of support of military family housing under section 2304(a)(5)(B).

(7) MILITARY CONSTRUCTION, DEFENSE AGENCIES.—Amounts authorized to be appropriated for military construction, Defense Agencies, under title XXIV by section 2404(a) are reduced by $6,300,000, of which $5,000,000 shall be a reduction of defense base closure and realignment under section 2404(a)(10), of which—

(A) $1,000,000 shall be a reduction of defense base closure and realignment, Army;

(B) $2,000,000 shall be a reduction of defense base closure and realignment, Navy; and

(C) $2,000,000 shall be a reduction of defense base closure and realignment, Air Force.

(8) NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.—Amounts authorized to be appropriated for contributions to the North Atlantic Treaty Organization Security Investment program under title XXV by section 2502 are reduced by $1,000,000.

(c) PROPORTIONATE REDUCTIONS WITHIN ACCOUNTS.—The amount provided for each budget activity, budget activity group, budget subactivity group, program, project, or activity under an authorization of appropriations reduced by subsection (b) is hereby reduced by the percentage computed by dividing the total amount of that authorization of appropriations (before the reduction) into the amount by which that total amount is so reduced.

(d) INCREASE IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—

(1) OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(a)(11), as reduced by subsection (b)(3)(I), is increased by $120,000,000.

(2) OTHER DEFENSE PROGRAMS, DEPARTMENT OF ENERGY.—The amount authorized to be appropriated by section 3103 is increased by $20,000,000, which amount shall be available for intelligence for verification and control technology under paragraph (1)(C) of that section.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared, Mr. President. We support the amendment.

Mr. THURMOND. Mr. President, I urge the Senate adopt the amendment.

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

The amendment (No. 2738) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2739

(Purpose: To provide increases in the monthly rates of hazardous duty pay for aerial flight crewmembers in grades E–4 through E–9 that are comparable to the increases that took effect in the rates of such pay for other grades in fiscal year 1998)

Mr. LEVIN. Mr. President, on behalf of Senator BIDEN, I offer an amendment that would increase hazardous duty incentive pay for certain enlisted personnel.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, proposes an amendment numbered 2739.

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

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

The amendment is as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. INCREASED HAZARDOUS DUTY PAY FOR AERIAL FLIGHT CREWMEMBERS IN PAY GRADES E–4 TO E–9.

(a) RATES.—The table in section 301(b) of title 37, United States Code, is amended by striking out the items relating to pay grades E–4, E–5, E–6, E–7, E–8, and E–9, and inserting in lieu thereof the following:

''E–9	240
E–8	240
E–7	240
E–6	215
E–5	190
E–4	165''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

Mr. BIDEN. Mr. President, I rise to speak about an indispensable group of people in our military. Mid- and senior level enlisted air crew men and women are critical to America's military and need to be properly compensated for their valuable service. Last year's Defense Authorization bill included a provision to adjust hazardous duty incentive pay upward by $50 for E–1 to E–3 enlisted air crew personnel and upward by $25 for E–4 air crew personnel. All other enlisted personnel and officers eligible for hazardous duty incentive pay also received an upward adjustment. Unfortunately, E–5 to E–9 air crew personnel were not included in this adjustment.

My amendment provides that $40 increase in hazardous duty incentive pay for the E–5 to E–9 air crew personnel and adds $15 to the increase given to E–4 air crew personnel as of this year.

I thank the managers of this bill, Senator THURMOND and Senator LEVIN, for their support of this important amendment and for their unflagging efforts every year to help the dedicated men and women in our armed services.

It is crucial that we show our appreciation for America's dedicated mid- and senior level enlisted personnel. They provide vital experience in all of the military's flying missions. They are also in demand in the private sector. Commercial airlines are willing to pay for well-trained and experienced flight crews. One look at the missions being flown by U.S. armed forces, from Bosnia to the Persian Gulf to the Korean Peninsula, shows how indispensable experienced air crews are to the defense of U.S. national interests. We cannot afford to keep losing these seasoned professionals.

My amendment is one step toward addressing the problem now—letting these experienced aircrew personnel know that as our armed forces continue to work at a high operations tempo we value their unique and indispensable contribution to America's national interests.

I yield the floor.

Mr. LEVIN. I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no objection to the amendment, without objection, the amendment is agreed to.

The amendment (No. 2739) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2449

(Purpose: To authorize the transfer of naval vessels to certain foreign countries)

Mr. THURMOND. Mr. President, I call up amendment 2449 which would replace section 1013 of the bill regarding ship transfers to foreign countries. This amendment provides country and ship names for ships available for transfer to foreign countries.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] PROPOSES AN AMENDMENT NUMBERED 2449.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

Strike section 1013 of the bill and insert the following:

SEC. 1013. TRANSFERS OF CERTAIN NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY.—

(1) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina on a grant basis the tank landing ship Newport (LST 1179).

(2) BRAZIL.—The Secretary of the Navy is authorized to transfer vessels to the Government of Brazil as follows:

(A) On a sale basis, the Newport class tank landing ships Cayuga (LST 1186) and Peoria (LST 1183).

(B) On a combined lease-sale basis, the Cimarron class oiler Merrimack (AO 179).

(3) CHILE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Chile on a sale basis as follows:

(A) The Newport class tank landing ship San Bernardino (LST 1189).

(B) The auxiliary repair dry dock Waterford (ARD 5).

(4) GREECE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Greece as follows:

(A) On a sale basis, the following vessels:

(i) The Oak Ridge class medium dry dock Alamogordo (ARDM 2).

(ii) The Knox class frigates Vreeland (FF 1068) and Trippe (FF 1075).

(B) On a combined lease-sale basis, the Kidd class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995) and Chandler (DDG 996).

(C) On a grant basis, the following vessels:

(i) The Knox class frigate Hepburn (FF 1055).

(ii) The Adams class guided missile destroyers Strauss (DDG 16), Semmes (DDG 18), and Waddell (DDG 24).

(5) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico on a sale basis the auxiliary repair dry dock San Onofre (ARD 30) and the Knox class frigate Pharris (FF 1094).

(6) PHILIPPINES.—The Secretary of the Navy is authorized to transfer to the Government of the Philippines on a sale basis the Stalwart class ocean surveillance ship Triumph (T-AGOS 4).

(7) PORTUGAL.—The Secretary of the Navy is authorized to transfer to the Government of Portugal on a grant basis the Stalwart class ocean surveillance ship Assurance (T-AGOS 5).

(8) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain on a sale basis the Newport class tank landing ships Harlan County (LST 1196) and Barnstable County (LST 1197).

(9) TAIWAN.—The Secretary of the Navy is authorized to transfer vessels to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) on a sale basis as follows:

(A) The Knox class frigates Peary (FF 1073), Joseph Hewes (FF 1078), Cook (FF 1083), Brewton (FF 1086), Kirk (FF 1087) and Barbey (FF 1088).

(B) The Newport class tank landing ships Manitowoc (LST 1180) and Sumter (LST 1181).

(C) The floating dry dock Competent (AFDM 6).

(D) The Anchorage class dock landing ship Pensacola (LSD 38).

(10) TURKEY.—The Secretary of the Navy is authorized to transfer vessels to the Government of Turkey as follows:

(A) On a sale basis, the following vessels:

(i) The Oliver Hazard Perry class guided missile frigates Mahlon S. Tisdale (FFG 27), Reid (FFG 30) and Duncan (FFG 10).

(ii) The Knox class frigates Reasoner (FF 1063), Fanning (FF 1076), Bowen (FF 1079), McCandless (FF 1084), Donald Beary (FF 1085), Ainsworth (FF 1090), Thomas C. Hart (FF 1092), and Capodanno (FF 1093).

(B) On a grant basis, the Knox class frigates Paul (FF 1080), Miller (FF 1091), W.S. Simms (FF 1059).

(11) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela on a sale basis the unnamed medium auxiliary floating dry dock AFDM 2.

(b) BASES OF TRANSFER.—

(1) GRANT.—A transfer of a naval vessel authorized to be made on a grant basis under subsection (a) shall be made under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) SALE.—A transfer of a naval vessel authorized to be made on a sale basis under subsection (a) shall be made under section 21

of the Arms Export Control Act (22 U.S.C. 2761).

(3) COMBINED LEASE-SALE.—(A) A transfer of a naval vessel authorized to be made on a combined lease-sale basis under subsection (a) shall be made under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761, respectively) in accordance with this paragraph.

(B) For each naval vessel authorized by subsection (a) for transfer on a lease-sale basis, the Secretary of the Navy is authorized to transfer the vessel under the terms of a lease, with lease payments suspended for the term of the lease, if the country entering into the lease of the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the leased vessel. Delivery of title to the purchasing country shall not be made until the purchase price of the vessel has been paid in full. Upon delivery of title to the purchasing country, the lease shall terminate.

(C) If the purchasing country fails to make full payment of the purchase price by the date required under the sales agreement, the sales agreement shall be immediately terminated, the suspension of lease payments under the lease shall be vacated, and the United States shall retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date. No interest shall be payable to the recipient by the United States on any amounts that are paid to the United States by the recipient under the sales agreement and are not retained by the United States under the lease.

(c) REQUIREMENT FOR PROVISION IN ADVANCE IN AN APPROPRIATIONS ACT.—Authority to transfer vessels on a sale or combined lease-sale basis under subsection (a) shall be effective only to the extent that authority to effectuate such transfers, together with appropriations to cover the associated cost (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)), are provided in advance in an appropriations Act.

(d) NOTIFICATION OF CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress, for each naval vessel that is to be transferred under this section before January 1, 1999, the notifications required under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) and section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118; 111 Stat. 2413).

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of the naval vessels authorized by subsection (a) to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be counted for the purposes of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(f) COSTS OF TRANSFERS.—Any expense of the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

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

The amendment (No. 2449) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2740

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

Mr. LEVIN. Mr. President, on behalf of Senators FORD, BOND, LOTT and GRASSLEY, I offer an amendment which would authorize the expansion of counterdrug activities currently performed by the National Guard.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FORD, Mr. BOND, Mr. LOTT, and Mr. GRASSLEY, proposes an amendment numbered 2740.

The amendment is as follows:

At the end of subtitle D of title III, insert the following:

SEC. ___. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) PROCUREMENT OF EQUIPMENT.—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) TRAINING AND READINESS.—Subsection (b)(2) of such section is amended to read as follows:

''(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

''(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug 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 available for making the reimbursements.''.

(c) ASSISTANCE TO YOUTH AND CHARITABLE ORGANIZATIONS.—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) in the case of services, 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) DEFINITION OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—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,''.

Mr. FORD. Mr. President, I'm offering this amendment for myself and my Co-Chairman of the Senate National Guard Caucus, Senator BOND, along with Senators LOTT, STEVENS and GRASSELY.

Last year conferees added language to the Fiscal Year 1998 Defense Authorization bill requiring all counter-drug missions conducted by National Guard units to comply with section 2012 of Title 10 and section 508 of Title 32. Before these changes, National Guard men and women supported Federal, State and Local law enforcement agencies in a wide variety of ways from transcription and translation of DEA wiretaps to aerial and ground thermal imaging of suspected indoor marijuana growing to maintaining listening and Observation posts along the Southwest Border. But because of changes in last year's bill, National Guard members now can only participate in counter drug missions if the mission contributes to their military speciality skills or MOS. For example, this means a member of National Guard whose MOS is a radio specialist could only work in that speciality or if an airman is a mechanic he or she could only repair an airplane!

You won't find anyone in the Guard Bureau or the Department of Defense who has ever claimed that counter-drug duty has a negative impact on the training and readiness of National Guard personnel. In fact, there's empirical evidence that counter-drug duty enhances the military readiness of National Guard personnel. And because counter-drug duty is in addition to the required readiness training, it adds no extra readiness training costs. Our amendment will correct this problem, deleting the provisions added in the Fiscal Year 1998 bill, and allowing the National Guard to continue this supportive role in federal, state and local drug demand reduction, as well as interdiction missions.

The amendment would also clarify how National Guard personnel can be used in counter-drug activity when providing support to certain youth and charitable organizations. Our amendment would amend the definition of

drug interdiction and counter-drug activities to specify that such activities include drug demand reduction activities. By providing support to youth and charitable organizations as part of state counter-drug activities, demand reduction has been part of the National Guard program since its inception and has had the approval of the Secretary of Defense. Language in last year's Defense Authorization bill presented major problems in the Guard's ability to interact with these groups.

Our amendment also says that federal funds provided to a state for counter-drug activity can be used to procure or lease equipment. Current law authorizes leasing, but precludes the procurement of equipment. This forces states to lease equipment even though it would be more cost effective to purchase the equipment. Examples of equipment that would be more cost effective to purchase then lease would be Night Vision goggles, Infrared I.D. equipment and Range Finders.

Mr. President, these are just the highlights of the major provisions of this amendment. I ask unanimous consent that a section by section explanation of this amendment be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. FORD. In closing, I want to tell the members of the Armed Services Committee and their staffs how much I appreciate their consideration and willingness to accept this amendment. I know they'll do the best they can to assure this amendment remains in the final bill.

EXHIBIT 1.

SECTION-BY-SECTION ANALYSIS

Subsection (a) would specify that Federal Funds provided to a State under a State plan can be used to procure or lease equipment for the National Guard to use in support of drug interdiction and counter-drug activities. A strict interpretation of the current statutory language would authorize the leasing, but preclude the procurement, of equipment necessary to carry out the purposes of the statute. Such an interpretation would impose unnecessary expenses on the program because it would force states to lease equipment in situations where procuring equipment would be more cost effective. This interpretation would also prevent participation in authorized support missions when necessary equipment cannot be leased. The statute needs to be clarified to ensure that States have flexibility in deciding whether to lease or purchase equipment based on considerations of economy and determinations of necessity.

Subsection (b) would eliminate the provision in paragraph (b)(2) of section 112 that provides that units and personnel of the National Guard can only perform drug interdiction and counter-drug activities that comply with the requirements of section 2012(d) of title 10, United States Code. Paragraph (b)(2) was enacted as part of the Department of Defense Authorization Act for fiscal year 1998 (public law 105–85) to ensure that the use of units and personnel of the National Guard pursuant to a State drug interdiction and counter-drug activities plan is not detrimental to their training and readiness. However, the restrictions in section 2012(d) are not tailored to address the unique nature of the National Guard drug interdiction and counter-drug program. National Guard personnel may derive readiness and preparedness benefits from their participation in activities under section 112, but such activities are in addition to, not in lieu of, required training. If this provision is enacted, National Guard personnel on extended Counterdrug orders will not lose any benefits while performing their required IDT and Annual Training requirements.

Subsection (b) would also facilitate the accomplishment of training, by adding a new provision to enable National Guard members on extended tours of duty in the drug interdiction and counter-drug program to participate in required IDT and AT with their units without breaking their orders for counter-drug duty. During such training periods, covered individuals would be entitled to the same pay and benefits which they would otherwise receive if continuously performing duty for the purpose of carrying out drug interdiction and counter-drug activities. This will ensure that these individuals, while performing AT, do not lose any of the benefits associated with the longer period of counter-drug duty. This will also clarify that such individuals, while performing IDT, are entitled to pay associated with full-time National Guard duty, but not additional drill pay.

Subsection (c) would clarify and revise the provision in subsection (b)(3) of section 112 that makes the restrictions in section 508 of title 32 applicable to situations in which units or members of the National Guard are used, pursuant to a State drug interdiction and counter-drug activities plan, to provide support to certain youth and charitable organizations. Under subsections (a)(3) and (a)(4) of section 508, services cannot be provided to eligible organizations unless the provision of such services enhances military skills and does not result in a significant increase in the cost of training. Because counter-drug activities are not incidental to training, but are in addition to training, these restrictions present a problem. The proposed revision would eliminate these restrictions, but would continue to make the other provisions in section 508 applicable to situations in which services or assistance are provided to an eligible organization as part of a state counter-drug activities plan.

Subsection (d) would amend the definition of drug interdiction and counter-drug activities to specify that such activities for purposes of section 112 include drug demand reduction activities. Although drug demand reduction has been part of the activities carried out under section 112 since the inception of the program, the statute needs to be clarified to specifically include such activities to avoid confusion that results from a strict interpretation of the statute. Like any other counter-drug activities, proposed drug demand reduction activities must have a law enforcement nexus in order to be acceptable under a State plan.

