trends—not even keeping pace with inflation. During the fiscal year 1998 appropriations process, the national security appropriations bill had the lowest percentage increase from fiscal year 1997 funding level than any other of the appropriations bills. In fact, military construction appropriations had a negative change over the fiscal year 1997 funding levels, making funding for national defense grow at one-fifth the rate of domestic spending increases.

Mr. President, I am not opposed to increasing the funding for Veterans' health care, but not at the cost of our national security, and I strongly urge all of my colleagues to oppose this amendment and not further aggravate a serious underfunding of our defense.

I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, I yield back the remainder of our time.

Mr. HARKIN. Mr. President, I yield back the remainder of our time.

Mr. WARNER. I think it is important that the Chair state the pending UC order for the purpose of the RECORD here for those listening.

The PRESIDING OFFICER. All time is yielded back.

Mr. WARNER. Mr. President, if I understand it, does the Senator from Washington desire some time on this amendment?

Mr. GORTON. The Senator from Washington would like about 3 minutes as in morning business.

Mr. WARNER. On this amendment?

Mr. GORTON. Not on this amendment.

Mr. WARNER. Fine. At the conclusion of this amendment, and all time having been yielded back, I ask the Chair to recognize the Senator from Washington so that he might speak for 3 minutes.

The PRESIDING OFFICER. All time has been yielded back.

The Senator from Washington will be recognized for 3 minutes as in morning business.

Mr. WARNER. Mr. President, for the information of the Senate, my distinguished colleague, the ranking member of the committee, and I will clear some 20 amendments on behalf of the members of the Armed Services Committee and others, and then we will go into the routine wrapup on behalf of the majority leader and the distinguished Democratic leader.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

## MICROSOFT WINS APPEALS COURT DECISION, DOJ LOSES

Mr. GORTON. Mr. President, yesterday a three judge United States Appeals Court panel overturned the preliminary injunction issued against Microsoft last December by U.S. District Court Judge Thomas Penfield Jackson. This ruling by the Appeals Court is a major victory for Microsoft and its supporters. In fact, in my opinion, it is so significant as to make the Department of Justice's current case against Microsoft even more dubious than it was at the time of filing.

The basic question before the panel was whether or not Microsoft violated antitrust law and a 1995 consent decree by integrating its web browser, Internet Explorer, into its Windows 95 operating system. The panel ruled that Microsoft's actions did not violate the consent decree and that Microsoft should indeed be allowed to integrate new and improved features into Windows because such integration benefits consumers.

The Department of Justice has just suffered a major defeat.

The ruling comes only a few weeks after the Antitrust Division of the Department of Justice filed a new case against Microsoft alleging anticompetitive behavior. The central point of the new case is Microsoft's integration of the Internet Explorer into Windows 98.

In the new case, the Department of Justice wants Microsoft either to remove Internet Explorer from Windows 98 or add a competing browser from rival Netscape into that Windows 98 program. Department of Justice lawyers claim that Internet Explorer is a separate product and that its integration into Windows 98 is a violation of antitrust law. Interestingly enough, there are other browser manufacturers, smaller than Netscape, who don't seem to have Department of Justice's ear or sponsorship.

But in the opinion issued yesterday by the Appeals Court panel, the judges ruled that Microsoft's product integration meets the court's requirement that product innovation bring benefits to consumers. The panel calls Microsoft's software design ''genuine integration'' and rules that the inclusion of Internet Explorer in Window's 95 is not a violation of the consent decree.

Further, the panel wrote that, ''Antitrust scholars have long recognized the undesirability of having courts oversee product design, and any dampening of technological innovation would be at cross-purposes with antitrust law.''

It is quite clear from this ruling that the U.S. Appeals Court for the District of Columbia believes that Microsoft is not violating the law by integrating Internet Explorer into its operating system software. That integration is beneficial to consumers and any attempt to stifle such innovations is harmful to consumers.

I see very little difference between the new case and the case just rejected by the Appeals Court. It is time for the Department of Justice to pick up its marbles and go home, Mr. President.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with consideration of the bill.

Mr. WARNER. Mr. President, it has been a long day. If you will bear with us for a minute—I appreciate the Presiding Officer. It has been a very good day, and the chairman of the committee, Mr. THURMOND, and ranking member and others, should be commended. I think we have handled the key issues that will require considerable time for debate. We had extensive debate on important matters. I am optimistic that this bill can be put in a status for final passage tomorrow. We are going to work hard, I say to my good friend.

Mr. LEVIN. I share your enthusiasm and hopefully your optimism, but at least your enthusiasm for completing this.

Mr. WARNER. It is very high at the moment.

Mr. LEVIN. We will have another full day in order to accomplish that.

AMENDMENT NO. 2985

(Purpose: To require a report on leasing and other alternative uses of non-excess military property by the military departments)

Mr. WARNER. Mr. President, I understand that my colleague and I will alternate, so I will start off with an amendment on behalf of Senator THURMOND. I offer an amendment which would require a report on leasing and other alternative uses of nonexcess military property by the military departments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2985.

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

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

The amendment is as follows:

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

**SEC. 2833. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense, with the support of the chiefs of staff of the Armed Forces, is calling for the closure of additional military installations in the United States as a means of eliminating excess capacity in such installations.

(2) Excess capacity in Department of Defense installations is a valuable asset, and the utilization of such capacity presents a potential economic benefit for the Department and the Nation.

(3) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(4) Section 2667 of title 10, United States Code, authorizes the Secretaries of the military departments to lease, upon terms that promote the national defense or are in the public interest, real property that is—

(A) under the control of such departments;

(B) not for the time needed for public use; and

(C) not excess to the requirements of the United States.

(b) REPORT.—Not later than February 1, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and

the Committee on National Security of the House of Representatives a report setting forth the following:

(1) The number and purpose of the leases entered into under section 2667 of title 10, United States Code, during the five-year period ending on the date of enactment of this Act.

(2) The types and amounts of payments received under the leases specified in paragraph (1).

(3) The costs, if any, foregone as a result of the leases specified in paragraph (1).

(4) A discussion of the positive and negative aspects of leasing real property and surplus capacity at military installations to the private sector, including the potential impact on force protection.

(5) A description of the current efforts of the Department of Defense to identify for the private sector any surplus capacity at military installations that could be leased or otherwise used by the private sector.

(6) A proposal for any legislation that the Secretary considers appropriate to enhance the ability of the Department to utilize surplus capacity in military installations in order to improve military readiness, achieve cost savings with respect to such installations, or decrease the cost of operating such installations.

(7) An estimate of the amount of income that could accrue to the Department as a result of the enhanced authority proposed under paragraph (6) during the five-year period beginning on the effective date of such enhanced authority.

(8) A discussion of the extent to which any such income should be reserved for the use of the installations exercising such authority and of the extent to which installations are likely to enter into such leases if they cannot retain such income.

Mr. THURMOND. Mr. President, I rise to introduce an amendment that would require the Secretary of Defense to submit a report on the Department of Defense's use of the authority provided by section 2667 of title 10, United States Code.

Mr. President, Secretary Cohen has recommended additional base closures citing 23 percent excess base capacity and the need to achieve savings that could be used for modernization. However, both the House and Senate, for various reasons, have not supported the request, although both acknowledge that there is excess capacity. My amendment suggests that the Department of Defense use its existing authority under section 2667 of title 10, United States Code, to put the excess capacity to beneficial use. Section 2667 permits the lease on non-excess real or personal property to the private sector for financial or in-kind compensation.

Since the Department does have the authority to close or eliminate its excess capacity, the leases authorized by section 2667 would use this capacity while providing some revenue and savings to the Department and the military installations. Additionally, since the property would be under a long-term lease, the services would have it available for future expansion or surge capacity.

Under section 2667, a service secretary may lease property to a lessee under such terms as he considers will promote the national defense or be in the public interest. Additionally, the funds collected from these leases are deposited in a special account in the Treasury. Sums deposited in this account will be available to the military department, as provided in appropriation Act, as follows:—50 percent of such amounts will be available for facility maintenance and repair or environmental restoration at the military installation where the leased property is located. 50 percent of such amounts will be available for facility maintenance and repair and environmental restoration by the military departments concerned.

Mr. President, my amendment would ask the Secretary to report on the following issues regarding the use of section 2667:

The number and purpose of leases entered under 2667; the types and amounts of payment received; the cost, if any, foregone as a result of the leases; the positive and negative aspects of leasing; the efforts to promote these type leases to the private sector; any legislative proposal to enhance the Department's capability to lease to the private sector; an estimate of income that could potentially be accrued because of enhanced leasing capability; and a discussion on retaining any income from these leases at the installation.

Mr. President, I believe the authority provided the service secretaries by section 2667 does not eliminate the need for base closure. It does provide the opportunity to use this property for the benefit of the military installations. I will carefully review the Secretary's report and, if required, include legislation in next year's defense authorization bill to maximize the use of this authority.

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

Mr. LEVIN. The amendment has been cleared.

Mr. WARNER. This amendment has been cleared. I urge passage.

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

The amendment (No. 2985) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2986

(Purpose: To require a plan for addressing problems in Department of Defense management of the department's inventories of in-transit secondary items)

Mr. LEVIN. Mr. President, on behalf of Senator HARKIN, I offer an amendment which would require the Department of Defense to develop a plan to address problems with the Department's inventories of in-transit secondary items.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes an amendment numbered 2986.

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

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

The amendment is as follows:

At the end of subtitle E of title III, add the following:

**SEC. 349. INVENTORY MANAGEMENT OF IN-TRANSIT SECONDARY ITEMS.**

(a) REQUIREMENT FOR PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a plan to address problems with Department of Defense management of the department's inventories of in-transit secondary items as follows:

(1) The vulnerability of in-transit secondary items to loss through fraud, waste, and abuse.

(2) Loss of oversight of in-transit secondary items, including any loss of oversight when items are being transported by commercial carriers.

(3) Loss of accountability for in-transit secondary items due to either a delay of delivery of the items or a lack of notification of a delivery of the items.

(b) CONTENT OF PLAN.— The plan shall include, for each of the problems described in subsection (a), the following information:

(1) The actions to be taken to correct the problems.

(2) Statements of objectives.

(3) Performance measures and schedules.

(4) An identification of any resources that may be necessary for correcting the problem, together with an estimate of the annual costs.

(c) GAO REVIEWS.—(1) Not later than 60 days after the date on which the Secretary of Defense submits the plan to Congress, the Comptroller General shall review the plan and submit to Congress any comments that the Comptroller General considers appropriate regarding the plan.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

Mr. WARNER. This amendment is cleared on both sides.

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

The amendment (No. 2986) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2447, AS MODIFIED

(Purpose: To limit advance billings for working-capital funds of the Department of Defense)

Mr. WARNER. On behalf of Senator THURMOND, I call up amendment numbered 2447 and send a modification to this amendment to the desk. The amendment would require the Department of Defense to limit the practice of advance billings for working-capital funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2447, as modified.

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

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

The amendment is as follows:

On page 64, line 7, strike out ''(d)'', and insert in lieu thereof the following:

(3) The waiver authority under paragraph (1) does not apply to the limitation in subsection (d) or the limitation in section 2208(*l*)(3) of title 10, United States Code (as added by subsection (e)).

(d) FISCAL YEAR 1999 LIMITATION ON ADVANCE BILLINGS.—(1) The total amount of the advance billings rendered or imposed for the working-capital funds of the Department of Defense and the Defense Business Operations Fund in fiscal year 1999—

(A) for the Department of the Navy, may not exceed $500,000,000; and

(B) for the Department of the Air Force, may not exceed $500,000,000.

(2) In paragraph (1), the term ''advance billing'' has the meaning given such term in section 2208(*l*) of title 10, United States Code.

(e) PERMANENT LIMITATION ON ADVANCE BILLINGS.—(1) Section 2208(*l*) of title 10, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) The total amount of the advance billings rendered or imposed for all working-capital funds of the Department of Defense in a fiscal year may not exceed $1,000,000,000.''.

