

the will of his people, but his people were served best by his decision, by the stand that he took, and in the long run I am sure they will admire him for it and respect him for it and reward him for it. His full reward comes from his conscience, his conscience that he did the right thing, that he helped to preserve the liberties of the people of his State and the people of the United States.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that the cover page of the amici brief referred to before that was filed by Senator BYRD, Senator MOYNIHAN, and myself be printed in the RECORD.

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

No. 97-1374

[In the Supreme Court of the United States, October Term, 1997]

WILLIAM J. CLINTON, ET AL., APPELLANTS, v. CITY OF NEW YORK, ET AL., APPELLEES

ROBERT E. RUBIN, APPELLANT, v. SNAKE RIVER POTATO GROWERS, INC., ET AL., APPELLEES

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BRIEF OF SENATORS ROBERT C. BYRD, DANIEL PATRICK MOYNIHAN, AND CARL LEVIN AS AMICI CURIAE IN SUPPORT OF APPELLEES

MICHAEL DAVIDSON  
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Of Counsel:

LINDA GUSTITUS  
MARK A. PATTERSON  
April 1998.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. May I ask a parliamentary inquiry? What is the business of the Senate?

The PRESIDING OFFICER. The Senate, under a previous order, is authorized to deal with the amendment concerning Reserve retirement, for 10 minutes, equally divided.

AMENDMENT NO. 3004

(Purpose: To require actions to eliminate the backlog of unpaid retired pay relating to Army service)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], proposes an amendment numbered 3004.

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

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

The amendment is as follows:

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

#### SEC. 634. ELIMINATION OF BACKLOG OF UNPAID RETIRED PAY.

(a) REQUIREMENT.—The Secretary of the Army shall take such actions as are necessary to eliminate, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (a).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

(c) FUNDING.—Of the amount authorized to be appropriated under section 421, \$1,700,000 shall be available for carrying out this section.

Mr. DODD. Let me begin my thanking my colleagues on both the minority and majority sides for their support of this amendment. I rise on behalf of military retirees, all of whom are due a pension and medical benefits at age 60, as all of my colleagues are well aware. This amendment directs the Secretary of the Army to eliminate by the end of this calendar year a serious backlog that has developed in the processing of pension applications by Army personnel.

My awareness of this problem began, as I think my colleagues will appreciate, with a letter that I received from a constituent, Mr. Arthur Greenberg, of Hamden, CT. Mr. Greenberg, a Vietnam veteran, retired from the military in 1984. Mr. Greenberg submitted his pension application back in February, 6 months before his 60th birthday. Recently, he called to check on the status of his claim and was told that his pension claim would not be processed until 9 months after his 60th birthday. I assumed that this was just an isolated case and merely a problem to be corrected through the normal corrections in the bureaucracy.

The Army informed me, however, that this is not an isolated case, and that its retirement benefits office presently holds a backlog of 2,000 cases out of a total of 5,000. So Mr. Greenberg's situation is not the exception but fast becoming the majority of cases, in terms of pensions to be received. In other words, 2,000 military retirees who have reached their 60th birthday and become eligible for pensions and medical benefits are waiting for those benefits to come.

The number of military retirees who become pension eligible increases every year. In 1994, there were 6,700 pension packages that were submitted. In 1996, the number jumped to 8,700. By the end of this year, over 10,000 Army retirees will have asked for their pensions. To

give you some sense of where this is headed, 10 years from now that number will be 29,000 applications for pensions and medical benefits. In the face of this steady increase in the number of pension-eligible retirees, the office that processes Army pensions has been reduced from as many as 40 personnel a couple of years ago to just 17 people today.

I realize the Army must make personnel reductions, but in view of its increasing workload, the Army pension office should not be so drastically cut. Some retired soldiers who spent a career defending this country cannot easily afford to wait for several months to begin receiving their retirement benefits. Those benefits make a difference in the majority of these people's lives.

From the first day of boot camp, the Army has demanded from those who go through that process that they be punctual and responsible. Now, however, they must camp out by their mailboxes while they wait on the Army to provide the benefits to which each of them is entitled and due. This amendment, very simply, directs the Secretary of the Army to submit a report to Congress regarding this backlog and eliminate the backlog no later than December 31, 1998.

Furthermore, it requires the Defense Department to provide up to \$1.7 million from existing funds to eliminate the backlog of Army pension claims—\$1.1 million to update antiquated computer systems and another \$600,000 to hire some additional 10 civilian personnel. That would get you up to 27—far short of the 40 we had before.

By the way, I should say that the Army supports this amendment. They don't like the idea they cannot provide these benefits. But they believe these numbers would allow them to update their computer systems and hire the necessary personnel to process the claims. Then we can avoid, to put it mildly, the embarrassment of seeing these pensioners wait to get the dollars they are due. But, more important, the people who deserve these benefits will receive them on time.

I am very grateful to our colleagues, both the distinguished Senator from South Carolina, the chairman of the Armed Services Committee, as well as my colleague from Michigan, Senator LEVIN, and the other members of the committee for their support of this amendment. I am grateful to them for allowing it to be considered and adopted, as I am told it will be, by approval of both sides.

I yield to my colleague from Michigan, whom I see on the floor, for any comments he wishes to make on this.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me congratulate Senator DODD for his

amendment. It is inconceivable to me, as it was to him, that a retired reservist would have to wait for up to 9 months to receive the first pension check. The Army must fix this problem, and quickly. We will do everything we can to ensure that this issue is addressed and is resolved very quickly, and it will be Senator DODD's tenacity that is going to drive the appropriate quick response and outcome on this issue.

So the amendment has strong support in the Armed Services Committee, and it has been cleared by both sides, I understand. I believe the amendment could be adopted at this point.

Mr. President, I understand the amendment has been cleared by both sides.

Mr. THURMOND. It has been cleared by both sides.

The PRESIDING OFFICER. All time has expired.

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

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3004) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I had some time allocated for another amendment here that addresses Lyme disease, which we in Connecticut are painfully aware of since the name "Lyme disease" comes from Lyme, CT, the town where it first achieved prominence. But I am going to defer on that and allow the Senate to consider the amendment at a later time.

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

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is to be recognized. The Senator from Washington.

AMENDMENT NO. 3005

(Purpose: Relating to burial honors for veterans)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. MURKOWSKI, and Mr. SARBANES, proposes an amendment numbered 3005.

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

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

The amendment is as follows:

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

**SEC. 1064. BURIAL HONORS FOR VETERANS.**

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

(1) Throughout the years, men and women have unselfishly answered the call to arms, at tremendous personal sacrifice. Burial honors for deceased veterans are an important means of reminding Americans of the sacrifices endured to keep the Nation free.

(2) The men and women who serve honorably in the Armed Forces, whether in war or peace, and whether discharged, separated, or retired, deserve commemoration for their military service at the time of their death by an appropriate military tribute.

(3) It is tremendously important to pay an appropriate final tribute on behalf of a grateful Nation to honor individuals who served the Nation in the Armed Forces.

(b) CONFERENCE ON MILITARY BURIAL HONOR PRACTICES.—(1) Not later than October 31, 1998, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, convene and preside over a conference for the purpose of determining means of improving and increasing the availability of military burial honors for veterans. The Secretary of Veterans Affairs shall also participate in the conference.

(2) The Secretaries shall invite and encourage the participation at the conference of appropriate representatives of veterans service organizations.

(3) The participants in the conference shall—

(A) review current policies and practices of the military departments and the Department of Veterans Affairs relating to the provision of military honors at the burial of veterans;

(B) analyze the costs associated with providing military honors at the burial of veterans, including the costs associated with utilizing personnel and other resources for that purpose;

(C) assess trends in the rate of death of veterans; and

(D) propose, consider, and determine means of improving and increasing the availability of military honors at the burial of veterans.

(4) Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the conference under this subsection. The report shall set forth any modifications to Department of Defense directives on military burial honors adopted as a result of the conference and include any recommendations for legislation that the Secretary considers appropriate as a result of the conference.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means any organization recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code.

Mrs. MURRAY. Mr. President, I rise to discuss my amendment to the Department of Defense authorization legislation regarding burial honors for deceased veterans. I ask that my full statement be made part of the RECORD.

Earlier this year, along with Senator MURKOWSKI and Senator SARBANES, I introduced the Veterans Burial Rights Act of 1998. Our bill requires the Department of Defense to provide honor guard services upon request at the funerals of our veterans. Importantly, my bill was crafted with the direct participation of numerous veterans service organizations and has been endorsed by the Former Prisoner of War, the Paralyzed Veterans of America, AMVETS and the American Legion.

I got involved in this issue several years ago for a very simple reason. Sadly, all across this country, veterans

are being buried without full military honors—honors earned through service to us all. We asked these soldiers, sailors, and airmen to travel to distant shores to risk the ultimate sacrifice. It seems only fair to ask the DOD to travel to a nearby community to remember and honor the sacrifices of our veterans.

I believe we have a moral responsibility to tell each and every veteran at his or her funeral that we remember and we honor their service to our country. That message is so important to families who have sacrificed so much for our country.

I can speak personally to the importance of the Veterans Burial Rights Act. I lost my own father last year, a World War II veteran and proud member of the Disabled American Veterans. My family was lucky, we were able to arrange for burial honors at his service. Having the honor guard there for my family made a big difference and created a lasting impression for my family. We were all—and particularly my mother—filled with pride at a very difficult moment for our family as Dad's service was recognized one final time.

The Veterans Burial Rights Act seeks to ensure we make the same burial honors available to veterans and families who specifically request the honors at a funeral service.

Unfortunately, the Department of Defense has opposed the Veterans Burial Rights Act. The DOD has bombarded Capitol Hill with doomsday proclamations about my bill.

The DOD's stance has been particularly offensive to the veterans of our country. Not only did the DOD oppose a greater DOD role in providing burial honors for veterans, but they even went so far as to suggest the Department of Veterans Affairs should pay for honors taking additional dollars from health care, rehabilitative services and other veterans programs.

The DOD recently wrote to the Armed Services Committee claiming that a four-person burial honors detail "would have required 12,345 man-years of effort at a cost of \$547 million to support the 537,000 veterans' funerals held in 1997." The last part is a direct quote. According to the DOD, funeral support in 1997 would have required 12,345 man-years and \$547 million for 537,000 funerals. I must say, that's impressive accounting for an agency that can't figure out the going rate for hammers and toilet seats.

The DOD has chosen to fight my attempts to increase funeral support to veterans with funhouse mirrors. The DOD's arguments are based on providing funeral support to every veteran who dies. That's absurd. Veterans know this is not possible, logistics and cost will always be a factor. And most veterans' families will not request the services. The vast majority of veterans' families do not seek burial honors today. We are simply trying to provide burial honors for veterans whose families request the honors.

The House of Representatives included a version of the Veterans Burial Rights Act in their version of the DOD authorization. The DOD issued an appeal to the House urging the "exclusion" of this language threatening that funeral support would have negative impact on personnel and operational readiness. And I should point out again that the DOD is choosing to interpret our legislative proposals and interest in this issue in the most negative manner.

From the very beginning, we have sought to leave the DOD with the flexibility to write the directives on funeral support. No one wants to undermine the basic mission of the department. And particularly our veterans who continue to hold the various services in high esteem. But we do believe that the Department and individual services can and should do more on burial honors. We believe all of our assets—from the veterans service organizations to active and reserve components to ROTC cadets all across the country—can be utilized in a comprehensive and cooperative effort to provide burial honors for veterans and families seeking a final, deserved tribute.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I understood I had 10 minutes to speak on my amendment.

The PRESIDING OFFICER. Ten minutes equally divided.

Mrs. MURRAY. I do not believe there is anybody speaking in opposition to this amendment.

Mr. LEVIN. Mr. President, I ask unanimous consent that since the Senator from Maryland wants to speak for the amendment for a few minutes—

Mr. THURMOND. I yield such time as he needs.

Mr. LEVIN. Does the Senator from Washington need additional time?

Mrs. MURRAY. I need an additional 5 minutes. It is my understanding I had 10. If I can have 5 minutes and Senator SARBANES 2 minutes.

Mr. THURMOND. The Senator can have any time she needs.

The PRESIDING OFFICER. The Senator from South Carolina has 5 minutes also. Is it my understanding you have yielded your 5 minutes to the Senator from Washington.

Mr. THURMOND. That is correct.

Mr. LEVIN. I ask the Senator from Maryland be yielded 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President. Mr. President, from the very beginning, we have sought to leave the DOD with the flexibility to write the directives on funeral support. No one wants to undermine the basic mission of this Department, especially our various veterans service organizations. They hold the Department of Defense and their service in high esteem.

Already, veterans across the country are seeking to fill the void left by the

DOD's inability to provide burial honors for veterans. Veterans service organizations want to be involved in the funerals of their fellow veterans. And we want them to continue to be involved. But the DOD overlooks this important asset. We are simply saying that VSO's and particularly older veterans cannot meet the demand alone.

The DOD wants to study the issue. We know that more than 30,000 World War II vets are dying each month and the veterans death rate is increasingly rapidly. We need to act in the short term or America's heroic World War II veterans will be gone before the DOD decides to act. That's why my amendment gives the DOD 180 days to come up with new directives and legislative recommendations for the Congress. Every day we wait, a bit of our history passes away without recognition and gratitude.

My amendment is very straightforward. It simply calls the DOD's bluff on burial honors for veterans. The DOD will be directed to hold a conference on burial honors by October 31, 1998 in cooperation with the Department of Veterans Affairs and veterans service organizations. Following the enactment of this legislation, the DOD will have 180 days to report back to the Congress detailing new DOD directives on funeral support and burial honors policy and forward to Congress any appropriate legislative recommendations.

This is essentially what the DOD has pledged to the Congress in opposing more expansive legislation on funeral support. My amendment seeks to hold the DOD accountable to its pledges to the Congress and our veterans. This is a real opportunity to make progress on this issue and I encourage the DOD to make the most of this opportunity. Otherwise, I can assure the Department that we will be back with more definitive language defining what the Congress believes are appropriate burial honors.

Many of our services have taken a positive role, and I especially commend the Commandant of the Marine Corps who issued a white paper on funeral support. General Krulak, to his credit, says we can and we will honor current and former marines.

I ask unanimous consent that his white letter be printed in the RECORD.

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

WHITE LETTER OF 12-02-97

From: Commandant of the Marine Corps.  
To: All General Officers, All Commanding Officers, All Officers in Charge.  
Subject: Funeral Support.

1. This past January, I signed ALMAR 003-97 which emphasized the Marine Corps' commitment to funeral support. Properly laying a fallen Marine to rest is one of the final tributes that the Marine Corps can render to our own. This service provides comfort to grieving families and demonstrates our wholehearted and enduring commitment to those who have earned the title "Marine." Unfortunately, I continue to receive letters and E-mails from family members, dis-

appointed that the Marine Corps failed to support them during their hours of need. I am appalled, dismayed, and outraged that I continue to receive these letters. Failing to provide funeral support to a Marine, for whatever reason, is completely contradictory to our ethos and diminishes the value of our fallen comrades' service.

2. Specific guidance for funeral support is contained in MCO P3040.4D. The Marine Corps Casualty Procedures Manual, and re-emphasized in ALMAR 003-97, Military Funeral Support. While I understand that an individual unit may not be able to support every funeral request, I cannot imagine our precious Corps ever turning down the request to properly bury a fellow Marine. If your unit cannot provide a funeral detail, find one that will.

3. I want my intent and guidance to ring loud and clear concerning funeral support to families of Marines and former Marines—it is our duty and we would have it no other way! Anything less is UNACCEPTABLE. I expect this guidance to be disseminated to every Marine Corps command, inspector-instructor staff, recruiting station, and administrative detachment. Ensure that all units are fully aware of my feelings on this matter and they uphold the long tradition of properly honoring a fallen Marine.

C.C. KRULAK.