Mr. LEVIN. Mr. President, I believe the other side has cleared this amendment.

Mr. THURMOND. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 2740) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2741

(Purpose: To establish additional requirements relating to the relocation of Federal frequencies)

Mr. THURMOND. Mr. President, I offer an amendment which would ensure that private sector bidders for the electromagnetic frequency spectrum are provided all relevant information regarding the costs that they will incur as a result of purchasing that spectrum.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2741.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

On page 264, strike out line 17 and insert in lieu thereof the following:

striking out the second, third, and fourth sentences and inserting in lieu thereof the following: ''Any such Federal entity which proposes to so relocate shall notify the NTIA, which in turn shall notify the Commission, before the auction concerned of the marginal costs anticipated to be associated with such relocation or with modifications necessary to accommodate prospective licensees. The Commission in turn shall notify potential bidders of the estimated relocation or modification costs based on the geographic area covered by the proposed licenses before the auction.'';

On page 266, strike out line 7 and insert in lieu thereof the following:

trum.

''(E) IMPLEMENTATION PROCEDURES.—The NTIA and the Commission shall develop procedures for the implementation of this paragraph, which procedures shall include a process for resolving any differences that arise between the Federal Government and commercial licensees regarding estimates of relocation or modification costs under this paragraph.

''(F) INAPPLICABILITY TO CERTAIN RELOCATIONS.—With the exception of spectrum located at 1710–1755 Megahertz, the provisions of this paragraph shall not apply to Federal spectrum identified for reallocation in the first reallocation report submitted to the President and Congress under subsection (a).''.

(d) REPORTS ON COSTS OF RELOCATIONS.—The head of each department or agency of the Federal Government shall include in the annual budget submission of such department or agency to the Director of the Office of Management and Budget a report assessing the costs to be incurred by such department or agency as a result of any frequency relocations of such department or agency that are anticipated under section 113 of the National Telecommunications Information Administration Organization Act (47 U.S.C. 923) as of the date of such report.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

I urge the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. The amendment has been cleared on this side.

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

The amendment (No. 2741) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2742

(Purpose: To prohibit members of the Armed Forces from entering into correctional facilities to present decorations to persons who commit certain crimes before being presented such decorations)

Mr. LEVIN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment that would prohibit members of the Armed Forces from presenting a military award to any person in prisons or correctional facilities.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, proposes an amendment numbered 2742.

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

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

The amendment is as follows:

At the end of subtitle C of title V, add the following:

SEC. 531. PROHIBITION ON ENTRY INTO CORRECTIONAL FACILITIES FOR PRESENTATION OF DECORATIONS TO PERSONS WHO COMMIT CERTAIN CRIMES BEFORE PRESENTATION.

(a) PROHIBITION.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

''§ 1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations

''(a) PROHIBITION.—No member of the armed forces may enter into a Federal, State, or local correctional facility for purposes of presenting a decoration to a person who has been convicted of a serious violent felony.

''(b) DEFINITIONS.—In this section:

''(1) The term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.

''(2) The term 'serious violent felony' has the meaning given that term in section 3359(c)(2)(F) of title 18.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end the following:

''1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations.''.

Mr. LEVIN. I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, it has been agreed to.

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

The amendment (No. 2742) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2743

(Purpose: To make technical amendments relating to military construction projects)

Mr. THURMOND. Mr. President, on behalf of myself and Senator LEVIN, I offer an amendment which makes certain technical corrections relating to several military construction projects incorrectly identified in the bill. The technical corrections will have no funding implications.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. LEVIN, proposes an amendment numbered 2743.

The amendment is as follows:

On page 296, in the table following line 10, strike out the item relating to Fort Dix, New Jersey.

On page 296, in the table following line 10, strike out the item relating to Camp Dawson, West Virginia.

On page 296, in the table following line 10, strike out ''$627,007,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$604,681,000''.

On page 298, line 19, strike out ''$2,005,630,000'' and insert in lieu thereof ''$1,983,304,000''.

On page 298, line 22, strike out ''$539,007,000'' and insert in lieu thereof ''$516,681,000''.

On page 302, in the table following line 23, strike out the item relating to Naval Air Station, Atlanta, Georgia.

On page 302, in the table following line 23, strike out ''$39,310,000'' in the amount column of the item relating to Naval Shipyard, Pearl Harbor, Hawaii, and insert in lieu thereof ''$11,400,000''.

On page 302, in the table following line 23, insert after the item relating to Navy Public Works Center, Pearl Harbor, Hawaii, the following new items:

Fleet and Industrial Supply Center, Pearl Harbor	$9,730,000
Naval Station, Pearl Harbor	$18,180,000

On page 302, in the table following line 23, strike out ''$446,984,000'' in the amount column of the item relating to the total and insert in lieu thereof ''$442,884,000''.

On page 305, line 16, strike out ''$1,741,121,000'' and insert in lieu thereof ''$1,737,021,000''.

On page 305, line 19, strike out ''$433,484,000'' and insert in lieu thereof ''$429,384,000''.

On page 307, in the table following line 16, strike out the item relating to McChord Air Force Base, Washington.

On page 307, in the table following line 16, strike out ''$469,265,000'' in the amount column in the item relating to the total and inserting in lieu thereof ''$465,865,000''.

On page 310, line 17, strike out ''$1,652,734,000'' and insert in lieu thereof ''$1,649,334,000''.

On page 310, line 21, strike out ''$469,265,000'' and insert in lieu thereof ''$465,865,000''.

On page 320, line 25, strike out ''$95,395,000'' and insert in lieu thereof ''$108,990,000''.

On page 321, line 1, strike out ''$107,378,000'' and insert in lieu thereof ''$116,109,000''.

On page 321, line 3, strike out ''$15,271,000'' and insert in lieu thereof ''$19,371,000''.

On page 321, line 8, strike out ''$20,225,000'' and insert in lieu thereof ''$23,625,000''.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, we have cleared this amendment.

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

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

The amendment (No. 2743) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2744

(Purpose: To waive time limitations for award of the Distinguished-Service Cross and Distinguished-Service Medal to certain persons)

Mr. THURMOND. Mr. President, on behalf of Senators KEMPTHORNE, CLELAND and AKAKA, I offer an amendment that would waive the time limits for award of the Distinguished Service Cross and Distinguished Service Medal to certain persons. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KEMPTHORNE, for himself, Mr. CLELAND and Mr. AKAKA proposes an amendment numbered 2744.

The amendment is as follows:

Beginning on page 108, strike out line 21 and all that follows through ''(b) APPLICABILITY OF WAIVER.—'' on page 109, line 4, and insert in lieu thereof the following:

SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall

not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED-SERVICE CROSS.—Subsection (a) applies to award of the Distinguished-Service Cross of the Army as follows:

(1) To Isaac Camacho of El Paso, Texas, for extraordinary heroism in actions at Camp Hiep Hoa in Vietnam on November 24, 1963, while serving as a member of the Army.

(2) To Bruce P. Crandall of Mesa, Arizona, for extraordinary heroism in actions at Landing Zone X-Ray in Vietnam on November 14, 1965, while serving as a member of the Army.

(3) To Leland B. Fair of Jessieville, Arkansas, for extraordinary heroism in actions in the Philippine Islands on July 4, 1945, while serving as a member of the Army.

(c) DISTINGUISHED-SERVICE MEDAL.—Subsection (a) applies to award of the Distinguished-Service Medal of the Army to Richard P. Sakakida of Fremont, California, for exceptionally meritorious service while a prisoner of war in the Philippine Islands from May 7, 1942, to September 14, 1945, while serving as a member of the Army.

(d) DISTINGUISHED FLYING CROSS.—

Mr. AKAKA. Mr. President, I am very pleased to be joining Senator KEMPTHORNE and Senator CLELAND, chairman and ranking member of the Subcommittee on Personnel, in offering an amendment to the 1999 Defense Authorization Act that would waive current statutory time limitations for award of the Distinguished Service Cross, Distinguished Flying Cross, and the Distinguished Service Medal to certain deserving veterans.

Mr. President, I am especially pleased that this amendment will enable the Department of the Army to award the Distinguished Service Medal (DSM), our third-highest award after the Medal of Honor and Distinguished Service Cross, to the late Lt. Colonel Richard Motoso Sakakida of Fremont, California. The award would honor Colonel Sakakida's meritorious service as an Army intelligence officer and undercover agent in the Philippines during World War II.

Colonel Sakakida, a second-generation Japanese American and former Hawaii native, was recruited by Army military intelligence well before the attack on Pearl Harbor to conduct undercover activities in the Philippines. Then-Sergeant Sakakida served in the Philippines from 1941 to 1945, first as a covert operative spying on the Japanese community, subsequently as a military intelligence staffer for General MacArthur, and still later, after giving up a seat on an escape aircraft to a fellow nisei, as the only Japanese American prisoner of war captured by the Japanese during that conflict.

While a POW, Sakakida was subjected to severe torture—beatings, dislocation of his shoulders, and cigarette burns—by the feared Japanese secret police, the *kempeitai*, without revealing his covert status. After gaining the trust of his captors and assigned menial tasks in the Judge Advocate's office of the Japanese 14th Army, he was able to purloin vital military intelligence, including information on troop movements. He reported this information to General MacArthur's headquarters in Australia via a secret courier service that he helped establish comprising Filipino guerrillas. Some of the information he conveyed to the Allies in this way may have contributed to the destruction of a Japanese naval task force.

He also took advantage of his position to aid secretly a number of Allied prisoners of war who were being held there for trial for attempting to escape; Sakakida smuggled food to them and imaginatively interpreted for them during their trials. One of these men, a naval officer who would later become an Oklahoma supreme court justice, asserted that he escaped execution only through Sakakida's intervention and assistance during his trial.

During this period, Sakakida engaged in perhaps his most daring exploit, the jailbreak of hundreds of Filipino guerrillas from a Japanese prison. Disguised in a stolen Japanese officer's uniform, he managed to free the guerrilla leader Ernest Tupas and hundreds of other imprisoned fighters, who later augmented his intelligence pipeline to MacArthur. Yet, despite the opportunity for escape that was offered on this and other occasions, Sakakida chose to remain a prisoner of war in order to continue his undercover work.

After American forces invaded the Philippines, Sakakida escaped from the retreating Japanese forces at Baguio. During a firefight between American and Japanese troops, he suffered shrapnel wounds in the stomach. For the next several months Sakakida wandered alone in the jungle, living off the land, debilitated by his injuries. He finally happened upon American troops, whom he eventually convinced of his identity. At that point, he was informed that the war was over.

After the war, Sakakida served with the War Crimes Tribunal, obtaining information on war crimes committed by the Japanese in the Philippines. He later transferred to the Air Force, where he led a long and distinguished career with the Office of Special Investigations.

Mr. President, aside from a Purple Heart Award and Prisoner of War Medal, Colonel Sakakida has yet to be honored with an official U.S. military decoration for his amazing service in the Philippines. There are a number of reasons for this oversight, but most are attributable to the official secrecy surrounding his work, which prevented his story from being recognized for what it was until it was too late to consider him for an appropriate decoration. When his accomplishments at last came to light at a veterans convention in 1991, some of Sakakida's supporters, including myself, sought to have him considered for a high award for valor; however, the Army refused to consider any award applications in Sakakida's behalf on the basis that the statutory application deadlines for these awards had expired.

After numerous failed attempts to waive these rules, an opportunity recently presented itself to seek equity for Sakakida under a new provision of law (section 526 of Public Law 104–106) that requires the military services to review the merits of an application for an award, regardless of any statutory time restrictions, if a member of Congress submits such an application. Under the measure, if the military determines that such an award is merited, it may request a waiver from Congress to make the award.

Last March, pursuant to section 526, I asked the Army to review Sakakida's record to determine if he deserved the DSM. In May, the Army responded positively to the request and officially recommended that Congress grant the late veteran a waiver from all time limits pertaining to the award. The amendment that Senator KEMPTHORNE, Senator CLELAND, and I are offering would effectively grant this waiver, clearing the way for the Army to confer the DSM on this amazing individual.

Mr. President, for the late Colonel Sakakida and his wife Cherry, this day has been long in the making. I urge my colleagues to support this amendment to ensure that a true American hero can receive his due, albeit posthumously. This award means a great deal not only to his widow, but to the entire Japanese American community and all those who honor military service to their country.

Should this amendment become law, I would like to recognize the many nisei veterans, including members of the all-nisei Military Intelligence Service, and other supporters whose enthusiasm sustained Sakakida's case. I would also like to single out the efforts of three individuals without whose hard work the Army would never have considered Sakakida's case: Wayne Kiyosaki, who wrote the definitive biography of Colonel Sakakida; Ted Tsukiyama, who served as a key historical resource; and, most importantly, Colonel Harry Fukuhara, whose tireless advocacy in behalf of the late hero reflects his own dedicated service to his nation.

Mr. President, I appreciate the assistance of Senator KEMPTHORNE, Senator CLELAND, and Charlie Abell of the Personnel Subcommittee staff for their support and guidance on this matter. I eagerly await the day when Colonel Sakakida's accomplishments are officially recognized by the U.S. Army.

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

Mr. LEVIN. The amendment has been cleared by this side.

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

The amendment (No. 2744) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2745

(Purpose: To reduce the authority in section 1012 to enter into long-term charters for three vessels in support of submarine rescue, escort, and towing)

Mr. THURMOND. Mr. President, on behalf of Senator WARNER, I offer an amendment which authorizes the Navy to enter into charter agreements for up to 5 years for three vessels used in support of submarine rescue, escort and towing. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2745.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

Strike out section 1012, and insert in lieu thereof the following:

SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN SUPPORT OF SUBMARINE RESCUE, ESCORT, AND TOWING.

(a) AUTHORITY.—The Secretary of the Navy may to enter into one or more long-term charters in accordance with section 2401 of title 10, United States Code, for three vessels to support the rescue, escort, and towing of submarines.

(b) VESSELS.—The vessels that may be chartered under subsection (a) are as follows:

(1) The Carolyn Chouest (United States official number D102057).

(2) The Kellie Chouest (United States official number D1038519).

(3) The Dolores Chouest (United States official number D600288).

(c) CHARTER PERIOD.—The period for which a vessel is chartered under subsection (a) may not extend beyond October 1, 2004.

(d) FUNDING.—The funds used for charters entered into under subsection (a) shall be funds authorized to be appropriated under section 301(a)(2).

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. The amendment has been cleared. I urge the Senate adopt the amendment.

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

The amendment (No. 2745) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2746

(Purpose: To broaden the eligibility for diving duty special pay to include personnel who maintain proficiency as a diver while serving in a position for which diving is a nonprimary duty)

Mr. THURMOND. Mr. President, on behalf of Senator MCCAIN, I offer an amendment that would broaden the eligibility for giving special duty pay in the Navy. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. MCCAIN proposes an amendment numbered 2746.

The amendment is as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. DIVING DUTY SPECIAL PAY FOR DIVERS HAVING DIVING DUTY AS A NONPRIMARY DUTY.

(a) ELIGIBILITY FOR MAINTAINING PROFICIENCY.—Section 304(a)(3) of title 37, United States Code, is amended to read as follows:

''(3) either—

''(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

''(B) meets the requirements to maintain proficiency as described in paragraph (2) while serving in an assignment that includes diving duty other than as a primary duty.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

Mr. MCCAIN. Mr. President, I rise today to offer an amendment that authorizes the Department of Defense to continue ''Special Pay: Diving Duty'' for Career Divers in assignments where diving is performed as a non-primary duty.

This amendment will allow the services to continue dive pay for individual career divers who maintain diving currency while serving in critical shore and staff assignments in execution of ''duty of diving'' orders.

The services plan, as a part of the FY00 legislative review process, to incorporate this clear policy regarding dive pay. The Navy intends, in FY99, to terminate dive pay for divers on shore and staff duty pending legislative clarification. Terminating this pay for the intervening year would alienate each and every service member affected. It also makes no sense.

Accepting this amendment will be cost neutral. It simply allows the services to continue paying these critical personnel in the same manner as they are currently being paid. In fact, as in previous years, the FY 1999 Presidential Budget Request includes the funds for this special pay.