(2) Section 2208(*l*)(3) of such title, as added by paragraph (1), applies to fiscal years after fiscal year 1999.

(f)

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

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

The amendment (No. 2447), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2987

(Purpose: To provide for an assessment of the establishment of an independent entity to evaluate post-conflict illnesses among members of the Armed Forces and the health care provided by the Department of Defense and Department of Veterans Affairs both before and after the deployment of such members)

Mr. LEVIN. Mr. President, on behalf of Senator ROCKEFELLER, I offer an amendment that would require the Secretary of Defense, in conjunction with the National Academy of Science, to assess the need for establishing a military post-conflict health center.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROCKEFELLER, proposes an amendment numbered 2987.

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

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

The amendment is as follows:

On page 157, between lines 13 and 14, insert the following:

**SEC. 708. ASSESSMENT OF ESTABLISHMENT OF INDEPENDENT ENTITY TO EVALUATE POST-CONFLICT ILLNESSES AMONG MEMBERS OF THE ARMED FORCES AND HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS BEFORE AND AFTER DEPLOYMENT OF SUCH MEMBERS.**

(a) AGREEMENT FOR ASSESSMENT.—The Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences, or other appropriate independent organization, under which agreement the Academy shall carry out the assessment referred to in subsection (b).

(b) ASSESSMENT.—(1) Under the agreement, the Academy shall assess the need for and feasibility of establishing an independent entity to—

(A) evaluate and monitor interagency coordination on issues relating to the post-deployment health concerns of members of the Armed Forces, including coordination relating to outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health-related activities;

(B) evaluate the health care (including preventive care and responsive care) provided to members of the Armed Forces both before and after their deployment on military operations;

(C) monitor and direct government efforts to evaluate the health of members of the Armed Forces upon their return from deployment on military operations for purposes of ensuring the rapid identification of any trends in diseases or injuries among such members as a result of such operations;

(D) provide and direct the provision of ongoing training of health care personnel of the Department of Defense and the Department of Veterans Affairs in the evaluation and treatment of post-deployment diseases and health conditions, including nonspecific and unexplained illnesses; and

(E) make recommendations to the Department of Defense and the Department of Veterans Affairs regarding improvements in the provision of health care referred to in subparagraph (B), including improvements in the monitoring and treatment of members referred to in that subparagraph.

(2) The assessment shall cover the health care provided by the Department of Defense and, where applicable, by the Department of Veterans Affairs.

(c) REPORT.—(1) The agreement shall require the Academy to submit to the committees referred to in paragraph (3) a report on the results of the assessment under this section not later than one year after the date of enactment of this Act.

(2) The report shall include the following:

(A) The recommendation of the Academy as to the need for and feasibility of establishing an independent entity as described in subsection (b) and a justification of such recommendation.

(B) If the Academy recommends that an entity be established, the recommendations of the Academy as to—

(i) the organizational placement of the entity;

(ii) the personnel and other resources to be allocated to the entity;

(iii) the scope and nature of the activities and responsibilities of the entity; and

(iv) mechanisms for ensuring that any recommendations of the entity are carried out by the Department of Defense and the Department of Veterans Affairs.

(3) The report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(B) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

Mr. ROCKEFELLER. Mr. President, as Ranking Member of the Senate Committee on Veterans' Affairs, I have an especially strong interest in the history of illnesses and health concerns that follow military deployments. We have all observed the effects of post-conflict illnesses among our Gulf War veterans who returned with poorly understood, undiagnosed illnesses, and our Vietnam veterans with health problems related to exposure to Agent Orange. This legacy is not just a problem of our most recent conflicts; our Atomic-era veterans are still fighting for recognition of health conditions related to radiation exposures they experienced in service to their country 50 years ago.

If there is any single lesson to be learned from this history, it is that the Department of Defense and the Department of Veterans Affairs have not always been aggressive enough in pursuing the immediate health consequences of military conflicts. Too many times our veterans have had to wait years before post-conflict illnesses are recognized as real problems that require firm commitments of research and treatment programs. These delays have come at a cost to the veterans who have had to fight for this recognition, and they have come at a cost to the government's credibility on this important issue.

I believe it is time to consider establishing an independent entity with the capacity to evaluate government efforts to monitor the health of servicemembers following military conflicts, and to evaluate whether servicemembers are being effectively treated for illnesses that occur following such deployments. There have been suggestions for the need for such an entity within DoD and VA, but I believe that important health expertise outside these agencies is required as well. Indeed, it may be that the best approach is one that pulls together expertise from VA, DoD, and health care professionals and researchers from centers of medical excellence in fields such as toxicology, occupational medicine, and other disciplines.

Therefore, I would like to propose an amendment to the Department of Defense Authorization to require the Secretary to enter into an agreement with the National Academy of Sciences to assess the feasibility of establishing, as an independent entity, a National Center for the Study of Military Health.

The proposed Center for the Study of Military Health would evaluate and monitor interagency coordination on issues relating to post-deployment health concerns of members of the Armed Forces, including outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and

research, health surveillance, and other health-related activities.

In addition, this center would evaluate the health care provided to members of the Armed Services both before and after their deployment on military operations. The proposed center would monitor and direct government efforts to evaluate the health of servicemembers upon their return from military deployments, for purposes of ensuring the rapid identification of any trends in diseases or injuries that result from such operations. Such an independent health center could also serve an important role in providing training of health care professionals in DoD and VA in the evaluation and treatment of post-conflict diseases and health conditions, including nonspecific and unexplained illnesses.

While some have argued that it is time to take some of these responsibilities away from existing agencies, I would suggest that this is a matter for careful study and thoughtful deliberation. Therefore, this amendment would require the National Academy of Sciences to assess the feasibility of such an independent health entity. In their report to the Secretary of Defense, the Academy should provide a recommendation of the feasibility of such an entity and justification for such a recommendation. If such a center is recommended by the Academy, their report should also provide recommendations regarding the organizational placement of the entity; the health and science expertise that would be necessary; the scope and nature of the activities and responsibilities of the entity; and mechanisms for ensuring that the recommendations of the entity are carried out by DoD and VA.

Mr. President, as Ranking Member of the Committee on Veterans' Affairs, there have been too many times when I have heard agency officials testify that poorly understood, unexplained illnesses are a common, inevitable occurrence of every military conflict. With the tremendous advances achieved elsewhere in medical and military technologies, I find the acceptance of these illnesses as an inevitability to be unacceptable. I hope that this amendment will offer an initial step to better prevention and treatment of these post-conflict illnesses.

Mr. WARNER. The amendment is cleared on both sides.

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

The amendment (No. 2987) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2838

(Purpose: To establish a commission to assess the reliability, safety, and security of the United States nuclear deterrent)

Mr. WARNER. Mr. President, on behalf of Senator KYL, I call up amendment numbered 2838 which would establish a commission to assess the reliability, the safety, and security of U.S. nuclear deterrent and to prepare recommendations on these matters for the Secretaries of Defense and Energy.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, proposes an amendment numbered 2838.

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

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

The amendment is as follows:

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

**SEC. 1064. COMMISSION TO ASSESS THE RELIABILITY SAFETY AND SECURITY OF THE UNITED STATES NUCLEAR DETERRENT.**

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission for Assessment of the Reliability, Safety, and Security of the United States Nuclear Deterrent''.

(b) COMPOSITION.—(1) The Commission shall be composed of six members who shall be appointed from among private citizens of the United States with knowledge and expertise in the technical aspects of design, maintenance, and deployment of nuclear weapons, as follows:

(A) Two members appointed by the Majority Leader of the Senate.

(B) One member appointed by the Minority Leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) One member appointed by the Minority Leader of the House of Representatives.

(2) The Senate Majority Leader and the Speaker of the House of Representatives shall each appoint one member to serve for five years and one member to serve for two years. The Minority Leaders of the Senate and House of Representatives shall each appoint one member to serve for five years. A member may be reappointed.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(4) All members of the Commission shall hold appropriate security clearances.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

* * * * *

(2) For carrying out its duties, the Commission shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y–12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the Chairman determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet at the call of the Chairman.

(2) Four members of the Commission shall constitute a quorum, except that the Commission may designate a lesser number of members as a quorum for the purpose of holding hearings. The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(3) Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(4) The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. Findings and conclusions of a panel of the Commission may not be considered findings and conclusions of the Commission unless approved by the Commission.

(5) The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out its duties, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(g) PERSONNEL MATTERS.—(1) A member of the Commission shall be compensated at the daily equivalent of the rate of basic pay established for level V of the Executive Schedule under 5316 of title 5, United States Code, for each day on which the member is engaged in any meeting, hearing, briefing, or other work in the performance of duties of the Commission.

(2) A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission.

(3) The Chairman of the Commission may, without regard to the provisions of the title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Upon the request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule and under section 5316 of such title.

(h) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary of Defense and the Secretary of Energy shall furnish the Commission with any administrative and support

services requested by the Commission and with office space within the Washington, District Columbia, metropolitan area that is sufficient for the administrative offices of the Commission and for holding general meetings of Commission.

(i) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each contribute 50 percent of the amount of funds that are necessary for the Commission to carry out its duties. Upon receiving from the Chairman of the Commission a written certification of the amount of funds that is necessary for funding the activities of the Commission for a period, the Secretaries shall promptly make available to the Commission funds in the total amount specified in the certification. Funds available for the Department of Defense for Defense-wide research, development, test, and evaluation shall be available for the Department of Defense contribution. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(j) TERMINATION OF THE COMMISSION.—The Commission shall terminate three years after the date of the appointment of the member designated as Chairman.

(k) INITIAL IMPLEMENTATION.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

Mr. WARNER. It is my understanding this amendment has been cleared on both sides.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2838) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2796

(Purpose: To state the sense of the Senate regarding the memoranda of understanding with the State of Oregon relating to Hanford)

Mr. LEVIN. Mr. President, on behalf of Senator WYDEN and Senator SMITH of Oregon, I call up amendment numbered 2796 which would express the sense of the Senate that the State of Oregon should continue to have access to appropriate information and cleanup activities at the Hanford site located in the State of Washington.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. WYDEN, for himself and Mr. SMITH of Oregon, proposes an amendment numbered 2796.

Mr. LEVIN. I ask unanimous consent that further reading of this amendment be dispensed with, and that further reading of all the amendments be dispensed with after the enumeration of the number by the clerk.

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

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

**SEC. 3144. SENSE OF SENATE REGARDING MEMORANDA OF UNDERSTANDING WITH THE STATE OF OREGON RELATING TO HANFORD.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Energy and the State of Washington have entered into memoranda of understanding with the State of Oregon to provide the State of Oregon greater involvement in decisions regarding the Hanford Reservation.

(2) Hanford has an impact on the State of Oregon, and the State of Oregon has an interest in the decisions made regarding Hanford.

(3) The Department of Energy and the State of Washington are to be congratulated for entering into the memoranda of understanding with the State of Oregon regarding Hanford.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) encourage the Department of Energy and the State of Washington to implement the memoranda of understanding regarding Hanford in ways that result in continued involvement by the State of Oregon in decisions of concern to the State of Oregon regarding Hanford; and

(2) encourage the Department of Energy and the State of Washington to continue similar efforts to permit ongoing participation by the State of Oregon in the decisions regarding Hanford that may affect the environment or public health or safety of the citizens of the State of Oregon.

Mr. WYDEN. Mr. President, I have an amendment to encourage the Department of Energy to involve the State of Oregon in decisions about the cleanup of the Hanford Nuclear Reservation. This amendment is needed to protect Oregonians from the unusual and highly dangerous hazards that the Hanford Nuclear Reservation poses for the people of Oregon.

This amendment should be familiar to many members of the Senate because a version of this legislation previously passed the Senate as an amendment to the FY97 Defense Authorization Bill.

