

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

Mr. LOTT. I yield the floor.

DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 3420 THROUGH 3464, EN BLOC

Mr. STEVENS. Mr. President, I have sent to the desk the first managers' package. And I believe that it has been cleared on both sides. So there is no misunderstanding about it, because Senators may wonder whether the amendments are in this or not, I want to read this package and then ask for its immediate consideration. Senator AKAKA's amendment on electric vehicles R&D funds; Bingaman-Domenici on the Air National Guard Program at White Sands; an amendment that I have offered for Senator COCHRAN on acoustic sensor technology; the Domenici-Harkin amendment on food stamp report; the Durbin amendment on land conveyance at Fort Sheridan; the Gregg amendment on conveyance of former Pease Air Force Base; the Hollings amendment on environmental restoration; my amendment for strategic materials manufacturing; the Inouye amendment on American Samoa vets; the Inouye amendment on Ford Island; the Kennedy amendment on cybersecurity; the Sarbanes amendment on the Korean war vets memorial repairs; the McConnell amendment on chemical demilitarization; the Mack amendment on NAWC transfer of property; the Mikulski amendment on ship-breaking; the Lott amendment on the next-generation Internet; the Murkowski amendment on FERTEC; my amendment for Senator SHELBY on the electronic circuit board manufacturing; the Specter amendment on proliferation of the Weapons of Mass Destruction Commission; my amendment on the MILES training and equipment issue; my amendment on rescission as of the date of enactment; my amendment for Senator COATS on the near-term digital radio issue; my amendment for Senator WARNER on Palmtop computers for soldiers; the Boxer amendment on what we call Shop Stop; the Ford amendment on counterdrug interdiction; the Dodd amendment on Lyme Disease; the Kerry amendment on solid-state dye lasers; the McCain-Kyl amendment on land transfer; my amendment for Senator KYL on passenger safety system for tactical trucks; the Grassley amendment on problem disbursements threshold; the Harkin amendment on the gulf war illness; my amendment on the air combat training instrumentation issue; Faircloth amendment on TRICARE; my amendment on firefighting equipment leasing; the Bumpers amendment on the DTRTCA, Domestic Preparedness Training Center; the Faircloth amendment on the Aerostat Development Program; Burns-Baucus for redevelopment of the Havre Air Force Base; the

McCain amendment on foreign students' reimbursements; Dorgan on Indian incentive payments; the McConnell-Ford amendment on chemical demilitarization; the Wellstone SOS, child soldiers, global use amendment; my amendment for Senator Faircloth on spending 1998 funds, so-called PFNA issue; the Bennett amendment on alternate turbine engines; and the Gramm amendment on military voting rights.

There should be 44 separate amendments in that package. They have been cleared on both sides, and unless there is some discussion, I ask unanimous consent the first managers' package be adopted and any statements offered by any Senator appear in the Record prior to adoption of that Senator's amendment that is in the package.

I add to it, Senator Inouye has a managers' amendment—this would be the first amendment of Senator Inouye—for Ms. Moseley-Braun that pertains to the National Guard Armory in Chicago.

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

The managers' amendment is adopted.

Mr. STEVENS. I send the last amendment to the desk to be included, and it makes 45 amendments in the package.

The PRESIDING OFFICER. The clerk will report the en bloc amendments.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments No. 3420 through and including 3463 en bloc, and the Senator from Hawaii [Mr. INOUE], for Ms. MOSELEY-BRAUN, proposes amendment numbered 3464.

The amendments are as follows:

AMENDMENT NO. 3420

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

On page 33, line 25, insert before the period at the end the following: "Provided, That of the funds appropriated under this heading, \$12,000,000 shall be available only to continue development of electric and hybrid-electric vehicles".

Mr. AKAKA. I have offered an amendment to the Department of Defense Appropriations Bill to provide \$12 million for electric and hybrid-electric vehicle development. The funds will be administered by the Defense Advanced Research Projects Agency, known as DARPA. Senators INOUE, JEFFORDS, LEAHY, COATS, and BOXER have joined me as cosponsors of the amendment.

This is not a new program. Congress provided \$115 million to the Department of Defense for the electric vehicle program over the past five fiscal years. Industry has contributed more than \$115 million in matching funds. In fiscal year 1998, the appropriation was \$15 million, so my amendment represents a budget reduction of 20 percent compared to the current fiscal year.

Seven regional consortia, comprised of more than 200 member companies, participate in the program. Individual

consortia, which were selected competitively, include Hawaii, Sacramento, the Mid Atlantic Consortium in Johnstown, PA, the Northeast Consortium in Boston, the Southern Consortium in Atlanta, the Mid America Consortium in Indianapolis, and CALSTART in Burbank, CA.

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

Unfortunately, despite the best efforts of all three federal agencies and the consortia that participate in the electric vehicle program, another year of funding through the Department of Defense is needed before the transition can proceed.

The Department of Defense has long been interested in hybrid electric combat vehicles because they can reduce fuel consumption by 50 percent, leading to a reduced fuel logistics burden, increased endurance, and reduced emissions. In addition, hybrid electric combat vehicles use electric power for mobility, weapons, countermeasures and sensors, and have reduced thermal and acoustic signatures.

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

Other DoD projects are in the planning stages. DARPA and the Marine Corps are jointly developing a hybrid-electric reconnaissance, surveillance and targeting vehicle, designed as a stealthy, fuel efficient vehicle that can be transported by the V-22 Osprey in support of the Marine Corps Sea Dragon operation. DARPA and the Army are jointly developing a combat hybrid power system for a 15-ton future combat vehicle. The system will provide pulse power for electric guns, directed energy weapons, and electromagnetic armor, as well as other components and systems.

The funds provided by my amendment should be used in the same manner, and for the same program objectives, as in fiscal year 1998 funding. As the author of the amendment, it is my intention that DARPA administer the program as it did in fiscal year 1998, and that funds can be used for the development of defense and non-defense electric and hybrid-electric vehicles.

I thank the Chairman, and my colleague from Hawaii, the ranking Democrat on the subcommittee for their consideration of my amendment. I yield the floor.

## AMENDMENT NO. 3421

(Purpose: To set aside \$2,250,000 for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas)

On page 99 in between lines 17 and 18, insert before the period at the end the following:

“SEC. 8104. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, \$2,250,000 shall be available for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas”.

## AMENDMENT NO. 3422

(Purpose: The purpose is to provide \$1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. The funds are provided from within the funds appropriated for Defense-wide RDT&E)

On page 99 insert at the appropriate place the following new section:

SEC. . That of the funds appropriated for Defense-wise research, development, test and evaluation, \$1,000,000 is available for Acoustic Sensor Technology Development Planning.

## AMENDMENT NO. 3423

(Purpose: To require the Secretary of Defense to report on food stamp assistance for Armed Forces families, and to require the Comptroller General to study and report on issues relating to the family life, morale, and retention of members of the Armed Forces)

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

SEC. 8104. (a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on food stamp assistance for members of the Armed Forces. The Secretary shall submit the report at the same time that the Secretary submits to Congress, in support of the fiscal year 2000 budget, the materials that relate to the funding provided in that budget for the Department of Defense.

(b) The report shall include the following:

(1) The number of members of the Armed Forces and dependents of members of the Armed Forces who are eligible for food stamps.

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

(3) A proposal for using, as a means for eliminating or reducing significantly the need of such personnel for food stamps, the authority under section 2828 of title 10, United States Code, to lease housing facilities for enlisted members of the Armed Forces and their families when Government quarters are not available for such personnel.

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

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

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

(c) Each potential alternative action included in the report under paragraph (3) or

(4) of subsection (b) shall meet the following requirements:

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

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

(d) In this section:

(1) The term “fiscal year 2000 budget” means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term “food stamps” means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8105. (a) The Comptroller General shall carry out a study of issues relating to family life, morale, and retention of members of the Armed Forces and, not later than June 25, 1999, submit the results of the study to the Committees on Appropriations of the Senate and the House of Representatives. The Comptroller General may submit to the committees an interim report on the matters described in paragraphs (1) and (2) of subsection (c). Any such interim report shall be submitted by February 12, 1999.

(b) In carrying out the study, the Comptroller General shall consult with experts on the subjects of the study who are independent of the Department of Defense.

(c) The study shall include the following matters:

(1) The conditions of the family lives of members of the Armed Forces and the members’ needs regarding their family lives, including a discussion of each of the following:

(A) How leaders of the Department of Defense and leaders of each of the Armed Forces—

(i) collect, organize, validate, and assess information to determine those conditions and needs;

(ii) determine consistency and variations among the assessments and assessed information for each of the Armed Forces; and

(iv) use the information and assessments to address those conditions and needs.

(B) How the information on those conditions and needs compares with any corresponding information that is available on the conditions of the family lives of civilians in the United States and the needs of such civilians regarding their family lives.

(C) How the conditions of the family lives of members of each of the Armed Forces and the members’ needs regarding their family lives compare with those of the members of each of the other Armed Forces.

(D) How the conditions and needs of the members compare or vary among members in relation to the pay grades of the members.

(E) How the conditions and needs of the members compare or vary among members in relation to the occupational specialties of the members.

(F) What, if any, effects high operating tempos of the Armed Forces have had on the family lives of members, including effects on the incidence of substance abuse, physical or emotional abuse of family members, and divorce.

(G) The extent to which family lives of members of the Armed Forces prevent members from being deployed.

(2) The rates of retention of members of the Armed Forces, including the following:

(A) The rates based on the latest information available when the report is prepared.

(B) Projected rates for future periods for which reasonably reliable projections can be made.

(C) An analysis of the rates under subparagraphs (A) and (B) for each of the Armed Forces, each pay grade, and each major occupational specialty.

(3) The relationships among the quality of the family lives of members of the Armed Forces, high operating tempos of the Armed

Forces, and retention of the members in the Armed Forces, analyzed for each of the Armed Forces, each pay grade, and each occupational specialty, including, to the extent ascertainable and relevant to the analysis of the relationships, the reasons expressed by members of the Armed Forces for separating from the Armed Forces and the reasons expressed by the members of the Armed Forces for remaining in the Armed Forces.