Mrs. MURRAY. Mr. President, he says:

Properly laying a fallen Marine to rest is one of the final tributes that the Marine Corps can render to our own. This service provides comfort to grieving families and demonstrates our wholehearted and enduring commitment to those who have earned the title Marine. Unfortunately, I continue to receive letters and E-mails from family members, disappointed that the Marine Corps failed to support them during their hours of need. I am appalled, dismayed and outraged that I continue to receive these letters. Failing to provide funeral support to a Marine, for whatever reason, is completely contradictory to our ethos and diminishes the value of our fallen comrades' service.

General Krulak goes on to say:

I want my intent and guidance to ring loud and clear concerning funeral support to families of Marines and former Marines—it is our duty and we would have it not other way! Anything less is unacceptable.

These are very powerful words and I commend General Krulak and the Marine Corps for making this a priority issue. General Krulak has taken our objective from the very beginning of this effort and turned it into Marine practice each and every day.

Is it really too much to ask of our country that we do a better job remembering those who answered the call to duty, risked the ultimate sacrifice, and paved the way to the peace and prosperity we all enjoy today?

Until very recently, I doubted the DOD's sincerity in this effort. We do have a long way to go on this issue, I do think it is important to acknowledge that progress has been made in recent months on this issue. Of course, the Marines are taking a leadership role. But it should also be noted that Army and Air Force are taking positive steps on the burial honors issue. This progress is the direct result of pressure from the Congress, from our veterans, and from the families of veterans who fought for burial honors.

My amendment is an opportunity to build upon this progress. It's a step forward but I remind my colleagues that we cannot address this issue in steps alone. We need to move quickly, and that's what we are asking the Department of Defense to do.

I ask the Senate to accept this straightforward amendment. By adopting this amendment and holding the Department of Defense accountable, the Congress will send a powerful message to veterans that their service to us all will never be forgotten.

Mr. President, I know that this amendment has been accepted by both sides. I thank all of my colleagues for working with us. We are directing the Department of Defense to return definitively, quickly to us with a response to this before it is too late.

Mr. President, I ask unanimous consent to add Senator MIKULSKI as a co-sponsor.

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

Mr. MURKOWSKI. Mr. President, I am pleased to join the distinguished Senator from Washington in offering this amendment requiring the Department of Defense and the Veterans' Administration to sit down with the Veterans Service Organizations to find ways to honorably pay our last respects to our nation's veterans. Six months after enactment of this legislation, DoD will submit to Congress a report noting changes in DoD's policies for burial honors and recommendations for possible legislation to address this problem.

Why is this needed?

Let me tell you. Veterans across the country are dying. These are the men and women who have sacrificed so much for our country. How do we as a nation pay our final respects—many times with one person with a folded flag and a tape of taps. With World War II veterans growing older, the problem will only get worse.

Even around Washington, DC, with its many military bases this happens.

This is not uncommon. The father of one of my staff members passed away a few years ago on the West Coast. She thought that since he was a World War II veteran, he would receive an honor guard—an appropriate thank you for the service he had given our country.

What happened? As the family members watched, a member of the military—one member came and handed over a flag. There was no honor guard, no bugler, no final send off for a job well done.

My staff person was shocked at the insensitivity and the impersonal nature of the burial service. I am shocked as all of us should be.

This is a disgrace.

Earlier this year Senator MURRAY, Senator SARBANES and myself introduced legislation that required a five person honor guard with a bugler. DoD opposed the legislation because of the potential costs and drain on our military personnel.

Mr. President, although I understand DoD's arguments, something must be done. This amendment moves the ball forward but it does not solve the problem. I expect in DoD's report realistic suggestions on solving this problem. One person and a tape of Taps is not an alternative.

In closing, I would like all of us to think about the honor that our country bestows on our veterans and the honor they deserve. An honor guard is the last instance that we as a nation can thank them for their service.

They deserve no less. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I offer my very strong support to my colleague from the State of Washington and commend her for her efforts on behalf of our Nation's veterans. What we are dealing with is really an unacceptable situation. Families across the nation have come to expect and depend on having a proper military burial for their loved ones who have served in our Armed Forces. This is simply not happening. I joined earlier with the Senator from Washington and the Senator from Alaska, Senator MURKOWSKI, in introducing legislation to in effect mandate a solution to this problem.

This amendment—and I think this is a commendable effort on the part of my distinguished colleague from Washington—will direct the Department of Defense, working with the Department of Veterans Affairs, to convene a summit and identify the means and manpower to meet this need. Senator MURRAY has put this process on a very tight timeframe. The Department has a 6-month period in which to come up with a plan to take care of this problem.

I have received letters that would move you to tears in terms of the importance that families place on providing a proper burial for their loved ones who have served in our armed services. Not every family requests these honors. But for those families who seek a military burial and have it incorporated into their burial plans, this is an extremely important matter.

These military honors, honoring the sacrifice that members of armed services have made for this country during their lifetimes, should always be a high priority, I think, on behalf of the Congress and on behalf of the Department. Unfortunately, this problem has not been recognized as such until now—due to the tremendous outcry that this situation be addressed. And Senator MURRAY has undertaken to make these burial rites a priority in a very positive and constructive and forthright way.

I am very pleased that the managers of the bill have agreed to accept this amendment. I think that through the process it establishes we will be able to work to a solution. That is my expectation and hope, that we will now, in effect, by requiring the executive branch to focus on this problem, come to-

gether to give it the kind of high priority study which we think it requires and that they will come up with a solution.

We are constantly told the Department is in favor of our goals and objectives in this regard, so we want it now to work out the means to achieve these goals and objectives. I think the amendment of the distinguished Senator from Washington will move us very much down that path and help to accomplish that purpose. I very strongly support her efforts.

I thank the chairman and the ranking member for yielding time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent for 1 minute, if I may.

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

Mr. LEVIN. Mr. President, I congratulate and thank the Senator from Washington for her persistence, her constancy, and the way in which she has gone about trying to make sure that the families of veterans, in their grief, have a bit of a reminder of the dedication and the commitment of those veterans. The honors that we should be providing these veterans and their families are important. They are particularly important at a time of grief.

The Senator from Washington is determined, with the support of many of us, including the Senators from Maryland, to have the Defense Department make this happen and make this work. And I just want to thank her. There are a lot of families who will never know her name, but because there will be honors at funerals where they are requested, they will in fact have been served by her efforts here on the floor. I want to thank her for them as well as for many of us.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Washington for offering this amendment and being willing to compromise on this important situation. And I urge adoption of the amendment, if it is in order.

The PRESIDING OFFICER. All debate time has expired. The question is on agreeing to the amendment No. 3005.

The amendment (No. 3005) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2794

(Purpose: To repeal the restriction on use of Department of Defense facilities for abortions)

Mrs. MURRAY. Mr. President, I call up amendment No. 2794 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Mr. ROBB, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERREY, Ms. MOSELEY-BRAUN and Mrs. BOXER, proposes an amendment numbered 2794.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title VII add the following:

**SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.**

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out “(a) RESTRICTION ON USE OF FUNDS.—”.

Mrs. MURRAY. Before I speak on this amendment, let me again thank my colleagues for their help on the Veterans Burial Rights Act. This is an important personal issue for me, and I know it is for many families across the country who will be waiting for the DOD report. And I will be working with all of you on whether or not we receive that report in a timely manner.

Mr. President, the amendment that I have just called up is again to the Department of Defense authorization bill, and it is an effort to protect the health and safety of our military personnel and dependents who are stationed overseas.

Mr. President, I am here on the floor today to urge my colleagues to support the Murray-Snowe amendment which ensures that female military personnel and female dependents are not subjected to substandard care while serving our country.

The Murray-Snowe amendment is very simple. It would allow female military personnel and female dependents access to abortion-related services at their own expense—at their own expense—at military hospitals or medical facilities. Our amendment guarantees that women do not surrender their rights to a safe and legal abortion because they are serving our country overseas. Our amendment also ensures that women in the military have access to the full range of reproductive health services.

The current Department of Defense restrictions that deny women access to safe and legal reproductive health services is not only inhumane, it jeopardizes their lives. This is a women's health issue, plain and simple. That is probably why the American College of Obstetricians and Gynecologists supports this amendment. The Murray-Snowe amendment has also been endorsed by the American Medical Women's Association, the American Association of University Women, the American Public Health Association, and the Planned Parenthood Federation of America.

Mr. President, I recently received a statement from an active-duty member of the Air Force stationed in Japan which summarized her experience with seeking safe and legal reproductive health services. Her supervisors were of little or no help when she notified them that she was pregnant. They offered no assistance, and they made character judgments. It was only her doctor, a military doctor, who stepped in and tried to help her. Because his hands are tied, due to DOD policy, he could only give her information on locally available abortion services.

This is a woman who is serving our country, and she is told she is at the mercy of the host country. For no other procedure or life-threatening illness would we allow the Department of Defense to turn military personnel out onto the streets of their host country. But that is what we are allowing for women.

This is what this particular service-woman faced. She was given a hand-drawn map with the location of three hospitals that perform abortions. When she arrived at the hospital, none of the nursing staff spoke any English. She had no Japanese friends who could translate, and the Air Force could not provide any assistance. If she had been arrested for armed robbery, the Air Force could have been of more help to her.

The doctors in the hospital had limited proficiency in English, and one could not even tell her what medication he was giving her. Obviously, there was very little concern about possible reactions to the medication. She was totally at the mercy of these doctors in the host country.

Her experience was humiliating and frightening. As she stated in her letter—and I quote—

Although I serve in the military, I was given no translators, no explanations, no transportation, and no help for a legal medical procedure . . . The military expects nothing less than the best from its soldiers and I expect the best medical care in return. If this is how I will continue to be treated as a military service member by my country and its leaders, I want no part of it.

Opponents of the Murray-Snowe amendment will argue that Federal tax dollars should not be used to provide abortion-related services. I am sure their arguments do not hold up under scrutiny.

Our amendment simply restores previous policy—previous policy—that allowed female military personnel to pay for abortion-related services at their own expense at our military hospitals. They had to pay for this expense. The hospital or outpatient facility already has to be maintained for the safety of our troops. The cost of operating the facility is already a given. The soldier or dependent would pay for any possible added cost of providing this service.

Does she pay for the electric or water bill for the facility? No, of course not. And this is where opponents argue that Federal funds are being used to provide

abortion-related services. That, I would say to my colleagues, is a real stretch.

What opponents do not point out is that under existing policy, if a woman feels confident enough to discuss a very private, personal matter with her commanding officer and to request a temporary leave, the military will fly her back to the States or any other location so she can receive a legal and safe abortion. They will pay to transport her halfway around the world if she sacrifices her right to privacy and subjects herself to character assaults and judgments.

Instead of receiving care at a military hospital on base at her expense, the military will incur thousands of dollars in costs to transport her to safety. This may be why the DOD supports this amendment. They recognize the costs involved in the current policy as well as the threat to the health and safety of our soldiers.

One has to think that maybe opponents of the Murray-Snowe amendment are really trying to just humiliate women or jeopardize their health and safety. It cannot be that they are concerned about military personnel performing abortions when they object. All branches of the military have included in their code of conduct language allowing for a conscience clause for military doctors. They cannot be forced to perform an abortion if they conscientiously object.

During debate on this authorization bill, I heard many of my colleagues talk about the quality-of-life needs for our soldiers, the need to ensure that our troops receive the support that they deserve. This should be the same standard afforded women soldiers. This is a basic quality-of-life issue. Access to a full array of clinical services for women goes to the heart of quality of life.

I ask my colleagues to join us in support of our service personnel who so proudly serve our country and ask only for our support and assistance. This is not about publicly financed abortions; this is about protecting the health and the safety of military personnel and their families who are stationed overseas.

I retain the remainder of my time.

The PRESIDING OFFICER (Mr. SANTORUM). Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I yield to the Senator from Maine such time as she desires.

Ms. SNOWE. Mr. President, I thank the Senator from Washington, Senator MURRAY, for taking the leadership on this issue once again. I am sure she

shares my disappointment that we are even in the position we are in today that we have to offer this amendment. That this amendment is even necessary is regrettable. We will continue to offer it because we think it is important to make sure that women in the military have access to health care treatment, as well as their spouses and dependents of military personnel who are stationed overseas. Therefore, we will continue to offer this amendment to ensure that there is equal access to the high level of health care that the women who serve in our military have earned and deserve.

We are here today, once again, because U.S. law denies the right to choose to the dependents of more than 227,000 service men and women stationed overseas, and it denies the more than 27,000 servicewomen who have volunteered to serve their country access to safe medical care simply because they were assigned to duty outside this country.

I do not understand, Mr. President, why we insist on denying these women and the families of our Armed Forces their rights as Americans. We ask a great deal of our military personnel and their families—low pay, long separations, hazardous duty. When they signed up to serve their country, I do not think they were told they would have to leave freedom of choice at ocean's edge. It is ironic that we are denying the very people we ask to uphold democracy and freedom the simple right to safe medical care.

The New York Times summed it up several years ago when they noted:

They can fight for their country. They can die for their country. But they cannot get access to a full range of medical services when their country stations them overseas.

The Murray-Snowe amendment would overturn the ban and ensure that women and military dependents stationed overseas would have access to safe health care. And I want to clarify that overturning this ban will not result in Federal funds being used to perform abortions at military hospitals. Federal law has banned the use of Federal funds for this purpose since 1979.

From 1979 to 1988, women could use their own personal funds to pay for medical care they needed at overseas military hospitals. As we know, a new policy was instituted in 1988 that prohibited the performance of any abortions at military hospitals, even if paid for with personal funds.

I should reiterate this point because I think it clearly is an important one. It is not the use of Federal funds or any public moneys; in fact, it is the use of one's own personal funds for this procedure.

As Senator MURRAY illustrated, what are the choices for women who are stationed overseas and have to make a very difficult decision as to whether or not to have an abortion? She must either find the time and money to fly back to the United States to receive the health care she seeks or else pos-

sibly endanger her own health by seeking one in a foreign hospital whose quality of care cannot compare with ours. Or she may have to fly to a third country—again, where the medical services do not equate to those available at the base—if she cannot afford to return home.

When people sign up for the service, we assure them that we will do our best to provide for them and their families as part of the arrangement that we make in return for their willingness to serve our country. Yet we prohibit women from using their own money to obtain the care they need at the local base hospital. They are all alone in a foreign country, facing a very difficult, wrenching, personal, difficult decision, and all we can say is, "Sorry, you are on your own."

The amendment that Senator MURRAY and I are offering here today is only asking for fair and equitable treatment. It says to our service men and women and their families: If you find yourself in this difficult situation, in order to ensure you receive safe and proper medical care, we will provide the service if you pay for it with your own money.

I happen to believe we owe it to our men and women in uniform, and their families, the option to receive the care they need in a safe environment. They do not deserve anything less.

I think it is really unfortunate that we are faced with this situation year in and year out in seeking what is equitable treatment for women who are serving in our military. Fourteen percent of the military is now represented by women. They vote, they pay taxes, are protected and punished under American law. They are serving in our military to protect the ideals and rights that this country represents.

Whether we agree with abortion or not, we all understand that safe and legal access to abortion is the law of the land. It is a choice and it is a right that has been affirmed by the Supreme Court. This ban takes away a fundamental right of personal choice for them. I don't believe we should create a dual standard because one happens to serve in the military and happens to be stationed abroad. You have that choice in America. You have your choice of facilities within your own State. You can go where you want to make that decision to have access to that legal medical procedure. But when you are stationed abroad, it is another matter in terms of receiving the quality care that women deserve. They may well be required to travel to another country, not facing the same medical standards that one is accustomed to here in this country.

This ban puts women at risk. It puts their health at risk and it puts their life at risk, because they may well be forced to seek unsafe medical care in other countries where the blood supply may not be safe, procedures are antiquated, equipment may not be sterile. I don't believe that, in addition to the

sacrifices that people in the military already make, they are now required to add unsafe medical care to the list.

I happen to believe that the Department of Defense in this country is required to give the same kinds of options and access to quality medical care. In fact, it is a constitutional right for women to have this choice, whether they are serving in the military or not serving in the military. Back in 1992, the Supreme Court rendered a decision in the case *Planned Parenthood v. Casey*. It said that Government regulation of abortion may not constitute an "undue burden" on the right to choose abortion. An undue burden is defined as having the "purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion."