Mr. President, there is no other contaminated Federal property in the country that has caused the serious injuries to residents of another State that Hanford has already caused to citizens of Oregon. And no other Federal site currently poses anywhere near as serious a threat to the health and safety of citizens of another State as Hanford does to our citizens.

Because of this special situation, the State of Oregon needs to be involved in decisions about how DOE proposes to clean up the Hanford site.

I want to make clear that recognizing the unique conditions present at Hanford and the immediate danger they pose for Oregonians does not set a precedent for other Federal facilities besides Hanford. It will not turn every military base with a leaking gasoline tank into a multi-state cleanup issue.

Let me put to rest any concern that this amendment will be misconstrued in that way. First, there is simply no facility in this country—Federal or non-Federal—that compares to Hanford. In fact, Hanford is generally considered to be the most contaminated site in the Western hemisphere. You would have to go to the former Soviet Union to find a site as polluted as Hanford.

The extent of the environmental problems are mind boggling:

Over the years, 200 billion gallons of toxic and radioactive liquids from nuclear weapons production were dumped at the site. That's enough to cover Manhattan to a depth of 40 feet.

The Hanford site currently contains 56 million gallons of high-level radioactive wastes in 177 tanks. Some of these tanks are as big as the Capitol Dome. At least 54 of these tanks are known or suspected to be leaking or pose risks of explosion.

The site also is currently storing 2,300 metric tons of high-level nuclear fuel rods in leaking basins located only a quarter mile from the Columbia River.

And these are just a few of the problems that we know about.

Second, there is also no other site in the country that has affected the health and safety of residents in another state the way Hanford has affected the citizens of Oregon.

Oregonians living downwind from Hanford have suffered from thyroid cancers and other medical problems caused by airborne releases of radioactive iodine. Starting in the late 1940s and continuing through the 1950s, these releases average between 100 and 2,000 curies per month. To put that into perspective, the residents around Harrisburg, Pennsylvania were evacuated in 1979 when the Three Mile Island accident released 15–24 curies into the Pennsylvania countryside.

The airborne releases from Hanford were 10 to 100 times what were released from Three Mile Island, and these releases were occurring every month! Ongoing epidemiological studies have linked these releases to increased cases of thyroid cancer and other adverse health effects on Oregonians living near the site. Children drinking milk from farms in the area were the ones most harmed by these releases.

Hanford also poses a serious health threat to the more than 1 million Oregonians who live downstream from the site. Radioactive materials have been released into the Columbia River when water from the River was pumped through the sites nuclear reactors to cool them. Other hazardous and radioactive materials that were dumped at the site have and are continuing to seep into the River. A General Accounting Office report I released earlier this year documents that 900,000 gallons of radioactive wastes have leaked out of the Hanford tanks, contaminated the groundwater and this contaminated water is now heading toward the Columbia River.

The bottom line is many Oregonians are suffering adverse health effects from living near Hanford. And many more are at risk of future harm because of conditions at the site.

Finally, my amendment does not set a precedent for Federal facilities nationwide because it only encourages the Energy Department to continue existing efforts to involve Oregon in cleanup decisions. There is already in effect a Memorandum of Agreement between the State of Oregon and the Department of Energy concerning Oregon's participation in decisions about Hanford cleanup. The linkage to this agreement puts the site into a special category of Federal facility cleanups. It draws a bright line that divide Hanford from the hundreds of other contaminated Federal facilities around the country.

The unique factors involved in the Hanford cleanup justify granting the State of Oregon a greater role in decisions about clean up of the Hanford site.

I urge my colleagues to recognize how Hanford has harmed and continue to pose a serious hazard to the people of Oregon by giving our State the opportunity to play a greater role in cleanup decisions at the site.

Mr. SMITH of Oregon. Mr. President, I rise today to speak on behalf of Amendment No. 2796 to the Defense Authorization bill, a Sense of the Senate Resolution which was introduced by myself and Senator WYDEN. I want to thank the managers of the Defense Authorization bill for allowing us to bring this important amendment to the floor for consideration. This Sense of the Senate speaks to an issue that is a source of great concern to all Oregonians. But not only should it be of importance to citizens of my state, this Sense of the Senate should also be important to any American concerned about having a say in how the federal government handles nuclear waste and other environmental problems partially overseen by the Department of Energy. Simply put, radioactive waste seeping through the soil or being discharged into the air recognizes no state boundary.

Although such situations can be found in other parts of the country, the amendment before us today speaks specifically to the Hanford nuclear reservation, located in the southeastern part of Washington state. Hanford was operated by the federal government as a plutonium development facility for four decades. Today, this site is the worst Department of Energy environmental hazard in the country. Millions of gallons of radioactive waste sits at the Hanford facility, much of it stored in underground tanks that are leaking an unknown amount of material into the soil as I speak.

Currently, there are cleanup efforts underway, jointly operated by the Department of Energy, the Environmental Protection Agency, and the state of Washington. Every year the Congress appropriates money for this cleanup effort, and I am a strong supporter of this funding. However, as an Oregonian, I believe that my state should also be a part of this ongoing process. Although the Hanford site is in Washington state, it is just 35 miles north of Oregon, and it lies next to the mighty Columbia River, which forms much of the border between the two states. Any failure to clean up this facility adequately will be felt not only in Washington but in my state as well. Thousands of Oregonians live within 50 miles of this site. Thousands more live down the Columbia River, which is not only home to countless species of wildlife, but also a key transportation and recreation resource as well.

For these reasons, I am pleased that the Department of Energy and the state of Washington and Oregon entered into memoranda of understanding concerning Hanford last August. With the implementation of this agreement, Oregon will be a participant in the major decisions regarding Hanford that have potential repercussions for the health and safety of Oregonians. The amendment Senator WYDEN and I have introduced simply encourages the continuation of this kind of cooperative decisionmaking regarding the future of the Hanford site. As acknowledged by the Department of Energy and the state of Washington by the memoranda of agreement, Oregon has a huge stake in this process. It is a point worth reiterating, and I urge my colleagues to join me in supporting this important Sense of the Senate resolution.

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

The amendment (No. 2796) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

AMENDMENT NO. 2812

(Purpose: To express the sense of Congress concerning the naming of an LPD–17 class amphibious vessel in honor of Lieutenant General Clifton B. Cates, the 19th Commandant of the Marine Corps)

Mr. WARNER. I send an amendment to the desk on behalf of Senator FRIST, numbered 2812 which would express the sense of the Congress that the Secretary of the Navy should remain an LPD–17 class amphibious ship in honor of the 19th Commandant of the Marine Corps, General Clifton B. Cates.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. FRIST, proposes an amendment numbered 2812.

Mr. LEVIN. The amendment has been cleared.

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

**SEC. 1013. SENSE OF CONGRESS CONCERNING THE NAMING OF AN LPD–17 VESSEL.**

It is the sense of Congress that, consistent with section 1018 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425), the next unnamed vessel of the LPD–17 class of amphibious vessels should be named the U.S.S. Clifton B. Cates, in honor of Marine General Clifton B. Cates (1893–1970), a native of Tennessee whose distinguished career of service in the Marine Corps included combat service in World War I so heroic that he became the most decorated Marine Corps officer of World War I, included exemplary combat leadership from Guadalcanal to Tinian and Iwo Jima and beyond in the Pacific Theater during World War II, and culminated in Lieutenant General Cates being appointed the 19th Commandant of the Marine Corps, a position in which he led the Marine Corps' efficient and alacritous response to the invasion of the Republic of South Korea by Communist North Korea.

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

The amendment (No. 2812) was agreed to.

Mr. WARNER. I ask that at such place as may be necessary that the rank of General Clifton Cates be indicated as a full general. I happened to have served under him. I knew him very well.

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

Mr. WARNER. A very distinguished man.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2988

(Purpose: To provide authority to waive the moratorium on the use of anti-personnel landmines scheduled to begin on February 12, 1999)

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 legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2988.

The amendment is as follows:

On page 268, between lines 8 and 9, insert the following:

**SEC. 1064. AUTHORITY FOR WAIVER OF MORATORIUM ON ARMED FORCES USE OF ANTIPERSONNEL LANDMINES.**

Section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 751) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) WAIVER AUTHORITY.—(1) The President may waive the moratorium set forth in subsection (a) if the President determines that the waiver is necessary in the national security interests of the United States.

''(2) The President shall notify the President pro tempore of the Senate and the Speaker of the House of Representatives of the exercise of the authority provided by paragraph (1).''.

Mr. THURMOND. Mr. President, this past March, General Tilelli, Commander, of U.S. Forces in Korea, testified before the Committee on issues faced by his Command. One of the foremost concerns he expressed was the impact of the antipersonnel landmine

moratorium that would be imposed on February 12, 1999. General Tilelli prevailed upon the Committee to provide legislative relief from this requirement.

On May 1, Secretary of Defense Cohen and General Shelton, Chairman of the Joint Chiefs, wrote asking the Committee to include a provision in the defense authorization bill that would allow the Secretary to waive the moratorium for national security interests.

Today, I offer an amendment that would provide the President authority to waive the moratorium on anti-personnel landmines that would go into effect on February 12, 1999.

The potential negative effect of this legislation on the ability of U.S. forces to fight and win battles and to defend U.S. forces and allies, if necessary, is unacceptable, and would not be in the national security interest of the United States.

I am concerned about the impact of this moratorium on the ability to undertake missions, such as the kind of mission that may have been necessary, had Iraq chosen to invade one of our allies in the Gulf, during the most recent standoff with Iraq over the arms control inspections.

I believe it is in the national security interests for U.S. forces to be able to employ self-destructing anti-personnel landmines and self-destructing mixed anti-tank systems to defend themselves and our allies, if necessary. It is for this reason, that I believe the President should have authority to waive the moratorium for national security reasons.

I urge the adoption of my amendment.

Mr. WARNER. Mr. President, this amendment will provide the President the authority to waive the one-year moratorium on the use of anti-personnel landmines by U.S. forces, which goes into effect February 12, 1999. It is my understanding that this amendment has been cleared.

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

The amendment (No. 2988) was agreed to.

Mr. WARNER. 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. 2989

(Purpose: Relating to landmines)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, proposes an amendment numbered 2989.

The amendment is as follows:

On page 42, between lines 9 and 10, insert the following:

**SEC. 232. LANDMINES.**

(a) AVAILABILITY OF FUNDS.—(1) Of the amounts authorized to be appropriated in section 201, $17,200,000 shall be available for activities relating to the identification, adaptation, modification, research, and development of existing and new tactics, technologies, and operational concepts that—

(A) would provide a combat capability that is comparable to the combat capability provided by anti-personnel landmines, including anti-personnel landmines used in mixed mine systems; and

(B) comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) The amount available under paragraph (1) shall be derived as follows:

(A) $12,500,000 shall be available from amounts authorized to be appropriated by section 201(1).

(B) $4,700,000 shall be available from amounts authorized to be appropriated by section 201(4).

(b) STUDIES.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract with each of two appropriate scientific organizations for purposes of identifying existing and new tactics, technologies, and concepts referred to in subsection (a).

(2) Each contract shall require the organization concerned to submit a report to the Secretary and to Congress, not later than one year after the execution of such contract, describing the activities under such contract and including recommendations with respect to the adaptation, modification, and research and development of existing and new tactics, technologies, and concepts identified under such contract.

(3) Amounts available under subsection (a) shall be available for purposes of the contracts under this subsection.

(c) REPORTS.—Not later than April 1 of each of 1999 through 2001, the Secretary shall submit to the congressional defense committees a report describing the progress made in identifying and deploying tactics, technologies, and concepts referred to in subsection (a).

