

or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 257

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Virginia (Mr. WARNER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from Kentucky (Mr. McCONNELL), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mr. HELMS), the Senator from Indiana (Mr. LUGAR), the Senator from Tennessee (Mr. THOMPSON), the Senator from Alabama (Mr. SHELBY), the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. BOND), the Senator from Delaware (Mr. ROTH), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. GRAMM), the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Missouri (Mr. ASHCROFT), the Senator from Minnesota (Mr. GRAMS), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. THOMAS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. DEWINE), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Idaho (Mr. CRAPO), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 257, a bill to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack.

S. 269

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Virginia (Mr. WARNER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr.

AKAKA), the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. BOND), the Senator from Delaware (Mr. ROTH), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. GRAMM), the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Missouri (Mr. ASHCROFT), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. THOMAS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. DEWINE), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Idaho (Mr. CRAPO), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 269, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 270

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 279

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. ASHCROFT), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. BOXER), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the ex-

empt amount permitted in determining excess earnings under the earnings test.

S. 298

At the request of Mr. SHELBY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 298, a bill to amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) to clarify that donations of hard and soft money by foreign nationals are prohibited.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Missouri (Mr. BOND) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of Senate Joint Resolution 6, A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

#### AMENDMENTS SUBMITTED

#### SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

#### CLELAND AMENDMENT NO. 4

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

At the end of title I, add the following new sections:

#### SEC. 104. THREE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2002."

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002."

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking "December 31, 1999" and inserting "December 31, 2002."

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002."

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States

Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) **NUCLEAR CAREER ANNUAL INCENTIVE BONUS.**—Section 312c(d) of title 37, United States Code, is amended by striking "any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999" and inserting "the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2003".

**SEC. 105. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

(a) **SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) **SELECTED RESERVE REENLISTMENT BONUS.**—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) **SELECTED RESERVE ENLISTMENT BONUS.**—Section 308c(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(d) **SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section 308d(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(e) **SELECTED RESERVE AFFILIATION BONUS.**—Section 308e(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) **READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.**—Section 308h(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(g) **PRIOR SERVICE ENLISTMENT BONUS.**—Section 308i(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(h) **REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.**—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2003".

**SEC. 106. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.**

(a) **NURSE OFFICER CANDIDATE ACCESSION PROGRAM.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting in lieu thereof "December 31, 2002".

• Mr. CLELAND. Mr. President, I intend to offer an amendment to S. 4 when it is debated in the Senate to extend the authority to pay certain bonuses and special pays for three years. These special incentives are critical to recruiting and retention of military personnel. This amendment will be a significant improvement to S. 4 because it is narrowly focused on enlistment and retention incentives.

Although these bonuses and special pays are in effect now, the authority to pay them expires on December 31, 1999.

These bonuses and special pays are proven recruiting and retention incentives. Our Service Personnel Chiefs need to know that they will continue to be available for the long term to address recruiting and retention shortfalls. They should not have to wonder if the authority to pay them will be renewed a year at a time.

By extending the authority to pay these bonuses and special pays for three years, we give the Services valuable tools the Chiefs need to address a very real and complex problem. •

**ROBB (AND OTHERS) AMENDMENT NO. 5**

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. KENNEDY, and CLELAND) submitted an amendment intended to be proposed by them to the bill, S. 4, supra; as follows:

At the end of title I, add the following new sections:

**SEC. 104. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.**

(a) **INCREASE.**—Section 304(b) of title 37, United States Code, is amended—

(1) by striking "\$200" and inserting "\$240"; and

(2) by striking "\$300" and inserting "\$340".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

**SEC. 105. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.**

(a) **INCREASE IN MAXIMUM AMOUNT.**—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking "\$45,000" and inserting "\$60,000".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistment bonuses paid under section 308 of title 37, United States Code, on or after that date.

**SEC. 106. INCREASE IN ENLISTMENT BONUS FOR MEMBERS WITH CRITICAL SKILLS.**

(a) **INCREASE.**—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking "\$12,000" and inserting "\$20,000".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistment bonuses paid under section 308a of title 37, United States Code, on or after that date.