Well, certainly a combination of military regulations and practical hurdles means that a pregnant servicewoman who needs an abortion, who makes that very difficult decision, may face lengthy travel, serious delays, high expenses to fly her home, substandard medical options, and restricted information. Therefore, in my opinion, the ban appears to unconstitutionally burden the right to choose of American servicewomen.

So for all of these reasons, Mr. President, I hope that this body will do the right thing here today and overturn the ban that currently is in the statute so that it allows women to have the option to make a safe choice for herself and her well-being.

Again, I should remind this body that it isn't a requirement that we now have to use Federal funds to pay for abortions. In fact, to the contrary, it allows women to use their own personal funds for that option—a decision they may have to make if they are stationed overseas in the military. At one time in our history, they had that option. But now, in the last few years, they have been denied that choice. I don't think it is right or fair to women who serve in our military.

I urge this body to adopt the Murray-Snowe amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. SNOWE. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, I would like to speak in opposition to the Murray-Snowe amendment and give a little bit of history. It is not the first time we have visited this amendment. In fact, we have been debating it each year, I believe, since I have been in the Senate. So we are not plowing any new ground here. We are replowing old ground. Nevertheless, it is an important issue.

On the amendment that has been offered, I think it is important that Members understand the current state of play and understand what it is we are voting on. Some history can perhaps help.

Mr. President, let me inquire as to how much time is remaining on this side.

The PRESIDING OFFICER. Twenty-two minutes 30 seconds.

Mr. COATS. Mr. President, I would like to be notified when 10 minutes have been used. I don't believe I will use more than that.

Mr. President, since 1979 the Department of Defense has prohibited the use of Federal funds to perform abortions except in cases of rape, incest, or to protect the life of the mother. The bill before us today, the Department of Defense bill, continues that prohibition. When we debated this issue last year, it was abundantly clear that the current restriction was not onerous. It did not put any women at risk. It is a policy which is fair. It was fair and sound last year and was supported by the Congress, and it remains fair and sound today.

What we are trying to do is maintain a consistency in Federal policy relative to abortion. That policy, described as "the Hyde amendment," states that taxpayer money should not be used against the wishes of taxpayers for elective abortions except in some very limited circumstances—exceptions are allowed in the cases of rape, incest, and the life of the mother. But beyond that, the Congress has consistently supported prohibitions against the use of taxpayer dollars to perform abortions. That is something that has been upheld by the Court. It is constitutional. The case of *Harris v. McRae* upheld the Hyde amendment. It did not find a constitutional right to require the taxpayers to fund abortions. So I don't believe the Constitution is an issue here.

Time and again we have disallowed the use of Federal funds for abortions, except in cases where, as I said, rape, incest or life of the mother is at issue. We are trying to maintain that policy. That was a policy that was maintained without problem until 1993 when Presi-

dent Clinton issued an Executive order to reverse the policy. Rather than go through the Congress and have the people exercise their will through their elected Representatives, the President just simply issued an Executive order, saying, "I don't like the current policy that Congress has established, and I am going to override it with an Executive order." Under that policy, the President's change in policy, defense facilities were used for the first time in 14 years, not to defend life, as our military hospitals are charged to do, but to take life, and to do it with taxpayer funds.

In 1995, the House and the Senate voted to override the President's Executive order, reversing that policy and making permanent the ban on the use of Department of Defense medical facilities to perform abortions with the exceptions of rape, incest, and endangerment of the mother's life.

So again we are today debating that issue. The amendment before us would strike that ban and reinstate the policy instituted by the President through his Executive order that the Senate overturned 3 years ago. Proponents of the amendment argue that abortions under the Clinton order did not involve use of taxpayer funds since service-women are required to pay for their own abortions. But, Mr. President, that statement evidences a misunderstanding of the nature of military medical facilities.

Military clinics, unlike the private hospitals, receive 100 percent of their funds from Federal taxpayers. Physicians are not private physicians who happen to be contracting with the hospital, but they are physicians that are government employees paid entirely with tax revenues. All of the operational and administrative expenses of military medicine are paid for by taxpayers. All of the equipment used to perform abortions is purchased at taxpayers' expense, and, therefore, it is impossible to separate out that which is Federal funds utilized for abortion from that which is private funds.

The only way to protect the integrity of these taxpayers' funds and the integrity of the policy is to keep the military out of business of performing abortions. Taxpayer money should not be used if it goes against what I believe and I think the Congress has supported, the moral and religious beliefs of the taxpayer, and in this case the taxpayer, through their Representatives, elected to Congress have expressed time and again that they don't feel their tax dollars are appropriately used to perform abortions.

The question is raised: If abortions are disallowed, does that not put those servicewomen who are seeking to have an abortion at risk? It does not. As we have repeatedly demonstrated and said, along with certification from the Department of Defense, nothing in this policy dictates the decision of the woman, whether or not she wants to have an abortion or has an abortion. It

simply says you can't use taxpayer funds for an abortion. Because of the commingling of funds and the impossibility of separating funds, we don't want to use military hospitals for that abortion. But nothing prevents that woman from going outside of the military hospital facility to utilize another hospital in countries where there are those hospitals. Because the law of the country—say Italy—does not allow abortions or support abortions; the military has provided transport for that individual who seeks the abortion. There has never been a complaint filed about inability to go and have that abortion.

So I think Members confuse the issue sometimes when they come to the floor without having heard the debate and say, "This is a vote on a woman's right to choose whether or not to have an abortion."

I have strong and deeply held feelings about that. We have debated that issue on this floor time and time again, and we will debate it more—the nature and the meaning of life, the right of the unborn versus the right of a woman, and the decision in terms of whether one right has a preeminence over another right. But that is not what is at issue here today, and it shouldn't be confused in this debate. The issue is not over whether a woman has the right to an abortion. That is a debate for another day.

The issue is whether that abortion should be partially paid for by taxpayer funds, or performed at military hospitals. We have a policy in place that allows women who seek to have an abortion while they serve in the military, or their dependents, to have that abortion. Nothing prohibits them from doing that. But we simply have to have a policy that says that cannot be performed in a place where taxpayer funds are being used to accomplish that, or at least to accomplish part of that.

We have not received any evidence that indicates that this is a prohibition on women, on their ability to have an abortion, to make a choice to have an abortion. It simply retains a policy that has been consistently upheld by this Congress and by the Court that says that the taxpayer has a right to put limitations on whether or not their taxpayer funds are used to provide abortions. The Congress has consistently voted to uphold that policy. They make what I think are legitimate and reasonable exceptions in cases of rape, cases of incest, and cases of where the life of the mother is in danger.

So I hope that Members would see this issue for what it is—not a women's right to choose; we can discuss that at another time—but whether or not taxpayer funds should be used to perform abortions.

Mr. President, I will reserve the remainder of my time. In fact, I see the Senator from Idaho is on the floor. I would be happy to have the chairman yield him whatever time he desires.

Mr. THURMOND. Mr. President, I yield 8 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 8 minutes.

Mr. KEMPTHORNE. Mr. President, thank you very much. I thank the chairman of the Armed Services Committee, and also Senator COATS for the particular comments he has made.

Mr. President, I have been the chairman of the Military Personnel Subcommittee for the past two years, and in that time I have learned the subcommittee itself cuts a wide swath on all the issues that we deal with. This subcommittee resolves issues that are at the forefront of our national debate. We cope with the issues of values taught to our young people who volunteer for the armed services. We deal with the issues involving gender-based training, sexual harassment in the workplace, drug and alcohol abuse, and now, as a result of this amendment before the Senate, the very sensitive issue of abortion.

Senators should know that this amendment is not a new issue. Last year the Senate extensively debated this issue, and defeated it on a 48-51 vote. I trust that the Senate will again defeat this amendment.

My record on the issue of abortion is clear. Abortion is the most emotional, complex and personal issue before us today. Personally, I believe abortion should be allowed only in cases of rape, incest or when the life of the mother is in danger. In addition, I have consistently stated my belief that federal funds should not be used for abortions. In this regard, I have voted to maintain the Hyde Amendment, which bans federal funding of abortion except in cases where it is made known to appropriate authorities that the abortion is necessary to save the life of the mother or that the pregnancy is the result of rape or incest.

I make it very clear at the outset what this issue in this particular amendment is not about. It is not about whether you are pro-life or pro-choice. This amendment is about where those abortions may be performed and whether they are paid for at Federal Government expense. This amendment would repeal the prohibition on using Department of Defense facilities for abortions and allow prepaid abortions to be performed in these taxpayer-funded facilities and by Federal medical personnel at these facilities.

The sponsors of this amendment argue that without this amendment, women in the Armed Forces stationed overseas may find it difficult to have access to a safe abortion. As a result, this interferes with their constitutional right to an abortion, so they contend.

I want to acknowledge that women who are in the Armed Forces and are stationed overseas in countries where abortion is not legal, are faced with complex emotional and difficult deci-

sions. I note for the record, however, that a woman with a pregnancy who is in the armed services who is overseas and that pregnancy is medically life-threatening or the result of rape or incest, under current policy, can receive an abortion at a U.S. military hospital.

But there is no getting around the fact that the Department of Defense military hospital are paid with 100 percent taxpayer dollars. The medical facility is paid for with taxpayer money. The doctors and the nurses are Federal employees, paid with taxpayer dollars. So is the equipment, the overhead, the operating rooms, et cetera.

Even though the pending amendment contemplates that women will be allowed to use personal funds to pay for an abortion, there is no getting around the fact that taxpayer dollars would still directly or indirectly pay for an abortion. So this amendment, if adopted, could lead to situations where taxpayers are paying for abortions, which is contrary to our national policy as outlined in the Hyde amendment. That is inconsistent with our national policy.

To summarize, I would like to make a few important points on why I oppose this amendment.

First, I believe it is accurate to state that our national policy, as reflected in legislation adopted by this Congress and signed into law, as embodied in the Hyde amendment, in essence states that we will not use Federal taxpayer money for abortion except in the case of rape, incest, or the life of the mother.

Second, In 1980 the Supreme Court ruled on *Harris vs. McRae*, in which the Supreme Court upheld the constitutionality of the Hyde amendment.

Third, Congress, the President and the Supreme Court have set and affirmed the national policy that we not use Federal money to fund abortions except in those cases that I cited.

Fourth, The Defense Department in their own analysis has said it would be an accounting nightmare to go through and determine the true cost of having an abortion performed in a U.S. medical facility when the facility is 100 percent taxpayer funded. All of the personnel, equipment and facilities are paid for by the taxpayers.

Fifth, Current policy allows for a female member of the military service, in the event she chooses to have an abortion, to have access to military transportation so that she can go to a facility of her choice and exercise her constitutional right. Any military personnel has access to military transport on a space-available basis. The DOD has never had an instance where a woman who was seeking access on a space-available basis on military transport has been denied that because the purpose of her transport was for an abortion.

Sixth, If a female member of the military service was in a life-threatening situation, an abortion could be performed at a US military hospital overseas.

So I believe the current abortion policy at US military hospitals is consistent with over all national policy.

Mr. President, I conclude by just stating I have the utmost respect for Senator MURRAY and Senator SNOWE, the two Senators who have offered this amendment. I work with Senator SNOWE on the Military Personnel Subcommittee. She does an outstanding job. What a great addition she is as we deal with these issues dealing with our armed services.

I also affirm this significant fact: We could not operate as the leader of the free world without women in the military. We must have these outstanding, dedicated individuals as part of our military installations. I believe that the policy that is on the book does affirm certainly their constitutional rights, but it also affirms the national policy which I have stated, and it provides opportunities for them to exercise that. And in the case where it is life threatening, they certainly have the means with which they can deal with it in an appropriate fashion consistent with, I think, the caring of all human beings.

So with that, Mr. President, I urge all of my colleagues to oppose this amendment.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I commend Senator COATS for the excellent remarks he made on this subject. I also wish to commend Senator KEMPTHORNE for his outstanding remarks.

Mr. President, I will have to oppose this amendment. There have been some good points mentioned by those who favor the amendment, but I do not think it is wise. It is one that we have debated several times on the floor of the Senate.

The current law prohibits abortions from being performed in military facilities except in the case where the life of the mother would be in danger or in the case of rape or incest. The Congress enacted the current legislation in 1995 and reaffirmed it again in 1996 and in 1997.

In 1996, this same amendment passed the Senate by a voice vote after the motion to table failed. However, in order to achieve agreement with the House of Representatives in the conference, the conferees were required to return to the current provisions of law. Last year, this same amendment failed to achieve Senate approval.

Mr. President, I would suggest that extended debate on abortion within the Senate is unlikely to change any Senator's vote. I hope we can agree to limit the discussion and vote.

The question comes down to this. This is the question, and I would like

for Senators to listen to this: If you want to have abortion on demand performed in military treatment facilities overseas at the expense of the Government, then this amendment is for you. If you want to preserve the life of the baby except in the case of rape, incest, and when the life of the mother is at risk, then you should vote against this amendment.

It is just that simple, Mr. President. I urge my colleagues to defeat this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I thank the Chair. I yield myself such time as I may consume.

Mr. President, I just make several observations in response to some of the comments that have been made here this afternoon. First and foremost, this doesn't cost a single cent to the Federal Government. When we hear about the fact, well, it is going to cost some money because of the use of the hospital, the use of medical personnel, I think we all recognize the rates that are charged by hospitals today. They set a rate, they set a cost, a charge for recovery of all of the costs. The fact is, under Medicare and Medicaid, we reimburse hospitals and providers for a specific cost. So are we saying that we are not able to create a charge for that particular procedure and in this case the option to have an abortion? I doubt it.

Obviously, the charge that is set is the recovery of all of the costs, all of the overhead. Hospitals all across America and throughout the world set that rate. So this doesn't cost a dime of taxpayers' money—not a dime. I think it is an important point to emphasize, that no public funds are used; it is only personal funds.

Second, it has been mentioned: What is the law of the land? *Row v. Wade* is the law of the land, and it includes the constitutional right for a woman to have an abortion, to make that decision, to make that very difficult personal choice. And, in fact, between 1973 and 1988, it was permissible for a woman to have this procedure done at military hospitals, and between 1993 and 1995 the same was true. Unfortunately, in the years in which it wasn't allowed, we were denying a woman's right. Unfortunately, it got embroiled as to whether or not you were pro-life or pro-choice.

That is not the issue here. It should not be the issue. The issue should be whether or not a woman who serves in the military, who has an overseas assignment, has access to the same health care as everyone else who serves in the military—in this case, with an abortion procedure, using her own personal funds. That is the issue here. That is why this right was allowed between 1973 and 1988 and between 1993

and 1995. It was permissible because it is the law of the land for a woman to have the right to choose.

The fact is, because she goes across the border of the United States, she all of a sudden loses her right to make this decision and is denied access to quality care. So, that is the issue here today. It is not a question of using public funds, because that is not what this amendment is all about; it never has been. It is a question of whether or not a woman in the military who is assigned overseas is going to be treated differently, treated as a second-class citizen, being the victim of a double standard because individuals have differences over whether or not women in America have a right to choose.

Because she is in the military, because she is assigned overseas, she should not be treated any differently and she should not be required to leave those rights behind.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I urge the Senate to support the amendment offered by Senator MURRAY. This provision would take the long overdue step of repealing the current ban on privately-funded abortions at U.S. military facilities abroad, so that women in the armed forces serving overseas can exercise their constitutionally-guaranteed right and have safe abortion services.

This is an issue of fundamental fairness for the women who make significant sacrifices to serve the nation. They are assigned to military bases around the world to protect our freedoms, and they serve with great distinction. It's wrong to deny them the kind of medical care available to all women in the United States. They should be able to depend on their base hospitals for all their medical services.

It is not fair for Congress to force women who serve overseas to face the choice of accepting medical care that may be of lower quality or else returning to the United States and for the care they need. Without good care, abortion can be a life-threatening or permanently disabling procedure. This danger is an unacceptable burden to impose on the nation's servicewomen.