(d) DEFINITIONS.—In this section:

(1) ANTI-PERSONNEL LANDMINE.—The term ''anti-personnel landmine'' has the meaning given the term ''anti-personnel mine'' in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) MIXED MINE SYSTEM.—The term ''mixed mine system'' includes any system in which an anti-vehicle landmine or other munition is constructed with or used with one or more anti-personnel landmines, but does not include an anti-handling device as that term is defined in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

Mr. LEVIN. Mr. President, this amendment would provide legislative authority for the committee's recommendation to fully fund the budget request for alternatives to anti-personnel landmines, which would provide the Secretary of Defense authority to contract with scientific organizations to provide recommendations on research and development of tactics, technologies and concepts as alternatives to antipersonnel landmines.

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

The amendment (No. 2989) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, my amendment, which has been accepted by both sides, would authorize funding for the identification and development of atlernatives to anti-personnel landmines, including those used in mixed mine systems. I want to thank Chairman THURMOND and Senator LEVIN for their invaluable assistance, patience and support in getting this amendment adopted.

This is a modest but important amendment. Contrary to what some misinformed people have suggested, it does not ban anti-personnel landmines. There is an international Convention that has been signed by 126 nations, including every one of our NATO allies except Turkey, which bans the use, stockpiling, production, and transfer of anti-personnel mines, but that is not this amendment. I mention it, though, because the White House recently committed the United States Government to sign that Convention when alternatives to anti-personnel mines are available, and to search aggressively for alternatives. They set a target date of 2006 for signing the Convention, and last September President Clinton announced that the United States will stop using anti-personnel mines outside Korea by 2003. It is my hope and expectation that by working together and with the resources to do the job, we can join the Convention by 2003. That is also about the same time that signatories to the Convention must have destroyed their stockpiles of anti-personnel mines, and when our NATO allies have said they want our mines removed from their territory. It is a logical deadline.

As I have said, when the White House announced that the United States will sign the Convention when alternatives are available, they also committed to ''search aggressively'' for alternative tactics, technologies and/or operational concepts to anti-personnel mines that are compliant with the Convention. This amendment simply authorizes the next year of funds to do that—a total of $17,200,000 for fiscal year 1999, and it calls for two separate studies to be done by independent scientific organizations. Although they are not named in the amendment, it is our intention and expectation that the Pentagon will initiate contracts with the National Academy of Sciences and the Rand Corporation to do the studies. Both are widely respected organizations that have done similar types of studies in the past. The National Academy estimates that such a study would take a year to complete and cost approximately $750,000. It is our hope that these studies will assist in steering the Pentagon in the right direction so rapid progress can be made in finding and deploying alternatives.

Mr. President, there are respected, retired military officers who believe

that suitable alternatives already exist. They have done considerable research on existing weapons systems and are convinced that, since an effective minefield must be kept under constant observation, a combination of sensors and smart munitions that can destroy moving armored vehicles can provide a comparable combat capability to our mixed mine systems. Therefore, it may not be necessary to develop new technologies, because tactics, technologies and/or operational concepts may already exist that can be adapted, modified, or otherwise utilized with comparable effect. That is why the amendment refers explicitly to the ''adaptation, modification, and research and development,'' of both ''existing and new tactics, technologies, and operational concepts.'' It is important that the search for alternatives explore all possible options.

It is no secret that I had hoped that the United States would be among the first to sign the Convention when it was opened for signature in Ottawa last December. However, that was not to be, and since then I have sought to find a common approach so the United States could signal to the world our clear intention to join the Convention as soon as practicable. Over a period of months, General Ralston, the Vice Chairman of the Joint Chiefs of Staff, National Security Advisory Sandy Berger and I discussed a number of issues including a way for the United States to join the Convention in a manner that is acceptable to the Pentagon. We now have that commitment, and while it may be some years before the United States signs, there are interim steps we can take to support the Convention.

We should urge other governments that have not yet signed, including Russia and China, to declare their intention to do so as soon as practicable, as we have. They too should undertake to remove whatever obstacles are in the way. We can also use the framework of the Convention to share technology, disclose mine stockpiles, identify mined areas, and support demining and assistance for mine victims.

Mr. President, this has been a long time in coming. President Clinton first called on the Pentagon to search for alternatives to anti-personnel mines back in 1994, and then for two years nothing happened. Then in May 1996 and again last September, he directed the Pentagon to do so. A few million dollars have been spent, but there has not been anything resembling a serious program. The prevailing attitude at the Pentagon has been that there are better uses of time and money, so let's do as little as possible and say we tried.

Obviously, if the Pentagon wants to avoid finding alternatives to landmines they know how to do that. They can try to hold back the money for research, they can say they cannot find alternatives that do absolutely everything landmines do, and they can continue to overstate their need for landmines. This will be a test of their good faith. I would urge them to approach this with the kind of ''can-do'' attitude they like to be known for, and to look closely at the technologies they already have. As I have said before, if we can drive a rover on Mars from a laptop on Earth, we can do this. I am convinced that it is a matter of will and resources.

General Ralston and Sandy Berger have pledged to make every effort to get the job done. Former Chairman of the Joint Chiefs of Staff, General David Jones, accepted President Clinton's offer to monitor the Pentagon's progress in finding alternatives. These are men of their word and I have no doubt that they will do everything possible to see this through. I will support them in every way possible.

Again, I want to thank the managers of the bill, Chairman THURMOND and Senator LEVIN and their staffs.

AMENDMENT NO. 2990

(Purpose: To re-establish the initiative relating to fair trade in automotive parts)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2990.

The amendment is as follows:

At the appropriate place, insert the following new title:

**TITLE ___FAIR TRADE IN AUTOMOTIVE PARTS**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Fair Trade in Automotive Parts Act of 1998''.

**SEC. ___02. DEFINITIONS.**

In this title:

(1) JAPANESE MARKETS.—The term ''Japanese markets'' refers to markets, including markets in the United States and Japan, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese automobiles.

(2) JAPANESE AND OTHER ASIAN MARKETS.—The term ''Japanese and other Asian markets'' refers to markets, including markets in the United States, Japan, and other Asian countries, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese, American, or other Asian automobiles.

**SEC. ___03. RE-ESTABLISHMENT OF INITIATIVE ON AUTOMOTIVE PARTS SALES TO JAPAN.**

(a) IN GENERAL.—The Secretary of Commerce shall re-establish the initiative to increase the sale of United States made automotive parts and accessories to Japanese markets.

(b) FUNCTIONS.—In carrying out this section, the Secretary shall—

(1) foster increased access for United States made automotive parts and accessories to Japanese companies, including specific consultations on access to Japanese markets;

(2) facilitate the exchange of information between United States automotive parts manufacturers and the Japanese automobile industry;

(3) collect data and market information on the Japanese automotive industry regarding needs, trends, and procurement practices, including the types, volume, and frequency of parts sales to Japanese automobile manufacturers;

(4) establish contacts with Japanese automobile manufacturers in order to facilitate contact between United States automotive parts manufacturers and Japanese automobile manufacturers;

(5) report on and attempt to resolve disputes, policies or practices, whether public or private, that result in barriers to increased commerce between United States automotive parts manufacturers and Japanese automobile manufacturers;

(6) take actions to initiate periodic consultations with officials of the Government of Japan regarding sales of United States-made automotive parts in Japanese markets; and

(7) transmit to Congress the annual report prepared by the Special Advisory Committee under section ___04(c)(5).

**SEC. ___04. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE ON AUTOMOTIVE PARTS SALES IN JAPANESE AND OTHER ASIAN MARKETS.**

(a) IN GENERAL.—The Secretary of Commerce shall seek the advice of the United States automotive parts industry in carrying out this title.

(b) ESTABLISHMENT OF COMMITTEE.—The Secretary of Commerce shall establish a Special Advisory Committee for purposes of carrying out this title.

(c) FUNCTIONS.—The Special Advisory Committee established under subsection (b) shall—

(1) report to the Secretary of Commerce on barriers to sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(2) review and consider data collected on sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(3) advise the Secretary of Commerce during consultations with other governments on issues concerning sales of United States-made automotive parts in Japanese and other Asian markets;

(4) assist in establishing priorities for the initiative established under section ___03, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and

(5) assist the Secretary in reporting to Congress by submitting an annual written report to the Secretary on the sale of United States-made automotive parts in Japanese and other Asian markets, as well as any other issues with respect to which the Committee provides advice pursuant to this title.

(d) AUTHORITY.—The Secretary of Commerce shall draw on existing budget authority in carrying out this title.

**SEC. ___05. EXPIRATION DATE.**

The authority under this title shall expire on December 31, 2003.

Mr. LEVIN. Mr. President, this amendment would reauthorize a special advisory committee on U.S. trade.

The Auto Parts Advisory Committee (APAC) is an important private sector industry advisory group made up of American auto parts companies that advise the Commerce Department on auto parts trade negotiations with Japan and Asia.

APAC was established by the Fair Trade in Auto Parts Act included in the Omnibus Trade and Competitiveness Act of 1988. It was reauthorized in 1995. APAC's authorization will expire at the end of this year.

At a time of soaring U.S. trade deficits with Japan and the rest of Asia, continued market opening negotiations are critical to removing barriers and achieving deregulation in these automotive markets. The overall U.S. trade deficit with Japan can only be reduced if the automotive portion of that deficit—on average 60 percent of the total—is reduced. We must have the tools at our disposal to do this, including the cooperation and resolve of the private sector to present our trading partners with a united front to advance the U.S. negotiating position. Because of the unfair trade barriers U.S. automotive exports face in a number of Asian markets, this reauthorization language will expand APAC's parameters to allow it to advise the Administration on trade consultations in Japan and other Asian markets.

APAC has done much to focus the attention and will of the U.S. government on finding a results-oriented solution to the auto parts problem with Japan. It has also played an important role in organizing an industry that is made up of thousands of diverse companies, many of them small businesses, to speak more with one voice with regard to the trade debate. This industry directly employs over 700,000. If we can open up foreign markets to U.S. auto parts exports we can create more high paying American manufacturing jobs in the auto parts industry. This is good for American workers, its good for U.S.-based auto parts companies and its good for our economy.

APAC is able to provide our trade negotiators with insight on the U.S. auto parts industry and the specific barriers they confront in Japan and elsewhere in Asia. Often individual U.S. auto parts companies that are trying to enter these markets do not want to speak out individually about protectionist foreign trade barriers that they have encountered for fear that doing so could jeopardize potential business opportunities in the countries in question. That is an understandable concern and that is why the U.S. Government, with input from APAC advising the government as an industry, can and should speak up on behalf of American companies trying to break into foreign markets.

In addition to its advisory role to the Commerce Department, APAC has also issued a number of useful studies and reports on the competitiveness of the United States auto parts industry and on the barriers to trade faced in selling to Japan. It has also issued reports and recommendations to the Commerce Department and the U.S. Congress on what steps must be taken to open Japan's markets to U.S. auto parts.

The U.S. auto parts industry and the Administration support the extension of APAC so that it can continue its contribution to market opening efforts for the sale of U.S. auto parts in Japan and elsewhere in Asia.

We should reauthorize APAC without delay so that its members can continue their good work advising our trade negotiators on auto parts trade in Japan and Asia.

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

Mr. WARNER. That is correct.

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

The amendment (No. 2990) was agreed to.

Mr. WARNER. 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. 2991

(Purpose: To provide for accountability of the Director and Deputy Director of the Naval Home)

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 legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 2991.

The amendment is as follows:

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

**SEC. 1064. APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF THE NAVAL HOME.**

(a) APPOINTMENT AND QUALIFICATIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (a) of section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in paragraph (2)—

(A) by striking out ''Each Director'' and inserting in lieu thereof ''The Director of the United States Soldiers' and Airmen's Home''; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) meet the requirements of paragraph (4).'';

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs (3) and (4):

''(3) The Director, and any Deputy Director, of the Naval Home shall be appointed by the Secretary of Defense from among persons recommended by the Secretaries of the military departments who—

''(A) in the case of the position of Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–5;

''(B) in the case of the position of Deputy Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–4; and

''(C) meet the requirements of paragraph (4).