**SEC. 107. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.**

(a) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section 312(a) of title 37, United States Code, is amended by striking "\$15,000" and inserting "\$25,000".

(b) **NUCLEAR CAREER ACCESSION BONUS.**—Section 312b(a)(1) of title 37, United States Code, is amended by striking "\$10,000" and inserting "\$20,000".

(c) **NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.**—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "\$12,000" and inserting "\$22,000"; and

(2) in subsection (b)(1), by striking "\$5,500" and inserting "\$10,000".

(d) **EFFECTIVE DATE.**—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

**SEC. 108. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.**

(a) **INCREASE IN MAXIMUM MONTHLY RATE.**—Section 316(b) of title 37, United States Code, is amended by striking "\$100" and inserting "\$300".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

**SEC. 109. CAREER ENLISTED FLYER INCENTIVE PAY.**

(a) **INCENTIVE PAY AUTHORIZED.**—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

**"§ 301f. Incentive pay: career enlisted flyers**

"(a) **PAY AUTHORIZED.**—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

"(b) **ELIGIBLE MEMBERS.**—(1) Under regulations prescribed by the Secretary concerned, an enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

"(A) is entitled to basic pay under section 204 of this title or is entitled to compensation under section 206 of this title;

"(B) holds the qualification and designation of an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, or is in training leading to such qualification and designation;

"(C) is qualified for aviation service; and

"(D) remains in aviation service on a career basis as provided in this section.

"(2) Payment of career enlisted flyer incentive pay under this section to a member described in paragraph (1) who is entitled to compensation under section 206 of this title shall be as provided in subsection (g).

"(c) **AMOUNT OF INCENTIVE PAY.**—The amount of monthly incentive pay paid to an enlisted member under this section may not exceed the following:

| "Years of aviation service | Monthly rate |
|----------------------------|--------------|
| 4 or less .....            | \$150        |
| Over 4 .....               | \$225        |
| Over 8 .....               | \$350        |
| Over 14 .....              | \$400        |

"(d) **BASIS OF PAYMENT.**—(1) Subject to subsections (e) and (f), an enlisted member entitled to career enlisted flyer incentive pay under this section shall be paid such pay on a continuous monthly basis.

"(2) An enlisted member entitled to career enlisted flyer incentive pay under this section who is not paid such pay on a continuous monthly basis by reason of the provisions of this section shall be paid career enlisted flyer incentive pay under this section on a month-to-month basis for the frequent and regular performance of operational flying duty.

"(e) **PAYMENT ON CONTINUOUS MONTHLY BASIS DEPENDENT ON SATISFACTION OF FLYING DUTY REQUIREMENTS.**—(1) An enlisted member entitled to career enlisted flyer incentive pay under this section shall be entitled to payment of such pay on a continuous monthly basis under subsection (d)(1) only if the

enlisted member has performed operational flying duty as follows:

“(A) For 6 years of the first 10 years of aviation service of the member.

“(B) For 9 years of the first 15 years of aviation service of the member.

“(C) For 14 years of the first 20 years of aviation service of the member.

“(2)(A) Subject to subparagraph (B), the Secretary concerned may waive a requirement for years of service of performance of operational flying duty under paragraph (1) as a condition for the payment of career enlisted flyer incentive pay under this section on a continuous monthly basis if the Secretary concerned determines that the waiver is necessary for the needs of the armed force. The Secretary concerned may waive such requirement only on a case-by-case basis.

“(B) The Secretary concerned may waive a requirement under subparagraph (A) only in the case of an enlisted member who has performed operational flying duty as follows:

“(i) For 5 years of the first 10 years of aviation service of the member.

“(ii) For 8 years of the first 15 years of aviation service of the member.

“(iii) For 12 years of the first 20 years of aviation service of the member.

“(C) The Secretary concerned may delegate the authority to waive a requirement under subparagraph (A), but not to an official or officer below the level of service personnel chief.

“(3) An enlisted member whose entitlement to payment of career enlisted flyer incentive pay under this section on a continuous monthly basis is terminated by reason of the member's failure to satisfy a requirement for years of service of performance of operational flying duty under paragraph (1) may be paid such pay on a continuous monthly basis commencing as of the first year after such failure in which the member satisfies a requirement under that paragraph.

“(f) TERMINATION OF PAYMENT ON CONTINUOUS MONTHLY BASIS AFTER 25 YEARS OF AVIATION SERVICE.—An enlisted member who completes 25 years of aviation service is not entitled to payment of career enlisted flyer incentive pay under this section on a continuous monthly basis.

“(g) PAYMENT TO MEMBERS OF RESERVES COMPONENTS PERFORMING INACTIVE DUTY TRAINING.—(1) Under regulations prescribed by the Secretary concerned and to the extent provided in appropriations Acts, a member entitled to compensation under section 206 of this title who meets the requirements for entitlement to career enlisted flyer incentive pay under this section may be paid an increase in compensation in an amount equal to 1/30 of the monthly rate of career enlisted flyer incentive pay specified in subsection (c) for an enlisted member of corresponding years of aviation service who is entitled to basic pay.

“(2) An enlisted member described in paragraph (1) may be paid an increase in compensation in accordance with that paragraph for as long as the member is qualified for such increase under this section for—

“(A) each regular period of instruction or period of appropriate duty at which the member is engaged for at least two hours; or

“(B) the performance of such other equivalent training, instruction, duty, or appropriate duties as are prescribed by the Secretary concerned under section 206(a) of this title.

“(h) NONAPPLICABILITY TO MEMBERS RECEIVING HAZARDOUS DUTY INCENTIVE PAY OR SPECIAL PAY FOR DIVING DUTY.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘aviation service’ means service performed, under regulations prescribed by the Secretary concerned, by a designated career enlisted flyer.

“(2) The term ‘operational flying duty’ means—

“(A) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

“(B) flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.”

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item referring to section 301e the following new item: “301f. Incentive pay; career enlisted flyers.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) SAVE PAY PROVISION.—In the case of an enlisted member who is an air weapons controller entitled to receive incentive pay under section 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled as of that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

#### **SEC. 110. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.**

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 109(a) of this Act, the following new section:

##### **“§301g. Special pay: special warfare officers extending period of active duty**

“(a) BONUS AUTHORIZED.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

“(b) COVERED OFFICERS.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

“(1) is qualified for and serving in a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator;

“(2) is in pay grade O-3 or O-4 and is not on a promotion list to pay grade O-5 at the time the officer applies for an agreement under this section;

“(3) has completed at least 6 but not more than 14 years of active commissioned service; and

“(4) has completed any service commitment incurred through the officer's original commissioning program.

“(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than \$15,000 for each year covered by the written agreement.

“(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

“(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

“(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

“(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment payable at the time the agreement is accepted by the Secretary concerned and subsequent payments on the anniversary of the acceptance of the agreement.

“(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term ‘special warfare service’ for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.”

(2) The table of section at the beginning of chapter 5 of title 37, United States Code, as amended by section 109(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

“301g. Special pay: special warfare officers extending period of active duty.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

#### **SEC. 111. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.**

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 110(a) of this Act, the following new section:

##### **“§301h. Special pay: surface warfare officers extending period of active duty**

“(a) SPECIAL PAY AUTHORIZED.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

“(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

“(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

“(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

“(b) COVERED OFFICERS.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on full-time active duty who—

“(1) is designated and serving as a surface warfare officer;

“(2) is in pay grade O-3 at the time the officer applies for an agreement under this section;

“(3) has been selected for assignment as a department head on a surface ship;

“(4) has completed at least four but not more than eight years of active commissioned service; and

“(5) has completed any service commitment incurred through the officer's original commissioning program.

“(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than \$15,000 for each year covered by the written agreement.

“(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

“(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

“(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary of the Navy followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

“(2) in equal annual payments with the first payment payable at the time the agreement is accepted by that Secretary and subsequent payments on the anniversary of the acceptance of the agreement.

“(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that that Secretary determines conditions and circumstances warrant, all sums paid under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.”

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating

to section 301g, as added by section 110(a) of this Act, the following new item:

“301h. Special pay: surface warfare officers extending period of active duty.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

• Mr. ROBB. Mr. President, the men and women of the Armed Forces are being asked to do more and more with less and less, to the point where it is becoming difficult to recruit and retain the best and brightest. Looking at just two salient examples, last year the Navy's recruiting efforts fell short by over 7,000 sailors, and last year Air Force first-term aircrew reenlistment was only 61 percent.

To help meet these and other personnel challenges, the Armed Services Committee recently approved S. 4, the Soldiers', Sailors', Airmens' and Marines' Bill of Rights Act of 1999. S. 4 authorizes significant pay raises, improves retirement pay, and enhances GI Bill benefits. This legislation will be brought up soon for consideration by the full Senate. It is an important step—one of several—that the Congress must take this year to help the military pull out of what the Chairman of the Joint Chiefs described as a “nose-dive that might cause irreparable damage to this great force.”

But I believe S. 4 missed some excellent opportunities to directly improve recruiting and retention—opportunities recognized by the Administration in their FY 2000 defense budget submission. In particular, certain categories of military service present our most difficult retention challenges because they involve recruiting highly skilled personnel, providing costly training, and retaining these individuals in the face of uniquely difficult and dangerous missions coupled with powerful financial incentives to leave the military for the civilian sector. Examples include aircrews, Navy SEALs, and Navy Surface Warfare Officers.

Only 25 percent of Surface Warfare Officers remain on active duty to their Department Head tour. In the Navy SEAL community, attrition has increased over 15 percent in the past three years. FY 1998 Navy diver manning was below 85 percent. That same year, only about 60 percent of military career linguists met or exceeded the minimum requirements in listening or reading proficiency. A host of retention problems exist for Nuclear-Qualified Officers.

This amendment which I am filing today along with Senator KENNEDY and Senator CLELAND does several things. It provides bonuses for Surface Warfare Officers and Navy SEALs to encourage them to remain in the service. It provides added pay for enlisted aircrews. Several existing bonuses are increased, including those for divers, Nuclear Qualified Officers, linguists and other critical specialties. Finally, the Enlistment Bonus Ceiling is increased. These are critical remedies for critical spe-

cialties. The nation simply can't afford to pay so much to recruit and train these talented individuals only to see them leave the service out of frustration over the inadequacies of their pay and benefits.

Mr. President, I look forward to offering this amendment to S. 4 when it is taken up by the Senate. I also want to thank Senators CLELAND and KENNEDY for their help in developing this provision and for their unequivocal commitment to the uniformed personnel who serve our nation so ably. •

## NOTICE OF HEARING

### COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold its Organizational Meeting for the 106th Congress on Friday, February 5, 1999, which will begin at 9 a.m. in room 428A of the Russell Senate Office Building.

Immediately following the organizational meeting, we will turn to official committee business including: (1) marking up and reporting out S. 314, Small Business Year 2000 Readiness Act; (2) marking up and reporting out of the Small Business Investment Company Technical Corrections Act of 1999; and (3) taking up the nomination of Phyllis Fong to be inspector general of the Small Business Administration.

For further information, please contact Emilia DiSanto or Paul Cooksey at 224-5175.

## ADDITIONAL STATEMENTS

### PATIENTS' BILL OF RIGHTS

• Mr. SARBANES. Mr. President, today I rise to express my support for S. 6, the Patients' Bill of Rights Act, a bill to guarantee all Americans with private health insurance, and particularly those in HMOs or other managed care plans, certain fundamental rights regarding their health care coverage.

Over the past decade, our health care system has changed dramatically. Today, approximately 161 million Americans receive medical coverage through some type of managed care organization. Regrettably, the change has had some unfortunate consequences. Many in managed care plans experience increasing restrictions on their choice of doctors, growing limitations on their access to necessary treatment, and an overriding emphasis on cost cutting at the expense of quality.

This shift to managed care, largely a response to rapidly increasing medical costs, has resulted in a health care system overly driven by the need to secure healthy profit margins. The impact these market forces have on the health care Americans receive must be moderated. Access to quality health care is an essential human need, and in a democratic society, it must be recognized as a fundamental right.