Congress has a responsibility to provide safe alternatives in these situations. Opponents of this amendment are exposing service women to substantial risks of infection, illness, infertility, and even death. The amendment does not ask that these procedures be paid for with federal funds. It simply asks that the appropriate care be made available. It is the only responsible thing to do.

In addition to the health risks of the current policy, there is a significant financial penalty on servicewomen and their families who make the difficult conclusion to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world to obtain adequate care can often involve significant financial

hardship for young women. This is a cost that servicewomen based in the United States do not have to bear, since non-military hospital facilities are readily available.

If military personnel cannot afford to return to the United States on their own for an abortion, they will often face significant delays waiting for military transportation. The health risks increase each week, and if the delays in military flights are long, a woman may well decide to rely on questionable medical facilities overseas. As a practical matter, women in uniform are being denied their constitutionally-protected right to choose. A woman's decision on abortion is a very difficult and extremely personal one. It is unfair to impose an even heavier burden on women who serve our country overseas.

Every woman in America has a constitutionally-guaranteed right to choose to terminate her pregnancy. It is time for Congress to stop denying this right to military women serving abroad. It is time for Congress to stop treating service women as second-class citizens. I urge the Senate to support the Murray amendment and end this flagrant injustice under current law.

Ms. MIKULSKI. Mr. President, I rise today in support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment states Senate support for providing access to reproductive services for military women overseas. It repeals the current ban on privately funded abortions at US military facilities overseas.

I strongly support this amendment for four reasons. First of all, safe and legal access to abortion is the law. Secondly, women serving overseas should have a full range of medical services. Thirdly, this amendment protects the health and well-being of military women. Finally, we should not deprive military women from legal medical procedures.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are totally dependent on their base hospitals for medical care and should not be denied abortion services when confronted with an unintended pregnancy. Most of the time the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel just because they are stationed overseas. They should be able to exercise the same freedoms they enjoy at home. Without this amendment, military women will continue to be treated like second-class citizens.

It is ridiculous to think that a woman cannot use her own funds to pay for access to safe and quality medical care.

The current ban on access to reproductive services is yet another hit on *Roe v. Wade*. It is an attempt to cut

away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for the women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear on what we are talking about here today. We are talking about the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money. We are not talking about reversing the conscience clause. No military personnel will be compelled to perform an abortion against their wishes.

This is an issue of fairness to the women who sacrifice every day to serve our nation. They deserve the same quality care that women in America have access to each day. I urge my colleagues to support this important amendment to the 1999 Department of Defense Appropriations Bill.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The Senator from Indiana has 5 minutes remaining. The Senator from Maine has 5 minutes 46 seconds remaining.

Mr. THURMOND. How much time is left on our side?

The PRESIDING OFFICER. You have 5 minutes.

Mr. THURMOND. Mr. President, I yield the remainder of the time on our side to the able Senator from Indiana.

Mr. COATS. Mr. President, I believe we will be able to yield back time. I don't know that we have any other speakers here. Let me just quickly summarize the reasons, the basis of why we oppose the amendment.

I believe the amendment is a solution in search of a problem. There is no identified problem with women in the military or their dependents seeking the right to have an abortion of their choosing when there simply is a provision in current law which states on this issue the military is not going to decide whether or not that woman should have an abortion.

We simply are saying that we want to uphold the policy that has been in place now for nearly 20 years, with the exception of the President's overturning it for a 3-year period, that says the taxpayers' funds should not be used to perform abortions or to pay for any portion of abortion except in certain limited cases—the case of rape, the case of incest, or where the life of the mother is in jeopardy.

Because of the nature of military hospitals, they are 100 percent funded with taxpayer funds, including all their equipment, all their facilities, and all their staff. Military doctors are Government-paid employees. Mr. President, 100 percent of their pay is from the taxpayer. So it is impossible to utilize military hospitals without using taxpayers' funds. Even if the woman

pays for the abortion, the equipment will be used, facilities will be used, Government employees will be used. So we are simply saying to that woman who seeks an abortion, we would like you to go outside the military health care system to have your abortion. Since you are paying the cost anyway, it is not a question of affordability.

Then the question arises, What if facilities are not available outside of military hospitals? The military has recognized this is a possibility. It is not a problem at all at any U.S. base, military institution, nor in many foreign institutions. But there are certain countries that have bans on abortions being performed in their country on the basis of that country's policy. The military, in that instance, has said we will make space available on air transport for these women to go to a place where the abortion is legal.

So, I don't understand what the problem is. And, rather than overturn a law which has been upheld by both the courts and enacted by this Congress again and again and again—the Hyde language—it seems the best way to proceed is to leave the current policy that has been endorsed in place and defeat this amendment.

I urge my colleagues to vote for the current law, to vote against the Murray-Snowe amendment, again, because there is no identifiable problem to which this amendment seeks to advocate a solution.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I think we are ready to yield back time. There does not appear to be any other speakers. We can move to the next amendment or vote.

The PRESIDING OFFICER. The Senator from Maine.

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

Mr. COATS. I yield the remainder of my time.

Mr. THURMOND. I yield back the remainder of time on this side.

The PRESIDING OFFICER. All time has expired. There has been no rollcall requested.

The Chair asks if anyone wishes to order a rollcall vote on the pending Murray amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3009

The PRESIDING OFFICER. Under the previous order, the Murray-Snowe amendment is now set aside and the Senator from Nevada is recognized to offer his amendment.

The Senator from Nevada.

Mr. REID. Mr. President, I send an amendment to the desk on my behalf of myself and my colleague Senator BRYAN, the Senator from Hawaii, Mr.

INOUE, Senator WYDEN, Senator KERREY of Nebraska, Senator DURBIN, Senator MURRAY, and Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BRYAN, Mr. INOUE, Mr. WYDEN, Mr. KERREY, Mr. DURBIN, Mrs. MURRAY and Mr. FEINGOLD, proposes an amendment numbered 3009.

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

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

The amendment is as follows:

On page 347 strike line 21 through line 13 on page 366 and insert the following:

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 2205 of the Military Construction Authorization Act for Fiscal Year 1997 is repealed. This section shall take place one day after the date of this bill's enactment.

Mr. REID. Mr. President, all Senators in this body who have a military installation in their States should be concerned if my amendment does not pass because, in effect, what this language that I am trying to have stricken today does is guarantee the future of Mountain Home Air Base. That is what this is all about. This enlargement is simply to stop there being a further round of closures that affects Mountain Home Air Base.

This amendment would prevent the unnecessary expansion of Mountain Home Air Base. This is a training range, an Air Force range in Idaho. Since 1991—in fact, since the early 1980s, the Air Force has sought to expand the training areas used by pilots operating from Mountain Home Air Base in southern Idaho.

These training areas are made up of the airspace over the Owyhee Canyon lands and range from southern Idaho to eastern Oregon and northern Nevada.

First of all, let me talk a little bit about the Owyhee Indian Reservation. This is a Shoshone Paiute Tribe consisting of a little over 2,000 members. The area that they were placed by the Federal Government is an area that is beautiful, but very stark and cold. Many times during the winter, you will find the coldest place in the United States is the Wild Horse Reservoir located some 20 miles below the reservation. This is a very cold place. But in spite of it being cold about 9 months out of the year, it is a beautiful place.

The Owyhee—O-W-Y-H-E-E—Reservation also has running through it the Owyhee River. This is one of the most beautiful areas anyplace in the United States.

How did the name Owyhee originate? If you ask one of the Indians from the reservation, they will tell you it is very simple. Last century, some trappers from Hawaii came to trap on the river in the area. They were never heard from again. No one knows what happened to them. From that time forward, this whole area has been known

as Owyhee, a derivation of a Hawaiian name—O-W-Y-H-E-E—Canyon. The lands range from southern Idaho, eastern Oregon, northern Nevada.

The Air Force is saying this will improve their ability to train at this range. They are saying it is inconvenient for them to have to fly to Utah, to Oregon and Nevada to train. That is just a way of trying to establish an air base that won't be taken away in the future. There is no reason to enlarge this air base; none whatsoever. The longest flight they have to take now to do their training in Nevada, Utah or one of the other bases in the area is about 40 minutes. It doesn't seem like a very long time. If, in fact, we are able to have our amendment adopted by this body, they will still have to fly to these areas. So this does not take away the necessity of having to have their pilots fly to other areas to train.

Why is this language in the defense authorization bill which will expand the training range and associated airspace? It is not about training and readiness. That is taken care of. This is about base realignment and closure. This is about something we call BRAC. This is about almost \$32 million being used to buy BRAC insurance for Mountain Home Air Force Base in Idaho.

It seems somewhat unusual to me that in this bill we are fighting to have money for projects that are extremely important for the readiness of the military. It seems real unusual to me and most everyone else who looks at this as to why we have to spend \$32 million of money that we don't have and can't afford to enlarge a base that shouldn't be expanded.

It is about trying to make Mountain Home too attractive to close, while other bases in other parts of this country are closing. It should come as no surprise that this range expansion is not needed and is a waste of taxpayers' money.

Mr. President, let me read from an Air Force audit report. This is an audit report of the inspector general of the Department of Defense verbatim:

The Air Force has not . . . proved why existing training ranges cannot continue to provide composite force training. Establishing the Idaho Training Range would be an exception to the overall DOD attempt to downsize infrastructure.

I continue the quote:

The Assistant Secretary asserted that Saylor Creek can support day-to-day training performed by the composite wing. In summary, the Utah, Nellis and Fallon ranges are suitable for composite force training and the ranges have the required airspace and ground areas. During our audit, the 336th wing officials—

That's Mountain Home—

stated that all the training requirements were being met with the Saylor Creek range and the Utah, Nellis and Fallon ranges. Our review showed that the capabilities of the Utah range satisfy the currently described training quality attributes applicable to the 366th. The Air Force chief of staff, plans and operations, has acknowledged that the ITR was not necessary for composite force train-

ing. The deputy chief of staff stated that using existing assets, the wing has trained adequately and has become combat ready. It seems very clear and unambiguous.

Mr. President, further, a draft audit from the inspector general went on to say:

The Air Force's proposed Idaho Training Range is an unwarranted duplication of existing DOD tactical training ranges. Also, the Air Force cost-benefit analysis to justify the Idaho Training Range is not valid. We attributed these conditions to the State of Idaho's efforts to influence the fiscal year 1995 base closure selection process and an eagerness by both Air Force and Idaho officials to establish the training range.

Therefore, the Air Force and the Idaho Air National Guard will unnecessarily spend \$35.4 million.

Which has been cut down a few million.

Further, Mr. President, a Department of the Air Force memorandum from assistant inspector general of auditing a couple years ago states:

The draft report is largely devoted to establishing what the Air Force has long acknowledged—the State's proposed Idaho Training Range is not a necessity for composite wing training in Idaho.

That is really it. There is no reason to have it. There is no request for it. The reasons haven't changed since the inspector general made his report.

In this same audit, the Secretary of Defense asserted that the existing range can support the day-to-day activities that are necessary. Even the Air Force stated that the "Air Force has long acknowledged the State's proposed Idaho Training Range is not a necessity. . . ."

What does this unwarranted duplication of existing assets cost? Almost \$32 million for an expansion the Air Force admits is not necessary, even as the Secretary of Defense calls for another round of base closures just to make ends meet.

We also have another very unique land policy issue, and that is, there is a cowboy whose statements I have read. He doesn't want to leave his ranch and is not going to have to leave his ranch. But about 5 percent of his many thousands of acres are going to be taken by the Air Force.

In compensation for this, he is going to get anywhere from \$250,000 to \$1 million. I must say, Mr. President, this is the first time that the land managers are aware of ever paying anybody for a privilege. That is, people who have grazing lands have the privilege of grazing cattle on those lands. Why should we pay somebody for that privilege? It seems it should be the other way around.

In addition to that, this gentleman is being compensated for water lines that he has put in, fencing he has put in and also he is going to be guaranteed make-up for the grazing lands that are taken from him. It seems like a pretty good deal to me, that he, in effect, loses nothing but makes anywhere from a quarter of a million to a million dollars.

The Bureau of Land Management does not recognize these lands as being available for sale or in need of compensation.

This is simply wrong.

Let's talk about the environment, the wildlife and also about Native Americans. There are many reasons to oppose it. I have outlined a number of them already. It is an unnecessary expansion of the base because the Air Force doesn't need it. It is unnecessary compensation to a rancher, a cowboy in the area. But, these Owyhee lands are far more than just a target for Air Force bombers or a dumping ground for Air Force chaff.

The Owyhee Canyon lands provides some of the most pristine, rugged and spectacular country in the West. Let me show you some of the areas along the Owyhee. It is a beautiful area. It is called the next Grand Canyon or the "Grand Canyon of the North." It is just picturesque any time of the year, and this is going to be impacted significantly as a result of the language that is in this bill.

Recently described as the "other Grand Canyon" in a prominent western magazine, the Owyhee Canyon lands are a vast network of river canyons, plateaus; this is the largest undeveloped area in the lower 48 States.

This is a mecca for those who seek to escape the daily clutter of civilization. I repeat, these canyonlands are the largest undeveloped area in the lower 48 States. And, Mr. President, these canyonlands offer an unmolested remnant of nature. This is what it is like. Tens of thousands of people go there every year—41,000, to be exact, the last count that we had. And they are going to be devastated as a result of this area being used for low-level bombing by airplanes, low-level training by airplanes.

Mr. President, Owyhee is the traditional homeland for the tribes of the Shoshone-Paiute. They have significant religious and cultural interests which must be protected from encroachment and desecration. Here, Mr. President, is some of the petroglyphs that are existing. They are all over this area.

To us, the ashes of our ancestors are sacred, and their resting places are hallowed ground. Our religion is in the traditions of our ancestors, the dreams of our old men given them in solemn hours by night, by the Great Spirit, and the visions of our chiefs. And it is written in the hearts of our people.

Chief Seattle is the one who said that.

Mr. President, shouldn't the Native Americans have been part of this deal? Do they deserve to be ignored? They live in a very remote part of the United States, one of the most remotely settled areas in the entire United States. And they have been ignored.

And as one newspaper reported, it seems rather unusual that there would be so much attention spent—and I quote—"It is one thing when it's a

white rancher who is a significant contributor. But if it's the Native Americans who are not involved in a commercial relationship with the Federal Government, too bad for you."

That is from a newspaper article today, an intermountain feature exchange from the Idaho Statesman.

It seems to me that I have no problem with this rancher caring a lot about his land. I think what I have heard about him—he has been on that land, his family has been on that land since 1880. Mr. President, those Indians have been there a lot longer than that. They deserve at least the right of somebody to consult with them. And they have been ignored. They have written a letter saying they have been ignored, they are not part of this concern, and they should have been.

The canyonlands, Mr. President, offer a safe haven for the California bighorn sheep, the pronghorn antelope, elk, deer, and numerous plants that will require our attention if they are to survive in the future.

Here is a picture, Mr. President, of the California bighorn sheep—one of the most magnificent animals there is. Average life expectancy of one of these animals—7 years. In that 7 years, they become a majestic animal and can do all kinds of things. They can do all kinds of athletic things that are beyond belief. We should do something to protect them. And we are not.

These are lands which are both part of our Western heritage and part of our American future. People of the West deserve a voice in how that heritage is used and what the future is going to be.

Today, the people of Idaho, Oregon, and Nevada have been allowed to add their voice to the chorus of those opposed to further range expansion.

Mr. President, I think it says a lot when we understand that groups are opposed to this. They talk about an environmental impact statement, and they have a comment period. The comments were 6-1 opposed to this—opposed to this.

Groups opposed to Mountain Home range expansion are: the Shoshone-Paiute Tribes, Taxpayers for Common Sense, the Wilderness Society, the Sierra Club, the Idaho Wildlife Federation, Owyhee Canyonlands Coalition, Foundation for North American Wild Sheep, U.S. Public Interest Group, the National Wildlife Federation, the Nevada Wildlife Federation, the Idaho Conservation League, Friends of the Earth, The Rural Alliance for Military Accountability, the Oregon Natural Resources Council, the Idaho White-water Association, the Idaho Rivers United, the Committee for Idaho's High Desert, the Oregon Natural Desert Association, and the Friends of the West.