''(4) Each Director shall have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and significant military background.''.

(b) TERM OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (c) of such section is amended—

(1) by striking out ''(c) TERM OF DIRECTOR.—'' and all that follows through ''A Director'' in the second sentence and inserting in lieu thereof ''(c) TERMS OF DIRECTORS.—(1) The term of office of the Director of the United States Soldiers' and Airmen's Home shall be five years. The Director''; and

(2) by adding at the end the following new paragraph:

''(2) The Director and the Deputy Director of the Naval Home shall serve at the pleasure of the Secretary of Defense.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section:

''(1) The term 'United States Soldiers' and Airmen's Home' means the separate facility of the Retirement Home that is known as the United States Soldiers' and Airmen's Home.

''(2) The term 'Naval Home' means the separate facility of the Retirement Home that is known as the Naval Home.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

Mr. WARNER. Mr. President, this amendment would provide for the accountability of the director and deputy director of the Naval Home.

I urge adoption of the amendment.

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

The amendment (No. 2991) was agreed to.

Mr. WARNER. 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. 2992

(Purpose: To ensure continuity in the management of the program for assessing alternative technologies for the destruction of assembled chemical munitions, and to provide for the use of such technologies)

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 legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. FORD, for himself and Mr. MCCONNELL, proposes an amendment numbered 2992.

The amendment is as follows:

At the end of subtitle B of title I, insert the following:

**SEC. 117. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.**

(a) PROGRAM MANAGEMENT.—The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to incineration. In performing such function, the program manager shall act independently of the program manager for the baseline chemical demilitarization program and shall report to the Under Secretary of Defense for Acquisition and Technology.

(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment may undertake the activities that are necessary to ensure that an alternative technology for the destruction of lethal chemical munitions can be implemented immediately after—

(A) the technology has been demonstrated successful; and

(B) the Under Secretary of Defense for Acquisition and Technology has submitted a report on the demonstration to Congress.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than June 1, 1999.

(c) INDEPENDENT EVALUATION.—The Under Secretary of Defense for Acquisition and Technology shall provide for two evaluations of the cost and schedule of the Assembled Chemical Weapons Assessment to be performed, and for each such evaluation to be submitted to the Under Secretary, not later than September 30, 1999. One of the evaluations shall be performed by a nongovernmental organization qualified to make such an evaluation, and the other evaluation shall be performed separately by the Cost Analysis Improvement Group of the Department of Defense.

(d) PILOT FACILITIES CONTRACTS.—(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

(A) certifies in writing to Congress is—

(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

(4) In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 107, $18,000,000 shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

(B) Planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, including planning and preparation for—

(i) continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

(v) provision of support at the field office or depot level for deployment of the technology for use; and

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—In this section, the term ''Assembled Chemical Weapons Assessment'' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

Mr. FORD. Mr. President, on July 17, 1996, President Clinton supported legislative language establishing a two-year ''pilot program'' to identify and demonstrate a safe and cost-effective technology for the destruction of chemical weapon munitions stockpiles.

The language signed into law by the President directed the Under Secretary of Defense for Acquisition and Technology to designate a program and appoint an executive officer to carry out the pilot program who was not, nor had been, in direct or immediate control of the Army Baseline Chemical Incineration Demilitarization program.

The legislation further prohibited the obligation of funds at two chemical weapons stockpile sites—Lexington Blue Grass Army Depot in Kentucky and the Pueblo Depot in Colorado—pending the outcome of the two-year research program.

It is Senator MCCONNELL'S and my understanding that the Assembled Chemical Weapons Assessment (ACWA) program has been a success in its initial stages. The management team for ACWA has just completed selecting seven technology teams who will conduct further evaluations toward a possible demonstration phase later this year. Based on information received, I am encouraged that at least two of the non-incineration technologies will be available for full scale testing by fiscal year 2000.

I am also very impressed with the very effective ''dialogue'' process including local citizens, state regulators, environmental organizations, tribal representatives, and many others in building a consensus in the ACWA program. I'm hopeful this open exchange will help in the eventual deployment and operation of a non-incineration facility, ensuring the days of delay and distraction that have plagued the chemical demilitarization program will soon be over.

Because of this success, I believe the ACWA ''dialogue'' will continue as a central part of the decision-making and consensus building in the Chemical Weapons Destruction program.

Mr. President, the amendment we introduce today does many things in the area of chemical demilitarization. It directs that the ACWA program must continue its independence from the baseline incinerator program through the next phase of pilot and full scale development. This will prevent any break or pause in the ACWA program by disallowing any transfer of responsibility for the program while making sure it meets the Chemical Weapons Convention Treaty (CWC) deadlines.

The program will stay under the direct supervision of the Under Secretary of Defense for Acquisition and Technology. The ACWA program manager will continue to act independently of the program manager for the Baseline Chemical Demilitarization Program.

This amendment also provides $18 million additional dollars so the Program manager of ACWA can move forward to meet the CWC deadline of 2007, which can be expanded until the year 2012. The additional funds authorized for chemical demilitarization for fiscal year 1999 will not come from the funds for the alternative technologies ''Bulk Pilot Program.''

Mr. President, I want to thank the leadership of the Senate Armed Services Committee for accepting this amendment. I would also like to thank Ms. Monica Chavez and Mr. Richard Fieldhouse of the committee staff for working with my staff in developing this amendment. Also, Mr. Billy Piper, Senator MCCONNELL's military legislative assistant, should be commended for a job well done.

Mr. MCCONNELL. Mr. President, I rise today to join my colleague from Kentucky in support of an amendment to the Department of Defense Authorization Bill. I would like to thank the Senator for his support and assistance on this important initiative. In addition, I would like to thank the distinguished managers of the bill for their assistance.

In 1996, I offered and the Senate accepted an amendment to the Department of Defense Appropriations bill which created the Alternative Technology Program. The mission of the program is to study alternative to incineration for destruction of our chemical weapons stockpiles.

The amendment Senator FORD and I offer today continues this program, and ensures that it will remain independent and fully capable of carrying out its intended mission.

Typically, when Senators offer amendments they rise to inform the body what their intentions are—what will their proposals do. I would like to take the opposite tack today, and tell the Senate what our amendment will not do.

The Ford-McConnell amendment is not designed to delay or prevent the destruction of chemical weapons. The Senate ratified, and I supported, the chemical weapons convention which established a deadline by which all weapons must be destroyed. This amendment would not alter that agreement.

In fact, the amendment says that alternative technologies must be able to complete the destruction in the same timeframe as incineration.

The Ford-McConnell amendment is not designed to scuttle the incineration program. Consistent with the legislation Congress passed in 1996, this measure continues the study and implementation of alternative technologies. At sites where incinerators are under construction or operating, that work will continue.

What, then, does this amendment accomplish?

First, it ensures that the Program Manager for the Assembled Chemical Weapons Assessment (ACWA) continues to operate independently of the incineration program, reporting directly to the Under Secretary of Defense for Acquisition and Technology. This is important in order to maintain the integrity of the program and protect the Program Manager's ability to make decisions in an efficient manner. To date, all involved have reported to both Senator FORD and me that ACWA has been successfully run. There has been a tremendous amount of citizen involvement. The result has been consensus not only on the direction the program is headed, but the methods it has employed.

Equally important, the amendment makes it clear that the Program Manager for ACWA can move toward implementation of technology which meets several clearly defined criteria. These criteria include that the technology selected is at least as safe and cost-effective as incineration. We have included a reporting requirement for both the Under Secretary for Technology and Acquisition as well as the Cost Analysis Improvement Group of the Department of Defense, to report to Congress on the cost and schedule of potential implementation.

As for the timing of the amendment, it clearly states that no alternative technology may be implemented unless it can be determined that it will lead to the destruction of stockpiles no later than the date by which incineration could do so. This is an important point, Mr. President. Senator FORD and I have no desire to prolong the schedule for destruction of our stockpiles, we merely ask that any alternatives to incineration be held to the same standards as are currently in place.

Mr. President, why have Senator FORD and I taken the Senate's time with this amendment? Quite simply, I remain disappointed with the Army's incineration program. It is grossly over budget and behind schedule. If it is possible to develop an alternative to incineration which is safe, and can accomplish the goals of our current program, then I believe Congress should support that endeavor.

Finally, and most importantly, Senator FORD and I rise on behalf of our constituents in central Kentucky. They live every day with the knowledge that thousands of rockets containing lethal nerve agents are stored just minutes from their homes. We owe it to these Kentuckians to exhaust every option in order to eliminate these weapons in the safest manner possible.

Mr. WARNER. Mr. President, this amendment would maintain the current program manager for the assembled chemical weapons assessment program, as well as provide authority for the ACWA program manager to undertake the necessary activities to conduct demonstrations and pilot-scale testing of alternative technologies for destruction of lethal chemical munitions. The amendment would also provide for valuations of the alternative technologies by nongovernmental organizations and would make available $18 million from funds authorized to the chemical demilitarization program.

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

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

The amendment (No. 2992) was agreed to.

Mr. WARNER. 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. 2993

(Purpose: To authorize the President to advance Benjamin O. Davis, Jr., to the grade of general on the retired list of the Air Force)

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN and LIEBERMAN, I offer an amendment that would authorize the President to promote Benjamin O. Davis, Jr., to the rank of general on the retired list.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 2993.

The amendment is as follows:

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

**SEC. 531 ADVANCEMENT OF BENJAMIN O. DAVIS, JUNIOR, TO GRADE OF GENERAL.**

(a) AUTHORITY.—The President is authorized to advance Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—An advancement of Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the said Benjamin O. Davis, Junior.

Mr. MCCAIN. Mr. President, today, we have a historic opportunity to honor one of America's truly heroic pioneers. Lieutenant General Benjamin O. Davis, Jr., United States Air Force (ret), has earned a hallowed place in the history of our armed forces, the history of our great nation, and arguably, the history of mankind.

Today, in order to pay a just and fitting tribute to the exceptional contributions of Lt. General Davis, I offer this amendment that would authorize the President of the United States to promote Benjamin O. Davis, Jr., to the rank of General on the retired list of the United States Air Force. This promotion would not entail any additional pay or benefits for General Davis or his family.

Lt. General Benjamin Davis's life has epitomized sustained superior performance in the face of singularly distinctive challenges. Though given the ''silent treatment,'' he graduated 35th in a class of 276 as the first African American graduate of the 20th century from the United States Military Academy at West Point. He was the first African American officer in the Army Air Forces, and was a member of the first African American pilot training class held at Tuskegee Army Airfield, Alabama. He led the 99th Pursuit Squadron and 332nd Fighter Group—known as the Tuskegee Airmen—into air combat over many locations in the European Theater of Operations.

Following the integration of the Air Force, Colonel Davis held several significant commands. He was Commander of the 51st Fighter Interceptor Wing, Suwon, Korea. After promotion to Brigadier General in 1954, he served as director of operations and training at headquarters, Far East Air Forces, Tokyo, Japan. Brigadier General Davis was the first and only African American General Officer from 1954 through the 1970s.

General Davis was promoted to Major General in 1959 and Lieutenant General in 1965. Lt. General Davis retired from the active Air Force in 1970. He later served as Assistant Secretary of Transportation from 1971 to 1975.

Lt. General Davis holds five honorary doctorate degrees, has served on numerous public and private panels, and has been the deserving recipient of numerous other distinguished honors.

Though Lt. General Benjamin Davis's record is replete with laudable accomplishments, those accomplishments are all the more inspiring and significant when viewed against the backdrop of the time in America's history in which they occurred.

His perseverance against the prejudices of his day showed his great depth of character. His unqualified successes in the face of those prejudices not only were a credit to himself, but they served as catalysts for societal change—change that not only has directly impacted the life of every American, but change that has arguably affected the world. America owes him a great debt of gratitude.

Mr. President, the singularly distinctive accomplishments of Benjamin O. Davis Jr., make him uniquely qualified to receive this tremendous honor, an honor I do not propose lightly. I ask my colleagues' unanimous support for this amendment. There is no one more deserving, and no better way to express the gratitude of a grateful nation.

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

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

The amendment (No. 2993) was agreed to.

Mr. WARNER. 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.

Mr. LEVIN. I ask unanimous consent that I be added as a cosponsor on this amendment.

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

Mr. WARNER. Mr. President, I likewise wish to be added as a cosponsor to that amendment for the very distinguished officer in our military.

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

AMENDMENT NO. 2994

(Purpose: To require a report regarding the savings and effect of personnel reductions in the Army Materiel Command)

Mr. LEVIN. Mr. President, on behalf of Senators TORRICELLI and LAUTENBERG, I offer an amendment which would require the Department of Defense to provide a report to Congress on the readiness impact of proposed personnel reductions of the Army Materiel Command.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. TORRICELLI and Mr. LAUTENBERG, proposes an amendment numbered 2994.

The amendment is as follows:

At the end of subtitle E of title III, add the following:

**SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.**

Not later than March 31, 1998, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the Quadrennial Defense Review's proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the projected cost savings from such reductions and the manner in which such savings are expected to be achieved.

Mr. WARNER. This amendment has been cleared on both sides.

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

The amendment (No. 2994) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2995

(Purpose: To authorize a land conveyance, Naval Air Reserve Center, Minneapolis, Minnesota)

Mr. WARNER. Mr. President, on behalf of Senators GRAMS and WELLSTONE, I offer an amendment which would authorize the land conveyance, without consideration from the Naval Air Reserve Center in Minneapolis, MN, to the Minneapolis-St. Paul Metropolitan Airports Commission.

I believe this has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMS and Mr. WELLSTONE, proposes an amendment numbered 2995.

The amendment is as follows:

On page 342, below line 22, add the following:

**SEC. 2827. LAND CONVEYANCE, NAVAL AIR RESERVE CENTER, MINNEAPOLIS, MINNESOTA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without any consideration other than the consideration provided for under subsection (c), to the Minneapolis-St. Paul Metropolitan Airports Commission, Minnesota (in this section referred to as the ''Commission''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 32 acres located in Minneapolis, Minnesota, and comprising the Naval Air Reserve Center, Minneapolis, Minnesota. The purpose of the conveyance is to facilitate expansion of the Minneapolis-St. Paul International Airport.

(b) ALTERNATIVE LEASE AUTHORITY.—(1) The Secretary may, in lieu of the conveyance authorized by subsection (a), elect to lease the property referred to in that subsection to the Commission if the Secretary determines that a lease of the property would better serve the interests of the United States.

(2) Notwithstanding any other provision of law, the term of the lease under this subsection may not exceed 99 years.

(3) The Secretary may not require any consideration as part of the lease under this subsection other than the consideration provided for under subsection (c).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), or the lease under subsection (b), the Commission shall—

(1) provide for such facilities as the Secretary considers appropriate for the Naval Reserve to replace the facilities conveyed or leased under this section—

(A) by—

(i) conveying to the United States, without any consideration other than the consideration provided for under subsection (a), all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the conveyance authorized by subsection (a); or

(ii) leasing to the United States, for a term of 99 years and without any consideration other than the consideration provided for under subsection (b), a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the lease authorized by subsection (b); and

(B) assuming the costs of designing and constructing such facilities on the parcel conveyed or leased under subparagraph (A); and

(2) assume any reasonable costs incurred by the Secretary in relocating the operations of the Naval Air Reserve Center to the facilities constructed under paragraph (1)(B).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a), or enter into the lease authorized by subsection (b), until the facilities to be constructed under subsection (c) are available for the relocation of the operations of the Naval Air Reserve Center.

(e) AGREEMENT RELATING TO CONVEYANCE.—If the Secretary determines to proceed with the conveyance authorized by subsection (a), or the lease authorized by subsection (b), the Secretary and the Commission shall enter into an agreement specifying the terms and conditions under which the conveyance or lease will occur.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), or leased under subsection (b), and to be conveyed or leased under subsection (c)(1)(A), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Commission.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), or the lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

Mr. GRAMS. Mr. President, my amendment will accomplish two important goals. It will provide the Naval Air Reserve with new facilities to better meet its training needs and will facilitate the development of the Minneapolis/St. Paul International Airport to serve all Minnesotans.

This amendment authorizes the Secretary of the Navy to convey or lease a parcel of property which includes the current Naval Air Reserve Center to the Minnesota Airports Commission. In return, the Minnesota Airports Commission will assume the costs of designing and constructing facilities that the Secretary of the Navy considers appropriate for the Naval Air Reserve as well as any reasonable relocation expenses.

Mr. President, it is my understanding that the Navy, the Minnesota Airports Commission, and the Federal Aviation Administration support this amendment. This is a win-win proposition for the Navy and the traveling public.

Mr. LEVIN. The amendment has been cleared, Mr. President.

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

The amendment (No. 2995) was agreed to.

Mr. WARNER. 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. 2996

(Purpose: To authorize a land conveyance, Army Reserve Center, Peoria, Illinois)

Mr. LEVIN. Mr. President, on behalf of Senator DURBIN, I offer an amendment which would convey, without consideration, a former Army Reserve Center in Peoria, IL, to the Peoria School District for educational purposes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. DURBIN, proposes an amendment numbered 2996.

The amendment is as follows:

On page 342, below line 22, add the following:

**SEC. 2827. LAND CONVEYANCE, ARMY RESERVE CENTER, PEORIA, ILLINOIS**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Peoria School District #150 of Peoria, Illinois (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) comprising the location of the Army Reserve Center located at 1429 Northmoor Road in Peoria, Illinois, for the purposes of staff, student and community education and training, additional maintenance and transportation facilities, and for other purposes.

(b) DESCRIPTION OF PROPERTY.—the exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with subsection (a), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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

The amendment (No. 2996) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Let the record reflect the amendment was agreed to on both sides.

AMENDMENT NO. 2997

(Purpose: To authorize a land conveyance, Skaneateles, New York)

Mr. WARNER. Mr. President, on behalf of Senator D'AMATO, I offer an amendment which would convey as a public benefit conveyance of approximately 147 acres of excess property in the town of S-K-A-N-E-A-T-E-L-E-S, NY, for recreational use.

I believe this amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. D'AMATO, proposes an amendment numbered 2997.

The amendment is as follows:

On page 342, below line 22, add the following:

**SEC. 2827. LAND CONVEYANCE, SKANEATELES, NEW YORK.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of Skaneateles, New York (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 147.10 acres in Skaneateles, New York, and commonly known as the ''Federal Farm''. The purpose of the conveyance is to permit the Town to develop the parcel for public benefit, including for recreational purposes.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town in accordance with that subsection, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

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

On behalf of Senator D'AMATO, I will make an effort at pronouncing the town of Skaneateles.

Mr. WARNER. I thank my good friend and colleague.

Mr. LEVIN. I hope I didn't blow it.

Mr. WARNER. I will work diligently to try to get that proper pronunciation. I thought I would be of assistance to those taking down the notes if I spelled it out.

Mr. LEVIN. I think the reporter appreciated your effort a lot more than the folks in New York appreciated my efforts.

Mr. WARNER. That is correct. You got the votes. I will pick up what is left.

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

The amendment (No. 2997) was agreed to.

Mr. WARNER. 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. 2874, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of Senator WYDEN, I call up an amendment No. 2874, as modified, which would require the General Accounting Office to report on methods used to calculate overhead costs at the Department of Energy cleanup sites.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. WYDEN, proposes an amendment numbered 2874, as modified.

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

**SEC. 3144. REVIEW OF CALCULATION OF OVERHEAD COSTS OF CLEANUP AT DEPARTMENT OF ENERGY SITES.**

(a) REVIEW.—(1) The Comptroller General shall—

(A) carry out a review of the methods currently used by the Department of Energy for calculating overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.

(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

(b) REPORT.—Not later than January 31, 1999, the Comptroller General shall submit to Congress a report setting forth the findings of the Comptroller as a result of the review under subsection (a). The report shall include the recommendations of the Comptroller regarding means of standardizing the methods used by the Department for allocating and reporting overhead costs associated with the cleanup of Department sites.

Mr. WARNER. Mr. President, this amendment has been cleared.

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

The amendment (No. 2874), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2998

(Purpose: To revise authorities relating to a Department of Defense officer designated as a member of the Panama Canal Commission supervisory board by the Secretary of Defense)

Mr. WARNER. Mr. President, on behalf of Senator COATS, I offer an amendment which provides authority to the Secretary of Defense to designate a Department of Defense official to be a Member of the Panama Canal Commission supervisory board.

I believe this amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes an amendment numbered 2998.

The amendment is as follows:

At the end of title XXXV, add the following:

**SEC. 3513. OFFICER OF THE DEPARTMENT OF DEFENSE DESIGNATED AS A MEMBER OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.**

(a) AUTHORITY.—Section 1102(a) (22 U.S.C. 3612(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: ''The Commission shall be supervised by a Board composed of nine members. An officer of the Department of Defense designated by the Secretary of Defense shall be one of the members of the Board.''; and

(2) in the last sentence, by striking out ''Secretary of Defense or a designee of the Secretary of Defense'' and inserting in lieu thereof ''the officer of the Department of Defense designated by the Secretary of Defense to be a member of the Board''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 302 of Public Law 105–18 (111 Stat. 168) is repealed.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2998) was agreed to.

Mr. WARNER. 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. 2809

(Purpose: To require an annual GAO review of the F/A–18E/F aircraft program)

Mr. LEVIN. Mr. President, on behalf of Senator FEINGOLD, I call up amendment 2809 which would require a study of the F/A–18E/F.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FEINGOLD, proposes an amendment numbered 2809.

The amendment is as follows:

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

**SEC. 1031. ANNUAL GAO REVIEW OF F/A–18E/F AIRCRAFT PROGRAM.**

(a) REVIEW AND REPORT REQUIRED.—Not later than June 15 of each year, the Comptroller General shall review the F/A–18E/F aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress with each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(b) CONTENT OF REPORT.—The report submitted on the program each year shall include the following:

(1) The extent to which engineering and manufacturing development and operational test and evaluation under the program are meeting the goals established for engineering and manufacturing development and operational test and evaluation under the program, including the performance, cost, and schedule goals.

(2) The status of modifications expected to have a significant effect on the cost or performance of the F/A–18E/F aircraft.

(c) DURATION OF REQUIREMENT.—The Comptroller General shall submit the first report under this section not later than June 15, 1999. No report is required under this section after the full rate production contract is awarded under the program.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of Defense and the prime contractors under the F/A–18E/F aircraft program shall timely provide the Comptroller General with such information on the program, including information on program performance, as the Comptroller General considers necessary to carry out the responsibilities under this section.

Mr. COATS. Mr. President, the amendment from the Senator from Wisconsin directs a study of the F/A–18E/F program. I recommended that we accept his amendment as a courtesy, and to move the Defense Authorization Bill along. Accepting the amendment in no way diminishes the committee's support for the program and its demonstrated performance in over 2,900 hours of test flying.

Mr. President, the F/A–18E/F program has a history of providing audit agencies with unlimited access to all personnel and data required. The F/A–18E/F program is now entering its last year of Engineering and Manufacturing Development (EMD). The development program continues its unprecedented success: on schedule, on cost, and meeting or exceeding specified performance. Approximately 70% of the EMD flight test program is complete. Besides successful developmental tests, three successful Operational Testing periods were completed between January 1996 and March 1998.

The Department of Defense has a structured process for providing oversight on acquisition programs. The process includes Working Level Integrated Product Teams (WLIPTs), Integrated Integrating Product Teams (IIPT) and Overarching Integrated Product Teams (OIPTs). These teams, made up of members from the Navy, Joint Chiefs of Staff and Office of the Secretary of Defense staffs, have worked well to keep Defense Department leadership, as well as Congress, apprised of the progress.