(4) The programs and policies of the Department of Defense (including programs and policies specifically directed at quality of life) that have tended to improve, and those that have tended to degrade, the morale of members of the Armed Forces and members of their families, the retention of members of the Armed Forces, and the perceptions of members of the Armed Forces and members of their families regarding the quality of their lives.

(d) In this section, the term “major occupational specialty” means the aircraft pilot specialty and each other occupational specialty that the Comptroller General considers a major occupational specialty of the Armed Forces.

Mr. DOMENICI. I am pleased to have Senator HARKIN as a cosponsor of this amendment.

There are two parts to my amendment; both parts have no cost.

The first part addresses the 12,000 military families on Food Stamps.

For 3 years the Defense Department has refused to take this problem seriously.

I first wrote to DoD in 1996; then I was told that this was a problem only because military personnel have decided, and I quote, “to have a larger family than he/she can afford.” In other words, it is Defense Department policy to discourage military families and to engineer the size of those families.

In 1997, I wrote again to Secretary Cohen because he publicly stated that it was “not acceptable” for military personnel to be on Food Stamps. I regret to say that he wrote back saying only that he would “monitor” the issue.

Last year in the fiscal year 1998 Defense Authorization bill, Congress mandated a DoD report on potential solutions. The report is now several months late and will not be submitted in the foreseeable future.

Congress is getting the bureaucratic stiff-arm from DoD on this issue. It’s time to bring that to an end.

My amendment will require DoD to propose low cost solutions to this problem, and it requires these proposals as a part of DoD’s FY 2000 budget request.

Next year. If DoD still refuses to take this problem seriously, I will propose my own solution. If the Chairman and Ranking Member of the Defense Subcommittee of the Appropriations Committee see fit to support me, I’m sure we can be successful.

The second part of the amendment will permit us to better understand our growing problems in military family life, morale, and retention.

This year, I collected information from each of the services on these issues. Unfortunately, the information I collected confirms my suspicions that

the Defense Department has failed to collect data properly. For example:

Each service collects data on these issues differently—or not at all—which prevents comparing among the services. This also means that successes and failures to address these problems cannot be identified.

Now that everyone agrees that readiness is a serious problem, everyone wants to do something about it. But, because the issues are not fully understood, some of the proposed “solutions” may be off the mark. For example, Congress is increasing re-enlistment bonuses for pilots to compete with airline salaries, but there are indications that high airline salaries are not the real problem. We won't really understand the problem until we have better data; only then can we apply effective solutions.

The nature of military life has gone through profound change in the last 20 years, but those changes are not fully understood or taken into account in DoD national security decision making. It is not clear how the new prominence of families in military life should—or should not—be taken into account in making national security decisions.

Because of these problems, my amendment requires a special unit in the General Accounting Office to collect and study the data. They will use an Advisory Panel of experts to assist the study and will report back to the Appropriations Committees next year. With these issues better understood, we will be able to apply more effective solutions, and we should be able to make some real improvements in how Congress and DoD address quality of life and family issues.

#### AMENDMENT NO. 3424

(Purpose: Relating to the conveyance of the remaining Army Reserve property at former Fort Sheridan, Illinois)

At the appropriate place, insert the following:

SEC. . (a)(1) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out any conveyance of land at the former Fort Sheridan, Illinois, unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 573).

(2) The land referred to in paragraph (1) is a parcel of real property, including any improvements thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 and has not been conveyed pursuant to that authority as of the date of enactment of this Act.

#### AMENDMENT NO. 3425

(Purpose: To require a conveyance of certain property at former Pease Air Force Base, New Hampshire)

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

SEC. 8104. (a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey,

without consideration, to the Town of Newington, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, consisting of approximately 1.3 acres located at former Pease Air Force Base, New Hampshire, and known as the site of the old Stone School.

(b) EXCEPTION FROM SCREENING REQUIREMENT.—The Secretary shall make the conveyance under subsection (a) without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

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

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

#### AMENDMENT NO. 3426

(Purpose: To make available up to \$10,000,000 for the Department of Defense share of environmental restoration at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina)

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

SEC. 8104. Of the amounts appropriated or otherwise made available for the Department of Defense by this Act, up to \$10,000,000 may be available for the Department of Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

#### AMENDMENT NO. 3427

(Purpose: To designate funds for a strategic materials manufacturing project)

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

SEC. 8104. Of the funds provided under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, for Materials and Electronics Technology, \$2,000,000 shall be made available only for the Strategic Materials Manufacturing Facility project.

#### AMENDMENT NO. 3428

(Purpose: To authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii.)

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

SEC. 8104. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:

“§2641a. **Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii**

“(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the purpose of transporting any veteran specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

“(b) VETERANS ELIGIBLE FOR TRANSPORT.—A veteran eligible for transport under subsection (a) is any veteran who—

“(1) resides in and is located in American Samoa; and

“(2) as determined by an official of the Department of Veterans Affairs designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

“(c) ADMINISTRATION.—(1) Transportation may be provided to veterans under this section only on a space-available basis.

“(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this section.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘veteran’ has the meaning given that term in section 101(2) of title 38.

“(2) The term ‘hospital care’ has the meaning given that term in section 1701(5) of title 38.”

(b) The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641 the following new item:

“2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.”

#### AMENDMENT NO. 3429

At the appropriate place, insert:

SEC. . Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

Mr. INOUE. Mr. President, I rise today to raise a matter which I believe could revolutionize the way we finance our defense infrastructure, our family housing, barracks and other base facilities. If successful, it would allow us to recapitalize our bases with a much smaller investment than is currently required. In so doing, it could dramatically improve the quality of life of the men and women in uniform.

Mr. President often Members rise and offer that theirs is a simple amendment. This is not a simple matter, and it will take some time to describe it, but I want all of my colleagues to understand what it would do for national defense.

Several years ago, I sponsored legislation to sell defense property in Hawaii to the State.

In return the proceeds were used to build a new bridge to connect the Pearl Harbor Naval Base to Ford Island, a piece of Navy property located in Pearl Harbor.

Over the years Ford Island has been the home of Battleship Row, the site of the Arizona Memorial, and just last month it became the final home for the U.S.S. *Missouri*. It has had a small airstrip on which some of the Navy's earliest aviators trained.

It has housed a few sailors and families, and has been the workplace for selected other military activities.

But because there was no bridge connecting the island, it could never be fully utilized. The Island comprises 450 acres, about half the size of Pearl Harbor Navy Base, yet it contains less than one tenth of the working and residential population of Pearl Harbor.

The only access to the island has been by ferry. For years, boats have shuttled passengers and cargo from the rest of base about once per hour. In short it has been a very inefficient use of space. And for a small State like mine, especially in and around Honolulu, space is a premium.

In April of this year, this situation was changed forever. Ford Island was opened to the rest of Oahu by the new Chick Clarey Bridge.

Ford Island is now poised to be a more useful part of the Pearl Harbor naval facility. However, as is unfortunately so often the case in these matters, there simply is not enough money in the Navy budget to build the facilities that could make this base more useful. And so, without action, Ford Island will remain underutilized.

About two years ago, when he took over as the Commander in Chief of the Pacific Fleet, Admiral Clemins saw the bridge being constructed and recognized the prospect of developing Ford Island. He began to investigate how he could maximize its vast potential to improve the Navy in Hawaii. He quickly came to the conclusion that there simply was not enough money to build the new facilities the Navy needs.

While some might have given up when faced with this obstacle, that is not the Admiral's way. Instead he directed his staff to keep studying this and identify other ways to achieve his objective.

The Admiral took to heart what we have often heard coming from the Congress, that we need to revolutionize the way the Pentagon does business.

He agreed that we have to become more efficient, more like the private sector. He noted that public/private venture legislation had been approved by the Congress at the request of former Secretary of Defense William Perry for a few family housing projects and he suggested that a similar but expanded approach was needed for Ford Island.

At every step there were those that told him why he couldn't do this.

Some said it would cost billions, others that the State would not support developing Ford Island, still others raised technical arguments on our arcane accounting practices in the Government. But, the Admiral kept after it.

While the lawyers raised legal concerns, and the Navy staff and others raised objections, every decision maker, the leaders of the Navy, State, and local governments, and business leaders always had the same response. This is a good idea, we must figure out how we can do it.

That was the reaction of the Commander in Chief of The Pacific Command, Admiral Prueher. Recently he testified to the Appropriations Committee that he has reviewed the legislation and believes it is the right approach to solving some of the critical housing and facility shortfalls for the Navy.

But, because of the difficulty of moving the legislative proposal within the bureaucracy, the measure was not included in the President's formal budget request. Still the Fleet Commander and CINCPAC were undeterred.

Admiral Clemins brought the idea to Washington directly, where he quickly won support from the uniformed Navy.

The Chief of Naval Operations gave the proposal his approval. He then received personal support from the Secretary of the Navy. His arguments even won the informal support from the Deputy Secretary of Defense. Finally, the Navy gave the proposal its official blessing. And after many, many months, the legislation was finally forwarded unofficially to the Congress.

Unfortunately, all of this took time and the delays in winding through the internal chain of command did not allow the Senate's Armed Services Committee time to review this matter prior to its mark up.

I offered this same amendment to that bill and it was adopted. However, there are some in the House that do not agree with the Navy, DOD and the Senate Armed Services Committee and they hope to gut the proposal.

This amendment requires DOD to report on the current legislative proposal and to submit legislation to carry out the proposal by December 1, 1998. That will provide sufficient time for the authorization committee to pass judgement on the matter next year.

The amendment does not mandate any specific terms for the Defense Department to follow, but offers several Navy ideas to be considered.

What the Navy seeks to do, as a pilot project only for this one base, is to provide authority to the Secretary of the Navy to use his resources in conjunction with the private sector to develop Ford Island. The plan would examine whether it is feasible to provide incentives and other guarantees to businesses to carry out this idea, and establish a framework to carry it out.