The newspapers that are opposed to it, to name a few, are the Idaho Statesman, the Idaho Falls Post Register, the Wood River Journal News, and the Times-News.

So I am somewhat concerned that this is in the bill. We recognize it is al-

ways much more difficult to take something out of a bill than to put something in. But we are going to proceed on that basis.

What is being done here is simply wrong. The act bends the process. It fails to address the concerns of the tribe. We have 41,000 annual canyonland visitors a year. The agreement is not a product of public comment. The public has spoken and has clearly said they do not want the range.

Only yesterday the Idaho Statesman, the leading paper in Idaho, reported that "Congress has a wide variety of reasons to reject the proposed training range for Mountain Home Air Base. It should pick one and vote no."

There are lots of reasons. We only need one of those reasons. There are a multitude of reasons. The fact is, the citizens of Idaho oppose this expansion 6-1, as I have said before.

This agreement is the result of an unpleasant compromise forced on the BLM as part of a shotgun wedding with the Air Force. For the BLM, it was either the language accepted earlier this afternoon, or the even more odious agreement which was originally in the bill. And all so Mountain Home can enjoy BRAC insurance. This is not the way to craft an agreement for the public interest.

As I have said, Mr. President, the environmental impact statement is supposed to protect all parties. It does not. The Shoshone Tribe said yesterday:

The EIS does not even begin to account for tribal concerns and was absolutely insufficient for the purpose of making a decision regarding tribal interests. In fact, the EIS process was detrimental to Tribal archaeological resources because significant vandalism has resulted from the lack of confidentiality provisions in this part of the EIS process.

That is why the majority of the people in the States of Nevada, Idaho, and Oregon oppose this language. The language in the agreement which addresses the tribe's sacred sites was never shown to them. Their opinion, in this end game, was never asked.

Consistent with this approach, they are excluded from every decision in the process that has been acquired here. This, Mr. President, is wrong.

I am a strong supporter of the men and women in our military. And as much as any American, I want to make sure that they have everything they need to be prepared to defend our Nation's interests and return home safely.

Mr. President, over half of Nevada's airspace is dedicated to the military. Over 50 percent of the airspace over the State of Nevada is dedicated to the military. But they want more. They are gluttons, Mr. President. They cannot get enough. Over half of the airspace of the State of Nevada is already dedicated to the military. And I see no reason that there must be more given, more taken.

The Air Force has not justified its need to spend \$32 million. And they do not need more airspace. Remember, if

they get more airspace, they are still going to go to Oregon, still going to go to Utah, still going to go to Nevada.

Mr. President, they are going to come on and say, well, we are only going to fly so high or so low. Who is going to enforce that? Who are the air police? They do not have them. Anyone who has flown an airplane in the military knows those rules are not enforced.

Look what took place in Italy just a short time ago. That was in force because they hit a cable on a gondola at a ski operation. But to say we are only going to fly this high or this low is ridiculous. Everybody knows there is no way to enforce that.

The agreement in this bill is stealth legislation. I believe in stealth in the military, but not in the legislative process.

Mr. President, we have numerous letters. I would ask the Chair, how much time has the Senator from Nevada used of the 1 hour?

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. REID. Mr. President, there are numerous newspaper articles from all over the country. But let us just focus on a few. Let us talk about a newspaper article from Idaho Falls where they talked in the Post Register. "The U.S. Air Force keeps trying to build a new bombing range at its Mountain Home base—but it still hasn't got it right."

They acknowledge that this is "the most spectacular canyonlands left in North America." They talk about certain concessions the military has attempted to make.

But these concessions are irrelevant [though, says the newspaper] when placed next to what the Air Force has in mind. It wants to fly thousands of bombing missions, hammering the countryside. This activity would occur in a countryside where solitude recreation is becoming increasingly popular.

And it is the home of rare California bighorn sheep, not to mention a rich spectrum of high desert wildlife. Biologists will tell you that bighorn sheep don't schedule their lambing to suit the air force bombing runs. They haven't addressed [the newspaper article goes on to say] the 500 archaeological sites in the Owyhee Canyon lands. Some of these sites are the most important to the Shoshone-Paiute Tribe.

They go on to say, recently as late at 1995, 1996, the Air Force said they didn't need the land.

The Idaho Falls Post Register, again, says, "You would expect something this important"—talking about this legislation—"would warrant a separate piece of legislation." They go on to say, "No, it is sneaked into an appropriations bill." There will be no public hearings. The voices of thousands of Idahoans who overwhelmingly opposed the Air Force bombing range during a series of forums will be silenced. Idahoans won't be able to talk about the loss of solitude in an area so popular with fishermen, hikers, and ranchers, and Native Americans won't be able to express their concerns, and no Idahoan will be allowed to tell the Congress

that building a bombing range for pilots who already can fly to the ranges in nearby Utah is wasting taxpayers' dollars.

Mr. President, they go on to say "the politically contrived pack is silent about how the Air Force will respect areas in the Duck Valley Reservation." It gives the Air Force the right to fly twice a month at 500 feet. The Air Force promises to alert the public in advance—as if everybody is standing at attention for this announcement.

The Twin Falls newspaper says: Why is this training range necessary? It is not. It is not as if the new lean and mean Air Force doesn't have other options to the west for the composite wing station. At Mountain Home, the Owyhee Canyon lands is a convenience, not a necessity. They go on to say it is just that in an era where the Federal Government is supposed to be trimmed down and subcompact, the proposed Owyhee training range seems to be more like a Cadillac hood ornament.

The Twin Falls newspaper, the Times News: The real issue is, will the military be allowed to lock up this irreplaceable gem of God's creation for the sake of a shorter commute? Eight years into this debate and we still haven't heard a convincing explanation why it should. This is how the people of Idaho, the people of Nevada, how the people of Oregon feel about this. That is why the groups I have listed—Oregon Natural Resources Counsel, the Rural Alliance for Military Accountability, Friends of Earth, and dozens of other groups—think this idea is scatter-brained and not very wise.

Mr. President, we have numerous articles. I also state that yesterday there was a statement made when there was a perfecting amendment—there was, in fact, a photo shown, but the Owyhee Canyon lands photo is a photo of the Tules and East Fork of the Owyhee River. The area is not covered by altitude restrictions described by the person moving the amendment. The restrictions extend upriver to Battle Creek. The Tules area is east of this.

Now public comments. The movement of the perfecting amendment yesterday failed to disclose that of the thousands of comments submitted, the substance of the comments—I repeat, 6-1, 86 percent are opposed to this deal; 86 percent are opposed to the Air Force proposal.

The tribes weren't at the table; the tribes weren't present at the meetings of any of the Senators who moved the amendments. Tribal concerns have not been met. The tribes remain opposed. One completed study, funded by the Air Force, shows irreversible harm to tribal culture by this proposal.

Mr. President, there is no reason to do this. Rancher Brackett will not go out of business as a result of this proposal. The impact of the allotment represents 5 percent of his total operation. The intention of the amendment, very graciously, is to compensate the rancher for loss of grazing allotments and

then find replacement allotments of equal value. Brackett has an agreement with BLM to commence an environmental assessment, confer over 3,000 temporary AUMs—animal unit months—to the Juniper area, which would require compensation. It seems unfair and unwise.

Mr. President, training will continue. It is not going to change. This is for the benefit of the Air Force, to give them BRAC insurance. There is no other reason for this. It is a range of convenience. It is detrimental to the environment. If we look to the future, this training range is not futuristic, it is something that is looking to the past. And certainly, with our constrained budget, and attempting to balance the budget, it is unwise. I ask my colleagues to support this amendment, to delete this language from the bill, save the taxpayers a huge amount of money today and large amounts of money in the future.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KEMPTHORNE. Mr. President, I will address the amendment offered by the Senator from Nevada.

The PRESIDING OFFICER. Who yields the Senator time?

Mr. THURMOND. How much time do we have left?

The PRESIDING OFFICER. The Senator from South Carolina controls 60 minutes in opposition.

Mr. THURMOND. Mr. President, I yield the distinguished Senator such time as he may require.

Mr. KEMPTHORNE. Mr. President, thank you very much.

I will address a number of the issues that have been raised by the Senator from Nevada. He talks about this proposal by the Air Force to expand and enhance training at Mountain Home Air Force Base. It is a composite wing with F-15s, F-16s, B-1 bombers, C-135 tankers. This is unusual, to have a composite wing. They are bedded down so that they train as they will fight.

I think we know we have a troubled world out there. There is no longer the other big giant, the Soviet Union. We see the troubling headlines every day. It is a composite wing that would get the order—if we have to go into harm's way, there is a high likelihood they would be dispatched from Mountain Home Air Force Base—the finest pilots in the world, sending them into harm's way.

I hope and pray that not only do we provide them the best equipment but

also the best training opportunities, so that when those men and women get into that aircraft, they have every chance and opportunity to come back home to their loved ones after accomplishing what the U.S. Government sends them to do on behalf of the U.S. citizens.

The characterization that this is just some guarantee of future Mountain Home Air Force Base, is that why this is one of the items in a priority of the President of the United States? Is that why the Secretary of Interior is part of this process? The acting Secretary of the Air Force? The director of the BLM? The director of the Council of Environmental Quality? The Secretary of Defense? Are they all in this together? Yes, they are, because we want to provide that sort of training opportunity for the composite wing.

It happens to be located at Mountain Home Air Force Base. I serve on the Senate Armed Services Committee. I am proud of that assignment. Why did we put this legislation, this language from the Department of Interior and the Air Force, in the defense authorization bill? Because that is where the President puts the funds for the expansion and improvements to the training range.

That seems rather logical to me. Governor Phil Batt, a Republican, during his entire term of office, has been working to make this project a reality from the State perspective. His predecessor, Governor Cecil Andrus, a Democrat, worked diligently and dedicated much of his time to bring this about to be a reality. We are finally going to make it a reality. Is it a Republican issue? Well, if it is, why is a Democrat administration making this such a priority?

I ask the opponents of this: Have you called your President? Have you called your Secretary of Interior? Have you called your Secretary of the Air Force? Your director of the BLM? Your director of the Council of Environmental Quality? If you have, as I have, I think you will get a very clear message that this is a priority and this must and should go forward.

On this idea that, by golly, we have shut everybody out, there have been 2½ years of effort, Mr. President. This is the environmental impact statement. Yes, everybody was "shut out"—16 public hearings in 3 different States, over 400 witnesses, and over 1,000 comments are included in this. Show me the evidence that they were shut out.

We talk about the Native Americans. The Senator from Nevada said, "Shouldn't they be part of the deal? Why were they ignored?" Well, I would like to, then, reference from the environmental impact statement a few of the meetings that were held between the Air Force and representatives of the Shoshone-Paiute Tribe. I happen to have the utmost respect for members of the Shoshone-Paiute tribe. I worked with them. A number of them I consider friends. They are wonderful people.

A meeting was held on 20 May, 1995; on 20 September, 1995; on 6 December, 1995; on 21 February, 1996; on 21 May, 1996; on 22 May, 1996; on 23 May, 1996; on 28 May, 1996; on 20 June, 1996; on 11 July, 1996; on 7 August, 1996; on 22 August, 1996; on 19 September, 1996; on 20 September, 1996; on 24 September, 1996; on 8 November, 1996; on 9 December, 1996; on 9 January, 1997; on 22 January, 1997; on 14 March, 1997; on 9 June, 1997; on 29 July, 1997; on 5 December, 1997; on 10 December, 1997; on 9 January, 1998; on 13 January, 1998.

Isn't it a shame that they were ignored. There were 26 meetings.

In a letter that the tribe sent to the Honorable Rudy De Leon, Under Secretary of the U.S. Air Force—included in this letter, Mr. President, they referenced the training range. They say, "In regard to the training range, enclosed as an attachment is a map with a shaded area running north and west from a reservation. This represents the area in which our sacred sites are located and, therefore, the area in which we oppose the creation of any training range, whether drop or no drop."

Included in this letter is this map. Now, I would like to point out that here is the Duck Valley Indian Reservation. Here is the Idaho-Nevada border. This map is the same as right here. They drew the line; the Native Americans drew the line and said, "Stay out of this area, please, because we have sacred sites, because this is critical to our culture." So where is Juniper Butte, the 12,000-acre training range? Is it in that area? No. It is right there, right there. But nobody was listening. Where is the evidence? Who selected that site—Juniper Butte? Did this rancher come forward and say: Federal Government, would you please choose this site? No. It was the Bureau of Land Management. That was their proposed alternative. They suggested that. After a 2½-year process, the Air Force agreed that that is the best site. That is where you can do it. BLM recommended it; Air Force concurred. The rancher—or the "cowboy," as the Senator from Nevada refers to him—didn't come forward and say, "I would like to do this." The Air Force, from day 1, said they would compensate anybody who was adversely impacted.

There is the land, 12,000 acres. That is where that family, for years, has been deriving their living. They put in extensive water pipes and fencing in this area. But now, because the Air Force needs it, yes, they are willing to be good citizens and say, all right, we will no longer utilize it as we have. But isn't it fair that they ought to be compensated for the pipelines and the fence, so they can be allowed to remain whole? There it is.

Now, these beautiful pictures of the Owyhee Canyon lands are absolutely spectacular. The Senator from Nevada says that citizens, in trying to escape the daily clutter, go to these Owyhee Canyon lands. That is good. They should come there. They are welcome

there. It is beautiful. He said that they would be devastated by this decision—devastated by this decision—because we are going to turn it into a bombing range. Over this beautiful, pristine canyonland, do you know what the current regulations are? Jets can fly at 100 feet above ground level, 100 feet above the canyon rim. With this agreement, they won't be able to do that. Right now, they can do that 365 days out of the year. With this agreement, during April, May, and June, they can only do it Tuesday, Wednesday, and Thursday. So that the recreationalists can enjoy the beautiful canyonlands and the water, it is just Tuesday, Wednesday, Thursday, not 7 days a week. Incidentally, it is not at 100 feet above the canyon rim, but 5,000 feet above the canyon rim, if they run parallel to the canyons, a mile on each side, 5,000 feet, or perpendicular at 1,000 feet. That is what you pick up with this.

But if you don't like that, then go along with the Senator from Nevada and strike the language, and the pilots can again be at 100 feet above the canyon rim 365 days a year.

We talk about sheep that are there; the Air Force provides \$435,000 for 4 years so we can monitor the impact of this, the flights on the sheep as well as sage grouse. We have mitigation in place for spotted pepper grouse.

Mr. President, I think we have a good program here. I think we have a good project. We talk about the training.

Again, as members of the Armed Services Committee, we are very concerned about training and the amount of time that we can budget for our pilots actually to be in the air training—not in transit, training. That is the key—training. We have determined that their total combat training time more than doubles with this enhanced training range—more than doubles. Isn't that what we want for our pilots—to be training, so, again, as much as you hope and pray, they are not going to have to go into conflict with something crazy that happens somewhere in the world? But I will tell you, if they do, I don't want to be on the side that denied them the opportunity for adequate training.

This proposal that predates my tenure in the U.S. Senate—it has been around many, many years, but it is time to bring it to a conclusion. That is what the President of the United States believes. That is what the Secretary of the Air Force believes, the Secretary of Defense, the Secretary of the Interior, and the Idaho delegation—Senator CRAIG, Congresswoman CHENOWETH, Congressman CRAPO—Governor Batt. It is time to do this and do what is right.

Mr. President, I think that concludes my remarks at this point. I hope I have helped set the record straight.

I urge my colleagues not to support this amendment offered by the Senator from Nevada.

Again, I remind you that this is not a partisan issue. I call upon my friends

of the Democratic Party, certainly those on the Senate Armed Services Committee, to support this Air Force proposal, to support this administration proposal, so that we can do what is right, do what is right for the pilots, but do it in a sensitive fashion that is right for the environment and which also enhances the opportunities for recreation.

I reserve the remainder of our time and yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I yield myself 2 minutes.