The costs associated with rejecting this amendment are much more dear. It will cost 4.5 times more to retrain career divers whose qualifications expire than it would to have those same personnel maintain currency. Additionally—and more importantly—terminating this pay for Army divers, Navy SEALs, Explosive Ordnance Disposal personnel and Air Force Para-rescue members, will take money out of the pockets of the very highly skilled personnel that the services are desperately struggling to retain.

Mr. President, this amendment provides a simple, fiscally smart solution to maintaining critical diving skills for our armed services, and at the same time, sends a positive message to our service personnel. I urge my colleagues to support this critical amendment.

Mr. THURMOND. Mr. President, I urge the Senate adopt the amendment.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2746) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2747

(Purpose: To authorize the Secretary of the Navy to enter into multiyear contracts under certain aircraft procurement programs)

Mr. THURMOND. Mr. President, on behalf of Senators COATS and GLENN, I offer an amendment which would provide authority for the Department of Defense to enter into multiyear contracts for the T–45, E–2C, and AV–8B aircraft. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. COATS, for himself and Mr. GLENN, proposes an amendment numbered 2747.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

At the end of subtitle C of title I, add the following:

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN AIRCRAFT PROGRAMS.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for the procurement of the following aircraft:

(1) The AV–8B aircraft.

(2) The E–2C aircraft.

(1) The T–45 aircraft.

Mr. COATS. Mr. President, the administration has requested authority to enter into multi year contract on these three aircraft. Multi-year procurement of these three aircraft is cost effective and has the commitment of the Department of Defense. I support the initiative as a prudent step to ensure we have efficient acquisition of mature defense systems.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the amendment be adopted.

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

The amendment (No. 2747) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2748

(Purpose: To transfer $15,895,000 between Navy authorizations for the remote minehunting system program)

Mr. THURMOND. On behalf of Senator WARNER, I offer an amendment which authorizes a realignment of funds from Other Procurement, Navy, to Research, Development, Test and Evaluation, Navy, in the fiscal year 1999 remote minehunting system program.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2748.

The amendment is as follows:

On page 14, line 16, reduce the amount by $15,895,000.

On page 29, line 2, increase the amount by $15,895,000.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared on this side.

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

The amendment (No. 2748) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2749

(Purpose: To modify the authority relating to the Department of Defense Laboratory Revitalization Demonstration Program)

Mr. THURMOND. Mr. President, on behalf of myself, Senator LEVIN, SANTORUM and LIEBERMAN, I offer an amendment which would extend the authority relating to the Department of Defense Laboratory Revitalization Demonstration Program for 5 years.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. LEVIN, Mr. SANTORUM and Mr. LIEBERMAN, proposes an amendment numbered 2749.

The amendment is as follows:

On page 347, below line 23, add the following:

SEC. 2833. MODIFICATION OF AUTHORITY RELATING TO DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIREMENTS.—Subsection (c) of section 2892 of the National Defense Authorization for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 590; 10 U.S.C. 2805 note) is amended to read as follows:

''(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

''(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.''.

(b) REPORT.—Subsection (d) of that section is amended to read as follows:

''(d) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.''.

(c) EXTENSION.—Subsection (g) of that section is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 2003''.

Mr. THURMOND. Mr. President, I rise to introduce an amendment that would extend by five years the Department of Defense Laboratory Revitalization Demonstration Program. I am pleased to be joined by Senators LEVIN, SANTORUM, and LIEBERMAN, in sponsoring this amendment. Senator SANTORUM, as the Chairman of the Acquisition and Technology Subcommittee, has been one of the strongest advocates for strengthening our Nation's defense research and development capabilities and I want to thank him for that leadership.

The Senate Armed Services Committee approved the original two-year Laboratory Revitalization Demonstration Program in the National Defense Authorization Act for Fiscal Year 1996. The purpose of the legislation was to afford the Secretary of Defense the flexibility to improve laboratory operations. The specific authority included:

A raise in the minor construction threshold from $1.5 million to $3.0 million for projects that the Secretary concerned may carry out without specific authorization.

A raise in the threshold for unspecified construction projects for which operations and maintenance funds may be used from $300,000 to $1.0 million.

A raise in the threshold for minor military construction projects requiring prior approval by the Secretary concerned from $500,000 to $1.5 million.

These authorities extended for a two-year period and will expire September 30, 1998, unless specifically renewed by Congress. The legislation also directed the Secretary to submit a report to the Congress regarding the program and specifically provide recommendations as to whether this authority should be extended to all DoD laboratories.

On May 14, 1998, the Deputy Secretary of Defense, John Hamre, submitted the required report with the recommendation that the authority should be extended to all DoD owned laboratories and test centers for a five-year full demonstration program.

Mr. President, the experience gained from the two-year demonstration has shown that this program works and that it should be expanded to all laboratories and test centers for a limited time period for further evaluation. Our amendment would support Dr. Hamre's recommendation. At the conclusion of the test the Secretary of Defense would be required to submit a report on the program along with a recommendation regarding the desirability of making the authority permanent.

Mr. President, our amendment would not require any additional funds and would not impose any additional fiscal burden on the Department of Defense. It does hold out the possibility of improving the facilities that conduct the important research and tests on the Nation's military capabilities.

I believe this amendment has been cleared by the other side. I urge the Senate adopt the amendment.

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

The amendment (No. 2749) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2750

(Purpose: To redesignate the position of Director of Defense Research and Engineering, abolish the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, and transfer the duties of the latter position to the former position)

Mr. LEVIN. Mr. President, I offer an amendment that would change the name of the Director, Defense Research and Engineering, DDR&E, to Director, Defense Technology and Counter-proliferation, and would also abolish the position of the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological matters and move the Nuclear Weapons Council responsibilities now carried out by that position to the renamed Director, Defense Technology and Counterproliferation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2750.

The amendment is as follows:

On page 196, between lines 18 and 19, insert the following:

SEC. 908. REDESIGNATION OF DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING AS DIRECTOR OF DEFENSE TECHNOLOGY AND COUNTERPROLIFERATION AND TRANSFER OF RESPONSIBILITIES.

(a) REDESIGNATION.—Subsection (a) of section 137 of title 10, United States Code, is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(b) DUTIES.—Subsection (b) of such section 137 is amended to read as follows:

''(b) The Director of Defense Technology and Counterproliferation shall—

''(1) except as otherwise prescribed by the Secretary of Defense, perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition and Technology may prescribe;

''(2) advise the Secretary of Defense on matters relating to nuclear energy and nuclear weapons;

''(3) serve as the Staff Director of the Joint Nuclear Weapons Council under section 179 of this title; and

''(4) perform such other duties as the Secretary of Defense may prescribe.''.

(c) ABOLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR

AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is repealed.

(d) CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended as follows:

(A) In section 5315, by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof the following:

''Director of Defense Technology and Counterproliferation''.

(B) In section 5316, by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.''.

(2) Title 10, United States Code, is amended as follows:

(A) In section 131(b), by striking out paragraph (6) and inserting in lieu thereof the following:

''(6) Director of Defense Technology and Counterproliferation.''.

(B) In section 138(d), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(C) In section 179(c)(2), by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(D) In section 2350a(g)(3), by striking out ''Deputy Director, Defense Research and Engineering (Test and Evaluation)'' and inserting in lieu thereof ''Under secretary of Defense for Acquisition and Technology''.

(E) In section 2617(a), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(F) In section 2902(b), by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Director of Defense Technology and Counterproliferation.''.

(3) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(4) The National Defense Authorization Act for Fiscal Year 1994 is amended as follows:

(A) In section 802(a) (10 U.S.C. 2358 note), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(B) In section 1605(a)(5), (22 U.S.C. 2751 note) by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(e) CLERICAL AMENDMENTS.—(1) The section heading of section 137 of title 10, United States Code, is amended to read as follows:

''§ 137. Director of Defense Technology and Counterproliferation''.

(2) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking out the item relating to section 137 and inserting in lieu thereof the following:

''137. Director of Defense Technology and Counterproliferation.''; and

(B) by striking out the item relating to section 142.

Mr. LEVIN. I believe the amendment has been cleared.

Mr. THURMOND. Mr. President, the amendment has been cleared.

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

The amendment (No. 2750) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2751

(Purpose: To make technical corrections to section 802, relating to procurement of travel services)

Mr. THURMOND. Mr. President, I offer an amendment which would make certain technical corrections relating to section 802, the procurement of travel services. This amendment corrects a reference cited in the original provision and clarifies the year in which a travel rebate may be charged.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2751.

The amendment is as follows:

On page 160, beginning on line 9, strike out ''amount'' and all that follows through ''section 3202(1)'' on line 17, and insert in lieu thereof the following:

amounts were charged.

''(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

''(c) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1)

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

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

The amendment (No. 2751) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2752

(Purpose: To require a plan for facilitating a rapid transition from successfully completed research under the Small Business Innovation Research Program into defense acquisition programs)

Mr. THURMOND. On behalf of Senator WARNER, I offer an amendment which would require the Department of Defense to give greater consideration to funding research and development projects started under the Small Business Innovative Research Program.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. WARNER, proposes an amendment numbered 2752.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. PLAN FOR RAPID TRANSITION FROM COMPLETION OF SMALL BUSINESS INNOVATION RESEARCH INTO DEFENSE ACQUISITION PROGRAMS.

(a) PLAN REQUIRED.—Not later than February 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for facilitating the rapid transition into Department of Defense acquisition programs of successful first phase and second phase activities under the Small Business Innovation Research program under section 9 of the Small Business Act (15 U.S.C. 638).

(b) CONDITIONS.—The plan submitted under subsection (a) shall—

(1) be consistent with the Small Business Innovation Research program and with recent acquisition reforms that are applicable to the Department of Defense; and

(2) provide—

(A) a high priority for funding the projects under the Small Business Innovation Research program that are likely to be successful under a third phase agreement entered into pursuant to section 9(r) of the Small Business Act (15 U.S.C. 638(r)); and

(B) for favorable consideration, in the acquisition planning process, for funding projects under the Small Business Innovation Research program that are subject to a third phase agreement described in subparagraph (A).

Mr. WARNER. Mr. President, I rise today to offer an amendment to the Defense Authorization Bill that will begin to address concerns that I have with regard to the ability of high technology, small businesses to compete in the defense acquisition arena. This amendment, I hope, will lay the groundwork for reforming the acquisition and budgeting process so that the Department of Defense can take greater advantage of technological innovations developed by small, high-tech companies. The amendment does not change any law or policy, it simply directs the Secretary of Defense to investigate ways that the Department of Defense could improve the acquisition process so as to enable the rapid incorporation of high technology innovations into existing defense programs.

Mr. President, small businesses generate a disproportionately large share of the technological innovations in this country. Studies have found that small businesses originate more than two times as many innovations per employee as large businesses.

The Small Business Innovation Research (SBIR) program was created by the Small Business Innovation Development Act of 1982. It is intended to stimulate technological innovation by using small businesses to meet federal research and development needs. The SBIR program has proven to be a highly effective way of leveraging the creativity of small, high technology companies. A 1997 Government Accounting Office (GAO) study of the Department of Defense's SBIR program concluded that ''quality projects are being funded.''

The SBIR program provides small businesses with the opportunity to demonstrate innovative ideas that

meet the specific research and development needs of the Department of Defense. Under Phases I and II of the program—the research and development phases—small businesses can develop and prove their ideas. Phase III of the SBIR program is for the acquisition and procurement of successful projects. Due to the rapid pace of technological change, the innovative products developed under the SBIR program often have direct applicability to ongoing major defense acquisition programs, where incorporation of the product could immediately result in performance improvement and/or cost reduction. The problem lies in taking a worthy high technology project—one that could provide an immediate benefit to an ongoing defense program—and moving rapidly from SBIR's Phases I and II (R&D), to Phase III (acquisition).

In the current environment, where major defense acquisition programs are often contracted with a single large contractor, it is difficult for a small business to get their high tech innovation inserted into the acquisition cycle. The amendment that I am introducing simply directs the Secretary of Defense to investigate and report on processes that would facilitate the rapid transition of successful SBIR projects into DoD acquisition programs. My goal is to lay the foundation for changes that will improve the incorporation of high technology innovation in defense programs.

Mr. President, I urge my colleagues to support this amendment.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt this amendment.

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

The amendment (No. 2752) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2753

(Purpose: To set aside RDT&E funds for a NATO alliance ground surveillance concept definition)

Mr. LEVIN. Mr. President, on behalf of Senator LIEBERMAN, I offer an amendment that provides authority for the Department of Defense to set aside funds for a NATO alliance ground surveillance concept definition.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN, for Mr. LIEBERMAN, proposes an amendment numbered 2753.

The amendment is as follows:

At the end of subtitle B of title II, add the following:

SEC. 219. NATO ALLIANCE GROUND SURVEILLANCE CONCEPT DEFINITION.

Amounts authorized to be appropriated under subtitle A are available for a NATO alliance ground surveillance concept definition that is based on the Joint Surveillance Target Attack Radar System (Joint STARS) Radar Technology Insertion Program (RTIP) sensor of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 201(1), $6,400,000.

(2) Of the amount authorized to be appropriated under section 201(3), $3,500,000.

Mr. COATS. Mr. President, last year DOD had an initiative to have NATO adopt the JSTARS system as the NATO alliance ground surveillance system, but NATO subsequently decided not to acquire the B–707-based US JSTARS aircraft.

After that decision, the US offered a concept to integrate a variant of the US JSTARS Radar Technology Insertion Program (RTIP) sensor into an aircraft of NATO's choice. In April, NATO's Conference of National Armaments Directors (CNAD) approved a one year concept definition study to flesh out this alternative. However, the April decision was too late to affect the budget request, so that unless the Department gets the authority that would be provided by this amendment, the concept definition effort would slip by a year.

Mr. THURMOND. Mr. President, the amendment has been cleared here.

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

The amendment (No. 2753) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2754

(Purpose: To provide a period of open enrollment for the Survivor Benefit Plan)

Mr. THURMOND. Mr. President, on behalf of Senator WARNER, I offer an amendment that provides for 1-year open season to permit active and reserve military retirees the opportunity to enroll in the Survivor Benefit Plan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2754.

The amendment is as follows:

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

SEC. 634. SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (d).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code (or chapter 67 of such title as in effect before October 5, 1994), but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) MANNER OF MAKING ELECTIONS.—

(1) IN GENERAL.—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Except as provided in paragraph (2), any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(2) ELECTION MUST BE VOLUNTARY.—An election under this section is not effective unless the person making the election declares the election to be voluntary. An election to participate in the Survivor Benefit Plan under this section may not be required by any court. An election to participate or not to participate in the Survivor Benefit Plan is not subject to the concurrence of a spouse or former spouse of the person.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period is the one-year period beginning on March 1, 1999.

(e) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(f) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(g) PREMIUMS FOR OPEN ENROLLMENT ELECTION.—

(1) PREMIUMS TO BE CHARGED.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(A) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(B) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(C) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(2) PREMIUMS TO BE CREDITED TO RETIREMENT FUND.—Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(h) DEFINITIONS.—In this section:

(1) The term ''Survivor Benefit Plan'' means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term ''Supplemental Survivor Benefit Plan'' means the program established under subchapter III of chapter 73 of title 10, United States Code.

(3) The term ''retired pay'' includes retainer pay paid under section 6330 of title 10, United States Code.

(4) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

Mr. WARNER. Mr. President, since its enactment some 26 years ago, the Survivor Benefit Plan has been a source of financial security for military retirees and their dependents. Should the military retiree pre-decease his or her spouse, the plan allows for the spouse to continue to receive a percentage of the retiree's income benefit. This is a program that truly works for our retirees, those who dedicated a large portion of their lives to the service of their country, and I strongly support its continuation.

In the past, Congress has understood that changes occur in the lives of military retirees and has tailored the Survivor Benefit Program accordingly. Retirement from the military is unlike retirement from any other type of employment. Military personnel generally retire in their late 30s or early 40s. They spend a large portion of their lives in military retirement. During this period, their lives can change significantly. The circumstances in which they found themselves at the time of their retirement may be dramatically altered over the years. Admittedly, this is more the exception than the rule, but for some retirees it is a fact of life.