It is important that we understand how this differs from our current system and how it might work. Under our normal course of operations, the Navy would identify how much the development of Ford Island would cost, and it would develop a spending plan. It is estimated that the costs of developing the island under normal procedures could be as much as \$600 million.

Judging from the military construction budget it would probably require 15 to 20 years to identify sufficient funds to pay for this. That means a whole generation of Navy sailors would enlist, serve and retire, before the base could be completed. This is simply un-

acceptable to Admiral Clemins as it should be to all of my colleagues.

By relying on a joint venture, the Navy can use resources gained by leasing, exchanging, or selling property that it currently holds in Hawaii and use those assets and revenues to leverage development of the island. It is like taking out a long term loan. The Navy can put down the down payment using its property or newly generated cash resources, and, as is the case under the family housing pilot program, the sailors housing allowances can be used to make the mortgage payments.

In theory, the Navy might offer a commercial developer the opportunity to establish a few small commercial facilities—like parking garages, child care facilities, shops and restaurants—on the base to support the families, and in return the private concern would be responsible for developing additional Navy facilities.

In each case, the Secretary of the Navy would have to approve the specific uses and the Congress would have to allow the funding to be used for the proposed purpose. This means that sufficient oversight would exist at all levels to ensure that the project stayed on course.

Let me tell my colleagues that the business community in my State is very excited about this proposal.

They are positive that the legislation will provide a mechanism for creating a public-private partnership to develop the island.

From Congress' viewpoint, the development will involve very few taxpayer dollars which is exactly what is needed in today's tight budget environment.

Most important is what this will do for the men and women in the Navy. Today in Hawaii, the Navy is spread out throughout the island of Oahu at a number of small posts and with large numbers of military families living in poor conditions a long way away from their jobs at Pearl Harbor.

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

It will also help ease what has become a very congested rush hour on the highways in the area. For many what was an hour commute will now become minutes. For families disconnected from the Navy community, they will now be living and working in a quality family environment—a nice home in a beautiful location, with the working spouse only minutes away.

For our commanders this means many more sailors housed right on base and readily available if needed.

It will probably come as a surprise to my colleagues to learn that my State has some of the worst housing in all the Defense Department. The Army says its worst barracks anywhere in the world are in Hawaii. Some of the Navy's housing is so bad that it is an embarrassment to the service.

Several years ago, Mrs. Margaret Dalton, the wife of Navy Secretary John Dalton visited Hawaii and was taken on a tour of some family housing units. The conditions were so deplorable that she was very troubled. When she returned to Washington she insisted that the Navy provide her with a full briefing on its housing rehabilitation plans for the State. Single handedly she moved the Navy forward.

Since then, the Navy has made great strides toward improving living conditions. But it has become painfully clear, that there simply isn't enough money to do what is required. There are many areas that still need to be torn down and rebuilt. Or, that property could be turned over for a new use by the private sector. Mrs. Dalton will long be remembered by the sailors who served in Hawaii as the person who started to turn around the Navy's living conditions in my State. This proposal will provide us a means to expand upon her work, but this time without enormous investment in this constrained budget environment.

The benefits of the proposal to the Navy and my State are enormous.

I am sure many are now thinking this sounds good, but if it is that simple why hasn't it been done before. To that I would say, it is not simple.

It will require great leadership and management by the Navy to work with the local authorities and business community to carry this out. But, I am confident that we have the right man for the job in Admiral Clemins. He was demonstrated his skills as both a warrior and as a manager and he has the skills necessary to accomplish this task.

This approach has not been tried before, because no one put the time and energy into working through all the details to formulate a legislative plan to achieve this goal. Furthermore, how many opportunities arise when a military department, for all practical purposes, receives what amounts to a land grant adjoining a base? This is in some ways a unique opportunity because of the location of Ford Island and the new bridge. That is why a pilot proposal is proper. It could also serve as a model for other revitalization efforts at other bases, perhaps not on this grand a scale, but using elements from this approach.

My colleagues all know that there will come a time when the Defense Department will want to establish a new base somewhere. This public private venture could be the method where building new bases could become affordable.

Mr. President, this is an excellent idea, that has been shepherded this far by the Navy because they recognized that it is the only way that we can take Ford Island and develop it in a timely and cost effective manner.

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

discussing how this model pilot program established a method whereby we have begun to recapitalize our defense infrastructure affordably. This is our choice, there is only one answer, we need to approve this legislation to get the ball rolling.

I think my colleagues for their attention, and I urge all to support this measure.

AMENDMENT NO. 3430

(Purpose: To reduce funds available for Navy S-3 Weapon System Improvement program and to provide funds for a cyber-security program)

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

SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Navy", the amount available for S-3 Weapon System Improvement is hereby reduced by \$8,000,000: *Provided*, Within the amounts appropriated under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Air Force", the amount available for a cyber-security program is hereby increased by \$8,000,000: *Provided further*, That the funds are made available for the cyber-security program to conduct research and development on issues relating to security information assurance and to facilitate the transition of information assurance technology to the defense community.

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

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

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

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

AMENDMENT NO. 3431

(Purpose: To provide additional funding for repair of the Korean War Veterans Memorial)

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

SEC. 8 . ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL.

Section 3 of Public Law 99-572 (40 U.S.C. 1003 note) is amended by adding at the end the following:

“(c) ADDITIONAL FUNDING.—

“(1) IN GENERAL.—In addition to amounts made available under subsections (a) and (b), the Secretary of the Army may expend, from any funds available to the Secretary on the date of enactment of this paragraph, \$2,000,000 for repair of the memorial.

“(2) DISPOSITION OF FUNDS RECEIVED FROM CLAIMS.—Any funds received by the Secretary of the Army as a result of any claim against a contractor in connection with construction of the memorial shall be deposited in the general fund of the Treasury.”

Mr. SARBANES. Mr. President, the amendment I am offering would fix and restore one of our most important monuments, the Korean War Veterans Memorial. It authorizes the Secretary of the Army to provide, within existing funds, up to \$2 million to complete essential repairs to the Memorial. Joining me as a cosponsor of this amendment is my distinguished colleague from Colorado—a Korean War veteran himself—Senator CAMPBELL.

The Korean War Memorial is the newest war monument in Washington, DC. It was authorized in 1986 by Public Law 99-752 which established a Presidential Advisory Board to raise funds and oversee the design of the project, and charged the American Battle Monuments Commission with the management of this project. The authorization provided \$1 million in federal funds for the design and initial construction of the memorial and Korean War Veterans' organizations and the Advisory Board raised over \$13 million in private donations to complete the facility. Construction on the memorial began in 1992 and it was dedicated on July 27, 1995.

For those who haven't visited, the Memorial is located south of the Vietnam Veteran's Memorial on the Mall, to the east of the Lincoln Memorial. Designed by world class Cooper Lecky Architects, the monument contains a triangular "field of service," with 19 stainless steel, larger than life statues, depicting a squad of soldiers on patrol. A curb of granite north of the statues lists the 22 countries of the United Nations that sent troops in defense of South Korea. To the south of the patrol stands a wall of black granite, with engraved images of more than 2,400 unnamed service men and women detailing the countless ways in which Americans answered the call to service. Adjacent to the wall is a fountain which is supposed to be encircled by a Memorial Grove of linden trees, creating a peaceful setting for quiet reflection. When this memorial was originally created, it was intended to be a lasting and fitting tribute to the bravery and sacrifice of our troops who

fought in the "Forgotten War." Unfortunately, just three years after its dedication, the monument is not lasting and is no longer fitting.

The Memorial has not functioned as it was originally conceived and designed and has instead been plagued by a series of problems in its construction. The grove of 40 linden trees have all died and been removed from the ground, leaving forty gaping holes. The pipes feeding the Pool of Remembrance' return system have cracked and the pool has been cordoned off. The monument's lighting system has been deemed inadequate and has caused safety problems for those who wish to visit the site at night. As a result, most of the 1.3 million who visit the monument each year—many of whom are veterans—must cope with construction gates or areas which have been cordoned off instead of experiencing the full effect of the Memorial.

Let me read a quote from the Washington Post—from a Korean War Veteran, John LeGault who visited the site—that I think captures the frustration associated with not having a fitting and complete tribute for the Korean War. He says, "Who cares?" "That was the forgotten war and this is the forgotten memorial." Mr. President, we ought not to be sunshine patriots when it comes to making decisions which affect our veterans. Too often, we are very high on the contributions that our military makes in times of crisis, but when a crisis fades from the scene, we seem to forget about this sacrifice. Our veterans deserve better.

To resolve these problems and restore this monument to something that our Korean War Veterans can be proud of, the U.S. Army Corps of Engineers conducted an extensive study of the site in an effort to identify, comprehensively, what corrective actions would be required. The Corps has determined that an additional \$2 million would be required to complete the restoration of the grove work and replace the statuary lighting. My amendment would provide the authority for the funds to make these repairs swiftly and once and for all.

With the 50th anniversary of the Korean War conflict fast approaching, we must ensure that these repairs are made as soon as possible. This additional funding would ensure that we have a fitting, proper, and lasting tribute to those who served in Korea and that we will never forget those who served in the "Forgotten War." I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 3432

(Purpose: To set aside \$18,000,000 for the Assembled Chemical Weapons Assessment for demonstrations of technologies and a pilot scale facility)

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

SEC. 8104. Of the funds available under title VI for chemical agents and munitions destruction, Defense, for research and design, \$18,000,000 shall be made available for the program manager for the Assembled Chem-

ical Weapons Assessment (under section 8065 of the Department of Defense Appropriations Act, 1997) for demonstrations of technologies under the Assembled Chemical Weapons Assessment, for planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, and for the design, construction, and operation of a pilot facility for the technology.