Mr. President, Senator REID's amendment will strike title 29 of the Nation's Defense Authorization Act for Fiscal Year 1999. Title 29, if enacted, would authorize the land withdrawal for enhanced military training in Idaho. That land withdrawal is necessary to ensure the very realistic military training of the 366th Wing at Mountain Home Air Force Base, ID. The administration has expressed support—I repeat, the administration has expressed support—for Senator KEMPTHORNE's substitute amendment to title 29 which was passed by a voice vote yesterday.

I strongly support Senator KEMPTHORNE's amendment to title 29 of the Defense Authorization Act for Fiscal Year 1999 and his continued efforts to ensure enhanced training in Idaho. As a result, I must oppose Senator REID's amendment.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my friend from Idaho indicates that he wants to make sure that the pilots don't fly in harm's way. The pilots who fly out of Mountain Home are treated fairly. They have all they need to be the best that they can be.

I refer to what the Air Force said themselves. I quote the Air Force deputy chief of staff. He acknowledged that "the Idaho training range was not strictly necessary for composite force training." The deputy chief of staff said, "The division already met training needs using the existing range at Saylor Creek, as well as the ranges in Idaho and Nevada."

Here is what General Ken Peck had to say, the wing commander: "We are the most combat capable unit anywhere in the world right now."

So I don't think we can stretch this by saying that if this amendment does not pass, the Air Force pilots are going to be flying in harm's way. Quite to the contrary. According to the commander of the 336th Wing, "We are the most combat capable unit anywhere in the world right now." Why? Because they fly, at the most, 40 minutes to do training. They can train at Mountain Home, but at the most, 40 minutes.

Mr. President, let me also say that I have mentioned a number of the environmental groups. Everyone should understand that they haven't had many

environmental votes this year. This is one of them. The League of Conservation Voters feels very strongly about this. They have written letters. They have done telephone calls. They have sent e-mail. They sent faxes. This is something the League of Conservation Voters are going to look at very closely.

Mr. President, has the training of the last 7 years been sufficient or inadequate? The Air Force can disagree, as I have already indicated from the commander of the base. We must focus on the justification for the proliferation of more Air Force space. It is simply unneeded. Is it necessary to spend \$32 million? The answer is no. We are trying to save money, not spend it unnecessarily. As I have said before, this is BRAC insurance for Mountain Home Air Base.

What does the new tribal council say about the sites? They say that they have people come to the reservation on many occasions but, of course, have not consulted with the tribe. They have come through and told the tribe what they are going to do, and that is indicated. It is important to do that. They have been ignored.

The picture that has been shown by my friend from Idaho shows this desert area. Mr. President, what do you fly over to get to that? You fly over this to get to that. You fly over this land. That is the problem. We admit they are not going to be strafing and dropping bombs in this area. But they are going to be flying over this to get to the other area.

I repeat: Who is going to be the air police? Are we going to have helicopters up there 500 feet, and, if you go below that, you hit a helicopter? The answer is no. There is no air police. The airspace is violated continually. Anyone who has an airbase in their State knows that. These pilots do their best. Sometimes their best is not good enough. They must fly over these wilderness areas, these pristine areas, to get to the area in the picture my friend showed.

Mr. President, who called them about the agreement on the sacred sites in this bill? The answer is no one. Everybody was shut out over the site. The Air Force didn't like what was being said. Remember, we talk about thousands, or more, comments—1,000 or more comments, and 86 percent of them were opposed to it. You can go around and get all the comments you want, if you are going to ignore them. That is what was done here.

I admit that taking taxpayer money and spending it unnecessarily is a bipartisan objective around here. I agree with my friend from Idaho. Money is spent unnecessarily by Democrats and Republicans, and that is what is being done here.

It seems funny, as reported in the Idaho press, that the only person being compensated is a caucasian farmer. The Indians who have their tribal lands violated, their sacred sites violated,

their life disturbed, are not getting 5 cents.

They will be able to fly over Jack's Creek, an area that BLM didn't want to give up—270 square miles of pristine land.

Mr. President, I think the most impressive thing here is how the Federal Government has attempted to get insurance. It is not on the market in most places. In Congress it is. They can come in here and buy BRAC insurance so that next time we do base closings—everybody knows Mountain Home just barely made it last time. This is an effort to assure that Mountain Home won't close next time.

I want to make sure, because they are never represented in the halls of Congress, or rarely so, and certainly the Owyhee Indians are not represented—I want everyone to understand that they feel they have been had, that they have not been treated fairly, and they feel their lands have been taken from them this time and in the past. In the past, we can't do much about that, but we certainly can do something about this time.

This amendment should pass. It is a fair thing to do. It is the right thing to do. It is the good thing to do for the military of this country. And it is the best thing we could possibly do for the taxpayers of this country. Right off the bat, we would save \$32 million.

I reserve the remainder of my time.

I say to the chairman of the committee, the manager of the bill, that I only have one Senator I know who has indicated he wants to come and speak on this issue, and we are making a call. If he does not want to come, maybe we can yield back our time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KEMPTHORNE. Mr. President, my colleague from Nevada has been reading from an inspector general's audit. I believe the date on that is 1995. That particular project was the Idaho Training Range. It was a previous proposal that was rejected. This was a proposal which then-Governor Cecil Andrus worked extremely hard to bring about and should be commended for that. But again the specifics on that audit deal with ITR, the Idaho Training Range, and that is not the proposal before us today.

He references official letters that I think are a couple years old, so let me read to you, if I may, a letter from the current Secretary of Defense, William Cohen. I will ask unanimous consent that this be made part of the record.

It says:

Thank you for your letter of September 8, 1997. I want to assure you nothing has

changed regarding my enthusiasm for the Enhanced Training in Idaho (ETI) initiative.

The 366th Wing at Mountain Home Air Force Base is an important component of our military capability. As one of the first units to deploy to a problem area, it has the responsibility to neutralize enemy forces. It must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts.

ETI balances realistic local training with careful consideration of environmental, cultural, and economic concerns. The elements of the ETI proposal, though designed to minimize environmental impacts, will simulate real world scenarios and allow the aircrews to plan and practice complex missions. In addition to providing realistic training, ETI's close proximity to Mountain Home Air Force Base also will enable the Air Force to convert time currently spent in transit into actual training time. Thus, the ETI proposal allows Air Force crews to use limited flight training hours more efficiently.

I continue to give the ETI process my full support. It will provide our commanders with realistic training opportunities locally, while ensuring potential impacts to natural, cultural, social, and economic resources are identified and, where possible, cooperatively resolved. Your strong support for the ETI initiative is very important to us, and you may rely upon my continued interest and commitment. I trust this information is useful.

Sincerely,

BILL COHEN,  
Secretary of Defense.

I also have a letter dated June 19, 1998, from the Acting Secretary of the Air Force, Whitten Peters, as well as the Secretary of Interior, Bruce Babbitt. I quote from that:

DEAR SENATOR KEMPTHORNE: We are pleased to provide you with the attached legislation for the withdrawal of lands for the Enhanced Training in Idaho (ETI) project. As you know, this legislation represents three years of extensive work by the Bureau of Land Management, the Air Force, you, and other representatives of the people of Idaho, and many others who care about the welfare of Idaho's environment and the effectiveness of the 366th Wing at Mountain Home Air Force Base.

ETI will increase the realism, flexibility, and quality of the Air Force's training. It permits the 366th Wing to train more efficiently and effectively for its important missions, thereby improving the aircrews' safety and mission performance. Implementation of ETI will substantially strengthen the 366th Wing's ability to ensure readiness to perform its assigned missions.

Importantly, however, the Air Force and BLM also worked very hard so that ETI would balance training needs with the concerns of the Shoshone-Paiute Tribes, the environment, and other public land uses. The Air Force and BLM actively solicit public and agency involvement through the development of the project. Participants in the process included the State of Idaho, environmental organizations, the Shoshone-Paiute Tribes, ranchers, recreational organizations, and other users of the public lands in Idaho.

The Air Force incorporated numerous mitigations in the design of the project to address public concerns and relocated facility sites during preparation of the environmental impact statement to avoid various environmental concerns expressed by the Shoshone-Paiute Tribes and others. Following completion of the EIS and consideration of public comment, the Air Force adopted further mitigation measures, including altitude and seasonal overflight restrictions

that further address concerns of recreational users to protect the habitat of bighorn sheep. The NEPA process was a valuable tool in helping to identify these mitigations and resolve concerns.

We believe the attached legislation accommodates many issues that you and other representatives of the people of Idaho have raised throughout the process and is an important step forward for national security, for the environment, and for significant tribal interests.

The Office of Management and Budget advises that from the standpoint of the administration's program there is no objection to the presentation of this report to Congress.

Sincerely,

BRUCE BABBITT,

*Secretary of the Interior;*

F. WHITTEN PETERS,

*Acting Secretary of the Air Force.*

Mr. President, as noted here, the language which I submitted is the administration's language. And I was greatly pleased, and I appreciate the statement by the ranking member of the Senate Armed Services Committee, Senator LEVIN, when he stated, and I may be paraphrasing, that Senator KEMPTHORNE did exactly what he said he would do in the Armed Services Committee, and that is that he would come back before the Senate and he would provide the perfecting language to this issue. It is exactly what I did. And whose perfecting language? It came from the administration.

I know that the senior Senator from Idaho wishes to make comments on this, so I will yield the floor and again look forward to comments by the senior Senator from Idaho, who has been a great leader on this issue as well.

I make this final thought. It is a public process. In the public arena you sometimes get bruised, but there are just groups out there that for years have not wanted this project to become a reality, and so they will use any handle they can to try to stop it. They have tried a variety of things to stop it. Sometimes they questioned people's integrity in their efforts to try to stop this. That is real unfortunate because I think that is what causes a lot of citizens to say "that's why I don't want to step into the public arena."

I think people's reputation and dignity are worth something, and I don't think they ought to be trashed just for a political agenda to somehow try to stop something.

So with that, I look forward to the comments by the senior Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am here on the floor this afternoon to join my colleague from Idaho, Senator KEMPTHORNE, to reinforce what this Senate agreed to yesterday, agreed to in a unanimous environment. What they really agreed to, once the two Senators from Idaho and the Idaho congressional delegation had spent over 2½ years ensuring that the public process was fulfilled, they agreed—you agreed, the Senate agreed—that the Senators from Idaho, having worked the process, deserved to do what was necessary to do to ensure the long-term stability of

Mountain Home Air Force Base and its expanded mission.

What did we do? What did Idaho do to ensure that the public lands were held in the appropriate esteem, that Native Americans involved in this were appropriately addressed, that the mission was fulfilled by the expansion of range to the necessary amount?

We met twice with the BLM and the Air Force and all of the agencies involved to assure that they did their homework and that they did it right, because several years ago they had not done it right and Idahoans reacted, in part, by saying, while we need this training range, the process has to be corrected. The process is now complete and the process is correct, by every participant's evaluation.

There are some, like Senator KEMPTHORNE has just spoken to, who do not agree with it. But they agree with nothing. They oppose everything. Even though they are hard-pressed to admit that there were any failures to the process because they were involved, there were, I believe, some 16 public hearings in the State, a full outreach by the BLM and the Air Force, to make sure that this reallocating of land was the right thing to do.

The Duck Valley Indian Reservation—I believe there were 20-plus meetings. Let me read a letter that was sent on January 29 by the entire congressional delegation to the Shoshone-Paiute tribes of Duck Valley Reservation. James Paiva, the tribal chairman:

Dear Chairman Paiva:

Today we received the Air Force's final Environmental Impact Statement . . . regarding the Enhanced Training in Idaho . . . project. We also had a meeting with senior Department of Defense, Air Force, Department of the Interior and Bureau of Land Management officials regarding the future steps necessary to develop the ETI.

Knowing of the tribes' previous concerns regarding the ETI [or the Enhanced Training in Idaho] project, at our meeting today we especially asked about the tribes' position regarding the final EIS. We were assured the Air Force and BLM have made great efforts to accommodate the concerns of the Tribe.

We want to thank you for your excellent cooperation on this very important project. We urge you to continue to work with the Air Force to develop cooperative solutions to training issues. We look forward to working with you in the future on the many areas of mutual interests we share.

Sincerely,

Senator CRAIG.  
Senator KEMPTHORNE.  
Congressman CRAPO.  
Congresswoman  
CHENOWETH.

The outreach has gone on. The outreach has been complete. I cannot stand here today and tell you that all members of the Shoshone-Paiute tribe at Duck Valley are satisfied. But we believe that their questions and their concerns have been answered and that they agree in general that is the case.

Let me address the environment for just a moment. The Owyhee will not be devastated. Neither Senator CRAIG nor Senator KEMPTHORNE would stand or tolerate that, and any suggestion of that is bunk. It is a false allegation at the very best. We value our lands and

we value their beauty—and they are beautiful. As Senator KEMPTHORNE has said, where there was once a 100-foot level of flight over areas, which may be demonstrated in the pictures standing by the Senator from Nevada, there is now 1,000 feet of protection. Where there was an ability to continually fly over areas where there are California sheep, there is now a limitation during the lambing period. There really isn't anything we have not thought of, because we have been consulting for 2½ years with every stakeholder and every interest in this area.

I am at a loss today to try to understand why the Senator from Nevada would want to strike this because we have talked with him. We felt we had talked and worked with his people adequately enough to assure that all of the concerns were met. Claims that this range is only here to BRAC-proof Mountain Home simply are false because Mountain Home was never on the list. Why? For a lot of the reasons that Nevada bases have not been on lists, because they are away from population centers and they have great air time and they are the kinds of bases that the Air Force wants for optimum flying. That is why.

But, for new training missions, looking out into the future, knowing how difficult it is to reallocate public lands, Mountain Home and the Air Force thought it was time to expand the necessary training ranges. It costs hundreds of thousands of dollars annually to fly longer distances to train simply because of the consumptive necessities of these large aircraft. The closer that range, the easier to train, the less need to schedule timing and do all of that type of thing. And that is exactly why we worked with the Air Force to do that.

I hope my colleagues will join with us today in not supporting a motion to strike, because I believe the two Senators from Idaho, certainly, Senator KEMPTHORNE and myself, have spoken to this issue. We knew that there would always be concern about the reallocation of public lands and that the process had to be unquestionable. We have tracked it. We have detailed it, day to day, week to week, month to month, for 2½ years. Now the administration is in full support of it. The administration put it in their budget. The Department of the Interior signed off on it. The Air Force signed off on it. The BLM has signed off on it. It is in full support.

So why, today, a motion to strike is beyond me and very frustrating. We had hoped this would not have to occur, but apparently it is necessary that the Senator from Nevada do this. For that, I am disappointed, that it has to happen, because the people of Idaho have been addressed in this issue and all of the parties concerned have been worked with in a complete manner. We believe it is important that we proceed.

Let me add just one additional thing. The Senator from Nevada expressed concern about the compensation issue for a rancher. I said it yesterday. The Senator from Nevada was not on the floor. Let me repeat it again today. There is no compensation for this individual rancher. There is an assurance, as we require him to move to a new range, that the moneys are there to build the pipelines and the water systems and the cross-fences to make the new range as productive as the old range that is being taken away from him. This rancher and the Three Creeks Grazing Association that I am very familiar with—I have been out on that range numerous times. I know the canyonlands that the Senator from Nevada talks about. I have been there. I have been in them over the last good number of decades. But the Three Creeks Grazing Association—this rancher and others—have invested hundreds of thousands of dollars of their own money and time over the last many, many years to make this one of the best grazing areas in the State of Idaho. Why? Because they can manage their cattle and because they have adequate water systems to move from pasture to pasture without overgrazing. As a result, these lands have become increasingly productive.

Something else happens when lands for grazing become increasingly productive because of water and because of rest/rotation management through effective cross-fencing. The abundance of wildlife increases, and there is clear documentation to prove it. Upland game birds, deer, and now in Idaho, open range elk have increased in phenomenal numbers—not because of the absence of management but because of the presence of management and because of the kinds of investment that many of these ranchers have worked with BLM to make over the years.

That is the intention we are talking about. Not the full misrepresentation in the newspapers that somehow somebody was getting paid off. That is simply not the case. I don't think the administration would be involved in that kind of a tactic. It is their budget that we are dealing with here and the moneys they put in for the purposes of these kinds of transitions. That is what we are talking about today.