The Congress has previously offered limited open enrollment periods, or ''open seasons'' for retirees to participate in the Survivor Benefit Plan: once in 1981 and again in 1991. These open seasons are a recognition of the fact that some retirees who initially did not elect to participate in the Survivor Benefit Plan have found themselves in circumstances where they would welcome the opportunity to participate in the Plan. In the case of the first two open seasons, retirees who entered the program after their retirement date were required to pay a lump sum amount appropriate to what they would have paid since their retirement date. This ensured that the system was fair to those who chose to enroll upon retirement.

I believe it is once again time to offer an open season to address the concerns of a small number of retirees who are interested in participating in the plan. The amendment that I am offering allows retirees who had not elected to participate in the Survivor Benefit Plan at the time of their retirement the opportunity to do so. The enrollment period would be limited to one year and would require a lump sum payment by the retiree in the amount that he or she would have paid in premiums, with accrued interest, since the date of their retirement. The amendment also allows the defense secretary to make adjustments to the retirees premium to ensure the actuarial soundness of the Plan's fund.

Mr. LEVIN. Mr. President, I would like to make a few remarks about the amendment my friend, Senator WARNER, has offered concerning an open season for enrollment in the military Survivor Benefit Program.

I understand my colleague's views that it is time to offer the possibility of enrollment in this plan to retirees who have, under different circumstances, chosen not to enroll.

I have been told that the Department of Defense has determined that the amendment, as written, is actuarially sound. As I understand it, that means that this amendment requires the Secretary of Defense to set premiums for those who enroll during the proposed open season so that these individuals pay back amounts equal to the amounts they would have paid had they enrolled upon retirement.

According to DOD, this amendment is not unfair in a monetary sense to those who enrolled upon retirement and have been paying premiums into this program since that time.

Nonetheless, I still have several concerns. This amendment would allow all retirees, regardless of the state of their health, to buy into the program and, in effect, purchase annuities for their spouses that could cover any number of years. Even though the Department believes the amendment to be actuarially sound, this could, in my view, work to the detriment of the military retirement fund from which survivors' annuities are paid.

What if all the new enrollees were terminally ill? A 90-year old retiree could conceivably enroll under the Warner amendment, pay premiums for two years and then leave an annuity for his survivors that would be paid from the retirement funds for a long time.

I also remain concerned about the effect this open season would have on the tendency of younger military personnel to enroll in the program upon retirement. I am concerned that an open season like this would serve as a disincentive to enrollment by encouraging service men and women not to enroll at the time they retire and, instead, gamble that Congress will authorize another open season at some point before they die. If this is the case, it would not be in the best interests of the program or the service members.

Because of these concerns and the Department's objections, I look forward to working with Senator WARNER between now and the end of conference to address these concerns.

Mr. THURMOND. I believe this amendment has been cleared by the other side. I urge the Senate adopt the amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

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

The amendment (No. 2754) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2755

(Purpose: To revise a definition of the term ''senior executive'' for purposes of the limitation on allowability of compensation for certain contractor personnel)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON, GLENN, THURMOND, LEVIN, SANTORUM and LIEBERMAN, I offer an amendment which clarifies the current statutory limitations with regard to the reimbursement of executive compensation under Government contracts.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM and Mr. LIEBERMAN, proposes an amendment numbered 2755.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. SENIOR EXECUTIVES COVERED BY LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) DEFENSE CONTRACTS.—Section 2324(l)(5) of title 10, United States Code, is amended to read as follows:

''(5) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(b) NON-DEFENSE CONTRACTS.—Section 306(m)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(m)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(c) CONFORMING AMENDMENT.—Section 39(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 435(c)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

Mr. THOMPSON. Mr. President, I will offer three technical amendments on behalf of myself as chairman of the Governmental Affairs Committee and Senator GLENN, the Committee's ranking minority member, and Senators THURMOND, LEVIN, SANTORUM, and LIEBERMAN. Senator GLENN and I thank the chairman and ranking member of the Armed Services Committee for their cooperation and assistance in preparing these amendments which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal Government as well.

EXECUTIVE COMPENSATION

The National Defense Authorization Act for Fiscal Year 1998 included a provision prohibiting executive agencies from reimbursing the salaries (in cost-type contracts) of contractors' senior executives in excess of the median income for senior executives in all publicly-traded corporations ($340,000 per year). The provision was intended to apply to the five most highly-paid executives of a defense contractor, and of each division of the contractor. However, the provision caused unnecessary confusion as to which contractor officials were covered, because it used terms that are not currently defined in statute or regulation.

The proposed amendment would address this problem by defining ''senior executives'' of a contractor as ''the five most highly compensated employees in management positions at each home office and segment of the contractor.'' The terms ''home office'' and ''segment'' are defined in regulation (subpart 31.001 of the Federal Acquisition Regulation and Cost Accounting Standard 403–30(a)) and are understood by both government and private sector procurement officials.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2755) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2756

(Purpose: To apply certain revisions of commercial pricing regulations government wide)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON, GLENN, THURMOND, LEVIN, SANTORUM, and LIEBERMAN, I offer an amendment which extends to civilian agencies the requirements under section 805 of the bill to issue regulations clarifying procedures for establishing reasonableness of the prices charged for sole-sourced commercial items.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN, proposes an amendment numbered 2756.

The amendment is as follows:

Beginning on page 162, strike out line 23 and all that follows through ''that clarify'' on page 163, line 2, and insert in lieu thereof the following:

''or subsection (b)(1)(B) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), from the requirements for submission of certified cost or pricing data under that section.

''(c) COMMERCIAL PRICING REGULATIONS.—(1) The Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to clarify''.

Mr. THOMPSON. Mr. President, section 805 of the bill contains the ''Defense Commercial Pricing Management Improvement Act,'' which is designed to improve DoD's management practices and help address the spare parts pricing problems identified in the Armed Services Subcommittee on Acquisition & Technology hearing on March 18. Among other things, section 805 would require the Secretary of Defense to issue regulations clarifying the procedures and methods to be used in determining the reasonableness of prices charged for sole-source commercial items.

The amendment would provide that the regulations should be issued on a government-wide basis, as a part of the Federal Acquisition Regulation and applicable to all federal procurements, rather than being issued by the Secretary of Defense and applicable only to DoD procurements. This change is consistent with the Senate's ten-year effort to place DoD and civilian agency procurements on an equal statutory footing.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2756) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2757

(Purpose: To prevent the automatic application to a subcontract of an exceptional waiver of requirements for submission of cost or pricing data that is granted in the case of the prime contract)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON, GLENN, THURMOND, LEVIN, SANTORUM, and LIEBERMAN, I offer an amendment which provides specific authority for the heads of Government agencies to waive requirements for subcontractors to provide certified costs and pricing data under the Truth in Negotiations Act in exceptional in cases in which prime contractors are not required to provide such data.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN, proposes an amendment numbered 2757.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. SEPARATE DETERMINATIONS OF EXCEPTIONAL WAIVERS OF TRUTH IN NEGOTIATION REQUIREMENTS FOR PRIME CONTRACTS AND SUBCONTRACTS.

(a) DEFENSE PROCUREMENTS.—Section 2306a(a)(5) of title 10, United States Code, is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

(b) NON-DEFENSE PROCUREMENTS.—Section 304A(a)(5) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(a)(5)) is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the executive agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

Mr. THOMPSON. Mr. President, the Truth In Negotiations Act authorizes agencies to waive the requirement for contractors to provide certified cost or pricing data in ''exceptional circumstances.'' Under current law, however, a subcontractor under a contract or subcontract for which an exceptional circumstances waiver has been granted may still be subject to the requirement to provide certified cost or pricing data.

The administration has requested a change to this law to provide that exceptional circumstances waivers extend not only to a contract or subcontract, but also to subcontractors under that contract or subcontract. The proposed amendment would give agencies the authority to grant waivers that extend to subcontractors under a contract or subcontract, but would not require that they do so in every case. In addition, it would make a technical change to correct a section reference.

At the same time, the sponsors of the amendment are concerned by some of the statements made by the Administration in submitting the proposed amendment. The section-by-section analysis of the Administration proposal contains the following statements:

The Federal Acquisition Streamlining Act revised [the Truth in Negotiations Act] to permit the head of the procuring activity to grant waivers, rather than the head of the agency. In response to the legislative change, the Federal Acquisition Regulation was revised to encourage the use of waivers when the contracting officer can determine the contract price to be fair and reasonable without the submission of cost or pricing data. As a result, more waivers are being granted today than previously.

If the government does not require certified cost or pricing data from a prime contractor because contract price can be determined to be fair and reasonable without the submission of such data, then it should be presumed that there is no need to collect the data from lower tiers.

The sponsors disagree with the implication that a waiver is appropriate whenever a contracting officer thinks that he can determine the contract price to be fair and reasonable without the submission of cost or pricing data. The Truth In Negotiations Act, as amended, still specifies that a waiver may be granted only in ''exceptional circumstances.''

It is the view of the sponsors that the term ''exceptional circumstances'' requires more than the mere belief of the contracting officer that it may be possible to determine the contract price to be fair and reasonable without the submission of cost or pricing data. For example, a waiver may be appropriate in circumstances where it would be possible to determine price reasonableness without the submission of cost or pricing data and the contracting officer determines that it would not be possible to enter a contract with a particular contractor in the absence of a waiver.

The amendment would give agencies the flexibility to extend exceptional circumstances waivers to subcontractors when it is appropriate to do so. However, it is the expectation of the sponsors that the executive branch will clarify the circumstances in which an ''exceptional circumstances'' waiver may be granted, consistent with the understanding of Congress, as expressed in this statement.

Mr. LEVIN. The amendment has been cleared on this side, Mr. President.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2757) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2758

(Purpose: To amend title 10, United States Code, to require physicians providing military health care to possess unrestricted licenses, and to require the establishment of a system for monitoring the satisfaction of applicable continuing medical education requirements the satisfaction by those physician)

Mr. THURMOND. Mr. President, on behalf of Senators DEWINE and INHOFE, I offer an amendment that requires physicians to possess unrestricted medical licenses and requires the Secretary of Defense to establish a mechanism to ensure military physicians meet the continuing education requirements for their State license.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. DEWINE, for himself, and Mr. INHOFE, proposes an amendment numbered 2758.

The amendment is as follows:

At the end of title VII, add the following:

SEC. . PROFESSIONAL QUALIFICATIONS OF PHYSICIANS PROVIDING MILITARY HEALTH CARE.

(a) REQUIREMENT FOR UNRESTRICTED LICENSE.—Section 1094(a)(1) of title 10, United States Code, is amended by adding at the end the following: ''In the case of a physician, the physician may not provide health care as a physician under this chapter unless the current license is an unrestricted license that is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.''.

(b) SATISFACTION OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

''§ 1094a. Continuing medical education requirements: system for monitoring physician compliance

''The Secretary of Defense shall establish a mechanism for ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician satisfies the continuing medical education requirements applicable to the physician.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1094a. Continuing medical education requirements: system for monitoring physician compliance.''.

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on October 1, 1998.

(2) The system required by section 1094a of title 10, United States Code (as added by subsection (b)), shall take effect on the date that is three years after the date of the enactment of this Act.

Mr. DEWINE. Mr. President, the amendment I am offering today on behalf of myself and my colleague from Oklahoma, Mr. INHOFE, is a very simple, straightforward amendment. It would simply require that all Defense Department physicians have unrestricted licenses in order to practice medicine. In addition, our amendment would require the Department of Defense to set up a monitoring system to ensure that military physicians obtain continuing medical education in his or her specialty. This amendment is about ensuring that the men and women of our armed forces, as well as their families, are guaranteed a physician corps that meets the same professional standards of civilian practitioners.

A number of individuals deserve credit for this initiative. First, I commend my friend and colleague from Springfield, Ohio, Congressman DAVE HOBSON. Congressman HOBSON is one of the true best friends of our military families, and he has been a true leader in Congress to ensure these families have available to them a high quality health care system. He is the lead sponsor of similar legislation in the House of Representatives, along with thirteen of his colleagues.

Congressman HOBSON is not the only one from the Dayton area that has shown an interest in health care quality for military families. Last October, a series of articles were written by the Dayton Daily News on the quality of military health care.

One particular issue highlighted in this series involved the license requirements for doctors who practice medicine at military facilities. While civilian doctors hold a license in the state where they practice, military physicians can hold a license from one state and practice medicine in U.S. military facilities in all fifty states and around the world. This exemption is needed obviously because military doctors frequently are transferred to other facilities.

That general requirement makes good sense. After all, it is impractical to have more than 13,000 military doctors applying and testing for a new license every time they move, which can average one move for every two to three years, and does not include the possibility of no notice deployments and yearly exercises. Two of the key requirements of military health care is mobility and flexibility, and both must remain to be the case.

Generally, the system works well. Unfortunately, one state has been offering ''special'' licenses for doctors practicing at mental institutions, Indian reservations, and military facilities.

The Dayton Daily News reported last year that 77 military doctors received ''special'' medical licenses, which were easier to obtain and has less rigorous testing requirements. In essence, the ''special'' license lowered the level of standardized competency.

The amendment I introduced today will eliminate this loop hole. Specifically, it will require the Defense Department to have their physicians carry a current ''unrestricted'' license.

To their credit, our armed forces, through the regulatory process, already are moving toward the very same goals of this legislation. Our amendment simply codifies in the law this basic requirement—to ensure that there is a minimum standard of professional competency.

Just as important, under our amendment, the mobility and flexibility of military health care would be maintained by allowing the ''unrestricted'' license to be issued by any state, but it will not be a ''specialized'' license that would be able to circumnavigate proficiency standards.

Military personnel and their families deserve to have the peace of mind that no matter where they are stationed, or where they are treated, they will receive the same level of competent health care.

This amendment, Mr. President, gives military personnel and their families this peace of mind.

I am pleased that our amendment has the support of the National Military Families Association (NFMA) and the American Association of Physician Specialists (AAPS). I ask unanimous consent that the letters of support for this amendment from NFMA and AAPS be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AAPS, AMERICAN ASSOCIATION OF PHYSICIAN SPECIALISTS, INC.,
Atlanta, GA, May 14, 1998.

Hon. MIKE DEWINE,
U.S. Senate, 140 Russell Senate Office Building, Washington, DC.

DEAR SENATOR DEWINE: On behalf of the American Association of Physician Specialists (AAPS), I am writing to express our support for your proposed amendment to the Defense Authorization Bill, S. 2057, regarding providing military health care. As a national organization representing thousands of physicians in all specialties and types of practices throughout the United States, AAPS is deeply concerned with the issue of professional standards and qualifications for physicians in practice areas. AAPS was founded in 1952 to provide a clinically recognized mechanism for specialty certification of physicians with advanced training. As the administrative home for 12 approved Boards of Certification, AAPS strives daily to ensure the availability of verifiably trained, certified physicians to provide quality health care to both military personnel, and the civilian population.

We thank you for your attention to this important issue, and offer our support and services, should our expertise be of any assistance.

Sincerely,

WILLIAM J. CARBONE,
Executive Director.

NMFA, NATIONAL MILITARY FAMILY ASSOCIATION,
Alexandria, VA, May 13, 1998.

Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: The National Military Family Association (NMFA) strongly supports your proposed amendment that would place into law the requirement that all military physicians must possess an unrestricted license to practice medicine. The discovery earlier this year, by members of the media, that military physicians with restricted licenses were providing medical care to service members, military retirees, and their family members created significant concerns within the military beneficiary community. The fact that the current Surgeons General and the Acting Assistant Secretary of Defense for Health Affairs was unaware of this situation was most troubling.

NMFA is aware that the Department of Defense has instituted policies to require unrestricted licenses of their military physicians, but feel it important that this initiative is incorporated into law. Since present military health care leaders were unaware of the restricted license situation, NMFA fears that corporate memory could again become blurred and a repeat of the problem could occur.

NMFA very much appreciates your concern for military families and your interest in assuring them of the quality of the physicians within the military health care system.

Sincerely,

JAMES M. MUTTER,
Colonel, USMC (Ret), President.

Mr. DEWINE. Mr. President, I urge my colleagues to support this important quality of life initiative for our military personnel and their families.

Mr. LEVIN. The amendment has been cleared on this side, Mr. President.