AMENDMENT NO. 3433

(Purpose: To authorize the lease of real property at the Naval Air Warfare Center, Training Systems Division, Orlando, Florida)

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

SEC. 8014. (a) The Secretary of the Navy may lease to the University of Central Florida (in this section referred to as the "University"), or a representative or agent of the University designated by the University, such portion of the property known as the Naval Air Warfare Center, Training Systems Division, Orlando, Florida, as the Secretary considers appropriate as a location for the establishment of a center for research in the fields of law enforcement, public safety, civil defense, and national defense.

(b) Notwithstanding any other provision of law, the term of the lease under subsection (a) may not exceed 50 years.

(c) As consideration for the lease under subsection (a), the University shall—

(1) undertake and incur the cost of the planning, design, and construction required to establish the center referred to in that subsection; and

(2) during the term of the lease, provide the Secretary such space in the center for activities of the Navy as the Secretary and the University jointly consider appropriate.

(d) The Secretary may require such additional terms and conditions in connection with the lease authorized by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 3434

(Purpose: To provide for the funding of a vessel scrapping pilot program)

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

SEC. 8104. Funds appropriated under O&M Navy are available for a vessel scrapping pilot program which the Secretary of the Navy may carry out during fiscal year 1999 and (notwithstanding the expiration of authority to obligate funds appropriated under this heading) fiscal year 2000, and for which the Secretary may define the program scope as that which the Secretary determines sufficient for gathering data on the cost of scrapping Government vessels and for demonstrating cost effective technologies and techniques to scrap such vessels in a manner that is protective of worker safety and health and the environment.

AMENDMENT NO. 3435

(Purpose: Relating to the Next Generation Internet (NGI) initiative)

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

SEC. 8104. The Department of Defense shall, in allocating funds for the Next Generation Internet (NGI) initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the DoD Major Shared Resource Centers and Centers with supercomputers purchased using DoD RDT&E funds, including the high performance networks associated with such centers.

AMENDMENT NO. 3436

(Purpose: To provide \$500,000 for payment of subcontractors and suppliers under an Army services contract)

On page 99, between lines 17 and 18, insert the following new section: "From within the funds provided, with the heading "Operations and Maintenance, Army", up to \$500,000 shall be available for paying subcontractors and suppliers for work performed at Fort Wainwright, Alaska, in 1994, under Army services contract number DACA85-93-C-0065".

AMENDMENT NO. 3437

(Purpose: To designate funds to continue an electronic circuit board manufacturing program)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Industrial Preparedness, \$2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

AMENDMENT NO. 3438

(Purpose: To reestablish the Commission To Assess the Organization of the Federal Government To Combat the Proliferation of Weapons of Mass Destruction)

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

SEC. . COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (as contained in Public Law 104-293) is amended—

(1) in section 711(b), in the text above paragraph (1), by striking "eight" and inserting "twelve";

(2) in section 711(b)(2), by striking "one" and inserting "three";

(3) in section 711(b)(4), by striking "one" and inserting "three";

(4) in section 711(e), by striking "on which all members of the Commission have been appointed" and inserting "on which the Department of Defense Appropriations Act, 1999, is enacted, regardless of whether all members of the Commission have been appointed"; and

(5) in section 712(c), by striking "Not later than 18 months after the date of enactment of this Act," and inserting "Not later than June 15, 1999,".

AMENDMENT NO. 3439

(Purpose: To designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title III of this Act under the heading "Other Procurement Army", for Training Devices, \$4,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

AMENDMENT NO. 3440

(Purpose: To strike the emergency designation for the funds authorized to be appropriate for the costs of overseas contingency operations)

On page 73, line 4 of the bill, revise the text "rescinded from" to read "rescinded as of the date of enactment of this act from"

## AMENDMENT NO. 3441

(Purpose: To reduce funds available for development of the Army Joint Tactical Radio and to provide funds for the development of the Army Near Term Digital Radio)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", the amount available for Joint Tactical Radio is hereby reduced by \$10,981,000, and the amount available for Army Data Distribution System development is hereby increased by \$10,981,000.

## AMENDMENT NO. 3442

(Purpose: To designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Digitization, \$2,000,000 shall be made available only for the Digital Intelligence Situation Mapboard (DISM).

## AMENDMENT NO. 3443

(Purpose: To set aside \$5,000,000 for Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System, which is to be developed for use in urban warfare, littoral operations, and peacekeeping operations)

On page 99, between lines 17 and 18, insert the following: SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, \$5,000,000 shall be available for the Shortstop Electronic Protection System".

## AMENDMENT NO. 3444

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

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

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

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

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

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

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

"(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide serv-

ices or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

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

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

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

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

## AMENDMENT NO. 3445

(Purpose: To set aside funds for research and surveillance activities relating to Lyme disease and other tick-borne diseases)

On page 36, line 22, insert before the period at the end the following: "": *Provided*, That, of the funds available under this heading, \$3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases".

## AMENDMENT NO. 3446

(Purpose: To make available \$3,000,000 for advanced research relating to solid state dye lasers)

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

SEC. 8104. Of the amounts appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", \$3,000,000 shall be available for advanced research relating to solid state dye lasers.

## AMENDMENT NO. 3447

(Purpose: To authorize the Secretary of Defense to lease a parcel of real property from the City of Phoenix)

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

SEC. 8104. (a) The Secretary of the Air Force may enter into an agreement to lease from the City of Phoenix, Arizona, the parcel of real property described in subsection (b), together with improvements on the property, in consideration of annual rent not in excess of one dollar.

(b) The real property referred to in subsection (a) is a parcel, known as Auxiliary Field 3, that is located approximately 12 miles north of Luke Air Force Base, Arizona, in section 4 of township 3 north, range 1 west of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, is bounded on the north by Bell Road, on the east by Litchfield Road, on the south by Greenway Road, and on the west by agricultural land, and is composed of approximately 638 acres, more or less, the same property that was formerly an Air Force training and emergency field developed during World War II.

(c) The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. MCCAIN. Mr. President, I will be brief. I rise to offer an amendment to the Defense Appropriations bill for fiscal year 1999 on behalf of Senator KYL and myself. The amendment would authorize the Secretary of The Air Force to enter into an agreement to lease a parcel of land near Luke Air Force

Base that is known as Auxiliary Field 3 for a cost not in excess of one dollar.

I offer this amendment because the U.S. Air Force may foresee a need to acquire or lease land near Luke Air Force Base to more effectively manage public and private development compatibility with the Luke Air Force Base mission. Many communities on the west side of Phoenix are dedicated to ensuring that the Air Force has the additional flexibility it may need in the near and long term to meet Air Force operational and training requirements and preserve its overall readiness.

Mr. President, this simple amendment is discretionary in nature and meets the criteria which I have ensured that my colleagues must meet when amendments are offered to appropriations bills. I urge my colleagues to support this amendment.

## AMENDMENT NO. 3448

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

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

SEC. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", up to \$1,300,000 may be made available only to integrate and evaluate enhanced, active and passive, passenger safety system for heavy tactical trucks.

## AMENDMENT NO. 3449

At the end of title VIII, add the following:

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

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

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

## AMENDMENT NO. 3450

(Purpose: To increase by \$10,000,000 the amount provided for research and development relating to Persian Gulf illnesses)

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

SEC. 8104. (a) Of the total amount appropriated under title IV for research, development, test and evaluation, Defense-wide, for basic research, \$29,646,000 is available for research and development relating to Persian Gulf illnesses.

Mr. HARKIN. I offered an amendment to the Defense Appropriations bill important to Persian Gulf War veterans. My amendment increases Department of Defense spending on research to determine the causes and possible treatments of those suffering from Gulf War illness by \$10 million. It is my understanding that the amendment has been accepted. This is similar to the amendment I offered and was also accepted as part of the Defense Authorization bill.

While the Persian Gulf War ended in 1991, the physical and psychological ordeal for many of the nearly 700,000 troops who served our country in Operations Desert Storm and Desert Shield

has not ended. It's been seven years since our troops were winning the war in the Gulf. Unfortunately, they continue to suffer due to their deployment.

Many of our troops returned from the Persian Gulf suffering from a variety of symptoms that have been difficult to trace to a single source or substance. Our veterans have experienced a combination of symptoms in varying degrees of seriousness, including: fatigue, skin rash, muscle and joint pain, headache, loss of memory, shortness of breath, and gastrointestinal and respiratory problems. Unfortunately, the initial response from the Pentagon and the Department of Veterans affairs was to express skepticism about veterans' claims of illness and disability. This strained the government's credibility with veterans and their loved ones who dealt with the very real affects of their service in the Gulf.

I vividly remember a series of roundtable discussions I held with veterans across Iowa after being contacted by several families of Gulf War veterans stricken with undiagnosed illnesses. And these folks weren't just sick. They were tired. They were tired of getting the runaround from the government they defended. They were tired of people who refused to listen . . . or told them it was in their head . . . or that it had nothing to do with their service in the Gulf.

Their stories put a human face on the results of a study I requested through the Centers for Disease Control and Prevention. The results add to the increasing volume of evidence that what these veterans were experiencing was indeed very real. More than one in three Gulf War veterans reported one or more significant medical problems. Fifteen percent reported two or more significant medical conditions. These Iowa veterans also reported significantly greater problems with quality of life issues than others on active duty at the time but not deployed in the Gulf. For example, Persian Gulf veterans had lower scores on measures of vitality, physical and mental health, ability to work, and increased levels of emotional problems and bodily pain.

In addition, over 80 percent of the Gulf War veterans in the CDC study reported having been exposed to at least one potentially hazardous material during their Persian Gulf Deployment. A recent General Accounting Office report provided an alarming laundry list of such hazards including: "compounds used to decontaminate equipment and protect it against chemical agents, fuel used as a sand suppressant in and around encampments, fuel used to burn human waste, fuel in shower water, leaded vehicle exhaust used to dry sleeping bags, depleted uranium, parasites, pesticides, multiple vaccines used to protect against chemical warfare agents, and smoke from oil-well fires."

To this rather exhaustive list, we can also add exposure to nerve gas. The

DOD and CIA have admitted that as many as 100,000 or more . . . that's 1 in 7 troops deployed in the Gulf . . . may have been exposed to chemical agents released into the atmosphere when U.S. troops destroyed an Iraqi weapons bunker. A Presidential Advisory Committee also found credible evidence of exposure to chemical agents in a second incident when troops crossed Iraqi front lines on the first day of the ground war. Chemical weapons specialists in these units said they detected poison gas. Unfortunately, these detections were initially neither acknowledged nor pursued by the Pentagon.

That being said, the Pentagon and others have been more forthcoming recently with relevant information, documents, and research. But more needs to be done. I am pleased that the President, acting based on legislation I co-sponsored, extended the time veterans will have to file claims with the government for illnesses related to their service in the Gulf. Previously, they had to show their illness surfaced within two years of their service. Now, they have until the end of 2001. This is a great victory for our veterans. Gulf War illnesses do not surface on a time line convenient to the rules of bureaucrats. This extension will help us meet our responsibility to take care of these soldiers. But, more still needs to be done.

There is still substantial mystery and confusion surrounding the symptoms and health problems experienced by Gulf War veterans. While many veterans have been diagnosed with a recognizable disease, I am concerned about those who have no explanation, no label, no treatment for their suffering. More needs to be done to help these Americans.

For example, the Presidential Advisory Committee has suggested research in three new areas to help close the gaps in what we know about Gulf War illnesses. They suggest research on the long-term health effects of low-level exposures to chemical warfare agents, the combined effects of medical injections meant to combat chemical warfare with other Gulf War risk factors, and on the body's physical response to stress. It is also imperative to ensure that longitudinal studies and mortality studies are funded since some health effects, such as cancer, may not appear for several years after the end of the Gulf War.

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

To that end, I offer this amendment to increase research into the illnesses experienced by Persian Gulf veterans by \$10 million. The funds would support much more research, including the

evaluation and treatment of a host of neuro-immunological disorders, as well as possible connections to Multiple Chemical Sensitivity, chronic fatigue syndrome and fibromyalgia.

Our veterans are not asking for much. They want answers. They want the truth. Our veterans answered our nation's call in war, and now we must answer theirs. Should our priorities include our Gulf War veterans? I believe the choice is self evident and absolutely clear.

AMENDMENT NO. 3451

(Purpose: To reduce funds available for development of the Navy Hard and Deeply Buried Target Defeat System and to provide funds for the procurement of Joint Tactical Combat Training System (JTCTS) equipment)

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

SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Navy", the amount available for Hard and Deeply Buried Target Defeat System is hereby reduced by \$9,827,000, and the amount available for Consolidated Training Systems Development is hereby increased by \$9,827,000.

AMENDMENT NO. 3452

(Purpose: To require a comprehensive assessment of the TRICARE program)

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

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

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

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

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

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

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

(2) An assessment of the effect on the subscription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority in the provision of health care services to subscribers to a particular option.

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

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

(B) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period following the commencement of the implementation of the TRICARE program.

(4) An assessment of any other matters that the Comptroller General considers appropriate for purposes of this section.

(c) In this section:

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

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

REQUIRING A COMPREHENSIVE ASSESSMENT OF  
THE TRICARE PROGRAM

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

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

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

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

Of course, we would not have to worry about conducting studies or figuring out how to compare the quality of TRICARE with the FEHBP if we provided more customer choice. Ulti-

mately, the best "study" of the quality of a product or service is its acceptance in the marketplace. For this reason, I have long favored considering Medicare subvention and making FEHBP available for military beneficiaries as well as civilians. But, with TRICARE only offering one of each type of plan and having a captive audience, there are no competitive pressures to keep providers focused on customer service, so this study is necessary.

I am also concerned that Department of Defense policies with regard to TRICARE may be further limiting choice. The GAO should identify reasons why TRICARE Prime enrollees should have priority at Military Treatment Facilities. This decision may be effectively eliminating the TRICARE Standard and Extra options because to choose either of these options may close off treatment at a Military Treatment Facility.

And there is another problem. Medicare-eligible military retirees, since the implementation of TRICARE are now having a very difficult time getting to see the doctor at the Military Treatment Facilities, if not facing an impossibility altogether. Let me explain. Because TRICARE Prime patients have first priority for medical treatment, retirees who wish to be served at a Military Treatment Facility have to sign up for TRICARE Prime—their choice for TRICARE Standard or Extra is effectively eliminated. But, the worst of it is that Medicare-eligible retirees are not eligible to participate in TRICARE at all. They and their Medicare-eligible dependents and survivors, if there are no appointments available at the Military Treatment Facility, are left with no military medical benefit, which we all know is contrary to the promise made to these veterans when they decided to make a career in the military.

Mr. President, there is no reasonable explanation that I can think of that could justify a health care benefit for our men and women in uniform, their dependents, and survivors, and retirees who give and gave so much of their lives for our country, that is anything less than what we have provided for ourselves and for civil servants. My amendment will give us a clear idea whether the military medical benefit offered is truly "prime," or even "standard," or whether it is substandard and we need to take action.

AMENDMENT NO. 3453

(Purpose: To authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment)

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

SEC. 8104. (a) The Secretary of the Army and the Secretary of the Air Force may each enter into one or more multiyear leases of non-tactical firefighting equipment, non-tactical crash rescue equipment, or non-tactical snow removal equipment. The period of a lease entered into under this section shall be for any period not in excess of 10 years. Any

such lease shall provide that performance under the lease during the second and subsequent years of the contract is contingent upon the appropriation of funds and shall provide for a cancellation payment to be made to the lessor if such appropriations are not made.

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

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

AMENDMENT 3454

(Purpose: To provide funds for a Domestic Preparedness Sustainment Training Center)

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

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

AMENDMENT 3455

(Purpose: To ensure that a balanced investment is made in the Aerostat development program)

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

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

AMENDMENT NO. 3456

(Purpose: To provide \$150,000 for the redevelopment of Havre Air Force Base and Training Site, Montana, for public benefit purposes)

On page 99, in between lines 17 and 18, insert before the period at the end the following: "SEC. . That of the amounts available under this heading, \$150,000 shall be made available to the Bear Paw Development Council, Montana, for the management and conversion of the Havre Air Force Base and Training Site, Montana, for public benefit purposes, including public schools, housing for the homeless, and economic development".

AMENDMENT NO. 3457

(Purpose: To repeal limitations on authority to set rates and waive requirements for reimbursement of expenses incurred for instruction at service academies of persons from foreign countries)

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

SEC. 8104. (a) Section 4344(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking out " , except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States"; and

(2) by striking out paragraph (3).

(b) Section 6957(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out " , except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States"; and

(2) by striking out paragraph (3).

(c) Section 9344(b) of such title is amended—

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

the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States"; and

(2) by striking out paragraph (3).

Mr. MCCAIN. Mr. President, I rise to offer a simple amendment to the Fiscal Year 1999 Defense Appropriations bill on behalf of Senator KAY BAILEY HUTCHISON and myself that merits bipartisan support and speedy passage.

My amendment would repeal the limitations on the military departments to waive the requirement for reimbursement of expenses for foreign students at the service academies. Clearly, the authority to set rates and waive reimbursement expenses for persons from foreign countries undergoing instruction at U.S. service academies should rest with our military departments and not be subject to limitations on their ability to determine the costs of instruction of foreign nationals.

Mr. President, the Senate Armed Services Committee included this provision in its version of the Fiscal Year 1999 Defense Authorization bill, however it was subsequently dropped in Conference. The service academy superintendents all support this legislation, and I urge my colleagues to do the same. Mr. President, I request that letters of support of my amendment from the service academy superintendents and others be placed in the RECORD at the conclusion of my statement.

AMENDMENT NO. 3458

(Purpose: to make small businesses eligible to participate in the Indian Subcontracting Incentive Program)

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

SEC. 8023. (a) In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the in the test program established by section 854 of Public Law 101-189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

(b) Section 8024 of the Department of Defense Appropriations Act (Public Law 105-56) is amended by striking out "That these payments" and all that follows through "*Provided further*,".

Mr. INOUE. Mr. President, I rise in support of Senator DORGAN's amendment that would clarify the eligibility of small businesses to participate in the Indian incentive payment program.

Mr. President, I can assure my colleagues that in establishing this program, it was our intent to provide incentives to Defense contractors who would enter into subcontracts with Indian tribal government-chartered entities and tribal enterprises.

Mr. President, it was not our intent to exclude from the Indian incentive payment program, those small businesses that might enter into contracts with the Department of Defense.

It is my understanding that because the original authorizing language which established the Indian incentive

payment program refers to a subcontracting plan pursuant to 15 U.S.C. 637(d), the Department of Defense has interpreted that provision to exclude small businesses from participation in the Indian incentive payment program.

Senator DORGAN's amendment would simply strike the reference to a subcontracting plan pursuant to 15 U.S.C. 637(d), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian incentive payment program by entering into subcontracts with tribally-chartered entities or tribal enterprises.

Mr. President, I believe we should include Senator DORGAN's amendment in S. 2132.

I ask unanimous consent to have two pertinent letters printed in the RECORD.

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

THE SECRETARY OF DEFENSE,  
Washington, DC, December 19, 1997.

Hon. BYRON L. DORGAN,  
U.S. Senate, Washington, DC.

DEAR BYRON: This is in response to your letter dated October 31, 1997, concerning the Department of Defense Indian Subcontracting Incentive Program.

The situation you describe is the consequence of a provision in the Department of Defense Appropriations Act, 1998. Specifically, section 8024 of that Act appropriates \$8 million for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544). Section 8024, however, restricts the availability of such incentive payments to contractors that have submitted subcontracting plans pursuant to 15 U.S.C. 637(d). However, subsection 637(d)(7) expressly provides that the provisions relating to submission of a subcontracting plan under section 637(d) do not apply to small businesses. Consequently, the \$8 million is not available for payments to small business under this authority.

Accordingly, in order to permit small businesses to participate in the program supported by the \$8 million available under section 8024, new legislation, rather than an administrative change, would be required. We strongly support maximum practicable participation of small businesses in the performance of Department of Defense contracts, and accordingly we intend to explore, in coordination with the Office of Management and Budget, whether to advance a legislative proposal to eliminate the restrictive language in section 8024 in future years appropriations acts.

I appreciate your bringing this issue to our attention, and trust that this responds to your concerns.

Sincerely,

WILLIAM COHEN.

UNDER SECRETARY OF DEFENSE, ACQUISITION AND TECHNOLOGY,  
Washington, DC, November 12, 1997.

Mr. MARC A. KING,  
Vice President, Business Development,  
GMA Cover Corp., Washington, DC.

DEAR MR. KING: This responds to our telephone conversation of October 9, 1997 relative to whether or not small businesses are eligible to receive incentive payments under the DoD Indian Subcontracting Incentive Program. My staff, in consultation with both the Office of General Counsel and the Office of Defense Procurement, thoroughly re-

viewed the FY 1998 DoD Appropriations Act and our implementing policy. The conclusion reached based on that review is that the legislation authorizes incentive payments from the \$8 Million appropriated only to firms who submit subcontracting plans pursuant to 15 U.S.C. 637(d). Since 15 U.S.C. 637(d) does not apply to small businesses, even if GMA Cover Corporation agreed to submit a subcontracting plan, such a submission would not be pursuant to this provision of the law. Consequently, payment of incentives for subcontracting with Indian organizations or Indian-owned business enterprises using the \$8 Million appropriated in the FY 1998 DoD Appropriations Act is not authorized for GMA Cover Corporation or other small businesses.

As the restriction on the use of the \$8 Million appropriated for Indian subcontracting incentive payments to large businesses is part of the FY 1998 Appropriations Act, it cannot be eliminated through regulations developed by the Department to implement the legislation. However, since it is our objective to provide for the maximum practicable participation of Indian organizations and Indian-owned business enterprises in our contracts, I have submitted a legislative initiative proposing an amendment to the FY 1998 Appropriations Act language that will allow incentive payments to small businesses which subcontract to Indian organizations or Indian-owned business enterprises.

The point of contact for this subject is Mr. Ivory Fisher. You may contact him directly on this or any other issues associated with the Indian Subcontracting Incentive Program. He may be reached at (703) 697-1688.

ROBERT L. NEAL, JR.,  
Director, Office of Small and  
Disadvantaged Business Utilization.

AMENDMENT NO. 3459

(Purpose: To provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment)

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

SEC. 8104. Out of the funds available for the Department of Defense under title VI of this Act for chemical agents and munitions, Defense, or the unobligated balances of funds available for chemical agents and munitions destruction, Defense, under any other Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense may use not more than \$25,000,000 for the Assembled Chemical Weapons Assessment to complete the demonstration of alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note). The amount specified in the preceding sentence is in addition to any other amount that is made available pursuant to any other provision of this Act out of funds appropriated under title VI of this Act to complete the demonstration of the alternatives and to carry out the pilot program: *Provided*, That none of the funds shall be taken from any ongoing operational chemical munition destruction programs.

AMENDMENT NO. 3460

(Purpose: To express the Sense of the Senate regarding the use of child soldiers in armed conflict)

At the appropriate place, add the following:

Findings:  
child experts estimate that as many as 250,000 children under the age of 18 are currently serving in armed forces or armed

groups in more than 30 countries around the world;

contemporary armed conflict has caused the deaths of 2,000,000 minors in the last decade alone, and has left an estimated 6,000,000 children seriously injured or permanently disabled;

children are uniquely vulnerable to military recruitment because of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand;

children are most likely to become child soldiers if they are poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education;

orphans and refugees are particularly vulnerable to recruitment;

one of the most egregious examples of the use of child soldiers is the abduction of some 10,000 children, some as young as 8 years of age, by the Lord's Resistance Army (in this resolution referred to as the "LRA") in northern Uganda;

the Department of State's Country Reports on Human Rights Practices for 1997 reports that in Uganda the LRA kills, maims, and rapes large numbers of civilians, and forces abducted children into "virtual slavery as guards, concubines, and soldiers";

children abducted by the LRA are forced to raid and loot villages, fight in the front line of battle against the Ugandan army and the Sudan People's Liberation Army (SPLA), serve as sexual slaves to rebel commanders, and participate in the killing of other children who try to escape;

former LRA child captives report witnessing Sudanese government soldiers delivering food supplies, vehicles, ammunition, and arms to LRA base camps in government-controlled southern Sudan;

children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, unlocatable, dead, or fearful of having their children return home;

Graca Machel, the former United Nations expert on the impact of armed conflict on children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment through an optional protocol to the Convention on the Rights of the Child of 18 as the minimum age for recruitment and participation in armed forces; and

the International Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commission on Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict:

SEC. 1. (a) The Senate hereby—

(1) deplors the global use of child soldiers and supports their immediate demobilization;

(2) condemns the abduction of Ugandan children by the LRA;

(3) calls on the Government of Sudan to use its influence with the LRA to secure the release of abducted children and to halt further abductions; and

(4) encourages the United States delegation not to block the drafting of an optional protocol to the Convention on the Rights of the Child that would establish 18 as the minimum age for participation in armed conflict.

(b) It is the sense of the Senate that the President and the Secretary of State should—

(1) support efforts to end the abduction of children by the LRA, secure their release,

and facilitate their rehabilitation and reintegration into society;

(2) not block efforts to establish 18 as the minimum age for participation in conflict through an optional protocol to the Convention on the Rights of the Child; and

(3) provide greater support to United Nations agencies and nongovernmental organizations working for the rehabilitation and reintegration of former child soldiers into society.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

#### AMENDMENT NO. 3461

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

SEC. 8104. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for Counterterrorism Technical Support in the Department of Defense Appropriations Act, 1998 (under title IV of Public Law 105-56) for the projects and in the amounts provided for in House Report 105-265 of the House of Representatives, 105th Congress, first session: *Provided*, That the funds available for the Pulsed Fast Neutron Analysis Project should be executed through cooperation with the Office of National Drug Control Policy.

#### AMENDMENT NO. 3462

(Purpose: To designate funds for the development and testing of alternate turbine engines for missiles)

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

SEC. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Navy", up to \$1,000,000 may be made available only for the development and testing of alternate turbine engines for missiles.

#### AMENDMENT NO. 3463

(Purpose: to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

At the appropriate place, insert the following:

#### SEC. . VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 5890 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

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

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia."

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS:

(1) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(A) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(B) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent informed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election."

(2) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

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

SEC. 8014. From amounts made available by this Act, up to \$10,000,000 may be available to convert the Eighth Regiment National Guard Armory into a Chicago Military Academy: *Provided*, That the Academy shall provide a 4-year college preparatory curriculum combined with a mandatory JROTC instruction program.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (No. 3420 through 3464) were agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I say with regard to the unresolved issues: We ask Senator DEWINE or his staff to show us the drug interdiction amendment; the D'Amato Serbia amendment; the two Coats amendments on SOS, and the next QDR, so that we can proceed to review those.

Similarly, we have a series on the Democratic side that we have not seen, and I urge that we see those: the Dodd Army pension issues; the Harkin vets' meals issue. Other than that, I believe we have seen them all.

I might state, it appears that the one amendment that will take the longest time to dispose of is Senator DURBIN's amendment, and I see he is here. I invite him to offer his amendment so that we might determine how to handle it.

Is the Senator prepared to suggest any kind of a time arrangement with regard to that? We would like to have a vote sometime around 8 o'clock, to make sure people understand we are going to stay here until we get done.

Mr. DURBIN. If the Senator will yield.

Mr. STEVENS. I yield.

Mr. DURBIN. I am open to the Senator's request for a time limitation. Whatever the Senator from Alaska would like to suggest, I would certainly entertain.

Mr. STEVENS. Mr. President, I am willing to suggest to the Senator that we divide the time equally between now and 8 p.m., at which time it would be my intention to move to table the Senator's amendment.

Mr. DURBIN. I agree to that. I have no objection. Before agreeing, could I ask the Senator from Alaska, time will be equally divided?

Mr. STEVENS. And I add to that, there will be no second-degree amendments to this motion prior to the motion to table; after the motion to table, it is open.

Mr. DURBIN. And further debate?

Mr. STEVENS. And further debate; obviously, there is no limitation if the amendment is not tabled.

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

AMENDMENT NO. 3465

(Purpose: To prohibit the availability of funds for offensive military operations except in accordance with Article I, Section 8 of the Constitution)

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3465.

The amendment is as follows:

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

SEC. 8104. No funds appropriated or otherwise made available by this Act may be used to initiate or conduct offensive military operations by United States Armed Forces except in accordance with Article I, Section 8 of the Constitution, which vests in Congress the power to declare war and take certain other related actions.

Mr. DURBIN. Mr. President, it is the usual custom in the Senate as long as I have been here—almost 19 or 20 months now—to dispense with the reading of an amendment. In this case, I did not—first, because the amendment in its entirety is very brief, only one page; and, second, I wanted those who are following this debate to hear each word of the amendment, because in the wording of this amendment I think we have an important decision to make on the floor of the U.S. Senate.

This amendment which I offer reaffirms that the United States should only go to war in accordance with the war powers vested in the Congress by the Constitution. My colleague, who has just joined us on the floor, Senator BYRD of West Virginia, carries a well-worn and tattered version of that Constitution with him. I bet he has it on his person as this moment—and I win my bet—and Senator BYRD refers to it frequently to remind all of us that we, when we took the oath of office to become Members of the U.S. Senate, swore to uphold this Constitution.

The section of the Constitution which my amendment addresses is one which is central to the power of the U.S. Senate and the power of Congress. Article I, section 8, includes in the powers of Congress, the power:

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water.

Most constitutional scholars will know the meaning of the term “marque and reprisal.” We have read it many times, but for those of us who need to be refreshed, that is an effort, short of war, where the United States, short of some commitment of major troop forces and the like, would seek to impose its will or stand for its own national security.