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

The amendment (No. 2809) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. The record should reflect we concur, Mr. President.

AMENDMENT NO. 2826

(Purpose: To authorize the conveyance of the ex-U.S.S. *Lorain County* (LST–1177) to the Ohio War Memorial, Inc., Sandusky, Ohio)

Mr. WARNER. Mr. President, on behalf of Senators DEWINE and GLENN, I call up amendment 2826 which would authorize the Secretary of Transportation to convey at no cost to the Government a surplus National Defense Reserve Fleet Ship, the ex-U.S.S. *Lorain County*, to a nonprofit organization for use as a memorial to Ohio veterans.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DEWINE, for himself, and Mr. GLENN, proposes an amendment numbered 2826.

The amendment is as follows:

On page 204, below line 22, add the following:

**SEC. 1014. CONVEYANCE OF NDRF VESSEL EX-USS LORAIN COUNTY.**

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the Federal Government in and to the vessel ex-USS LORAIN COUNTY (LST–1177) to the Ohio War Memorial, Inc., located in Sandusky, Ohio (in this section referred to as the ''recipient''), for use as a memorial to Ohio veterans.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance of from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

Mr. DEWINE. Mr. President, I am pleased to join with my colleague from Ohio, Senator GLENN, to offer an amendment to restore a piece of history for our veterans. This may be the last opportunity we have to bring an Ohio-built ship back to the state of Ohio—where so many U.S. Navy ships were built. Our amendment would allow for the restoration of the tank landing ship, the U.S.S. *Lorain County* (LST–1177), so that it may be restored and serve as a memorial to Ohio veterans.

A number of individuals deserve credit for this initiative. First, I commend my friend and colleague Congressman PAUL GILLMOR. Congressman GILLMOR is a true friend of Ohio Veterans. He took the lead in adding similar legislation to the House of Representatives' version of the Defense Authorization Bill. Secondly, I would like to recognize the efforts of the members of Ohio War Memorial, Inc. Their patriotic devotion to this memorial is very worthwhile and highly admirable.

The U.S.S. *Lorain County* was built during the 1956–58 time period by Lorain County's American Shipbuilding Company. She spent 14 years on active duty as a part of the U.S. Navy's Amphibious Force in the Atlantic, Mediterranean, and the Caribbean. She completed distinguished service and was decommissioned in 1972.

The *Lorain County* is presently in Virginia and she is intact and in good condition. Without this amendment, she likely will be sold for scrap metal. So this is our last opportunity to save and utilize this ship as a memorial to all of those who not only built the mighty ships of the U.S. Navy, but to those dedicated veterans who served on them as well.

This amendment would not impose any cost to the Federal Government and would allow Ohio War Memorial, Inc., a private, nonprofit citizens group, enoght time to raise the funds needed to return the ship to Ohio, renovate it, and turn it into a memorial that every veteran from, or visiting the state of Ohio would be proud to see.

Mr. President, I ruge my colleagues to support this effort to save this piece of history.

Mr. LEVIN. The amendment has been cleared, Mr. President.

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

The Amendment (No. 2826) was agreed to.

Mr. WARNER. 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. 2999

(Purpose: To guarantee the long-term national security of the United States by investing in a robust Defense Science and Technology Program)

Mr. LEVIN. Mr. President, on behalf of Senators BINGAMAN, SANTORUM, LIEBERMAN, LOTT and FRIST, I offer an amendment which would express the sense of the Senate there should be a 10-year objective for the Secretary of Defense for increasing funding for science and technology programs and a 10-year objective for the Secretary of Energy for increasing funding of nonproliferation science and technology programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. LOTT and Mr. FRIST, proposes an amendment numbered 2999.

The amendment is as follows:

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

**"SEC. 1064. SENSE OF THE CONGRESS ON THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.**

''(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

''(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

''(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—It is the sense of the Congress that the following should be key objectives of the Defense Science and Technology Program—

''(A) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

''(B) the education and training of the next generation of scientists and engineers in disciplines that are relevant to future Defense systems, particularly through the conduct of basic research; and

''(C) the continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and universities and minority institutions.

''(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.

''(A) It is the sense of the Congress that in supporting projects within the Defense Science and Technology Program, the Secretary of Defense should attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

''(B) It is the sense of the Congress that funds made available for projects and programs of the Defense Science and Technology Program should be used only for the benefit of the Department of Defense, which includes—

''(i) the development of technology that has only military applications;

''(ii) the development of militarily useful, commercially viable technology; or

''(iii) the adaption of commercial technology, products, or processes for military purposes.

''(3) SUNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—It is the sense of the Congress that the Secretary of Defense may allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program. This flexibility is not intended to change the allocation of funds in any fiscal year among basic and applied research and advanced development.

''(c) DEFINITIONS.—In this section:

''(1) The term ''Defense Science and Technology Program'' means basic and applied research and advanced development.

''(2) The term ''basic and applied research'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activities 1 or 2.

''(3) The term ''advanced development'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activity 3.''.

On page 398, between lines 9 and 10, insert the following:

**"SEC. 3144. SENSE OF THE CONGRESS ON FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY**

''(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year over the budget for those activities for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

''(b) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES DEFINED.—In this section, the term ''nonproliferation science and technology activities'' means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

''(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security;

''(2) Projects under the ''Technology and Systems Development'' element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security.

''(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

''(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological emergencies, and related terrorist threats, under the Office of Defense Programs.''.

Mr. WARNER. The amendment is cleared on this side. I urge its adoption.

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

The amendment (No. 2999) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2448, AS MODIFIED

(Purpose: To add disposal receipts objectives for three additional fiscal years; to clarify the authority relating to the disposal of chromium ferroalloy; to add a condition to the authority to dispose of certain strategic and critical materials in the National Defense Stockpile; and to authorize use of funds in the National Defense Stockpile Transaction Fund for certain environmental activities)

Mr. WARNER. Mr. President, on behalf of Senator THURMOND, I call up amendment 2448, and I send a modification to the desk which would require a deposit of revenues into the Treasury from the sales of materials from the National Defense Stockpile would be subject to appropriations. The modified amendment would also authorize the use of funds within the National Defense Stockpile Transaction Fund for environmental remediation if required by Federal law or agreement.

The clerk will report.

The Legislative Clerk read as follows:

The Senator from Virginia (Mr. WARNER) for Mr. THURMOND proposes an amendment No. 2448, as modified.

The amendment is as follows:

Beginning on page 400, line 10, strike out ''$100,000,000'' and all that follows through page 401, line 12, and insert in lieu thereof the following:

$103,000,000 by the end of fiscal year 1999 and $377,000,000 by the end of fiscal year 2003.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

| Material for disposal | Quantity |
|---|---|
| Beryllium Metal, vacuum cast | 227 short tons |
| Chromium Metal—EL | 8,511 short tons |
| Columbium Carbide Powder | 21,372 pounds contained |
| Columbium Ferro | 249,395 pounds contained |
| Columbium Concentrates | 1,733,454 pounds contained |
| Chromium Ferroalloy | 92,000 short tons |
| Diamond, Stones | 3,000,000 carats |
| Germanium Metal | 28,198 kilograms |
| Indium | 14,248 troy ounces |
| Palladium | 1,227,831 troy ounces |
| Platinum | 439,887 troy ounces |
| Tantalum Carbide Powder | 22,681 pounds contained |
| Tantalum Metal Powder | 50,000 pounds contained |
| Tantalum Minerals | 1,751,364 pounds contained |
| Tantalum Oxide | 122,730 pounds contained |
| Tungsten Ferro | 2,024,143 pounds |
| Tungsten Carbide Powder | 2,032,954 pounds |
| Tungsten Metal Powder | 1,898,009 pounds |
| Tungsten Ores & Concentrates | 76,358,230 pounds. |

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) AUTHORIZATION OF SALE.—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts of $100,000,000 of the amount specified for fiscal year 1999 in subsection (a) by the end of that fiscal year shall be effective only to the extent provided in advance in appropriation Acts.

**SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION, RESTORATION, WASTE MANAGEMENT, AND COMPLIANCE ACTIVITIES.**

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

(1) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

''(J) Performance of environmental remediation, restoration, waste management, or compliance activities at locations of the stockpile that are required under a Federal law or are undertaken by the Government under an administrative decision or negotiated agreement.''.

Mr. WARNER. I understand this amendment has been cleared. I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The amendment, as modified, is agreed to.

The amendment (No. 2448) as modified, was agreed to.

Mr. WARNER. 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. 3000

(Purpose: To express the sense of Congress regarding the homeporting of the U.S.S. *Iowa* battleship at the Port of San Francisco)

Mr. LEVIN. Mr. President, on behalf of Senators FEINSTEIN and BOXER, I offer an amendment which would express the sense of Congress that the battleship, U.S.S. *Iowa*, should be homeported in the Port of San Francisco.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, for herself and Mrs. BOXER, proposes an amendment numbered 3000.

The amendment is as follows:

At the end of subtitle B of title X, and the following:

**SEC. 1014. HOMEPORTING OF THE U.S.S. IOWA BATTLESHIP IN SAN FRANCISCO.**

It is the sense of Congress that the U.S.S. Iowa should be homeported at the Port of San Francisco, California.

Mr. WARNER. The RECORD should reflect I concur in this amendment. I worked with these two Senators in developing this amendment, and I hope very much that the objective can be eventually achieved.

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

The amendment (No. 3000) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2822, AS MODIFIED

(Purpose: To improve the process for designating defense property for demilitarization and to further penalize acts involved in unlawful export of certain merchandise)

Mr. WARNER. On behalf of Senator GRASSLEY, I offer an amendment which would require the Secretary of Defense to assign demilitarization codes to DOD equipment to ensure that it is properly disposed of. The amendment would also make it a violation of criminal law to knowingly engage in the exportation of equipment, where the exportation of that equipment is restricted. I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRASSLEY, proposes an amendment numbered 2822, as modified.

The amendment is as follows:

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

**SEC. 1064. DEMILITARIZATION AND EXPORTATION OF DEFENSE PROPERTY.**

(a) CENTRALIZED ASSIGNMENT OF DEMILITARIZATION CODES FOR DEFENSE PROPERTY.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following:

**''§ 2573. Demilitarization codes for defense property**

''(a) AUTHORITY.—The Secretary of Defense shall—

''(1) assign the demilitarization codes to the property (other than real property) of the Department of Defense; and

''(2) take any action that the Secretary considers necessary to ensure that the property assigned demilitarization codes is demilitarized in accordance with the assigned codes.

''(b) SUPREMACY OF CODES.—A demilitarization code assigned to an item of property by the Secretary of Defense under this section shall take precedence over any demilitarization code assigned to the item before the date of enactment of the National Defense Authorization Act for Fiscal Year 1999 by any other official in the Department of Defense.

''(c) ENFORCEMENT.—The Secretary of Defense shall commit the personnel and resources to the exercise of authority under subsection (a) that are necessary to ensure that—

''(1) appropriate demilitarization codes are assigned to property of the Department of Defense; and

''(2) property is demilitarized in accordance with the assigned codes.

''(d) REPORT.—The Secretary of Defense shall include in the annual reports submitted to Congress under section 113(c)(1) of this title in 1999 and 2000 a discussion of the following:

''(1) The exercise of the authority under this section during the fiscal year preceding the fiscal year in which the report is submitted.

''(2) Any changes in the exercise of the authority that are taking place in the fiscal year in which the report is submitted or are planned for that fiscal year or any subsequent fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'demilitarization code', with respect to property, means a code that identifies the extent to which the property must be demilitarized before disposal.

''(2) The term 'demilitarize', with respect to property, means to destroy the military offensive or defensive advantages inherent in the property, by mutilation, cutting, crushing, scrapping, melting, burning, or altering the property so that the property cannot be used for the purpose for which it was originally made.''.

(2) The table of sections at the beginning of such chapter 153 is amended by inserting after the item relating to section 2572 the following:

''2573. Demilitarization codes for defense property.''.

(b) CRIMINAL OFFENSE.—(1) Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

**''§ 554. Violations of regulated acts involving the exportation of United States property**

''(a) Any person who—

''(1) fraudulently or knowingly exports or otherwise sends from the United States (as defined in section 545 of this title), or attempts to export or send from the United States any merchandise contrary to any law of the United States; or

''(2) receives, conceals, buys, sells, or in any manner facilitates, the transportation, concealment, or sale of any merchandise prior to exportation, knowing that the merchandise is intended for exportation in violation of Federal law;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) The penalties under this section shall be in addition to any other applicable criminal penalty.''.

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

''554. Violations of regulated acts involving the exportation of United States property.''.

Mr. GRASSLEY. Mr. President, I rise today to offer an amendment to this year's Defense bill to address the unexcusably lax procedures for disposing of surplus military equipment which currently exist. There have been several media reports indicating that these procedures are unacceptably loose. To examine this issue, I chaired a hearing on the proper disposal of military surplus before the Judiciary subcommittee on Administrative Oversight and the Courts. I was alarmed at the ease with which hostile foreign nations like China can purchase classified military items from depots right here in America.

Mr. President, my amendment makes several much-needed reforms. First, the amendment requires the Secretary of Defense to assign codes to military equipment. These codes determine whether the equipment can later be resold to the public as surplus or if the equipment must be destroyed before it can be resold as surplus. Further, the amendment gives the Secretary of Defense the authority to take whatever steps he deems necessary to fulfill this responsibility. Finally, my amendment creates a new export control law which closes loopholes in current law which arms smugglers use to avoid prosecutions for exporting military surplus. Importantly, this new export control law has the support of the administration.

The problem of lax disposal procedures isn't new. The first congressional hearings on this topic were conducted in the early 1970s. At that time, Congress received testimony that the Pentagon's program for ensuring the proper disposal of surplus items was in shambles.

Mr. President, after my hearing, I can say that the disposal process is still badly in need or reform. My hearing showed that there is a cavalier attitude toward the disposal of surplus equipment that presents a real danger to our national security and to the safety of the American people. In one case, the Pentagon lost track of surplus equipment valued at 39 million dollars. That's a lot of stuff to lose in just one transaction.

It seems to me that disposing of tanks or missiles or classified military equipment in a way that keeps them out of the hands of hostile foreign nations or terrorists is really central to the military mission, and so I hope my colleagues will support this amendment.

Under current practice, the Pentagon has decided the answer to the question of what to do with surplus parts is to sell them to the highest bidder, with practically no controls in place. The few controls that are in place, which are supposed to make sure that military-grade surplus doesn't end up with terrorists or hostile nations, continue to be an abject failure by any reasonable standard.

Mr. President, the depots which sell sensitive military surplus have become thriving terrorist flea markets. In fact, the Pentagon even has a world wide web homepage to advertise military surplus for sale—some of it classified. Who knows, right now some of Saddam Hussein's henchmen could be browsing this homepage looking for spare parts or new weapons.

One way to measure whether an agency takes a problem seriously is to look at how that agency disciplines its own employees when their misconduct contributes to that problem in other words, how does the Pentagon react when one of its own employees breaks the rules on disposing or dangerous military surplus? By that standard, it appears to this Senator that the Defense Department doesn't take security breaches at military depots very seriously. For instance, it's my understanding that the chief of a depot in Crane, Indiana was not seriously reprimanded for allowing over 70 grenade launchers to be sold without being properly destroyed. To date, only about 30 of those launchers have been recovered. What's the result? Every once in a while, law enforcement seizes one of these missing grenade launchers from a gang of criminals. Pentagon sloppiness is making criminals even more dangerous and well-armed.

In another case which caused problems for law enforcement, the Justice Department had to drop illegal export charges against an arms smuggler who had tried to send armored personnel carrier parts to Iran. The Justice Department had to drop the charges because the defense logistics agency had assigned the wrong code to the equipment.

Another indication that the Pentagon doesn't take the issue of properly disposing of surplus very seriously is that no one from the office of the Secretary of Defense would come to testify at my hearing—despite repeated requests that someone appear who could speak for the Defense Department as a whole. That's why my amendment puts the responsibility for disposing of surplus in the office of the Secretary of Defense. Congress needs to have someone to look to if there is to be genuine accountability.

Finally, I'd like to sum up the situation we have here. Despite congressional oversight going back to Senator McLellan's 1972 hearings, nothing has really changed. Therefore, it's clearly time for Congress to step up to the plate and take action. That's why I am offering this amendment to the DOD authorizations bill to give law enforcement an enhanced ability to catch arms smugglers who are targeting military surplus.

But helping law enforcement is only part of the solution that's merely reactive. What we really need is for the Pentagon to get its house in order and prevent this problem from happening in the first place. So, my amendment requires the office of the Secretary of Defense to take control of the surplus issue.

I think it's fair to say that if classified or highly sensitive military technology is being sent to foreign nations and terrorists, we have a clear threat to national security. We have dangerous weapons going from our own military depots into the hands of criminals. My amendment would give law enforcement the tools they need and would hold the Department of Defense accountable for solving this problem. I urge my colleagues to vote for this amendment, and I yield the floor.

Mr. WARNER. Mr. President, I understand the amendment has been cleared. I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2822), as modified, was agreed to.

Mr. WARNER. 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. 2860

(Purpose: To prohibit evaluation of the merit of selling malt beverages and wine in commissary stores as exchange store merchandise)

Mr. LEVIN. Mr. President, on behalf of Senator BYRD, I offer an amendment that would prohibit the Secretary of Defense from conducting a survey to determine patron interest in having the commissary system sell malt beverages and wine; or, to conduct a demonstration project to evaluate the merit of selling malt beverages or wine in the commissary.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BYRD, proposes an amendment numbered 2860.

The amendment is as follows:

At the end of subtitle E of title III, add the following:

**SEC. 349. PROHIBITIONS REGARDING EVALUATION OF MERIT OF SELLING MALT BEVERAGES AND WINE IN COMMISSARY STORES AS EXCHANGE SYSTEM MERCHANDISE.**

Neither the Secretary of Defense nor any other official of the Department of Defense may—

(1) by contract or otherwise, conduct a survey of eligible patrons of the commissary store system to determine patron interest in having commissary stores sell malt beverages and wine as exchange store merchandise; or

(2) conduct a demonstration project to evaluate the merit of selling malt beverages and wine in commissary stores as exchange store merchandise.

Mr. WARNER. This amendment is cleared. I join the Senator in urging its adoption.

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

The amendment (No. 2860) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3001

(Purpose: To provide a substitute that clarifies that additional museums may be designated as ''America's National Maritime Museum'')

Mr. WARNER. Mr. President, on behalf of myself and Senator MOYNIHAN, I offer an amendment which designates the Mariner's Museum in Newport News, VA, and the South Street Seaport Museum in New York City as America's National Maritime Museum.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. MOYNIHAN, proposes an amendment numbered 3001.

The amendment is as follows:

At the appropriate place, insert:

**SEC. 1064. DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.**

(a) DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.—The Mariners' Museum building located at 100 Museum Drive, Newport News, Virginia, and the South Street Seaport Museum buildings located at 207 Front Street, New York, New York, shall be known and designated as ''America's National Maritime Museum''.

(b) REFERENCE TO AMERICA'S NATIONAL MARITIME MUSEUM.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in subsection (a) shall be deemed to be a reference to America's National Maritime Museum.

(c) LATER ADDITIONS OF OTHER MUSEUMS NOT PRECLUDED.—The designation of museums named in subsection (a) as America's National Maritime Museum does not preclude the addition of any other museum to the group of museums covered by that designation.

(d) CRITERIA FOR LATER ADDITIONS.—A museum is appropriate for designation as a museum of America's National Maritime Museum if the museum—

(1) houses a collection of maritime artifacts clearly representing America's maritime heritage; and

(2) provides outreach programs to educate the public on America's maritime heritage.

Mr. WARNER. I believe this amendment has been cleared by the other side. I urge its adoption.

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

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 3001) was agreed to.

Mr. WARNER. 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.

Mr. WARNER. Mr. President, at this time I would like to thank particularly Senator KENNEDY, the ranking member of the Seapower Subcommittee, for his assistance in developing this amendment, and other Senators who likewise concurred in the merits of the amendment.

Mr. LEVIN. Mr. President, I just want to thank my good friend from Virginia and congratulate him on that last amendment, and Senator MOYNIHAN, I know how hard he works on those matters. It is always a pleasure working with him.

I thank the Chair for his usual courtesies.

SKANEATELES, NEW YORK

Mr. WARNER. Mr. President, before we step down and proceed to do the closing business for the Senate—Senator ENZI, I think, will take over. But we are fortunate that one of our most valued senior staff members of the Armed Services Committee, a fine woman who has served many, many years in the Senate, is familiar with this particular town. And the proper pronunciation is—what is it? Phonetically, it is written out as Skaneateles. I think that is it.

How close your rendition was, I know not.

Mr. LEVIN. A lot closer than I feared. Apparently it is Skaneateles.

Mr. WARNER. Skaneateles.

Mr. LEVIN. We have reached another consensus in the U.S. Senate.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Wyoming.

## MORNING BUSINESS.

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## JUDICIAL NOMINEES DESERVE FAIR TREATMENT

Mr. DASCHLE. Mr. President, we are in the midst of a disturbing slowdown in the confirmation of judicial nominations, especially when the nominees are women or minorities. A few days ago, on June 22, the Senate finally confirmed, by a vote of 56 to 34, Susan Oki Mollway, a Japanese-American nominated by President Clinton almost 3 years ago to serve on the U.S. District Court for the District of Hawaii.

Ms. Mollway was first nominated in the 104th Congress and was renominated again in the 105th Congress. She was favorably reported out of the Judiciary Committee, not once but twice. It took 3 years for Republicans to bring her nomination to the Senate floor despite the fact that a judicial emergency was declared in her district.

I am particularly concerned about the lack of progress in the consideration of Hispanic judicial nominees before the Senate Judiciary Committee. Of the 36 judges confirmed in 1997, none were Latino, although six Latinos had been nominated. Thus far in 1998, 2 of the 26 judges confirmed were Latino and five are currently awaiting confirmation. It took the Senate 32 months to confirm Ms. Hilda Tagle, the only Hispanic woman the Senate confirmed this year. Why are the nominations of these qualified individuals taking so long? These nominees and the American people deserve an explanation.

The nominations of Emilio Cividanes, Richard Paez, Jorge Rangel, Annabelle Rodriguez, and Sonia Sotomayor have been pending before the Senate for months. Two of these 5 nominees had to be renominated this Congress because their nominations expired in the 104th Congress without Senate action.

Sonia Sotomayor, a nominee for Second Circuit Court of Appeals, was reported out of committee on March 5, 1998. Nominee Richard Paez for the Ninth Circuit was reported out of committee on March 19, 1998. No Senate action has been taken or scheduled on either nominee, and no explanation of the delay has been forthcoming. My colleague, XAVIER BECERRA, Chairman of the Congressional Hispanic Caucus, said it best when he stated, ''This is a crisis. . . . Only two Latino judges have been confirmed this Congress out of a total of 62 confirmations.''

The Ranking Member of the Judiciary Committee, Senator PATRICK LEAHY, has come to the floor 3 times in the past month to demand Senate Republican action. He pointed out that ''We are having hearings at the rate of one a month, barely keeping up with attrition and hardly making a dent in the vacancies crisis . . . confronting the judiciary.''

The Chief Justice of the Supreme Court, William Rehnquist, calls that ''vacancy crisis'' a ''most serious problem.'' He warns that ''vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.''

We cannot wait for the judicial system to collapse before the Senate acts. I call upon Senate Republicans to reject partisan politics and significantly