Mr. THURMOND. I urge the Senate adopt the amendment.

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

The amendment (No. 2758) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2759

(Purpose: To clarify the eligibility of dependents of United States Customs Service employees to enroll in Department of Defense dependents schools in Puerto Rico)

Mr. THURMOND. Mr. President, on behalf of Senator GRASSLEY, I offer an amendment that clarifies that children of U.S. Customs Service agents assigned in Puerto Rico can attend DOD dependent school without regard to any time limits, and that if the agent is killed in the line of duty, the dependents can remain enrolled in the DOD schools during the school year in which the agent was killed, and that DOD cannot charge the Customs Service tuition for these students.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. GRASSLEY, proposes an amendment numbered 2759.

The amendment is as follows:

Strike out section 1055, and insert in lieu thereof the following:

SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) MILITARY DEPENDENTS.—Subsection (a) of section 2164 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by adding at the end of paragraph (2), as so designated, the following: ''The Secretary may also permit a dependent of a member of the armed forces to enroll in such a program if the dependent is residing in such a jurisdiction, whether on or off a military installation, while the member is assigned away from that jurisdiction on a remote or unaccompanied assignment under permanent change of station orders.''.

(b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) The Secretary may extend the enrollment of a dependent referred to in subparagraph (A) in the program for more than five consecutive school years if the Secretary determines that the dependent is eligible under paragraph (1), space is available in the program, and adequate arrangements are made for reimbursement of the Secretary for the costs to the Secretary of the educational services provided for the dependent. An extension shall be for only one school year, but the Secretary may authorize a successive extension each year for the next school year upon making the determinations required under the preceding sentence for that next school year.''.

(c) CUSTOMS SERVICE EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) Subsection (c) of such section is further amended by adding at the end the following:

''(4)(A) A dependent of a United States Customs Service employee who resides in Puerto Rico but not on a military installation may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico.

''(B) Notwithstanding the limitation on duration of enrollment set forth in paragraph (2), a dependent described in subparagraph (A) who is enrolled in an education program described in that subparagraph may be removed from the program only for good cause (as determined by the Secretary). No requirement under that paragraph for reimbursement of the Secretary for the costs of educational services provided for the dependent shall apply with respect to the dependent.

''(C) In the event of the death in the line of duty of an employee described in subparagraph (A), a dependent of the employee may remain enrolled in an educational program described in that subparagraph until—

''(i) the end of the academic year in which the death occurs; or

''(ii) the dependent is removed for good cause (as so determined).''.

(2) The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to academic years beginning on or after that date.

Mr. GRASSLEY. Mr. President, I would like to draw attention to a problem in our drug control program. It concerns something that the Department of Defense (DoD) is not doing. And frankly it's embarrassing. Today, the men and women of federal law enforcement constantly put their lives at risk in an effort to fight the increasing flow of illicit drugs into our country. Not only do we face the threat of an increase of drugs in our children's

schools and on our streets, but our law enforcement officers continue to face a rising tide of violence at our borders and in our cities as a result of the drug trade. We continue to see the flow of narcotics across the Southern tier of the U.S. to include Puerto Rico. Law enforcement personnel and their commitment to the mission to fight the war on drugs work many long hours, sometimes late into the evening and are subject to changes in their schedules at a moments notice. The families of these officers also feel the pressures of the job they perform. This brings me to the point I would like to make.

The front lines of the U.S. Customs Service are not just a problem of gun-toting drug thugs. They face more than long hours and risky situations. While they deal with all these things, they must shoulder the additional burden of coping with bureaucratic bumbledom. This added load is a result of DoD officiousness and unwillingness to cooperate. The language of instruction in Puerto Rico public schools is Spanish and not English. Therefore, the only affordable English-language school option for U.S. Customs' personnel is the DoD school. However, current legislation and DoD policy is creating a hardship for Customs' employees and their families. This unnecessarily affects our counter-drug efforts by undermining morale.

It is my understanding that the children of these law enforcement personnel have been attending DoD schools in Puerto Rico for more than 20 years. Throughout the years, changes in legislation and DoD policy have placed numerous restrictions on Customs and other Federal civilian agencies. Customs has recently augmented its workforce in Puerto Rico under its Operation Gateway initiative in light of the continuing and heightened threat of narcotics smuggling and money laundering in the Caribbean Basin. I supported this initiative. This session I will also stress the need for better coordination of our interdiction strategy, particularly the need to develop a ''Southern Tier' concept. This initiative will strive to focus resources in a more comprehensive way to protect our southern frontier. Puerto Rico is crucial to this strategy. Current legislation and DoD's policy requirements are, however, obstacles to the effective implementation of this aggressive enforcement initiative in terms of recruitment and retention of Customs employers because as I stated earlier, there are no English speaking public schools in Puerto Rico.

I think it is ridiculous that Customs' efforts in Puerto Rico—the men and women who deal daily with difficult and dangerous situations—should find their attention distracted by something like this.

The U.S. Customs Service interdicts more drugs than any other Government Agency. Based on the size of the workforce of Customs in Puerto Rico, their critical law enforcement mission, difficulty in recruiting, and the negative affect this policy is having on their employees and families (over 150 children of Customs employees are currently enrolled in the program), I would like to see a swift solution to these problems.

Recently, a Customs Special Agent was killed in an accident while assisting the U.S. Secret Service on a Presidential detail that highlights another problem. My legislation will also address a concern raised by this case. It happens that the children of this agent currently attend classes in the DoD school. It is my understanding, that a special exception from the Secretary of Defense was necessary in order for these children to continue in the DoD school program for the remainder of the school year. DoD has dragged its feet. My amendment will deal with this and similar situations.

My staff has tried to work out a deal, But DoD has not been very responsive. I personally wrote the Secretary of Defense to work out a solution. I got a response from a low-level bureaucrat who responded just like, well, a bureaucrat. It is my understanding that the only answer from DoD is, ''nothing can be done'', I am told that the only solution is to ''change the legislation''.

This amendment is essential in order to address the current problems that I have described for these employees and their families and I look forward to working with you to ensure that our efforts to protect our country from illicit drugs is effective and adequately supported. I hope that my colleagues will look at this legislation and join me in supporting this. It is enough of a burden on the families of the dedicated men and women who labor to protect our borders without further weighing them down with senseless red tape.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2759) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2760

(Purpose: Relating to the so-called ''1 plus 1 barracks initiative'')

Mr. THURMOND. Mr. President, on behalf of Senator ROBERTS, I offer an amendment which requires the Secretary of Defense to report on the ''One-Plus-One'' barracks standard and certify that it is necessary in order to assure retention of first-term enlisted personnel of the Armed Forces.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. ROBERTS, proposes an amendment numbered 2760.

The amendment is as follows:

At the appropriate place in title XXVIII, insert the following:

SEC. 28__. REPORT AND REQUIREMENT RELATING TO "1 PLUS 1 BARRACKS INITIATIVE".

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to Congress a report on the costs and benefits of implementing the initiative to build single occupancy barracks rooms with a shared bath, the so-called ''1 plus 1 barracks initiative''.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A justification for the initiative referred to in subsection (a), including a description of the manner in which the initiative is designed to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(2) A description of the experiences of the military departments with the retention of first-term enlisted members of the Armed Forces, including—

(A) a comparison of such experiences before implementation of the initiative with such experiences after implementation of the initiative; and

(B) an analysis of the basis for any change in retention rates of such members that has arisen since implementation of the initiative.

(3) Any information indicating that the lack of single occupancy barracks rooms with a shared bath has been or is the basis of the decision of first-term members of the Armed Forces not to reenlist in the Armed Forces.

(4) Any information indicating that the lack of such barracks rooms has hampered recruitment for the Armed Forces or that the construction of such barracks rooms would substantially improve recruitment.

(5) The cost for each Armed Force of implementing the initiative, including the amount of funds obligated or expended on the initiative before the date of enactment of this Act and the amount of funds required to be expended after that date to complete the initiative.

(6) The views of each of the Chiefs of Staff of the Armed Forces regarding the initiative and regarding any alternatives to the initiative having the potential of assuring the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(7) A cost-benefit analysis of the initiative.

(c) LIMITATION ON FY 2000 FUNDING REQUEST.—The Secretary of Defense may not submit to Congress any request for funding for the so-called ''1 plus 1 barracks initiative'' in fiscal year 2000 unless the Secretary certifies to Congress that further implementation of the initiative is necessary in order to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2760) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2761

(Purpose: To express the sense of Congress that a higher priority should be given drug interdiction and counterdrug activities of the Department of Defense under the global Military Force Policy)

Mr. LEVIN. Mr. President, on behalf of Senators GRAHAM, DEWINE, and GRASSLEY, I offer an amendment which expresses the sense of the Congress that the Department of Defense should raise its priority of counternarcotics so that it is at the same level as peacekeeping operations.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GRAHAM, for himself, Mr. DEWINE, and Mr. GRASSLEY, proposes an amendment numbered 2761.

The amendment is as follows:

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

SEC. 334. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense—

(1) to treat the international drug interdiction and counter-drug activities of the department as a military operation other than war, thereby elevating the priority given such activities under the policy to the next priority below the priority given to war under the policy and to the same priority as is given to peacekeeping operations under the department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER (Mr. GORTON). Without objection, the amendment is agreed to.

The amendment (No. 2761) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2762

(Purpose: To authorize the Secretary of the Navy to enter into a barter agreement during fiscal years 1999 through 2003 to exchange vehicles for repair and remanufacture of ribbon bridges for the Marine Corps)

Mr. THURMOND. Mr. President, on behalf of Senator SANTORUM, I offer an amendment which authorizes the Secretary of the Navy to enter into a barter agreement involving the exchange of excess trucks for ribbon bridges for the Marine Corps.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. SANTORUM, proposes an amendment numbered 2762.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. FIVE-YEAR AUTHORITY FOR SECRETARY OF THE NAVY TO EXCHANGE CERTAIN ITEMS.

(a) BARTER AUTHORITY.—The Secretary of the Navy may enter into a barter agreement to exchange trucks and other tactical vehicles for the repair and remanufacture of ribbon bridges for the Marine Corps in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), except that the requirement for items exchanged under that section to be similar items shall not apply to the authority under this subsection.

(b) PERIOD OF AUTHORITY.—The authority to enter into agreements under subsection (a) and to make exchanges under any such agreement is effective during the 5-year period beginning on October 1, 1998, and ending at the end of September 30, 2003.

Mr. SANTORUM. Mr. President, this amendment to S. 2057, the Fiscal Year 1999 Defense Authorization Act, provides authority for the United States Marine Corps to enter into a barter agreement with a commercial entity for the purpose of allowing existing Marine Corps ribbon bridges to be remanufactured into an Improved Ribbon Bridge configuration.

The Marine Corps has 250 bays [length] of ribbon bridge, of which 180 require repair. The ribbon bridge is the Marine Corps' only floating bridge capability and is used to allow vehicles to cross streams and gullies. The ribbon bridge bays used by the Marine Corps are approximately 20 years old. Due to limited fiscal resources and higher priorities, it is unlikely that the ribbon bridge upgrade will successfully compete for funding.

It is my understanding that a remanufacture of these existing bridges to the Improved Ribbon Bridge configuration will provide an additional 15–20 years of service from these bridges. I am aware that the Marine Corps and Office of the Secretary of Defense supports this amendment.

Mr. LEVIN. The amendment has been cleared, Mr. President.

Mr. THURMOND. I urge the Senate to adopt the amendment.

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

The amendment (No. 2762) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2763

(Purpose: To enhance the fiscal position of the Center for Hemispheric Defense Studies for meeting the increasing responsibilities designated for the Center by the Secretary of Defense)

Mr. LEVIN. On behalf of Senator GRAHAM of Florida, I offer an amendment that would enhance the fiscal position of the Center for Hemispheric Defense Studies.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. GRAHAM proposes an amendment numbered 2763.

The amendment is as follows:

At the end of title IX, add the following:

SEC. 908. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) FUNDING FOR CENTER FOR HEMISPHERIC DEFENSE STUDIES.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

"§ 2166. National Defense University: funding of component institution

''Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2166. National Defense University: funding of component institution.''

(b) CONFORMING AMENDMENT.—Section 1050 of title 10, United States Code, is amended by inserting ''Secretary of Defense or the'' before ''Secretary of a military department''.

Mr. LEVIN. Mr. President, I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared by this side.

Mr. LEVIN. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2763) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2764

(Purpose: To authorize the Secretary of Energy to enter into cost-sharing partnerships to operate the Hazardous Materials Management and Emergency Response training facility, Richland, Washington.)

Mr. THURMOND. Mr. President, on behalf of Senators GORTON and MURRAY, I offer an amendment which would authorize the Secretary of Energy to enter into cost-sharing partnerships to operate the Hazardous Materials Management and Emergency Response training facility in Richland, WA.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. GORTON, for himself and Mrs. MURRAY, proposes an amendment numbered 2764.

The amendment is as follows:

At the end of subtitle C of title XXXI, insert the following:

SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING FACILITY, RICHLAND, WASHINGTON.

(a) AUTHORITY.—The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to

share the costs of operating the Hazardous Materials Management and Emergency Response training facility authorized under section 3140 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services.

Mr. THURMOND. I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2764) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2765

(Purpose: To add home school diploma recipients to the pilot program for treating GED recipients as high school graduates for enlistment purposes)

Mr. THURMOND. Mr. President, on behalf of Senator COVERDELL, I offer an amendment that would add home schooling graduates to a pilot program in which they would be permitted to enlist in the military services as if they possessed a high school diploma.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. COVERDELL, proposes an amendment numbered 2765.

The amendment is as follows:

Strike out section 529, and insert in lieu thereof the following:

SEC. 529. PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTING IN THE ARMED FORCES.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces. The Secretary of each military department shall administer the pilot program for the armed force or armed forces under the jurisdiction of the Secretary.

(b) ELIGIBLE RECIPIENTS.—(1) Under the pilot program, a person shall be treated as having graduated from high school with a high school diploma for the purpose described in subsection (a) if the person—

(A) has completed a general education development program while participating in the National Guard Challenge Program and is a GED recipient; or

(B) is a home school diploma recipient and provides a transcript demonstrating completion of high school to the military department involved under the pilot program.

(2) For the purposes of this section, a person is a GED recipient if the person, after completing a general education development program, has obtained certification of high school equivalency by meeting State requirements and passing a State approved exam that is administered for the purpose of providing an appraisal of the person's achievement or performance in the broad subject matter areas usually required for high school graduates.

(3) For the purposes of this section, a person is a home school diploma recipient if the person has received a diploma for completing a program of education through the high school level at a home school, without regard to whether the home school is treated as a private school under the law of the State in which located.

(c) ANNUAL LIMIT ON NUMBER.—Not more than 1,250 GED recipients, and not more than 1,250 home school diploma recipients, enlisted by an armed force in any fiscal year may be treated under the pilot program as having graduated from high school with a high school diploma.

(d) PERIOD FOR PILOT PROGRAM.—The pilot program shall be in effect for five fiscal years beginning on October 1, 1998.

(e) REPORT.—(1) Not later than February 1, 2004, the Secretary of Defense shall submit a report on the pilot program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2)(A) The report shall include the assessment of the Secretary of Defense, and any assessment of any of the Secretaries of the military departments, regarding the value of, and any necessity for, authority to treat GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces.

(B) The Secretary shall also set forth in the report, by armed force for each fiscal year of the pilot program, a comparison of the performance of the persons who enlisted in that armed force during the fiscal year as GED or home school diploma recipients treated under the pilot program as having graduated from high school with a high school diploma with the performance of the persons who enlisted in that armed force during the same fiscal year after having graduated from high school with a high school diploma, with respect to the following:

(i) Attrition.

(ii) Discipline.

(iii) Adaptability to military life.

(iv) Aptitude for mastering the skills necessary for technical specialties.

(v) Reenlistment rates.

(f) REFERENCE TO NATIONAL GUARD CHALLENGE PROGRAM.—The National Guard Challenge Program referred to in this section is a program conducted under section 509 of title 32, United States Code.

(g) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 509(*l*)(1) of title 32, United States Code.

Mr. COVERDELL. Mr. President, I rise today to offer an amendment to S. 2057, the Defense Authorization Bill. The Defense Authorization bill as currently written contains a section authorizing a pilot program promoting GED recipients to Tier I recruiting status for the Armed Forces. My amendment would simply add graduates of home schools to this pilot program.

All service branches of the military have limited openings for recruits. As a result, military recruiters utilize a system in which they give preference to applicants who have at least graduated from high school. These are Tier I applicants. Currently, home schoolers have Tier II status, meaning only when a recruiter cannot find a Tier I applicant to fill an opening does a home schooler come up for consideration. This is true despite evidence indicating that the average home schooled student scores in at least the 80th percentile in all subjects on standardized tests while the typical public school student scores around the 50th percentile. This would indicate that home schoolers complete an educational program at least as rigorous as that of the average high school student. Why then should home schoolers not be placed in the same recruiting tier as their high school counterparts?

While the Department of Defense has concerns that home schoolers have higher attrition rates than other Tier I candidates, there is not a significant enough body of evidence to support these claims. Certainly, retaining soldiers is a large concern for all services. However, due to their Tier II status, very few home schoolers have been recruited into the military over the past ten years. Accordingly, no valid statistical sample exists demonstrating home schoolers' attrition rates. It is the intent of my amendment to establish a valid statistical sample of attrition rates for home schoolers upon which the Armed Services can make a more educated assessment of its tier assignments.

Mr. President, the Armed Forces in recent years have experienced recruiting problems. While they actively work to address these issues I believe Congress should also look at possible solutions. My amendment is an attempt to do just that. I offer today not only an opportunity for home schoolers, but an opportunity for the military to explore fully a new recruiting tool.

Mr. THURMOND. I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2765) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2766

(Purpose: To state the sense of the Senate regarding oil spill prevention training for personnel on board Navy vessels)

Mr. THURMOND. On behalf of Senator GORTON, I offer an amendment that would express the sense of the Senate that the Secretary of the Navy should ensure that appropriate Navy personnel assigned to ships are trained in oil spill prevention measures.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. GORTON, proposes an amendment numbered 2766.

The amendment is as follows:

On page 59, below line 20, add the following:

SEC. 328. SENSE OF SENATE REGARDING OIL SPILL PREVENTION TRAINING FOR PERSONNEL ON BOARD NAVY VESSELS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been six significant oil spills in Puget Sound, Washington, in 1998, five at Puget Sound Naval Shipyard (including three from the U.S.S. Kitty Hawk, one from the U.S.S. Carl Vinson, and one from the U.S.S. Sacramento) and one at Naval Station Everett from the U.S.S. Paul F. Foster.

(2) Navy personnel on board vessels, and not shipyard employees, were primarily responsible for a majority of these oil spills at Puget Sound Naval Shipyard.

(3) Oil spills have the potential to damage the local environment, killing microscopic organisms, contributing to air pollution, harming plants and marine animals, and increasing overall pollution levels in Puget Sound.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should take immediate action to significantly reduce the risk of vessel oil spills, including the minimization of fuel oil transfers, the assurance of proper training and qualifications of all Naval personnel in occupations that may contribute to or minimize the risk of shipboard oil spills, and the improvement of liaison with local authorities concerning oil spill prevention and response activities.

Mr. THURMOND. I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2766) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2767

(Purpose: To add $4,000,000 for research and development on the expeditionary common automatic recovery and landing system and $1,000,000 for research and development on the K-band testing obscuration pairing system, and to offset the increase by reducing the amount for Marine Corps procurement for communications and electronics infrastructure support by $5,000,000)

Mr. LEVIN. Mr. President, on behalf of Senator REID, I offer an amendment which would add funds for research and development for the expeditionary common automatic recovery and landing system and the K-band testing obscuration pairing system, offset by reducing the amount for Marine Corps procurement for communications and electronics infrastructure.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. REID, proposes an amendment numbered 2767.

The amendment is as follows:

In section 201(2), strike out ''$8,199,102,000'' and insert in lieu thereof ''$8,204,102,000''.

In section 102(b), strike out ''$915,558,000'' and insert in lieu thereof ''$910,558,000''.

Mr. COATS. Mr. President, this amendment allows for the inclusion of budget authority to continue work on the expeditionary common automatic recovery system (ECARS), which is a launch and recovery system that DoD is using for unmanned aerial vehicles. ECARS would be an adaptation of that system to provide a landing system for Marine Corps helicopters in places where the Marines have not had an opportunity to establish the full air control system.

The K-band testing obscuration pairing system (K–TOPS) program would provide a training scoring system to allow the Marines to conduct realistic training in the presence of smoke or other obscurants on a simulated battlefield. Since these programs are for the Marine Corps, the source of budget authority for them is in the communications and infrastructure support program contained in the Procurement, Marine Corps (PMC) account.

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared.

Mr. LEVIN. Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2767) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2768

(Purpose: To expand certain land conveyance authority, Eglin Air Force Base, Florida)

Mr. THURMOND. Mr. President, on behalf of Senator MACK, I offer an amendment which would amend the Military Construction Act of 1979 to authorize an additional conveyance, at fair market value, of 4 acres at Eglin Air Force Base to the Air Force Enlisted Men's Widows and Dependents Home Foundation, Inc.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. MACK, proposes an amendment numbered 2768.

The amendment is as follows:

On page 342, below line 22, add the following:

SEC. 2827. EXPANSION OF LAND CONVEYANCE AUTHORITY, EGLIN AIR FORCE BASE, FLORIDA.

Section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95–356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2123), is further amended by striking out ''and a third parcel containing forty-two acres'' and inserting in lieu thereof '', a third parcel containing forty-two acres, a fourth parcel containing approximately 3.43 acres, and a fifth parcel containing approximately 0.56 acres''.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2768) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2769

(Purpose: To authorize the conveyance of certain water rights and related rights at Rocky Mountain Arsenal, Colorado, for purposes of acquiring certain perpetual contracts for water)

Mr. THURMOND. Mr. President, on behalf of Senators ALLARD and CAMPBELL, I offer an amendment that would replace an erratic water supply at Rocky Mountain Arsenal with a constant water supply, satisfy the Army's obligation to provide water to a community impacted by RMA contamination, provide for a permanent water supply for the Refuge, reduce operating costs associated with water access, and provide for needed water storage facilities.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. ALLARD, for himself and Mr. CAMPBELL, proposes an amendment numbered 2769.

The amendment is as follows:

On page 342, below line 22, add the following:

SEC. 2827. CONVEYANCE OF WATER RIGHTS AND RELATED INTERESTS, ROCKY MOUNTAIN ARSENAL, COLORADO, FOR PURPOSES OF ACQUISITION OF PERPETUAL CONTRACTS FOR WATER.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey any and all interest of the United States in the water rights and related rights at Rocky Mountain Arsenal, Colorado, described in subsection (b) to the City and County of Denver, Colorado, acting through its Board of Water Commissioners.

(b) COVERED WATER RIGHTS AND RELATED RIGHTS.—The water rights and related rights authorized to be conveyed under subsection (a) are the following:

(1) Any and all interest in 300 acre rights to water from Antero Reservoir as set forth in Antero Reservoir Contract No. 382 dated August 22, 1923, for 160 acre rights; Antero Reservoir Contract No. 383 dated August 22, 1923, for 50 acre rights; Antero Reservoir Contract No. 384 dated October 30, 1923, for 40 acre

rights; Antero Reservoir Contract No. 387 dated March 3, 1923, for 50 acre rights; and Supplemental Contract No. 382–383–384–387 dated July 24, 1932, defining the amount of water to be delivered under the 300 acre rights in the prior contracts as 220 acre feet.

(2) Any and all interest in the 305 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Fitzsimons Army Medical Center and currently subject to cost assessments pursuant to Denver Water Department contract #001990.

(3) Any and all interest in the 2,603.55 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Rocky Mountain Arsenal in Adams County, Colorado, and currently subject to cost assessments by the Denver Water Department, including 680 acre rights transferred from Lowry Field to the Rocky Mountain Arsenal by the October 5, 1943, agreement between the City and County of Denver, acting by and through its Board of Water Commissioners, and the United States of America.

(4) Any and all interest in 4,058.34 acre rights of water not currently subject to cost assessments by the Denver Water Department.

(5) A new easement for the placement of water lines approximately 50 feet wide inside the Southern boundary of Rocky Mountain Arsenal and across the Reserve Center along the northern side of 56th Avenue.

(6) A permanent easement for utilities where Denver has an existing temporary easement near the southern and western boundaries of Rocky Mountain Arsenal.

(c) CONSIDERATION.—(1) The Secretary of the Army may make the conveyance under subsection (a) only if the Board of Water Commissioners, on behalf of the City and County of Denver, Colorado—

(A) enters into a permanent contract with the Secretary of the Army for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal; and

(B) enters into a permanent contract with the Secretary of the Interior for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal National Wildlife Refuge, Colorado.

(2) Section 2809(e) of title 10, United States Code, shall not operate to limit the term of the contract entered into under paragraph (1)(A).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary of the Army may not make the conveyance authorized by subsection (a) until the execution of the proposed agreement provided for under subsection (c) between the City and County of Denver, Colorado, acting through its Board of Water Commissioners, the South Adams County Water and Sanitation District, the United States Fish and Wildlife Service, and the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. ALLARD. Mr. President, today Senator CAMPBELL and I are offering a technical amendment to the 1999 Defense Authorization Bill which would authorize the transfer of water interests held by the Army at the Rocky Mountain Arsenal, including rights in Highland Canal and Antero Reservoir. Before I give the details of the amendment, I want to thank Chairman THURMOND and Senator LEVIN for accepting this amendment and for all the hard work by the Armed Service staff, who without their active engagement in this process, this important amendment would never have been possible.

As the clean-up at the Rocky Mountain Arsenal has progressed, quite well I might add, there has always been a great need for water. However, as with much of the West, water is a commodity and a way to provide water has been an area of discussion between all the parties since the clean-up began. Unfortunately, the United States' acre rights to water in the High Line Canal have proved inadequate to supply the Army's needs for non-potable water at the Arsenal.

In a June 11, 1996 Record of Decision, the Army, Shell, and South Adams County Water and Sanitation District (SACWSD) entered into a Memorandum of Understanding by which the Army and Shell agreed to acquire and deliver 4000 acre-feet of water to SACWSD.

However, after a lengthy investigation, it was determined that the only realistic source of potable water for SACWSD was by arranging a permanent contract with the Denver Water Board. Also, it was determined that the only way to be certain that the Refuge received a long term supply of 1200 acre-feet of non-potable water was to obtain the same from the Denver Water Board's non-potable reuse facility pursuant to a perpetual contract.

During these discussions, the Denver Water Board desired to acquire all of the Army's interest in the irrigation canal and reservoir company in order to reduce the cost of operating those facilities and consolidate its ownership to the rights of the rights to receive water from those facilities. On December 19, 1997, the Army, the Fish & Wildlife Service, SACWSD, and the Denver Water Board entered into a Memorandum of Understanding (MOU). The purpose of the MOU was to accomplish the goals of each of the parties as follows:

a. Denver will provide SACWSD with 4000 acre-feet of potable water in fulfillment of the Army's responsibility under the June 11, 1996 MOU.

b. SACWSD will provide Denver with certain storage facilities and cash to compensate Denver for the potable water supply.

c. Denver will provide the Army and the Fish & Wildlife Service with short and long term water supplies. The short term supplies will be 2800 acre-feet, and the permanent supply will be 1200 acre-feet of non-potable reuse water per year as a guaranteed supply. In addition, Denver will supply 50 acre-feet of annual potable water supply.

d. The Army will transfer to Denver its interests in the canal and reservoir companies which currently serve as the source of the Arsenal water supply.

The result of these understandings fulfills the federal government's responsibility under the Record of Decision to insure a permanent and a firm supply of water for the ultimate needs of the Refuge and the federal government's responsibility to provide a potable supply of SACWSD.

Because of the nature of the legal status of the Army's interest in the canal and reservoir companies and the nature of the interests to be received by the federal government from Denver as a permanent supply, there was uncertainty whether federal legislation would be required. It was determined federal legislation is required to avoid the problems associated with the disposal of government property, pursuant to the Federal Property and Administrative Services Act.

However, the property being disposed of is not excess property and, therefore, not readily disposed of under normal procedures. The water supply being received in exchange is a perpetual contract supply and not a real property interest, precluding a like kind exchange. This exchange is for utility contracts or lease agreements that will replace acre rights to water as the mechanisms for the delivery of non-potable water to the Arsenal and Fitzsimons. My understanding is that this has been confirmed by GSA, which is the main decisionmaker on excess property.

All of the federal agencies and involved divisions of local and State governments are supportive of federal legislation and the agreements that it will implement, including Fitzsimons. It must be underscored that this amendment recognizes that the legal status of these rights are not being changed, nor are the rights being disposed of, rather the rights are being exchanged for permanent water contracts from Denver. There will be no change in the amount of flow through the South Platte and that Colorado water law will fully apply to this situation.

While this amendment may seem technical and minor on the surface, this transfer of water interests is an important part of the overall solution in the clean-up of the Arsenal.

Again, I thank the Chairman and Ranking Member for accepting this important amendment and I thank their staff in working with my staff to make this happen.

Mr. THURMOND. Mr. President, I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2769) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2770

(Purpose: To make available $2,500,000 for the activities of the Hanford Health Information Network)

Mr. LEVIN. Mr. President, on behalf of Senator MURRAY, I offer an amendment which would make available $2.5 million from funds at the Department of Energy's Hanford site for the Hanford Health Information Network.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mrs. MURRAY, for herself, Mr. KEMPTHORNE, Mr. WYDEN and Mr. SMITH of Oregon, proposes an amendment numbered 2770.

Mr. LEVIN. 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 397, between lines 6 and 7, insert the following:

SEC. 3137. HANFORD HEALTH INFORMATION NETWORK.

Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by section 3102, $2,500,000 shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087).

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on this side.

Mr. LEVIN. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2770) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2771

(Purpose: To extend the authority of the Secretary of Energy to appoint certain scientific, engineering, and technical personnel)

Mr. THURMOND. Mr. President, on behalf of myself and Senator BINGAMAN, I offer an amendment which would extend the Secretary of Energy's authority to appoint certain scientific and technical personnel to critical health and safety posts.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for himself and Mr. BINGAMAN, proposes an amendment numbered 2771.

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

Mr. THURMOND. Mr. President, I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt the amendment.

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

The amendment (No. 2771) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2772

(Purpose: To extend the authority of the Department of Energy to pay voluntary separation incentive payments through December 31, 2000)

Mr. THURMOND. Mr. President, on behalf of myself and Senator BINGAMAN, I offer an amendment which would extend the Secretary of Energy's authority to make voluntary separation incentive payments to its Federal employees.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for himself and Mr. BINGAMAN, proposes an amendment numbered 2772.

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2001.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt the amendment.

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

The amendment (No. 2772) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2773

(Purpose: To extend and reauthorize the Defense Production Act of 1950)

Mr. THURMOND. Mr. President, on behalf of Senators GRAMS and D'AMATO, I offer an amendment which would reauthorize the Defense Production Act of 1950 for a period of 1 year.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. GRAMS, for himself and Mr. D'AMATO, proposes an amendment numbered 2773.

The amendment is as follows:

SECTION 1. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 1999''.

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''and 1998'' and inserting ''1998, and 1999''.

Mr. GRAMS. Mr. President, this amendment will extend the authorization of the authorities under the Defense Production Act for one year through September 30, 1999.

This matter is under the jurisdiction of the Senate Banking Committee, on which I serve as the Subcommittee on International Finance Chairman which handles this issue. Chairman D'Amato and Ranking Member Sarbanes of the Banking Committee, as well as Ranking Member of the International Finance Subcommittee, Senator Moseley-Braun, all have agreed to support this one-year extension as an amendment to the Defense Authorization bill to facilitate this matter in a year when floor time is becoming scarce.

The Defense Production Act (DPA) is the primary authority for executive branch activities to ensure the timely availability of resources for national defense and civil emergency preparedness and response. It was first enacted in 1950 to mobilize the nation's productive capacity during the Korean War and ensures the availability of critical materials needed both for national defense and for catastrophic civil disasters. It allows criminal sanctions to prevent hoarding of critical materials. The DPA also authorizes the President to use financial incentives to encourage contractors to establish or expand industrial capacity for defense needs.