The most operative section of Article I, section 8, are the simple words “To declare War.”

This amendment would prohibit the use of funds appropriated to the Department of Defense for “offensive military operations,” except in accordance with Article I, section 8, which specifically gives to Congress, and Congress alone, the power to declare war and take other actions to govern and regulate the Armed Forces.

A similar amendment was offered by Congressman DAVID SKAGGS of Colorado and Congressman TOM CAMPBELL of California in a bipartisan fashion. It has passed the House of Representatives. It is part of the Department of Defense appropriations bill, which will be considered in conference with the bill that we are debating.

This amendment that I offer today reaffirms that the Constitution favors the Congress in the decision to go to war, and that Members of Congress have a constitutional responsibility that they cannot ignore with regard to the offensive use of Armed Forces. Why is this necessary? Let me quote from a scholar who has written on this subject extensively. Louis Fisher is a senior specialist in the separation of powers with the Congressional Research Service at the Library of Congress. He wrote in an article entitled “Sidestepping Congress: Presidents Acting Under the UN and NATO:

Truman in Korea, Bush in Iraq, Clinton in Haiti and Bosnia—in each instance, a President circumvented Congress by relying either on the UN or NATO. President Bush also stitched together a multilateral alliance before turning to Congress at the eleventh hour to obtain statutory authority. Each exercise of power built a stronger base for unilateral Presidential action, no matter how illegal, unconstitutional and undemocratic. The attitude, increasingly, is not to do things the right way, in accordance with the Constitution and our laws, but to do the “right thing.” It is an attitude of autocracy, if not monarchy. How long do we drift in these currents before discovering that the waters are hazardous for constitutional government?

On January 12, 1991, the Congress, in addition to authorizing the use of force to drive Saddam Hussein from Kuwait, took an important vote asserting its constitutional responsibilities and insisting that the President follow the wisdom of the framers of our Constitution when considering a question as serious as war. Despite the vocal opposition of the Bush White House, the House of Representatives in which I served voted 302–131 in favor of a resolution that I offered with Congressman Bennett of Florida. You may recall what happened. When Saddam Hussein of Iraq invaded Kuwait, there was fear that he would continue and then invade Saudi Arabia. The United States began positioning forces in Saudi Arabia. At the invitation of the Saudis, we brought in a sufficient force to at least discourage, if not deter, Saddam Hussein.

Over time, it became clear that the force in place was growing and the intention was just not to protect Saudi Arabia, but in fact to remove Iraqi forces from Kuwait. At that moment,

the nature of our commitment changed, and at that moment, the congressional responsibility changed, from my point of view. We were no longer in Saudi Arabia just at the invitation of the Saudis to defend; we were preparing a massive military force to, in fact, invade Kuwait and to oust the Iraqis. We knew that that would necessarily involve the loss of life, and many of us in Congress believed that it clearly fit within the four corners of Article I, section 8, that Congress should act and, in fact, we did. There was an extensive debate on the floor of the Senate, as well as the House of Representatives, and ultimately, Congress voted to authorize the use of force by the President—President Bush at the time—in order to push the Iraqis out of Kuwait.

Another important congressional action was a 1994 Senate resolution rejecting the Clinton administration’s claim that the United Nations Security Council 940 constituted “authorization for the deployment of U.S. Armed Forces in Haiti under the Constitution of the United States.” The Senate passed this resolution by a resounding 99–0 vote. The framers never intended the Armed Forces to be employed by the Executive as a blunt instrument for enforcing U.S. foreign policy without congressional approval. Yet, in the Iraq crisis earlier this year, and in the unstable situation in Kosovo today, that is exactly what we have seen. Absent a reaffirmation by Congress of its proper constitutional war powers, we will certainly see it again. The time for this amendment is now. I will speak to the Kosovo situation toward the close of my opening statement.

Article I, section 8, clause 11 of the Constitution, the so-called war powers clause, vests in Congress this power that I have read. Other clauses of the same article I, section 8 vests in Congress the power to “define and punish piracies” and “offenses against the Law of Nations,” “raise and support armies,” “to provide and maintain a navy,” and “make rules for the government and regulation of the land and naval forces,” and “to provide for organizing,” arming, and disciplining the militia, and “governing such part of them as may be employed in the service of the United States.”

Very significantly, clause 18 of this section gives Congress the power to “make all laws which shall be necessary and proper for carrying into execution the foregoing powers.” This clause clearly states that it is Congress that makes the laws for the regulation of the Armed Forces, especially in matters of war.

Article II, section 2 of the Constitution states:

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.”

That is all the war powers vested in the President by the Constitution. It is instructive for us to look back at the

debate which gave rise to these constitutional provisions.

Comments by the framers of the Constitution clearly indicate their intent in favor of Congress in matters relating to the offensive use of military force.

James Wilson, speaking at the Pennsylvania State Convention on the Adoption of the Federal Constitution, argued that the system of checks and balances built into the Constitution "will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man or a single body of men to involve us in such distress; for the important power of declaring war is vested in the legislature at large."

No one less than Thomas Jefferson explained that he desired Congress to be "an effectual check to the dog of war."

James Madison wrote that Congress would have the power to initiate war, though the President could act immediately "to repel sudden attacks" without congressional authorization.

Roger Sherman further delineated on the President's war powers: "The executive should be able to repel and not to commence war."

Constitutional scholar Louis Henkin of Columbia University wrote this in 1987:

There is no evidence that the framers contemplated any significant independent role—or authority—for the president as commander in chief when there was no war. . . . The president's designation as commander in chief . . . appears to have implied no substantive authority to use the Armed Forces, whether for war (unless the United States were suddenly attacked) or for peacetime purposes, except as Congress directed.

International law scholar, John Bassett Moore, wrote in 1944:

There can hardly be room for doubt that the framers of the Constitution, when they vested in Congress the power to declare war, never imagined that they were leaving it to the Executive to use the military and naval forces of the United States all over the world for the purpose of actually coercing other nations, occupying their territory, and killing their soldiers and citizens, all according to his own notions of the fitness of things, as long as he called his action something other than 'war' or persisted in calling it peace.

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

Abraham Lincoln wrote this in 1848:

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

Fast forward 100 years into the 20th century, as we debated the possibility of creating a United Nations. The U.N. Charter was written against the backdrop of the disaster of the Treaty of Versailles and President Wilson's determination to make foreign policy

without Congress. When President Wilson submitted that treaty to the Senate in 1919, he attached the covenant of the League of Nations. Senator Henry Cabot Lodge offered a number of reservations, specifically including a protection of the prerogative of Congress, and Congress alone, to declare war. President Wilson called this reservation "a nullification of the treaty." The issue was joined. The Senate rejected the treaty, and thereby the League of Nations, in 1919 and again in 1920.

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

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

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

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

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

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

Then came Korea. President Truman sent U.S. troops in 1950 without ever seeking, or obtaining, congressional authority. By historical fluke, the Soviet Union was absent from the U.N. Security Council when a crucial vote was taken responding to the possibility that the Korean peninsula would be overrun. Without a Soviet veto, the

U.N. moved forward, and President Truman rationalized the use of force in this "police action" to uphold the rule of law.

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

The courts, too, have supported the constitutional prerogatives of Congress with regard to war-making, including the implied constitutional power to "authorize" war.

The Supreme Court in *Bas v. Tingy*, in 1800 said, "Congress is empowered to declare general war, or Congress may wage a limited war; limited in place, in objects, and in time. . . ."

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

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

More recently, during the Persian Gulf episode, a case was filed in the U.S. district court in Washington. I joined with petitioners who filed this action to ask the court to spell out the power of Congress when it came to the declaration of war. The court rejected the Justice Department's contention that "the question whether an offensive action taken by American armed forces constitutes an act of war (to be initiated by a declaration of war) or an 'offensive military attack' (presumably undertaken by the President in his capacity as Commander in Chief) is not one of objective fact but involves an exercise of judgment based upon all the vagaries of foreign affairs and national security."

The court said, "This claim on behalf of the Executive is far too sweeping to be accepted by the courts. If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such an 'interpretation' would evade the plain language of the Constitution, and it cannot stand."

Mr. President, over the last 40 or 45 years, Congress has virtually ceded its constitutional war powers responsibilities to the President. Many of the significant instances of use of force by the Executive without congressional authorization, including the only major unauthorized war in Korea, and localized conflicts in the Dominican Republic, Grenada, and Panama, among others, occurred during this period.

I will not visit that sad and contentious chapter of American history surrounding the Vietnam war, but suffice

it to say that after that war Congress made the decision, through the passage of legislation, to take a more active role in the decisionmaking process.

The 1973 War Powers Resolution, which then-Armed Services Committee Chairman John Stennis called "an important step in this Congress to assume its duty in representing the people of this Nation," unfortunately has done little to slow down the gradual assumption of war powers claimed by successive administrations or to embolden Congress to properly exercise its war powers responsibilities under the Constitution.

Even in signing the congressional authorization of the use of force against Iraq in 1991, President Bush went to great pains to emphasize his claim that he possessed constitutional authority to act. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing of this resolution does not, constitute any change in the longstanding position of the Executive Branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests, or the constitutionality of the War Powers Resolution."

The Clinton administration echoed President Bush's comments and even took it one step further.

During her congressional testimony during the Iraq crisis this last February, Secretary of State Madeleine Albright spoke of "the President's constitutional authority as Commander in Chief to use armed forces to protect our national interests."

In a Statement of Administration policy threatening a veto of the House version of this bill if the Skaggs-Campbell amendment were included, the administration stated that, "The President must be able to act decisively to protect U.S. national security and foreign policy interests."

I do not believe that the framers of our Constitution would have ever accepted such inflated claims of executive authority, or the idea the Armed Forces should be used by the President as a device for implementing administration foreign policy, without the approval of Congress.

President Bush's comments notwithstanding, Congress made a good start in regaining its proper constitutional war powers in its thorough 1991 debate and vote to authorize the war in the Persian Gulf. Congress affirmed at that time that its responsibilities extended far beyond merely paying the bills for Presidents' wars.

Now it is time for the Congress to take the next step. This amendment will restore the proper constitutional balance between the executive and legislative branches in deciding when or if the United States is to go to war.

Mr. President, in the time that I have served on Capitol Hill, in both the House and Senate, it has been my sad responsibility on several occasions to attend funerals in my home district, in

my congressional district, for the families of those who have fallen in combat.

I can't think of a sadder occasion—one of the saddest that I can recall—than the one that involved the sending of Marines to Lebanon, putting them in harm's way, and after a terrible bombing of the barracks, the loss of life of a young man from Springfield, IL. Time and again, I thought at those sad services that there is a legitimate question the family could ask of their elected representative in Congress, and now in the U.S. Senate. Was I part of the decision that led to the war that took their son's life? Because the Constitution makes it clear that I should have been part of that decision. In so many instances, I was not; the decision was made by the President. The only course for Congress is control of the purse, and virtually nothing else. As a direct result, we lost lives without the American people speaking to the question of war through their elected Congress.

I caution my colleagues to read carefully this amendment and to realize that it does more than assert our constitutional authority to declare war. It also asserts our responsibility. Be careful for what you wish because with the passage of this amendment and the reassertion of our constitutional responsibility, we will be and should be called on more frequently to make important decisions about committing American troops.

There is one operative and very important word in this amendment. It is the word "offensive," as in offensive military operations. So the Record is eminently clear, there is no doubt in my mind nor in anything I have read that the President of the United States, as Commander in Chief, has the power to protect American citizens and the property of the United States. He need not come to the Congress and seek our approval when he is, in fact, defending Americans and their property. We are talking about a separate circumstance, a circumstance where instead of taking a defensive action, the President decides to take an offensive action.

I might also add that for those who say, clearly the Senator from Illinois is offering this amendment because he is concerned about some current conflict, well, yes, I am concerned. I am concerned about any conflict that involves American lives, but that isn't what motivates me to join the gentleman from Colorado who offered this amendment in the House of Representatives. As I mentioned earlier, it was almost 7 years ago that I joined Congressman BENNETT of Florida in a similar effort. I do believe this principle is sound, and those who want to gainsay this effort should know that I have tried to stand by this principle through the time that I have been in Congress.

Is there a need for us to consider it now? I will leave that to your judgment. Consider the statements made by Robert Gelbard, special representative of the President and Secretary of

State on Implementation of the Dayton Peace Agreement, when he spoke before the House International Relations Committee in Washington on July 23, 1998, relative to the tragedy in Kosovo.

Mr. Gelbard said:

In NATO councils, planning for possible NATO action is nearly completed. While no decision has been made regarding the use of force, all options, including robust military intervention in Kosovo, remain on the table. NATO planning is on track and Milosevic understands that this is no idle threat. The deteriorating situation in Kosovo is a threat to regional peace and security. The potential for spillover into neighboring States remains a paramount concern. We and our allies have made clear to President Milosevic that spillover of the conflict into Albania or Macedonia will not be tolerated.

Make no mistake, if Mr. Gelbard's statement is a statement of administration policy, the administration is poised to initiate an offensive military action relative to Kosovo, an action which I believe clearly requires congressional approval. If the men and women in service to our country who are presently in Bosnia—and I believe the number is about 6,900—should be called to take offensive military action and lives are lost, from all that I have read, it is clearly in derogation of article I, section 8 of the Constitution. This President, my President, any President, has the responsibility to come to Congress to seek our approval. Of course, then the responsibility is on our shoulders to decide whether or not this is in America's national security interest.

I ask my colleagues in the Senate in considering this amendment to consider the historical perspective here. For the first time since World War II, when President Franklin Roosevelt hobbled up the steps to take the podium for a Joint Session of Congress in the House of Representatives, asking for a declaration of war, we will state in clear and unequivocal terms that we are asserting our constitutional responsibility and authority when it comes to a declaration of war.

I understand that this will require more dialogue and conversation between the executive and legislative branches about our foreign policy, and particularly about committing troops, but I do believe that is what the framers of the Constitution had in mind. Those of us who must face the families and explain to them why their daughters and sons, their husbands, their wives and friends and relatives are called on to not only serve this country, but stand in harm's way and risk their lives have to have the authority to stand before them and say we have done our part, we have played our role, we have made the judgment, the judgment which the Constitution gives to us and us alone to make.

At this point, Mr. President, I ask unanimous consent, to add Senator FEINGOLD as an original cosponsor of this amendment.

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

Mr. DURBIN. I reserve the remainder of my time.

Mr. BYRD. Mr. President, will the Senator yield me some time?

Mr. DURBIN. I would be happy to yield to the Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. BYRD. Mr. President, I can't get started in 9 minutes on this subject.

Mr. DURBIN. I wonder if the Senator from West Virginia might be able to secure some time from the other side. I would be happy to ask, if there is anyone in the Chamber. They might be called for that purpose.

Mr. BYRD. Mr. President, I was not in the Chamber when the agreement was entered into. My friend knew of my interest in speaking on the amendment, and I wish I had been protected.

Mr. DURBIN. May I ask the Chair, it was my understanding that at about quarter of 7 we agreed we would debate this until 8 o'clock equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. That is correct. That is how time was calculated. I am sorry; I apologize to the Senator from West Virginia, whom I asked to come to the floor, and I would be glad to give him every minute remaining. I am sorry that I had gone as long as I did, because I am anxious to hear his remarks.

Mr. BYRD. Mr. President, I don't know how much time the opponents of this amendment will require.

Mr. President, I think I will just ask for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I wish to thank the opponents for offering 10 minutes to me, but I feel that I will just ask that my speech be printed in the RECORD.

On a matter of this gravity, I am disappointed that the Senate has entered into an agreement to speak for what would amount to about 1 hour and 15 minutes for both opponents and proponents. Of course, the distinguished Senator from Illinois is preeminently correct in what he has said about the Constitution and what he has said about the efforts toward aggrandizement on the part of this administration and most recent administration when it comes to the war powers.

We have in the Senate particularly, may I say, additional responsibilities over those of the House in this area of war powers because of the Constitution and provisions therein, and it seems to me that we ought to take a little more time when it comes to debating an amendment of this importance. This is an amendment that is calculated to protect the prerogatives of the Senate when it comes to our constitutional powers and duties, and here we are limited to 1 hour and 15 minutes.

In saying this, of course, I am complaining, but I also want to thank Mr. DURBIN and I want to thank Mr. STE-

VENS for their consideration and kindness in offering to give me some additional time.

Mr. DURBIN. Mr. President, before the Senator from West Virginia leaves the floor, I have just contacted the majority in an effort to postpone the vote so we can extend this debate. I certainly would like the Senator from West Virginia to have an opportunity to state his position clearly. I believe it will be a valuable addition to this debate. I will be happy to afford an equal amount of time to the other side, so there is no disadvantage created.

Before I make that unanimous consent request, I have asked the majority side if there is objection.

Mr. STEVENS. What? I object. Just a second.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. If I might ask the Senator from Alaska, Senator BYRD has come to the floor to speak to this issue. I was wondering if it might be allowed by unanimous consent to extend—postpone the vote for a sufficient time so that each side could have an equal amount of time, to give the Senator from West Virginia his opportunity.

Mr. STEVENS. I say to the Senator, I have talked with Senator BYRD. We are perfectly prepared to have him continue to take time.

Under a unanimous consent agreement, at 8 o'clock we have Senators coming back to vote, and hopefully we can vote at approximately that time. I don't know how long my good friend is going to speak, but I will limit the amount of time spent in opposition. We will just make the motion to table when the time comes. We do not want to extend it now. We are going to have to be here until 3 or 4 o'clock in the morning as it is, so I object to any further change in this time agreement, and I urge my good friend from West Virginia to make his statement. He knows we will accommodate him with such time as he needs. But let's not change the time agreement yet.

#### DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 16, 1998, the Senate having received H.R. 4194, the provisions of the unanimous consent agreement are executed.

The provisions of the unanimous consent agreement are as follows:

That when the companion measure to S. 2168, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, is received from the House of Representatives, the Senate proceed to its immediate consideration; that all after the enacting clause of the House bill be stricken and the text of S.

2168, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the following conferees on the part of the Senate: Mr. Bond, Mr. Burns, Mr. Stevens, Mr. Shelby, Mr. Campbell, Mr. Craig, Ms. Mikulski, Mr. Leahy, Mr. Lautenberg, Mr. Harkin, and Mr. Byrd; and that the foregoing occur without any intervening action or debate.

*Ordered further*, That upon passage of the House companion measure, as amended, the passage of S. 2168 be vitiated and the bill be indefinitely postponed.

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 23, 1998, having received H.R. 4328, the provisions of the unanimous consent agreement are executed.

The provisions of the unanimous consent agreement are as follows:

That when the Senate receives the House companion bill, the Senate immediately proceed to its consideration; that all after the enacting clause be stricken and the text of S. 2307, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the motion to reconsider the vote be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the following conferees on the part of the Senate: Senators Shelby, Domenici, Specter, Bond, Gorton, Bennett, Faircloth, Stevens, Lautenberg, Byrd, Mikulski, Reid, Kohl, Murray, and Inouye; and that the foregoing occur without any intervening action or debate.

*Ordered further*, That when the Senate passes the House companion measure, as amended, the passage of S. 2307 be vitiated and the bill be indefinitely postponed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding when the Senator returns to the floor, Senator BYRD will speak. I state to the Senate, there is substantial opposition to this amendment. I am one who voted against the War Powers Act, but I think this goes too far. It is an amendment that should be considered by the Armed Services Committee and not debated at the last minute on an appropriations bill.

In the old days, we had a point of order against legislation on an appropriations bill. This is purely legislation on an appropriations bill. That point of order is not available to us now, but the concept is still there, and that is what we are trying to establish once again—the concept that we limit this to relevant amendments to the provisions of this bill that regard spending of money for our defense in the fiscal year 1999.