We have been fully aboveboard on this with numerous public hearings addressing all of the issues. I hope my colleagues will join Senator KEMPTHORNE and myself in a motion to table this motion to strike.

I yield the floor.

Mr. INOUE. Mr. President, I rise in support of the amendment to S. 2057 offered by my colleague from Nevada, Senator REID.

The Reid amendment would strike from the bill an amendment adopted by the Armed Services Committee during its markup of S. 2057.

That amendment, offered by Senator KEMPTHORNE, would withdraw 12,000 acres of land from the public domain

for use by the United States Air Force for a project known as Enhanced Training in Idaho, or E.T.I.

It would ratify the Air Force's recently announced selection of this land—known as the Juniper Butte Range—for addition to an existing 109,000-acre training range.

The Air Force plans to invest thirty million dollars to outfit the area for training pilots in electronic warfare, tactical maneuvering and air support.

Over the past several years, the Air Force has failed to gain public approval of similar proposals to expand its training area in Idaho to provide more cost-effective training for pilots at Mountain Home Air Force Base.

These proposals, like the current Juniper Butte proposal, have been controversial in large part due to their potential impacts on proposed wilderness areas, wildlife, and human populations.

These impacts—principally from the anticipated increase in air traffic and the noise associated with it—are significant and very difficult to mitigate.

Increased air traffic and noise are of particular concern to the Shoshone-Paiute tribes of the Duck Valley Indian Reservation, which straddles the Idaho-Nevada border.

Low level overflights of the reservation and sonic booms associated with the existing Idaho training facilities have long been a source of friction between the tribes and the Air Force.

As a result of litigation brought by the tribe against the Air Force over these issues, the tribe and the Air Force entered into an agreement concerning training flights in the vicinity of the Duck Valley Reservation.

Regrettably, the tribe currently regards the Air Force as being in violation of this agreement.

It is therefore not surprising that the Duck Valley tribes view the Juniper Butte proposal as an additional threat to their culture, religion and resources.

Nevertheless, I would like to commend the Air Force for entering into a contract to evaluate the impacts of Air Force activities on the cultural practices and sacred sites of the tribes.

However, my understanding is that these ethnographic studies are ongoing, and that we at present do not have the benefits of their findings or recommendations.

Given the difficult history in the relationship between the Air Force and the tribe, I question the wisdom and the need to move precipitously on the Juniper Butte withdrawal.

Typically, when a Federal agency announces a record of decision on a proposal such as the Juniper Butte withdrawal, other Federal agencies have an opportunity to review and comment on it.

The Department of the Interior, whose Bureau of Land Management currently manages the Juniper Butte lands, has a wide array of concerns about withdrawing the lands for a bombing range.

The department has concerns about potential impacts to some 22 proposed

wilderness areas, big horn sheep and other wildlife.

In addition, as trustee for the Shoshone-Paiute tribes, the Department is concerned about the potential impacts that adding Juniper Butte to the bombing range would have on the Duck Valley Reservation and its people.

While Interior and Air Force representatives have been meeting in an effort to address Interior's many concerns, there has been no effort to address the tribal concerns.

Given the past and present concerns about this matter, it is appropriate to ask, "What's the rush?"

Why is it necessary to short circuit the normal public process of review and comment, of congressional review of a proposal of this nature?

While it may be desirable for the Air Force to provide an additional area for training, there is no lack of existing facilities and no crisis that requires hasty action by the Senate.

There have been no congressional hearings on the decision to go ahead with the Juniper Butte land withdrawal since the Air Force announced it in March of this year.

Accordingly, the Senate has no record of discussion of the relative costs and benefits of the proposal, much less of the need for it.

Indeed, a June, 1995, report by the Defense Department's inspector general concluded that "establishing the Idaho training range would be an exception to the overall DoD attempt to downsize infrastructure".

Anyone familiar with my record in Congress knows that I believe in a strong national defense.

I support the desire of the Air Force to have the best possible training facilities so that our pilots will remain the very best in the world.

And I have no doubt that the Air Force has labored long and hard to address the various criticisms that have been made of its proposals to expand its training facilities in Idaho.

However, I also believe that the Senate has a duty and an obligation to be sure that the questions of need, of costs and benefits, have been answered fully.

We also have an obligation to review the adequacy of the measures being proposed to mitigate impacts on the environment, wildlife, and human populations.

Until and unless these concerns have been fully addressed, I see no compelling reason to go forward with this project at this time.

Accordingly, I support Senator REID's amendment to strike the Juniper Butte provisions from S. 2057.

Mr. BRYAN. Mr. President, I rise today in support of the Reid amendment, which would strike title 29 of the Defense Authorization bill, entitled "Juniper Butte Range Lands Withdrawal." Title 29 would authorize development of the proposed Enhanced Training in Idaho (ETI) project of the Air Force. The ETI involves creation of

a new Air Force training range covering parts of Idaho, Oregon, and Nevada to enhance training for aircrews of the 366th Wing based at Mountain Home AFB. The ETI would provide composite force training that includes multiple types and numbers of aircraft training together. The proposal would allow the Air Force to withdraw 12,000 acres of BLM land and associated airspace. Total DoD funding is estimated at \$31.5 million.

Mr. President, I would like to share with my colleagues several reasons why I feel the Enhanced Training in Idaho proposal lacks merit.

1. The Air Force has not justified the need for a new training range.

The Inspector General of the Department of Defense reviewed the Air Force's Idaho training range proposal and found that "the Air Force cost benefit analysis that supports the proposal was prematurely formulated because of the lack of an overall training plan for the 366th Wing."

The IG audit recommended that the Pentagon "withhold Air Force and Air National Guard funds related to establishing the Idaho training range."

In his comments to the IG, the Air Force Deputy Chief of Staff acknowledged that the Idaho training range was not strictly necessary, and he stated that existing training resources enabled the 366th Wing to meet its training needs and to become combat ready.

The IG concluded that "the Air Force has not established the training requirement for the 366th Wing composite force or proved why existing training ranges cannot continue to provide composite force training."

The IG further concludes that "the Utah, Nellis, and Fallon ranges are suitable for composite force training and the ranges have the required airspace and ground areas." During the audit, officials of the 366th Wing stated that all training requirements were being met with the Saylor Creek Range and the Utah, Nellis, and Fallon ranges.

2. The ETI proposal is nothing more than a BRAC insurance policy for Mountain Home AFB.

The motivation for this proposal is clear: it lessens the likelihood of Mountain Home AFB being included in a future round of base closings.

Senator KEMPTHORN was quoted in the Mountain Home News earlier this year as saying that the ETI range proposal "will be a great insurance policy for Mountain Home AFB."

3. Congress has not had the opportunity to review the proposal.

Neither the Armed Services Committee nor the Energy and Natural Resources Committee have held any hearings on this proposal.

Interested members of Congress and the public should have the opportunity to examine this proposal in the context of public hearings.

In the 99th Congress, hearings were held in both the House and Senate on Legislation authorizing the withdrawal

of public lands in the State of Nevada for training ranges in Fallon and Nellis.

4. Environmental impacts associated with the proposal have not been adequately mitigated.

A substantial portion of the air space expansion proposed by the Air Force is in the state of Nevada.

The Board of County Commissioners of Elko County, Nevada, has expressed its concern with the proposal regarding the impact of increased training flights over the Owyhee Canyonlands, which extend into Elko County in northern Nevada.

Less than one-third of the acreage the BLM originally sought to protect is covered by the 5,000 foot minimum flight level contained in the agreement between BLM and the Air Force.

The agreements 5,000 foot standard protects less than one-half of the wilderness study areas of that region and its archaeological and sacred Indian sites.

It protects less than one-third of the candidate wild and scenic rivers.

Finally, the agreement opens military overflights in the area surrounding Little Jacks Creek, which is the only remaining wild area in the Owyhees where people and wildlife, including bighorn sheep, can enjoy relative peace

5. Impacts on the Shoshone-Paiute tribes have not been adequately addressed.

The proposal omits any meaningful mitigation measures for the tribal members residing on the Duck Valley Reservation

The language of the proposal pays only lip service to the importance of preserving access to and use of Indian sacred sites

6. The compensation provisions for ranching operations is a taxpayer boondoggle.

The proposal contains a lucrative compensation package for one rancher that currently has a federal grazing permit on the 12,000 acres targeted for the range

It has been reported that the grazing permit involves 1,059 AUM's—an AUM is currently valued at \$1.35—which would mean that the permittee is currently paying approximately \$1,429 per year for his privilege to graze cattle on public land

It has also been reported that the agreement between the Air Force and the permittee involves a buy out of all or a substantial portion of this grazing use at the rate of \$250 per AUM, which equates to a total payment of \$264,750; in addition, the Air Force has agreed to compensate the permittee for the replacement costs associated with constructing new range improvements on other grazing land

The vast discrepancy between what this rancher has paid for his privilege to graze on public land and what he is being paid to relocate his grazing operation sets a dangerous precedent that should alarm the American taxpayer

Mr. President, for the reasons stated above, I urge my colleagues to support the Reid amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the senior Senator from Oregon was coming to the floor to speak, but there is an illness in his family, and he will be unable to come.

What we have to understand is why, if the previous information that they had given to the Senate regarding the audit was not accurate, why wasn't another audit done?

The electronic range that is being talked about here is essentially the same, although it has shifted a little to the east. Both proposals feature supersonic operations, low-level flight, flare and chaff and composite force exercises over vast areas of public lands.

The generic components of the electronic battlefield and bombing range have been juggled around geographically in the airspace, but have remained essentially the same and are designed to support the same kind of training which has been judged to be redundant by the Department of Defense inspector general in the audit report.

There has been some talk that the tribe has been consulted many times. This is what the tribe says:

The EIS does not even begin to account for tribal concerns and was absolutely insufficient for the purpose of making a decision regarding tribal interests. In fact, the EIS process was detrimental to Tribal archeological resources because significant vandalism has resulted from the lack of confidentiality provisions in this part of the EIS process.

The tribe doesn't like this deal. They don't like it in one respect, two respects; they don't like it in any respects.

My friend, the senior Senator from Idaho, says this has nothing to do with BRAC insurance. I only refer to the junior Senator from Idaho in a speech where he said, it was reported in the Mountain Home News earlier this year:

The range will be a great insurance policy for Mountain Home Air Force Base.

That is a quote. "The range will be a great insurance policy for Mountain Home Air Force Base." Mountain Home News, February 25, 1998.

The Owyhee Canyon Lands Coalition, speaking for all the environmental groups, said:

We have always considered the electronic warfare range to be at least as objectionable as the Juniper Butte target site.

We have heard talk on the floor that there is no compensation involved. All you have to do is read from the language of the bill that we are trying to have stricken:

The Secretary of the Air Force is authorized and directed upon such terms and conditions as the Secretary considers just to conclude and implement agreements with the permittees—

Of course, there is only one—to provide appropriate consideration.

I have not practiced law in a number of years. I am a lawyer, and I know consideration means compensation. That is what the bill says.

I talked about the Air Force really having quite an appetite. They have about 50 percent of the land in the State of Nevada. Here is what they have in the State of Utah, which is 175 miles from Mountain Home. How long does it take those jets to go 175 miles? You can figure it out. Not very long. Ten minutes? Fifteen minutes? Half hour? The north range is about 175 miles from Mountain Home and consists of 350,000 acres of land for exclusive DOD use. They are begging for business. They want Mountain Home to come and fly there. It has all kinds of great craters and a helicopter air-to-ground complex. It has everything they need for this composite wing in Utah.

They have Nellis, a large base. I say to my friend from Idaho, the senior Senator, the Nellis Air Force Base range is one of the best in the world, if not the best, but Nellis Air Force Base is right in the middle of town. It is not rural Nevada. It is right in the middle of Las Vegas. You can fly from there over the great range. They can go over to Fallon, a great training facility which they use all the time.

The extension of this base is unnecessary. Based upon the statements made by Commanding General Ken Peck who is, remember, the commander of the 336th: "We are the most capable combat unit anywhere in the world right now." It doesn't mean after they get these additional acres. It means they are the most efficient, the most capable combat unit anywhere in the world right now.

I say to my colleagues, this legislation is important. This amendment is important. This is what the taxpayers put us here to do: to save money. By voting yes on this amendment—no on the motion to table—you will be saving this Government \$32 million to begin with, and allowing in the future the necessary consideration to go forward as to whether or not this base should be closed. This is fair to the Native Americans who have been ignored in this process. It is fair to the taxpayers, and certainly fair to the environment and the people who support the environment. This is a vote that will be scored by a number of environmental organizations, as well it should be. This is an important environmental vote. It is an environmental vote, I think, for setting the tone for this Congress.

I say to the manager of the bill, I don't know if my two friends from Idaho have more to say. Otherwise, I will be happy to yield back time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I believe we have made our case. We have had a good debate. We are ready to yield back our time. At the appropriate time, I will move to table.

Mr. REID. I yield back the time of the Senator from Nevada.

Mr. KEMPTHORNE. I yield back my time, and I move to table the Reid amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be postponed.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the votes ordered with respect to the pending amendments be stacked to occur at 4:30 p.m. I further ask that the first vote occur on, or in relation to, the Murray-Snowe amendment, followed by a vote on, or in relation to, the Reid amendment, which is a motion to table, with 4 minutes for debate equally divided prior to each vote.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KEMPTHORNE. Mr. President, I make this inquiry of the Senator from Nevada. In looking at his legislation and reading it, he states in section "(f) Repeal of Superseded Authority.—Section 2205 of the Military Construction Authorization Act for Fiscal Year 1997 is repealed."

My question is with regard to "fiscal year 1997," since that is the previous year, if, in fact, this should read "fiscal year 1999." If there is a need to make a correction here, I have no objection, because I don't want to have any parliamentary excuse used. I would like to have a fair vote here. So, again, I make this inquiry as to whether or not this should be 1997, or in fact should be 1999, or in fact the year 2000.

Mr. REID. I say to my friend from Idaho, this is right out of the bill. The bill says, "1997," so maybe we should take a look. There might be something wrong with the bill, because the bill says, "1997."

Mr. KEMPTHORNE. Again, Mr. President, I appreciate that. We noted that. We wanted to make sure there was nothing to stand in the way of us having a vote on this issue before us.

Mr. REID. So, Mr. President, I say to my friend from Idaho, if there is something wrong, it is because the original text is wrong. We will take a look at that before the vote. If it needs to be corrected, we will stipulate that.

Mr. KEMPTHORNE. With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. DODD. I thank my colleagues, the distinguished Senator from South Carolina and the Senator from Michigan. And I realize they are waiting for a couple of amendments to come over and be dealt with on this bill. So as soon as I see someone walk in with an amendment, I will truncate these remarks so as not to interrupt. I know they have the important business of the Department of Defense authorization bill.

(The remarks of Mr. DODD pertaining to the introduction of S.2224 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Washington is recognized.

AMENDMENT NO. 2794

Mrs. MURRAY. Mr. President, I rise to speak in favor of amendment No. 2794, the amendment we will be voting on. I understand I have 2 minutes and the opposing side will have 2 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. MURRAY. Mr. President, I urge my colleagues to vote in favor of the Murray-Snowe amendment. This is a very simple amendment that restores the right of our women and family members who serve overseas in the military to have access to health care services to which they ought to have access.

Current law in the DOD bill says that a woman who would like to have health care services relating to an abortion would have to ask for permission from her commanding officer to have the military pay for her transport home to the United States in order to get health care services. This amendment simply allows that woman to pay for—out of her own pocket, not at our expense—that service in a military hospital where she is serving overseas.

Mr. President, this amendment is a safety issue for our women and families of personnel who serve overseas. During the course of the debate, I talked about a letter written to me by a woman who was serving in Japan who had to go to a hospital in Japan where they did not speak English. She did not know what kind of medication she was receiving. Her health care was at risk. She wrote to us seriously questioning whether she would remain in the military after being treated like this.

This is a service that is legal here in the United States. Women who serve in

the military and families of military personnel should have equal access. We are not asking for any taxpayer expense. We are simply allowing women who serve in the military, or families of those who serve in the military, to pay for abortion-related services out of their own pocket, in a safe military hospital overseas.