The ''Exon-Florio'' language which authorizes the President to prohibit foreign investment if such investment threatens national security is also included in this Act.

While DPA's primary function is to ensure resources are available in times of war, the DPA, as administered through the Federal Emergency Management Agency (FEMA) also provides

assistance during natural disasters. For instance, FEMA used the DPA to procure resources needed during the 1997 flood disaster in my own State of Minnesota.

The Administration had requested some minor changes in the DPA. However, because committee and floor time is scarce this year, they agreed to a one-year extension. It is the goal of the Banking Committee to consider these changes, and a longer term reauthorization, next year.

Mr. President, I thank the floor leaders for agreeing to facilitate this amendment as part of the DOD bill.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2773) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2774

(Purpose: To establish certain budgeting and other policies regarding United States operations in Bosnia and Herzegovina)

Mr. THURMOND. Mr. President, I offer an Armed Services Committee amendment that would express the sense of Congress that future year funding for operations in Bosnia be included above the topline in the defense budget and that U.S. forces in Bosnia should not act as civil police. In addition, our amendment would require the President to submit a report to Congress on the status of the establishment of the Multinational Support Unit.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2774.

The amendment is as follows:

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

SEC. 1064. BUDGETING FOR CONTINUED PARTICIPATION OF UNITED STATES FORCES IN NATO OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) Funding levels in the Department of Defense budget have not been sufficient to pay for the deployment of United States ground combat forces in Bosnia and Herzegovina that began in fiscal year 1996.

(2) The Department of Defense has used funds from the operation and maintenance accounts of the Armed Forces to pay for the operations because the funding levels included in the defense budgets for fiscal years 1996 and 1997 have not been adequate to maintain operations in Bosnia and Herzegovina.

(3) Funds necessary to continue United States participation in the NATO operations in Bosnia and Herzegovina, and to replace operation and maintenance funds used for the operations, have been requested by the President as supplemental appropriations in fiscal years 1996 and 1997. The Department of Defense has also proposed to reprogram previously appropriated funds to make up the shortfall for continued United States operations in Bosnia and Herzegovina.

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

(5) The discretionary spending limit established for the defense category for fiscal year 1998 in the Balanced Budget and Emergency Deficit Control Act of 1985 does not take into account the continued deployment of United States forces in Bosnia and Herzegovina after June 30, 1998. Therefore, the President requested emergency supplemental appropriations for the Bosnia and Herzegovina mission through September 30, 1998.

(6) Amounts for operations in Bosnia and Herzegovina were not included in the original budget proposed by the President for the Department of Defense for fiscal year 1999.

(7) The President requested $1,858,600,000 in emergency appropriations in his March 4, 1998 amendment to the fiscal year 1999 budget to cover the shortfall in funding in the fiscal year 1999 for the costs of extending the mission in Bosnia.

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

(1) the President should include in the budget for the Department of Defense that the President submits to Congress under section 1105(a) of title 31, United States Code, for each fiscal year sufficient amounts to pay for any proposed continuation of the participation of United States forces in NATO operations in Bosnia and Herzegovina for that fiscal year; and

(2) amounts included in the budget for that purpose should not be transferred from amounts that would otherwise be proposed in the budget of any of the Armed Forces in accordance with the future-years defense program related to that budget, or any other agency of the Executive Branch, but, instead, should be an overall increase in the budget for the Department of Defense.

SEC. 1065. NATO PARTICIPATION IN THE PERFORMANCE OF PUBLIC SECURITY FUNCTIONS OF CIVILIAN AUTHORITIES IN BOSNIA AND HERZEGOVINA.

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

(1) The North Atlantic Treaty Organization (NATO) has approved the creation of a multi-national specialized unit of gendarmes- or para-military police composed of European security forces to help promote public security in Bosnia and Herzegovina as a part of the post-June 1998 mission for the Stabilization Force (SFOR) authorized under the United Nations Security Council Resolution 1088 (December 12, 1996).

(2) On at least four occasions, beginning in July 1997, the Stabilization Force (SFOR) has been involved, pursuant to military annex 1(A) of the Dayton Agreement, in carrying out missions for the specific purpose of detaining war criminals, and on at least one of those occasions United States forces were directly involved in carrying out the mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States forces should not serve as civil police in Bosnia and Herzegovina.

(c) REQUIREMENT FOR REPORT.—The President shall submit to Congress, not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

Mr. THURMOND. Mr. President, my amendment would address three items, funds in the future years defense program for operations in Bosnia, concern about the use of U.S. forces in a law enforcement capacity, and the status of establishing the NATO multinational security force.

Funding for military forces participating in the NATO operation in Bosnia is the responsibility of the contributing nation. It is estimated that the U.S. costs of participating in the NATO operation will be close to $10 billion by the end of fiscal year 1999.

The Administration has failed to provide adequate funds in the defense budget to fund U.S. participation in the NATO operation since November 1995, consequently reprogramming and rescissions of defense funds, as well as supplemental appropriations have been used to pay for those costs.

In March, pursuant to legislation in the fiscal year 1998 defense authorization and appropriations bills, the President notified the Congress of his intention to extend the deployment of U.S. forces in Bosnia beyond June 30, 1998, and certified that it was in the national security interests for U.S. forces to remain in Bosnia so that conditions could be established to allow the implementation of the Dayton Accords without the support of a major NATO-led military force.

The President's announcement to extend the deployment of U.S. forces in Bosnia after June 30, 1998 once again resulted in a funding shortfall for operations in Bosnia for fiscal year 1998, as well as for fiscal year 1999. To take care of the shortfalls in fiscal year 1998, the Congress provided an emergency appropriation.

Once again, because they were unaware that the President would extend the participation of U.S. forces in the NATO operation in Bosnia, the Department of Defense and the military services did not include funds in the President's fiscal year 1999 budget request for defense. Thereby creating once again, a funding shortfall for operations in Bosnia in fiscal year 1999. To cover those costs anticipated in fiscal year 1999, but not provided for in the defense budget, the Committee has recommended an emergency authorization of $1.9 billion for operations in Bosnia in fiscal year 1999.

Mr. President, U.S. forces will be in Bosnia for at least another year or two, if not longer, unless the Congress mandates their withdrawal. It is time for the President to include the funds necessary to pay for the operations in Bosnia in the fiscal year 2000 and future year budgets for defense above the top line in the balanced budget agreement. If the defense budget is not increased

to pay for the costs associated with this operation in Bosnia, the Congress will once again be faced with reprogramming defense funds, or providing emergency appropriations.

If the Congress has to reprogram defense funds, or rescind defense programs, the military services will most likely have to transfer procurement and research and development dollars meant for modernization and replacement of equipment before it becomes obsolete and unsupportable.

Transferring funds from the military service budgets for operations in Bosnia will result in reducing training opportunities, delaying real property maintenance, deferring depot maintenance, or reducing base operations and quality of life. We need to protect the readiness of our forces. Failure of the Administration to increase funding in future defense budgets to pay for operations in Bosnia would cause disruptions and in funding inefficiencies in our acquisition programs.

My amendment would express the sense of Congress that the President should include funds for operations in Bosnia in the future years defense funds, and that those funds should not come from amounts that would otherwise be proposed for defense or the military services in accordance with the future years defense plan, but should be provided above the top line in the balanced budget agreement.

My amendment would also express the concerns of Congress, as it did similarly in the fiscal year 1998 defense authorization and appropriation bills, that U.S. forces should not participate in law enforcement activities as civil police.

The International Police Task Force was formed by the United Nations in response to a requirement in the Dayton Accords. In addition to training and advising local law enforcement authorities and personnel, the responsibility of this international police task force is to monitor, observe and facilitate law enforcement activities. The international police force also has no authority to arrest or detain people, to include indicted war criminals. Because the international police force is not armed, on many occasions NATO military forces have accompanied members of the IPTF to provide protection in the event there is a breakdown in law and order. NATO forces have not intervened during incidents of violence involving unarmed civilians. However, NATO troops have taken action against paramilitary or ''special police'' units, such as the kind that guard indicted war criminals like Mr. Karadicz.

Earlier this year, the Congress was informed by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that NATO would be establishing an 800-man paramilitary police force to respond to civil disturbances, such as the ones I just mentioned.

Lastly, with regard with NATO's establishment of a Multinational Specialized Unit to respond to civil disturbances, my amendment would require the President to report on the status of NATO establishing the MSU, the mission of the MSU, its composition, and the extent to which U.S. military forces will participate in the MSU, if any role.

Mr. President, I believe the amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2774) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2775

(Purpose: To require the Secretary of Defense to submit to Congress a report on the objectives of a contingency operation when the President submits to Congress the first request for funding the operation)

Mr. THURMOND. Mr. President, on behalf of Senators SNOWE and CLELAND, I offer an amendment which has been approved by the Armed Services Committee and that would require the Secretary of Defense to submit to Congress a report on the objectives of any contingency operation involving the deployment of 500 or more U.S. military forces when the President requests funds for those operations.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Ms. SNOWE, for herself and Mr. CLELAND, proposes an amendment numbered 2775.

The amendment is as follows:

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

SEC. 1031. SUBMISSION OF REPORT ON OBJECTIVES OF A CONTINGENCY OPERATION WITH FIRST REQUEST FOR FUNDING THE OPERATION.

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

(1) On May 3, 1994, the President issued Presidential Decision Directive 25 declaring that American participation in United Nations and other peace operations would depend in part on whether the role of United States forces is tied to clear objectives and an endpoint for United States participation can be identified.

(2) Between that date and mid-1998, the President and other executive branch officials have obligated or requested appropriations of approximately $9,400,000,000 for military-related operations throughout Bosnia and Herzegovina without providing to Congress, in conjunction with the budget submission for any fiscal year, a strategic plan for such operations under the criteria set forth in that Presidential Decision Directive.

(3) Between November 27, 1995, and mid-1998 the President has established three deadlines, since elapsed, for the termination of United States military-related operations throughout Bosnia and Herzegovina.

(4) On December 17, 1997, the President announced that United States ground combat forces would remain in Bosnia and Herzegovina for an unknown period of time.

(5) Approximately 47,880 United States military personnel (excluding personnel serving in units assigned to the Republic of Korea) have participated in 14 international contingency operations between fiscal years 1991 and 1998.

(6) The 1998 posture statements of the Navy and Air Force included declarations that the pace of military operations over fiscal year 1997 adversely affected the readiness of nondeployed forces, personnel retention rates, and spare parts inventories of the Navy and Air Force.

(b) INFORMATION TO BE REPORTED WITH FUNDING REQUEST.—Section 113 of title 10, United States Code, is amended by adding at the end the following:

''(*l*) INFORMATION TO ACCOMPANY INITIAL FUNDING REQUEST FOR CONTINGENCY OPERATION.—Whenever the President submits to Congress a request for appropriations for costs associated with a contingency operation that involves, or likely will involve, the deployment of more than 500 members of the armed forces, the Secretary of Defense shall submit to Congress a report on the objectives of the operation. The report shall include a discussion of the following:

''(1) What clear and distinct objectives guide the activities of United States forces in the operation.

''(2) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the endpoint of the operation.''.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared on the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the amendment be adopted.

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

The amendment (No. 2775) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2776

(Purpose: Pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense)

Mr. LEVIN. Mr. President, on behalf of Senators ROBB and SANTORUM, I offer an amendment which would provide authority to conduct a pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROBB, for himself and Mr. SANTORUM, proposes amendment No. 2776.

The amendment is as follows:

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

SEC. 1064. PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

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

(1) Officials of the Department of Defense are critically dependent on the science and technology laboratories and test and evaluation centers, of the department—

(A) to exploit commercial technology for unique military purposes;

(B) to develop advanced technology in precise areas;

(C) to provide the officials with objective advice and counsel on science and technology matters; and

(D) to lead the decisionmaking that identifies the most cost-effective procurements of military equipment and services.

(2) The laboratories and test and evaluation centers are facing a number of challenges that, if not overcome, could limit the productivity and self-sustainability of the laboratories and centers, including—

(A) the declining funding provided for science and technology in the technology base program of the Department of Defense;

(B) difficulties experienced in recruiting, retaining, and motivating high-quality personnel; and

(C) the complex web of policies and regulatory constraints that restrict authority of managers to operate the laboratories and centers in a businesslike fashion.

(3) Congress has provided tools to deal with the changing nature of technological development in the defense sector by encouraging closer cooperation with industry and university research and by authorizing demonstrations of alternative personnel systems.

(4) A number of laboratories and test and evaluation centers have addressed the challenges and are employing a variety of innovative methods, such as the so-called ''Federated Lab Concept'' undertaken at the Army Research Laboratory, to maintain the high quality of the technical program, to provide a challenging work environment for researchers, and to meet the high cost demands of maintaining facilities that are equal or superior in quality to comparable facilities anywhere in the world.

(b) COMMENDATION.—Congress commends the Secretary of Defense for the progress made by the science and technology laboratories and test and evaluation centers to achieve the results described in subsection (a)(4) and encourages the Secretary to take the actions necessary to ensure continued progress for the laboratories and test and evaluation centers in developing cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(c) PILOT PROGRAM.—(1) In conjunction with the plan for restructuring and revitalizing the science and technology laboratories and test and evaluation centers of the Department of Defense that is required by section 906 of this Act, the Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation center, of each military department with authority for the following:

(A) To explore innovative methods for quickly, efficiently, and fairly entering into cooperative relationships with universities and other private sector entities with respect to the performance of research and development functions.

(B) To waive any restrictions on the demonstration and implementation of such methods that are not required by law.

(C) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(3) In selecting the laboratories and centers for participation in the pilot program, the Secretary shall consider laboratories and centers where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory and center for a period of three years beginning not later than March 1, 1999.

(d) REPORTS.—(1) Not later than March 1, 1999, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory and center selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory or center in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory or center in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory or center under the pilot program.

Mr. LEVIN. I believe the amendment has been cleared on the other side.

Mr. THURMOND. The amendment has been cleared.

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

The amendment (No. 2776) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2777

(Purpose: To protect the voting rights of military personnel)

Mr. THURMOND. Mr. President, on behalf of Senators GRAMM and MCCAIN, I offer an amendment which will protect the voting rights of the military personnel.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. GRAMM for himself and Mr. MCCAIN, proposes an amendment numbered 2777.

The amendment is as follows:

On page 130, between lines 11 and 12, insert the following:

SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

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

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(B) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(2) The heading of title I of such Act is amended by striking out **''FOR FEDERAL OFFICE''**.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2777) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

AMENDMENT NO. 2778

(Purpose: To require a review and report on research on pharmacological interventions for reversing brain injury resulting from head injuries incurred in combat or exposures to chemical weapons)

Mr. THURMOND. On behalf of Senator WARNER, I offer an amendment which would require the Secretary of Defense to review and report to Congress on research concerning pharmacological interventions for reversing brain injury.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2778.

The amendment is as follows:

At the end of subtitle C of title II, add the following:

SEC. 232. REVIEW OF PHARMACOLOGICAL INTERVENTIONS FOR REVERSING BRAIN INJURY.

(a) REVIEW AND REPORT REQUIRED.—The Assistant Secretary of Defense for Health Affairs shall review research on pharmacological interventions for reversing brain

injury and, not later than March 31, 1999, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) The potential for pharmacological interventions for reversing brain injury to reduce mortality and morbidity in cases of head injuries incurred in combat or resulting from exposures to chemical weapons or agents.

(2) The potential utility of such interventions for the Armed Forces.

(3) A conclusion regarding whether funding for research on such interventions should be included in the budget for the Department of Defense for fiscal year 2000.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared on this side.

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

The amendment (No. 2778) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2779

(Purpose: To modify the authority relating to the demonstration project to provide the FEHBP health care option to medicare-eligible military health care beneficiaries)

Mr. THURMOND. On behalf of Senators BOND, SHELBY, COVERDELL, and FAIRCLOTH, I offer an amendment that would amend section 707 to accelerate the Federal Employees Health Benefit Program (FEHBP) demonstration and increase the number of sites from two to four.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. BOND, for himself, Mr. SHELBY, Mr. COVERDELL, and Mr. FAIRCLOTH, proposes an amendment numbered 2779.

The amendment is as follows:

On page 157, strike out line 7 and insert the following:

(h) ADDITIONAL REQUIREMENTS RELATING TO FEHBP DEMONSTRATION PROJECT.—(1) Notwithstanding subsection (a)(2), the Secretary shall commence the demonstration project under subsection (d) on July 1, 1999.

(2) Notwithstanding subsection (c), the Secretary shall carry out the demonstration project under subsection (d) in four separate areas, of which—

(A) two shall meet the requirements of subsection (c)(1)(A); and

(B) two others shall meet the requirements of subsection (c)(1)(B).

(3)(A) Notwithstanding subsection (f), the Secretary shall provide for an annual evaluation of the demonstration project under subsection (d) that meets the requirements of subsection (f)(2).

(B) The Comptroller shall review each evaluation provided for under subparagraph (A).

(C) Not later than September 15 in each of 2000 through 2004, the Secretary shall submit a report on the results of the evaluation under subparagraph (A) during such year, together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) Not later than December 31 in each of 2000 through 2004, the Comptroller General shall submit a report on the results of the review under subparagraph (B) during such year to the committees referred to in subparagraph (C).

(i) DEFINITIONS.—In this section:

Mr. BOND. Mr. President, I rise today to introduce an amendment on behalf of myself, Mr. SHELBY, Mr. COVERDELL, and Mr. FAIRCLOTH.

This vital measure would enhance the Federal Employees Health Benefits Program (FEHBP) demonstration provisions currently included in the Department of Defense Authorization bill to evaluate the feasibility of using this effective program to ensure the availability of adequate health care for Medicare-eligible retirees under the military health care system.

Specifically, this amendment increases the number of FEHBP sites from two to four and accelerates the implementation of the program from January of 2000 to July of 1999.

Mr. President, our nation's military retirees are facing a grave health care crisis. Current trends, such as base closures, the downsizing of military treatment facilities, and the introduction of TRICARE, have all hindered access to health care services for military retirees aged 65 and over. In theory, Medicare-eligible retirees can receive health care services at military treatment facilities on a space available basis; however, active duty and their dependents have priority.

Therefore, in reality, space is rarely available—resulting in military retirees being ''locked out'' of the Department of Defense's (DoD) health care delivery system. And because of their considered ''secondary status'', many retirees are forced to travel great distances to receive even the minimum of care.

Further, when compared to what other Federal and private sector retirees receive in terms of health care options, it is clear that the current health care choices for military retirees are woefully inadequate and downright inexcusable.

This is outrageous. The bottom line is military retirees aged 65 and older do not have time to wait for health care solutions, especially when our nation is losing 30,000 world War II veterans each month. It is high time that the federal government lives up to its promise of providing health care to those who honorably served our country.

Although this amendment is not everything I wanted, it is a step in the right direction. I am pleased that the Armed Services Committee was able to address this problem, but I remain concerned that the DoD Authorization bill caps total funding for all the various demonstration projects at $60 million a year, of which only a portion would be available for the FEHBP demonstration.

Mr. President, I understand the budgetary constraints that the Committee faces; however, this does not excuse us from our moral obligation to provide those military retirees who faithfully and selflessly served our country in times of war and in times of peace the health care they deserve. Our country must live up to the promise of providing military retirees more dependable, consistent, and affordable care while simultaneously applying equitable standards of health care for all federal retirees.

Make no doubt about it—this battle has just begun. I look forward to working with my colleagues in conference in securing increased funding and sites for this purpose—as represented in the House's DoD Authorization bill. And again, I thank the distinguished Chairmen, Senator THURMOND, and Senator KEMPTHORNE, for their efforts.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2779) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2780

(Purpose: To authorize amounts for NATO common-funded budgets)

Mr. LEVIN. Mr. President, on behalf of myself and Senator THURMOND, I offer an amendment which would authorize funds for the NATO military budget and the NATO Security Investment Program for fiscal year 1999.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. THURMOND, proposes an amendment numbered 2780.

The amendment is as follows:

At the end of subtitle B of title II, insert the following:

SEC. 219. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

At the end of subtitle B of title III, insert the following:

SEC. 314. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated by section 30(a)(1), $227,377,000 shall be available for contributions for the common-funded Military Budget of NATO.

At the end of subtitle A of title X, insert the following:

SEC. 1014. AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR NATO COMMON-FUNDED BUDGETS.

(a) TOTAL AMOUNT.—Contributions are authorized to be made in fiscal year 1999 for the

common-funded budgets of NATO, out of funds available for the Department of Defense for that purpose, in the total amount that is equal to the sum of (1) the amounts of the unexpended balances, as of the end of fiscal year 1998, of funds appropriated for fiscal years before fiscal year 1999 for payments for such budgets, (2) the amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 314, (3) the amount authorized to be appropriated under section 201(1) that is available for contribution for the NATO common-funded civil budget under section 219, and (4) the total amount of the contributions authorized to be made under section 2501.

(b) DEFINITION.—In this section, the term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of NATO (and any successor or additional account or program of NATO).

Mr. LEVIN. I believe the amendment has been cleared.

Mr. THURMOND. The amendment has been cleared.

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

The amendment (No. 2780) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

AMENDMENT NO. 2781

(Purpose: To require reports on the development of the European Security and Defense Identity within the NATO alliance)

Mr. LEVIN. Mr. President, I offer an amendment which would require the Secretary of Defense to provide a report to Congress on the development of the NATO European Security Defense Initiative by December 15, 1998, and thereafter on a semiannual basis, until such time as the Secretary of Defense states that an ESDI has been fully established.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2781.

The amendment is as follows:

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

SEC. 1031. REPORTS ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY.

(a) REQUIREMENT FOR REPORTS.—The Secretary of Defense shall submit to the congressional defense committees in accordance with this section reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance that would enable the Western European Union (WEU), with the consent of the NATO Alliance, to assume the political control and strategic direction of NATO assets and capabilities made available by the Alliance.

(b) REPORTS TO BE SUBMITTED.—The reports required to be submitted under subsection (a) are as follows:

(1) An initial report, submitted not later than December 15, 1998, that contains a discussion of the actions taken, and the plans for future actions, to build the European Security and Defense Identity, together with the matters required under subsection (c).

(2) A semiannual report on the progress made toward establishing the European Security and Defense Identity, submitted not later than March 15 and December 15 of each year after 1998.

(c) CONTENT OF REPORTS.—The Secretary shall include in each report under this section the following:

(1) A discussion of the arrangements between NATO and the Western European Union for the release, transfer, monitoring, return, and recall of NATO assets and capabilities.

(2) A discussion of the development of such planning and other capabilities by the Western European Union that are necessary to provide political control and strategic direction of NATO assets and capabilities.

(3) A discussion of the development of terms of reference for the Deputy Supreme Allied Commander, Europe, with respect to the European Security and Defense Identity.

(4) A discussion of the arrangements for the assignment or appointment of NATO officers to serve in two positions concurrently (commonly referred to as ''dual-hatting'').

(5) A discussion of the development of the Combined Joint Task Force (CJTF) concept, including lessons-learning from the NATO-led Stabilization Force in Bosnia.

(6) Identification within the NATO Alliance of the types of separable but not separate capabilities, assets, and support assets for Western European Union-led operations.

(7) Identification of separable but not separate headquarters, headquarters elements, and command positions for command and conduct of Western European Union-led operations.

(8) The conduct by NATO, at the request of and in coordination with the Western European Union, of military planning and exercises for illustrative missions.

(9) A discussion of the arrangements between NATO and the Western European Union for the sharing of information, including intelligence.

(10) Such other information as the Secretary considers useful for a complete understanding of the establishment of the European Security and Defense Identity within the NATO Alliance.

(d) TERMINATION OF SEMIANNUAL REPORTING REQUIREMENT.—No report is required under subsection (b)(2) after the Secretary submits under that subsection a report in which the Secretary states that the European Security and Defense Identity has been fully established.

Mr. LEVIN. I believe this amendment has been cleared on the other side.

Mr. THURMOND. The amendment has been cleared.

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

The amendment (No. 2781) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I have brief remarks in concluding today, a very productive day on the defense authorization bill.

I wish to personally thank the distinguished chairman, Mr. THURMOND, and the ranking member, for covering a number of amendments today, including those of the Senator from Virginia while I was momentarily off the floor. Chairman THURMOND will bring the bill back up again on Monday. It will be the business.

I will have further extensive remarks on Monday as regards the complex issue of Bosnia and Herzegovina. The American commitments there in connection with our NATO allies are very important commitments, and certain observations relative to Kosovo.

Given the cloture motion, I am not sure whether our bill will have opened the opportunity for amendments on these issues. It is a subject that has been carefully considered by the Armed Services Committee in four meetings. We feel very strongly that there is an obligation in the Congress, which no one has spoken to with greater clarity and greater sincerity than the senior Senator from West Virginia, Mr. BYRD. He did so at a hearing of the Armed Services Committee on June 4 of this year. Senator BYRD and Senator HUTCHISON of Texas have worked very hard and diligently on this subject. But I am not sure as to what will evolve in the days to come on this bill.

I wish to make several observations about this subject. I, too, have thought about introducing an amendment on this subject. But these are the concerns that I have.

None of us could perceive with specificity what has happened in Kosovo, what is happening today, and what could happen in the future. That is a key that is directly linked to the continuing policies of the United States, together with our allies in Bosnia.

Great progress has been made in Bosnia towards the Dayton accords. I was not in favor at any time and voted against the introduction of U.S. ground forces. Nevertheless, that decision was made and endorsed by the Congress of the United States. They have performed absolutely courageously, and have contributed to a measure of peace and stability that exists in Bosnia today. They have worked remarkably well with our allies. There are some 13 various allies which have contributed to this NATO-led force to bring about the current stability. I will speak further on Monday as to the details.

But I want to comment on a couple of factors that I hope Senators will take into consideration should they want to go into further discussions of this area.

First, there will be very important elections held in the political structure of Bosnia in September. Hopefully, the outcome of those elections, in terms of the candidates that succeed, will further move efforts towards achieving the Dayton accords. We cannot anticipate here in June what that situation will be, nor can we anticipate with any specificity the problems in Kosovo. Hopefully, the initiatives, indeed, by President Yeltsin, by President Clinton, and by many others in the United Kingdom and France will address that situation so that we will not witness further tragic displacement of people from their homes, communities, and to

worsen the flow of refugees from that region. We simply cannot stand by and watch that persecution.

I remember so well. We always talked in terms of Bosnia, that we have to contain that so it will not spill over into the Kosovo region. Now just the reverse has taken place. It is Kosovo which threatens to spill over, dislodge, and disrupt some of the achievements that have occurred so far in Bosnia.

So the elections are important. The unfolding developments in Kosovo—we cannot predict today what they will be a month from now, or 6 months from now.

Further, there will be a new Congress elected by the people of our country in November. They will take their seats, such Members as new Members who come and those who will depart. We will have a new Congress.

It seems to me that the new Congress is entitled to take a fresh look at this situation.

We also must take into consideration that we are working today with our allies on a variety of contingencies as they relate to Kosovo, and any legislation which is directed to the future of our commitment in Bosnia; that is, the extent the ground forces remain in place, the extent perhaps of their withdrawal and the force levels and the like, sends signals to people, particularly President Milosevic, who, indeed, is the prime perpetrator of the problems in that region, in my judgment, and we have to be very careful, because on the one hand if we address the future of U.S. commitments in Bosnia and at the same time we are trying to work out contingency plans with our allies, those two actions, in my judgment, have to go hand in hand.

So it is terribly important that those addressing this issue take into consideration again the transitory nature of the Kosovo problem, the elections that are coming up, and the fact there will be a new Congress, and therefore any action that we take should not be taken—and I am hesitant to think we should take any action now—with regard to dictating in many respects to the Commander in Chief what is to be done in that region beginning, say, next spring. I think we have to be very careful to recognize the constitutional responsibilities of President Clinton in this area, and we should do nothing to abridge those constitutional responsibilities.

So having said that, I will address this subject further on Monday, but I just wanted to lay down in today's RECORD some of my concerns about this very important issue. It is driven in large measure by the fact that the Armed Forces of the United States today have expended some $9.4 billion for the Bosnia action to date and through fiscal year 1998, and those dollars could, in my judgment, have been spent very wisely for modernization, for research and development, and for readiness. Those three areas are of prime concern as regards our military today, and they are very, very serious concerns. We will address those areas further as we consider the authorization bill. But it is an expensive commitment there in terms of dollars and U.S. troops, and it seems to me that we have to continually work with our allies so that those allies, particularly the European allies, take a greater percentage of this burden in the months to come.

It is clear that we cannot hope to achieve the Dayton accords in a period of time, perhaps within a year or so. General Clarke, when he appeared before our committee, could not in any way—and we understand this—specify his estimate of time within which those accords of Dayton could be achieved. But nevertheless, it is the allied forces under the NATO in place today that have enabled the progress to date that we are all very fortunate to witness.

Now, Mr. President, I will return now to the closing business of today's session of the Senate.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak up to 10 minutes each. In one instance I will soon allocate 15 minutes at the conclusion of my remarks.

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

ALAN GREENSPAN AND ANTITRUST

Mr. GORTON. Mr. President, the Senate Judiciary Committee heard testimony on Tuesday from Federal Reserve Board Chairman Alan Greenspan and the Assistant Attorney General for Antitrust, Joel Klein. The hearing was called to discuss the economic impacts of the recent wave of mergers and acquisitions and the role of federal antitrust enforcers in today's economy.

While the subject matter was narrow, nothing less than the future of the American economy is at stake in the debate between those in this nation who believe in the power and efficiency of the free market and those who advocate government control of the market.

Both sides in the debate, and both witnesses at the hearing, claim to be working toward the same goals: consumer protection, competition, and economic expansion. But the contrast in the means each side advocates to achieve those ends is astonishing.

Alan Greenspan, arguably one of the most powerful men in the world, urged ''humility'' on the part of government antitrust enforcers, while Joel Klein pushed for more government intervention and more taxpayer money for his division at the Department of Justice.

Once again Mr. President, I find the attitude of the Clinton/Gore Administration's Justice Department disturbing. It is quite apparent to this Senator that Joel Klein and his staff are anti-business, anti-success, and anti-economic growth.

Mr. Klein pled for more, not less, government control of the economy. In fact, in his testimony Mr. Klein said, ''we reject categorically the notion that markets will self-correct and we should sit back and watch.'' Instead, Mr. Klein believes the government should control every move of America's most successful and innovative companies in the name of competition and consumer protection. His statement strikes me as an endorsement of the very kind of socialist-style command and control economics embraced by the Soviet Union that led to its collapse, not the free market principles on which the United States economy is based.

Mr. Greenspan, on the other hand, a long-time champion of the free market, made the case that the Justice Department and the Federal Trade Commission have been overstepping their bounds recently in predicting how mergers will affect the economy of the future, and in prohibiting mergers on the basis of predictions about that economic future. He said, ''I would like to see far more firm roots to our judgments as to whether particular market positions do, in fact, undercut competition or are only presumed on the basis of some generalized judgment of how economic forces are going to evolve.'' Chairman Greenspan went on to point out that, ''history is strewn with people making projections which have turned out to be grossly inaccurate.''

The Chairman of the Federal Reserve Board, despite his power to do otherwise, represents and advocates the same common sense approach to competition and consumer welfare as that advocated by our founding fathers. His vision is one in which the government rarely intervenes in the free market that, left alone, can provide more benefits and broader economic wealth for consumers than the smartest government planners and politicians. His vision is one in which American entrepreneurs invent amazing new products and compete openly with one another in a free, but relentless marketplace, to meet the constantly changing demands of consumers.

It is Mr. Greenspan's vision that has contributed to the greatest economic growth in this nation's history; that of the Justice Department would undermine it.

In contrast to those of Mr. Greenspan's, Mr. Klein's comments reveal an elitist, government-knows-best approach to economics. Under the guise of consumer protection, Mr. Klein advocates government control of the marketplace in order to prop up businesses that cannot compete successfully on their own.

I, for one, Mr. President, believe Mr. Greenspan's approach to be correct and to be the one that has and will serve the American consumers and the American economy best.