Mr. President, I urge adoption of this amendment, and I thank Senator SNOWE for her continued help on this issue.

The PRESIDING OFFICER. There are 2 minutes in opposition to the amendment.

Mr. THURMOND. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 2794.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

I further announce that the Senator from Arkansas (Mr. HUTCHINSON) is absent due to death in the family.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

I further announce that, if present and voting, the Senator from Arkansas (Mr. HUTCHINSON) would vote no.

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Ohio (Mr. GLENN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—44

Biden	Feinstein	Levin
Bingaman	Gorton	Lieberman
Boxer	Graham	Mikulski
Bryan	Harkin	Moseley-Braun
Bumpers	Hollings	Moynihan
Byrd	Inouye	Murray
Chafee	Jeffords	Reed
Cleland	Johnson	Robb
Collins	Kennedy	Sarbanes
Conrad	Kerrey	Snowe
Daschle	Kerry	Stevens
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Leahy	

NAYS—49

Abraham	Faircloth	McCain
Allard	Ford	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchison	Smith (OR)
Coverdell	Inhofe	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

NOT VOTING—7

Akaka	Hutchinson	Specter
Baucus	Rockefeller	
Glenn	Roth	

The amendment (No. 2794) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3009

The PRESIDING OFFICER. The Senate will be in order. Under the previous order, there is 4 minutes of debate equally divided on the Reid amendment, No. 3009. However, that 4 minutes will not commence until the Senate is in order.

The Senator from Nevada.

Mr. REID. Mr. President, this is an amendment sponsored by Senators REID, BRYAN, INOUE, WYDEN, KERREY of Nebraska, DURBIN, MURRAY and FEINGOLD.

What this is all about is inserted in this bill is something called BRAC insurance to prevent the Mountain Home Air Base from in the future being closed. That is all this is.

It will cost the Government \$32 million unnecessarily. You compensate a rancher for the first time in the history of this country for having a privilege. The Government is paying somebody for using our land, in effect. Environmentally, every group in America is opposed to what is in this bill that we are attempting to take out.

The Indians' rights have been stomped upon. There are environmental impact statements out there—86 percent of the respondents were opposed to this. Every newspaper in the State of Idaho is opposed to what they are trying to accomplish; Oregon, Nevada is against it. This is something that is unnecessary. It is a range of convenience.

I read from the Idaho Statesman newspaper:

So the question is: Should taxpayers spend \$30 million to build another range and risk losing more high desert wilderness so the Air Force can save a few million in fuel, maintenance and operations costs for training out of the state?

The answer is no. It's not an acceptable trade-off. The area is far more valuable for its natural resources—especially since the Air Force has shown its range proposal to be only convenient, rather than undeniably essential for national security or pilot safety.

To show how unnecessary this is, I refer to General Ken Peck, the commander of the 366th Wing, which is this Mountain Home Air Base commander. "We are the most combat-capable unit anywhere in the world right now."

This is not needed. I ask my colleagues to oppose this motion to table for the taxpayers of this country.

The PRESIDING OFFICER (Mr. COATS). Under the previous order, the Senator from Idaho is recognized. The Presiding Officer is aware that there are important conversations and negotiations underway relative to the dis-

position of this bill. The Chair asks that those conversations be taken from the well so everybody can hear the Senator from Idaho.

The Senator from Idaho is recognized for 2 minutes.

Mr. KEMP THORNE. Mr. President, this project is a project of the U.S. Air Force. It is supported by the President of the United States, Secretary of the Interior, the Director of BLM, Katie McGinty, Counsel for Environmental Quality to the President. Here is the 2½-year process, the environmental impact statement.

I hope Senators had an opportunity to listen to the debate we had earlier. We were able to refute everything said by the Senator from Nevada.

I urge everyone to vote to table this motion.

I yield the remaining time to the chairman of the Environment and Public Works Committee, Senator CHAFEE.

Mr. CHAFEE. Mr. President, I support Senator KEMP THORNE and will vote to table the Reid amendment. Senator KEMP THORNE's provision will protect the environment while providing the Air Wing at Mountain Home Air Force Base with more realistic training facilities.

Please note this: The administration supports the compromise in the bill. In fact, the administration wrote the language offered by Senator KEMP THORNE. Secretary Babbitt and Secretary Cohen have both sent letters of support, as has the Acting Secretary of the Air Force.

The compromise language ensures that our environmental laws will fully apply to Air Force activities at the Juniper Butte Range. This includes the National Environmental Policy Act and the Endangered Species Act.

The concessions made by the Air Force with respect to airspace flight restrictions near the range will reduce the noise in the canyon. Instead of flights at 100 feet at any time, the flights are now restricted to 3 days per week and this raises the minimum altitudes from 100 feet to 1000 feet or 5,000 feet depending on the flight angle to the canyon.

The Kempthorne amendment provision protects the environment and national security. I urge my colleagues to support Senator KEMP THORNE.

The PRESIDING OFFICER. The question now occurs on the motion to table Amendment No. 3009, offered by the Senator from Nevada. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

I further announce that the Senator from Arkansas (Mr. HUTCHINSON) is absent due to a death in the family.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the

Senator from Ohio (Mr. GLENN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 49, nays 44, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—49

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Burns	Grassley	Santorum
Campbell	Gregg	Sessions
Chafee	Hagel	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

NAYS—44

Bennett	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Graham	Mikulski
Boxer	Harkin	Moseley-Braun
Breaux	Hatch	Moynihan
Bryan	Hollings	Murray
Bumpers	Inouye	Reed
Byrd	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Smith (OR)
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Leahy	

NOT VOTING—7

Akaka	Hutchinson	Specter
Baucus	Rockefeller	
Glenn	Roth	

The motion to lay on the table the amendment (No. 3009) was agreed to.

Mr. KEMPTHORNE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CONTINGENCY OPERATIONS

Ms. SNOWE. Mr. President, on behalf of myself and the distinguished Senator from Georgia, I offered an amendment incorporated into this bill requiring the President to explain to Congress the goals and potential endpoint of any military contingency operation involving more than 500 troops. Our provision furthermore mandates this report whenever the administration submits a budget request for the operation.

During its June 9th Executive Session, the Armed Services Committee unanimously approved this amendment, and I am grateful for the eloquent expressions of support made by Senators THURMOND and LEVIN.

The Snowe-Cleland amendment, Mr. President, received the Committee's broad endorsement regardless of our differences over the scope and purpose of U.S. contingency operations because Senators from both parties agree that the administration must express its mission objectives in tandem with a funding request.

The President, however, has ignored this obligation in seeking funds to sustain our units in Bosnia. By the end of

Fiscal Year 1999, the administration will have budgeted an estimated \$9.4 billion for our participation in the Bosnia Stabilization Force since the completion of the Dayton peace accords. But it has never offered us a comprehensive readiness and mission assessment of U.S. Contingency Operations (CONOPS) policy to justify the expenditure of these funds.

Our amendment, therefore, mandates a dual report on the "clear and distinct objectives" that "guide the activities of United States forces" as well as the proposal of an approximate date, or set of conditions, "that defines the endpoint" of a contingency operation.

Congress, Mr. President, needs more constructive guidance in advance from the administration as the era of peacekeeping claims billions of dollars in funding that might otherwise go to core readiness and modernization programs.

Approximately 47,880 American soldiers have undertaken 14 international contingency operations between 1991 and 1998. As a result, we need to match the administration's policy arguments with its budget demands to determine if the Pentagon has a clear peacekeeping strategy that reflects the major security interests of the United States and its allies.

We did not have the benefit of this policy blueprint the first time that Congress approved Bosnia mission funding to monitor the Dayton peace accords with the FY96 budget. One year later, when the incremental cost of the Bosnia operation totaled \$2.28 billion, we still had no mission guidance.

For FY98, the House and Senate appropriated two packages of \$1.5 billion and \$490 million a few months after a Presidential press conference that made our commitment in the Balkans open-ended.

And in FY99, Mr. President, the White House would not even label its Bosnia funding request. It chose instead to place \$1.86 billion in an ambiguous "emergency operations" category and forced the Senate Armed Services Committee to move this sum into the defense budget.

When the Committee took this action last month, we did not know, after almost a three-year deployment, the conditions that would set the stage for an orderly force withdrawal.

We did not know whether adequate stability had been achieved so that diplomats and community leaders could build self-sustaining civic institutions.

We did not know why the administration extended the time frame of our deployment three times since November 1995.

And we did not know, Mr. President, for how long and to what end the White House planned to keep rotating thousands of Service people in and out of the Bosnian vortex.

Were our troops creating a Bosnian security environment for political reconciliation, or digging deeper into a country with a peace agreement that everyone signed but no one accepted?

The administration cannot expect either Congress or the taxpayers to plow billions of dollars every year into protracted peacekeeping exercises. Our Bosnian experience teaches us that we will achieve clarity of goals and accountability in financing if the President develops a strategy before he submits a funding request, not as he asks for more to do what remains unclear.

Ironically, this amendment stipulates what the administration once declared as its own strategy. Presidential Decision Directive 25 of May 1994 outlined the scope and purpose of the administration's contingency operations policy. It promised the application of strict standards to determine whether the U.S. should participate in any overseas peace operation. The reporting categories specified by my amendment intentionally overlap with the President's directive. PDD-25 specifically declared that potential CONOPS commitments would depend on "clear objectives" and an identifiable "endpoint."

As the new century unfolds, the need for a rational peacekeeping policy, as promised by PDD-25, will only grow. The May 1997 Quadrennial Defense Review concluded that "the demand for smaller-scale contingency operations is expected to remain high over the next 15 to 20 years" while also acknowledging that peacekeeping commitments could cause a "chronic erosion" of procurement funding.

At the same time, the National Defense Panel, created by Congress to review the guidelines of the QDR, analyzed the Pentagon's peacekeeping policy as one that forces troops "too often and too quickly" into disputes of a purely political or diplomatic character.

This year, the Armed Services Committee received Navy and Air Force Posture Statements that contained warnings of negative readiness impacts from long contingency deployments. Navy Secretary Dalton specifically cited the "requirements of the Unified Commands"—those that participate heavily in peacekeeping missions—as effecting the readiness of non-deployed fleet units.

The number of Air Force personnel dedicated to contingency operations grew fourfold since 1989 to 14,600 by FY97. "Caution indicators," as the report summarized it, have emerged in the areas of retention, reenlistment, and depleted inventories of spare parts.

In addition, by October 1999, the Army, the most peacekeeping intensive of the Services, could lack the heavy armored divisions designed for rapid deployment to crisis areas. Two of the divisions that train full time for this mission may have one-third of their troops on duty in Bosnia or Kuwait.

In FY94, the Army had 541,000 active duty soldiers and no commitments in Bosnia, and the Armed Services Committee considered this level the minimum necessary for effective crisis response. Yet today, the Army faces the

challenge of preparing for two Major Theater Wars, at a reduced force strength of 491,000, and with a deployment in Bosnia.

We must act upon these warning signals from military leaders, Mr. President, by aligning the law with the new requirements placed on our war fighters. It only makes common sense to

mandate a contingency operations policy rationale with a contingency operations budget request. I therefore commend the Senate for adopting the Snowe-Cleland amendment.

### NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

#### ORDERS FOR FRIDAY, JUNE 26, 1998

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Friday, June 26.

I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate then begin a period of morning business until 10:10 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator DEWINE, for 10 minutes; Senator HATCH for 10 minutes; Senator GRAMS of Minnesota for 10 minutes; and, Senator DORGAN, or designee, for 10 minutes.

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

#### PROGRAM

Mr. BURNS. Mr. President, for the information of all Senators, when the Senate reconvenes tomorrow at 9:30 a.m., there will be a period for morning business until 10:10 a.m. Following morning business, the Senate will proceed to executive session to consider judicial nominations. It is, therefore, expected that up to two votes will occur on nominations at approximately 10:15 a.m. tomorrow.

Following those votes, the Senate may consider any of the following items: the drug czar reauthorization bill, the clean needles bill, the reading excellence legislation, legislative branch appropriations bill, and any other legislative or executive items that may be cleared for action.

Once again, Members are reminded there will be rollcall votes during Friday's session of the Senate, with the first vote expected approximately 10:15 a.m.

#### NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM PROGRAM

Mr. BURNS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 1635, a bill to establish the National Underground Railroad Network to Freedom Program; further, that the Senate proceed to its immediate consideration, the bill be considered read the third time, passed, and the motion to reconsider be laid

upon the table. I further ask that any statements related to the bill appear at this point in the RECORD.

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

The bill (H.R. 1635) was considered read the third time and passed.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:28 p.m., adjourned until Friday, June 26, 1998, at 9:30 a.m.

#### NOMINATION

Executive nomination received by the Senate June 25, 1998:

##### THE JUDICIARY

DAVID O. CARTER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE WILLIAM J. REA, RETIRED.

#### CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 25, 1998:

##### DEPARTMENT OF ENERGY

MARY ANNE SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

##### DEPARTMENT OF THE INTERIOR

DONALD J. BARRY, OF WISCONSIN, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### REFORM BOARD (AMTRAK)

MICHAEL S. DUKAKIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

JOHN ROBERT SMITH, OF MISSISSIPPI, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

TOMMY G. THOMPSON, OF WISCONSIN, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. RUSSELL J. ANARDE, 0000.  
COL. ANTHONY W. BELL, 0000.  
COL. ROBERT DAMON BISHOP, JR., 0000.  
COL. MARION E. CALLENDER, JR., 0000.  
COL. KEVIN P. CHILTON, 0000.  
COL. TRUDY H. CLARK, 0000.  
COL. RICHARD L. COMER, 0000.  
COL. CRAIG R. COONING, 0000.  
COL. JOHN D.W. CORLEY, 0000.  
COL. DAVID A. DEPTULA, 0000.  
COL. CARY R. DYLEWSKI, 0000.  
COL. EDWARD R. ELLIS, 0000.  
COL. LEONARD D. FOX, 0000.

COL. TERRY L. GABRESKI, 0000.  
COL. JONATHAN S. GRATTON, 0000.  
COL. MICHAEL A. HAMEL, 0000.  
COL. WILLIAM P. HODGKINS, 0000.  
COL. JOHN L. HUDSON, 0000.  
COL. DAVID L. JOHNSON, 0000.  
COL. WALTER I. JONES, 0000.  
COL. DANIEL P. LEAF, 0000.  
COL. PAUL J. LEBRAS, 0000.  
COL. RICHARD B. H. LEWIS, 0000.  
COL. STEPHEN P. LUEBBERT, 0000.  
COL. DALE W. MEYERROSE, 0000.  
COL. DAVID L. MOODY, 0000.  
COL. QUENTIN L. PETERSON, 0000.  
COL. DOUGLAS J. RICHARDSON, 0000.  
COL. BEN T. ROBINSON, 0000.  
COL. JOHN W. ROSA, JR., 0000.  
COL. JAMES G. ROUDEBUSH, 0000.  
COL. RONALD F. SAMS, 0000.  
COL. STANLEY A. SIEG, 0000.  
COL. JAMES B. SMITH, 0000.  
COL. JOSEPH B. SOVEY, 0000.  
COL. LAWRENCE H. STEVENSON, 0000.  
COL. ROBERT P. SUMMERS, 0000.  
COL. PETER U. SUTTON, 0000.  
COL. DONALD J. WETEKAM, 0000.  
COL. WILLIAM M. WILSON, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be general

LT. GEN. CHARLES T. ROBERTSON, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. WALTER S. HOGLE, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. JOHN L. WOODWARD, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. GREGORY S. MARTIN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. JOHN B. SAMS, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE AS DEAN OF FACULTY, UNITED STATES AIR FORCE ACADEMY, A POSITION ESTABLISHED UNDER TITLE 10, UNITED STATES CODE, SECTION 9335, AND FOR APPOINTMENT TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2 OF THE CONSTITUTION OF THE UNITED STATES:

##### To be brigadier general

COL. DAVID A. WAGIE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. KENNETH W. HESS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLED 10, U.S.C., SECTION 601: